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PENNSYLVANIA BULLETIN

Volume 27

Number 24

Saturday, June 14, 1997 • Harrisburg, Pa.

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(Master Transmittal Sheet):**

No. 271, June 1997

PENNSYLVANIA

BULLETIN

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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*.

There are no restrictions on the republication of official documents appearing in 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.

SUBSCRIPTION INFORMATION: (717) 766-0211
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530

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.

List of Pa. Code Chapters Affected

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Part II

This part contains the
Environmental Quality Board
Hazardous Waste—Universal Waste Rule

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THE COURTS

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Amendment of Rule 850 Municipal Court Arbitration; General Court Regulation 97-1-CR-MC

Order

And Now, this 16th day of May, 1997, Rules of Criminal Procedure Rule No. 850. Municipal Court Arbitration, was amended as follows at the Board of Judges meeting, as General Court Regulation 97-1-CR-MC.

1. Rule 850 is deleted in its entirety.
2. New Rule 850 follows and replaces the old rule.

This *Order*, becomes effective thirty (30) days after it is published in the *Pennsylvania Bulletin*.

ALAN K. SILBERSTEIN,
President Judge

Rule 850. Municipal Court Arbitration.

(A) Actions commenced by Private Criminal Complaint may be:

- (1) Withdrawn by agreement of the parties and approval of the Trial Commissioner; or
- (2) referred to the Municipal Court Arbitration Program. All parties must agree, in writing, on forms provided by the Arbitration Program Director, to submit the matter to the award of the Arbitration Program. All parties must agree to be bound by the applicable statutes, rules and regulations of the Arbitration Program; or
- (3) listed for trial before a Philadelphia Municipal Court Judge.

(B) Actions referred to the Municipal Court Arbitration Program shall be governed by the following rules:

(1) The Arbitration Program Director shall appoint and assign an Arbitrator, shall affix a time and place for a hearing and shall serve notice on all parties.

(2) The Arbitration Program Director may remand any matter to the Municipal Court for trial at any time prior to the entering of an award or upon a showing of good cause.

(3) At Arbitration hearings:

- (a) Parties may be represented by counsel;
- (b) Persons party to or having a direct interest in the dispute are entitled to attend hearings. The Arbitrator shall have the power to sequester witnesses during the testimony of other witnesses.
- (c) The hearing may proceed in the absence of any party who, after due notice, fails to be present or fails to obtain a continuance. An award shall not be made solely on the default of a party. The Arbitrator shall require the party who is present to submit such evidence as he or she may require for the making of an award.

(d) Parties and witnesses shall testify under oath or affirmation, which shall be administered by the Arbitrator.

(e) The Arbitrator shall conduct the hearing in such manner as he or she deems best suited to discover the

facts and to determine the justice of the case in accordance with substantive law and shall not be bound by the formal rules of evidence, except those pertaining to privileged communications.

(f) The Arbitrator shall receive and consider evidence of witnesses by affidavit, but shall give it only such weight as he or she deems it entitled after considering objections made to its admission.

(g) A stenographer or court reporter shall not be present at the hearing nor shall any recording device be permitted unless authorization is obtained from the Arbitration Program Director.

(h) Upon good cause shown, the Arbitrator may continue the matter to a date certain.

(4)(a) The Arbitrator may grant any remedy or relief which he or she deems just, including monetary awards and equitable awards.

(b) Parties may enter into a consent agreement at any time prior to the making of an award.

The consent agreement shall state the obligations of the respective parties, shall be in writing and shall be signed by all parties. The consent agreement shall be filed with the Arbitration Program and shall have the same effect as an award.

(c) Copies of an award or consent agreement will be mailed or otherwise forwarded to all parties or their counsel by the Arbitration Program. Except as provided in subsection (B)(5), an award or consent agreement shall be final and binding on all parties.

(5)(a) A party may file exceptions to the award of the Arbitrator for the following reasons and for no other:

- (i) The Arbitrator committed a plain mistake in matter of fact or in matter of law; or
- (ii) The Arbitrator misbehaved in the conduct of the case; or
- (iii) The action of the Arbitrator was procured by corruption or other undue means.

(b) Exceptions may be filed with the Arbitration Program Director within fifteen (15) days of the entering of the award.

(c) Exceptions must be submitted in writing and shall set forth all allegations of fact in support of the exceptions.

(d) The Municipal Court Administrator shall assign a date and courtroom for a hearing on the exceptions on the Municipal Court Civil Trial List. Thereafter, copies of the exceptions shall be served on all parties by the Arbitration Program.

(e) If, upon exceptions filed to any award, it shall appear to the Court that the Arbitrator made a mistake in fact or law, the Court shall refer the case back to the Arbitration Program for such further proceedings as shall be necessary.

(f) Should the Court sustain exceptions as provided above in subsection (B)(5)(e), the award of the Arbitrator shall be vacated by the Court and the case referred back to the Arbitration Program with directions that a new Arbitrator be appointed to hear and decide the matter.

(6) Arbitration Program awards and consent agreements shall be enforceable upon issuance unless stayed by the Arbitration Program Director or by the Municipal Court.

(7) Any party neglecting or refusing to perform and execute an award or consent agreement shall be liable to all the penalties of contempt of court. Upon petition by an aggrieved party, the Arbitration Program Director shall schedule a hearing in the Municipal Court to determine the existence of contempt.

(C) Except for actions in which a government agency is a party, all actions listed for trial before a Philadelphia Municipal Court Judge must first be submitted to the Arbitration Program for compulsory mediation. In the event that the compulsory mediation hearing does not result in an agreement between the parties, the action shall either be:

(1) referred to the Arbitration Program upon agreement of all parties in accordance with section (B) above; or

(2) listed for trial in accordance with Chapter 6000 of the Pennsylvania Rules of Criminal Procedure.

[Pa.B. Doc. No. 97-930. Filed for public inspection June 13, 1997, 9:00 a.m.]

Title 255—LOCAL COURT RULES

NORTHAMPTON COUNTY

Administrative Order 1997-3—Custody of Exhibits; 1997-CM-3852

Order of Court

And Now, this 29th day of May, 1997, Northampton County Administrative Order 1997-3—Custody of Exhibits—is hereby adopted as follows, effective immediately.

Seven (7) certified copies of the within administrative order shall be filed with the Administrative Office of Pennsylvania Courts; two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; one (1) certified copy shall be filed with the Pennsylvania Civil Procedural Rules Committee; one (1) certified copy shall be filed with the Pennsylvania Criminal Procedural Rules Committee; one (1) certified copy shall be filed with the Pennsylvania Orphans' Court Rules Committee; and one (1) certified copy shall be filed with the Pennsylvania Domestic Relations Committee. One (1) copy of this administrative order shall be kept available in each of the following offices: Clerk of Courts—Civil, Clerk of Courts—Criminal, Clerk of the Orphans' Court, and the Domestic Relations Section. A copy is directed to be published in the *Northampton County Reporter*.

By the Court,

ROBERT A. FREEDBERG,
President Judge

Order of Court

And Now, this 29th day of May, 1997, it is hereby ordered:

A. All exhibits received in evidence upon the hearing of any cause or motion shall be retained during the hearing by the official court reporter, except as set forth in part C. The official court reporter shall be responsible for the custody and safekeeping of such exhibits.

B. All exhibits received in evidence upon the completion of the hearing of any cause or motion shall be delivered by the official court reporter to the clerk of court except as set forth in part C. The clerk of court shall keep the same in custody, unless otherwise ordered by the Court, except that the clerk may, without special order, permit an official court reporter to retain custody pending preparation of the transcript. The clerk shall be responsible for the custody and safekeeping of such exhibits.

C. In all criminal or juvenile delinquency cases where firearms, knives, weapons capable of inflicting serious bodily injury, narcotics, controlled substances, or any contraband is introduced into evidence, such evidence shall be delivered by the official court reporter to the member of the district attorney's staff prosecuting the case at the end of each court session and at the completion of the hearing. The district attorney's staff shall be responsible for the custody and safekeeping of such exhibits.

D. 1. In civil cases and orphans' division cases, trial exhibits shall be retained by the clerk of court until it is determined whether an appeal has been taken from a final judgment. If an appeal has been taken, the exhibits shall be retained until disposition of the appeal. Otherwise, the party who offered the exhibits may reclaim them for a period of thirty (30) days, after which the clerk of court may destroy or otherwise dispose of the exhibits.

2. In criminal cases or juvenile delinquency cases, exhibits shall be retained by the clerk of court or the district attorney until order of court allowing return of the item to its owner, destruction, or other disposition. The district attorney may place said exhibits in the physical custody of a law enforcement agency to be retained until further order of court.

3. In domestic relations cases, exhibits shall be retained by the clerk of court until return, destruction, or other disposition is authorized by order of court.

4. In juvenile dependency cases, exhibits shall be retained by the clerk of court until return, destruction, or other disposition is authorized by order of court.

E. At the conclusion of a hearing, upon delivery of an exhibit to a clerk of court or the district attorney, the official court reporter shall prepare a form listing the case name and number, the exhibit, in whose custody it was placed, and the date. A copy of the form shall be provided to each counsel and the court administrator.

F. As used in this administrative order, the term clerk of court includes the prothonotary (civil division cases), the clerk of criminal division (criminal cases and juvenile delinquency cases), the clerk of the orphans' court division (orphans' division cases and juvenile dependency cases), and the director of the domestic relations section (domestic relations cases).

[Pa.B. Doc. No. 97-931. Filed for public inspection June 13, 1997, 9:00 a.m.]

SUPREME COURT

Request for Proposal

The Supreme Court of Pennsylvania plans to release a Request for Proposal (RFP) June 16, 1997 for an Appellate Court Docketing/Case Management System based on Joint Application Development Materials which outline the docketing/case management procedures of the judicial chambers and administrative offices of the Supreme, Superior and Commonwealth Courts of Pennsylvania. This project includes the development of or tailoring of application software, the purchase and installation of multi-processor servers, the training of end users and the development of all system documentation beginning Sep-

tember 2, 1997 with final system installation scheduled by June, 1999. The project schedule, terms and conditions and scope of work are outlined in the RFP. Copies of the RFP may be requested by calling the Director of Special Projects at the Administrative Office of Pennsylvania Courts at (717) 795-2000. Letters of Intent to Bid must be submitted no later than 4 p.m. July 3, 1997. A resource library will be available. Project and proposal details are included in the Request for Proposal.

NANCY M. SOBOLEVITCH,
Court Administrator of Pennsylvania

[Pa.B. Doc. No. 97-932. Filed for public inspection June 13, 1997, 9:00 a.m.]

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF PHYSICAL THERAPY [49 PA. CODE CH. 40]

Athletic Trainers; Class A and B Certification

The State Board of Physical Therapy (Board), amends its regulations in §§ 40.72, 40.75, 40.81—40.84, 40.86—40.88, 40.101 and 40.102 pertaining to athletic trainers to read as set forth in Annex A.

A. Effective Date

These amendments are effective upon publication in the *Pennsylvania Bulletin*.

B. Background

Notice of proposed rulemaking was published at 25 Pa.B. 2278 (June 10, 1995) following which the Board accepted public comment for 30 days. Approximately 217 persons and organizations submitted written comments regarding the proposed amendments. Commentators included the Pennsylvania Physical Therapy Association and the Pennsylvania Athletic Trainers Society and athletic trainers. Comments were also received from the House Committee on Professional Licensure (House Committee) and the Independent Regulatory Review Commission (IRRC). The Senate Committee on Consumer Protection and Professional Licensure (Senate Committee) reserved its comments.

Final regulations were delivered to IRRC and the House and Senate Committees in September 1996. The Board addressed several issues raised on the proposed rulemaking but several issues remained unresolved. IRRC sent a list of specific questions to the Board that still needed to be addressed. The rulemaking was thereafter withdrawn by the Department for further review. The Athletic Trainer Advisory Committee consulted with IRRC staff in developing final language to address commentators' concerns and, thereafter, in accordance with section 10.2(a) of the Physical Therapy Practice Act (act) (63 P. S. § 1310.2(a)), recommended final rulemaking.

C. Consideration of Comments to Proposed Rulemaking

The following is a section by section analysis of the comments, the Board's response to comments and the changes made from proposed to final rulemaking. The Board developed its response to commentators with the advice and consultation of the Athletic Trainers Advisory Committee.

§ 40.72. Definitions

Currently, in § 40.72(iv) "amateur athletic organization" is defined as one which requires documentation of a preparticipation medical examination as a condition of participation in its activities. As proposed, the Board intended to also include an organization which did not require this documentation but which by policy required documentation of medical examinations when athletes sustained injuries during its activities. Several commentators opposed the phrase "during the event" as unduly restrictive. IRRC recommended clarifying language to respond to this concern. The Board has revised the

language to clarify its intent to broaden the range of organizations that will meet the requirements to be classified as an amateur athletic organization. The Board intends the scope of the language to include pre-, during and post-event activity, so that "relating to an athletic event" will include the athlete's preparation and participation in the event as well as subsequent activity.

As proposed, the definition of "athletic trainer" clarified that athletic trainers provide services to athletes, not to athletic programs. At the suggestion of IRRC, the Board deletes "limits the rendering of" and amends the phrase to read "provides athletic training services." The Board does not believe this change will significantly affect the intent of the section and will serve to clarify it.

Also, as suggested by IRRC, the Board is amending the definition to authorize an athletic trainer to provide services under the direction of a dentist or podiatrist as well as a physician.

IRRC also suggested that the Board consider adding additional definitions of "professional organization" and "educational institution," the two other entities for which certified athletic trainers provide services to athletes. IRRC reasoned that the definitions would be important if the Board places different restrictions on the type of services that may be provided at different events. The Board responds that it does not intend to regulate the practice of the athletic trainer based on the location in which the services are provided.

The Board also added a definition of "NATABOC" and included a doctor of osteopathy in the definition of "physician."

§ 40.82. Application for Certification

The Board had proposed to add the phrase "unless otherwise has met the requirements as stated in § 40.83," as an exception to the existing requirement that an applicant be 20 years of age. IRRC questioned the purpose of the amendment as proposed since § 40.83 lists the qualifications that must be met to obtain Class A certification. IRRC questioned the need for a minimum age requirement, or alternatively recommended that, if the Board elects to retain the minimum age requirement, the proposed phrase be deleted. In promulgating the original athletic trainer certification requirement, the Board adopted the requirement of § 40.12 of the regulations for the licensure of physical therapists. However, if a person did meet the requirement before the age of 20, the Board would review a request for waiver. In accordance with the IRRC recommendation, the phrase is deleted in the final-form regulations.

§ 40.83. Class A Certification

Currently, § 40.83 permits applicants to meet the education and training requirements for Class A certification through either an accredited education program or an internship program. The Board proposed to revise the standards for alternatives to completing an accredited program. The amendment was intended to provide two acceptable avenues to students pursuing a career in athletic training: a curriculum-based educational program or a nonaccredited internship program. IRRC suggested that the changes in § 40.83(1)(ii) would not clearly identify the requirements for the two types of programs. IRRC also asked the Board to consider adopting NATABOC standards. In response to IRRC's concerns, the

Board has restructured the subsection to adopt NATABOC standards and clearly identify the requirements of each option.

§ 40.84. Class B Certification

Commentators supported the deletion of Class B certification to bring the Commonwealth's certification in line with National standards. However, IRRC suggested that the Board consider further amending § 40.84 to provide a procedure by which Class B certifications could be upgraded to Class A. The Board agrees with IRRC and has added language authorizing Class B athletic trainers who desire to become Class A athletic trainers and who meet the qualifications in § 40.83 to submit an application with the Board.

§ 40.87. Scope of Duties

As proposed, § 40.87 was reorganized with separate scope of duties for Class A and Class B certifications. IRRC recommended that the Board provide a clear distinction of what duties may be performed by Class A and Class B athletic trainers, under what circumstances those duties may be performed, and any limitations or restrictions if different standards of practice are imposed in different practice settings. In response, the Board notes that Class A athletic trainers may provide therapeutic exercise and therapeutic modalities, including heat, light, cold, sound, electricity or mechanical devices in treating athletes, while a Class B athletic trainer may not provide therapeutic exercise or therapeutic modalities.

Emergency Care

Commentators, including the Pennsylvania Physical Therapy Association and IRRC, suggested that the authority under § 40.87(a)(2) and (b)(2) to provide emergency care be clarified to indicate that an athletic trainer may provide emergency care, including foot and oral trauma to athletes, provided this care is "within the scope of the training and education of an athletic trainer." The Board has adopted this change.

The Board has also amended language to authorize Class A and B athletic trainers to provide care under the direction of a podiatrist or dentist as well as a physician.

§ 40.88. Direction and Recordkeeping

The Board had proposed to move the requirement of physician supervision to a new § 40.88 and rename the heading of "physician direction." The Board also proposed a new subsection (b) requiring documentation of physician direction by written policies and procedures.

A commentator suggested that athletic trainers should be permitted to take direction from a podiatrist and dentist, noting that the trainer has an accepted role in providing emergency care for foot and oral trauma and that follow-up care is often required. IRRC also suggested that the Board consider this addition for podiatrists, given the education and licensing requirements to become a podiatrist. The Board adopted these suggestions in § 40.88 allowing athletic trainers to provide services to athletes under the direction of dentists and podiatrists for conditions within the athletic trainer's scope of duties.

At the suggestion of IRRC, the proposed phrase "unless otherwise permitted by statute" in § 40.88(a) is deleted, because no statute currently permits the practice.

IRRC found unclear the language "maintains written policies and procedures" in relation to documenting physician direction. IRRC questioned whether the intent in this paragraph is to require athletic trainers to keep a log of the physician directions. The Board does not intend to

specify the contents of recordkeeping. However, athletic trainers must practice in accordance with standard operating procedures developed and agreed upon by a physician and an athletic trainer. Thus, the Board has changed the terminology to clarify this point.

The Board has changed the title of this section to "Direction and Standard Operating Procedures" to reflect more accurately the scope of this section.

D. Compliance with Executive Order 1996-1, Regulatory Review and Promulgation

The Board reviewed this rulemaking and considered its purpose and likely impact upon the public and the regulated population under the directive of Executive Order 1996-1, Regulatory Review and Promulgation. The final-form regulations address a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1996-1.

E. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745(a)), the Board submitted a copy of the notice of proposed rulemaking, published at 25 Pa.B. 2278 to IRRC and to the House Committee and Senate Committee for review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the Board has provided IRRC and the House and Senate Committees with a copy of the comments received as well as other documentation.

In preparing these final-form regulations, the Board has considered comments received from IRRC and the House and Senate Committees and the public.

On May 2, 1997, the Board delivered its final-form regulations to IRRC and the House and Senate Committees.

These final-form regulations were disapproved by the House Committee on May 14, 1997, and approved by the Senate Committee on May 13, 1997. IRRC met on May 22, 1997, and approved the final-form regulations in accordance with section 5(c) of the Regulatory Review Act.

F. Fiscal Impact

These final-form regulations will have no fiscal impact upon the Commonwealth, local governments or the public.

G. Paperwork Requirements

These final-form regulations will not necessitate any legal, accounting, reporting or other paperwork requirements.

H. Sunset Date

The Board continually monitors the effectiveness of its regulations through communications with the regulated population; accordingly, no sunset date has been set.

I. Statutory Authority

The final-form regulations are adopted under sections 3(a) and 10.2 of the act, which provide the Board with authority to pass upon the qualifications of applicants for certification as athletic trainers and to adopt regulations concerning the certification, renewal, revocation or suspension of athletic trainers.

J. Additional Information

Individuals who desire information are invited to submit inquiries to Beth Sender Michlovitz, Counsel, State Board of Physical Therapy, Post Office Box 2649, Harrisburg, PA 17105-2649, (717) 783-7134.

K. Findings

The Board hereby finds that:

(1) Public notice of the Board's intention to adopt the regulations were given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202), and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) This amendment does not enlarge the purpose of proposed rulemaking published at 25 Pa.B. 2278.

(4) The final-form regulations adopted herein are necessary and appropriate for the administration of sections 3 and 10.2 of the act.

L. Order

The Board orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 40, are amended by amending §§ 40.72, 40.75, 40.81—40.84, 40.87, 40.101 and 40.102; by deleting § 40.86; and by adding § 40.88 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as required by law.

(c) The Board shall certify this order and Annex A and shall deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* as required by law.

(d) This order and Annex A shall take effect upon publication in the *Pennsylvania Bulletin*.

BARBARA A. AFFLERBACH,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 27 Pa.B. 2790 (June 7, 1997).)

Fiscal Note: 16A-377. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 40. STATE BOARD OF PHYSICAL THERAPY

**Subchapter B. ATHLETIC TRAINERS
GENERAL PROVISIONS**

§ 40.72. Definitions.

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

Act—The Physical Therapy Practice Act (63 P. S. §§ 1301—1313).

Amateur athletic organization—An organization which meets the following criteria:

(i) Has officially designated coaches who have the responsibility for the athletic activities of the organization.

(ii) Has a regular schedule of practices or workouts which are supervised by the officially designated coaches.

(iii) Has an established schedule of competitive events or exhibitions.

(iv) Has a policy requiring documentation of having passed a preparticipation medical examination by a licensed physician as a condition for participation in the athletic activities of the organization, or documentation of having athletes who sustain injuries relating to an athletic event be examined by a physician.

Athletic trainer—A person who has been certified as an athletic trainer under § 40.83 or § 40.84 (relating to Class A certification; and Class B certification), and who, under the direction of a licensed physician, dentist or podiatrist, provides athletic training services to athletes who participate in an athletic activity which is conducted by an educational institution, professional athletic organization or amateur athletic organization.

Athletic training—The prevention and management of injuries to athletes in accordance with the classification at which the athletic trainer is certified.

Board—The State Board of Physical Therapy.

CEU—Continuing Education Unit, whereby one unit is granted for every 10 hours of required study.

Class A certification examination—The certification examination prepared and administered by NATA, as revised after 1984.

Committee—The Athletic Trainer Advisory Committee created by section 10.1 of the act (63 P. S. § 1310.1).

Conditioning—Programs designed to enhance an athlete's physiological flexibility, muscle strength and endurance, neuromuscular coordination and cardio-respiratory endurance that will assist in improving performance specific to the sport in which the athlete participates.

Direction—The opportunity or ability of the physician to provide or exercise control over the actions of the athletic trainer except that physical presence of the physician is not required if the physician is readily available for consultation by direct communications, radio, telephone or telecommunications.

NATA—The National Athletic Trainer's Association, Inc.

NATABOC—National Athletic Trainers Board of Certification, Inc.

Physician—A medical doctor or doctor of osteopathy.

§ 40.75. Listing of Board-approved programs.

A current listing of approved athletic training educational programs in this Commonwealth under § 40.83 will be maintained by the Board.

CERTIFICATION

§ 40.81. Certification of athletic trainers; practice; names.

(a) Athletic trainers in this Commonwealth will be certified by the Board as follows:

(1) By the issuance of a Class A certificate to an applicant who meets the requirements of certification under § 40.83 (relating to Class A certification).

(2) By the issuance of a temporary certificate to an applicant who meets the requirements under §§ 40.101—40.103 (relating to temporary certificates).

(b) No person may represent himself as a certified athletic trainer in this Commonwealth unless the person is certified by the Board under section 10.2 of the act (63 P. S. § 1310.2) and this subchapter.

(c) No person or business entity may utilize in connection with a business name or activity the words "certified athletic trainer" or "certified athletic training," the letters "C.A.T." or similar words and related abbreviations which imply that certified athletic training services are being provided unless the services are provided by a certified athletic trainer under the act and this subchapter.

§ 40.82. Application for certification.

The applicant shall submit evidence satisfactory to the Board, on forms supplied by the Board, that the applicant has met the following criteria:

- (1) Is at least 20 years of age.
- (2) Is of good moral character.
- (3) Is not addicted to alcohol or hallucinogenic, narcotic or other drugs which tend to impair judgment or coordination.
- (4) Has the professional requirements for Class A certification under § 40.83 (relating to Class A certification).

§ 40.83. Class A certification.

An applicant for Class A certification shall submit evidence of meeting one of the following groups of requirements:

- (1) The applicant has accomplished the following:
 - (i) Received a baccalaureate degree from a regionally accredited institution of higher education in the United States.
 - (ii) Has successfully completed the certification examination administered by the NATABOC.
 - (iii) Fulfilled either:
 - (A) The requirements of an educational program that meets the standards of the NATABOC.
 - (B) The requirements of an internship route for certification as delineated by the NATABOC.
- (2) The applicant holds a valid license, certificate or registration to practice athletic training in another State or territory of the United States or the District of Columbia if:
 - (i) The requirements for licensure, certification or registration in that jurisdiction were, on the date of issuance, substantially equal to the requirements in paragraph (1).
 - (ii) The jurisdiction accords similar privileges to persons certified in this Commonwealth.

§ 40.84. Previously issued Class B certificates.

- (a) A certified Class B athletic trainer who desires to become a Class A certified athletic trainer who meets the qualifications in § 40.83 (relating to Class A certification) may submit an application to the Board.
- (b) Previously issued Class B certificates will remain valid and will be renewable in accordance with § 40.131 (relating to renewal of certificate.)

§ 40.86. (Reserved).

§ 40.87. Scope of duties.

(a) *Class A certification.* A person holding Class A certification for athletic training may, under the direction of a physician, podiatrist or dentist, provide therapeutic care to injured athletes by utilizing modalities such as heat, light, sound, cold, electricity or mechanical devices; may provide therapeutic exercise; and may:

(1) Prevent injuries to athletes through the administration of conditioning and assessment procedures which determine physical capacity for participation in athletic activities.

(2) Provide emergency care including care of foot and oral trauma within the scope of training and education of the athletic trainer.

(3) Perform tests and measurements within the scope of athletic training necessary to evaluate injuries to athletes.

(4) Provide physical support for athletic activity by utilizing conventions such as braces or tape.

(5) Administer normal exercise for reconditioning an athlete.

(b) *Class B certification.* A person holding Class B certification for athletic training may, under the direction of a physician, podiatrist or dentist, provide the following services:

(1) Prevent injuries to athletes through the administration of conditioning and assessment procedures which determine physical capacity for participation in athletic activities.

(2) Provide emergency care including care of foot and oral trauma within the scope of training and education of the athletic trainer.

(3) Perform tests and measurements within the scope of athletic training necessary to evaluate injuries to athletes.

(4) Provide physical support for athletic activity by utilizing conventions such as braces or tape.

(5) Administer normal exercise for reconditioning an athlete.

(6) Apply cold or superficial heat in the prevention or treatment of injuries.

§ 40.88. Direction and standard operating procedures.

(a) A certified athletic trainer may provide athletic training services only under the direction of a physician, a dentist or a podiatrist for the treatment of conditions that are within the scope of duties of athletic training.

(b) An athletic trainer shall practice in accordance with standard operating procedures developed in agreement with a physician, dentist or podiatrist and an athletic trainer.

TEMPORARY CERTIFICATES

§ 40.101. Temporary certificates; applicants for examination.

(a) The Board will issue temporary certificates to applicants who have applied to take the certification examination under § 40.83 (relating to Class A certification), if the applications for temporary certification are made on forms supplied by the Board and if the applicant meets the following requirements:

(1) Fulfills, to the satisfaction of the Board, the requirements to take the examination under § 40.85(a) (relating to Class A certification examination).

(2) Works only under the direct supervision of an athletic trainer who is certified at Class A after receiving a temporary certificate. For the purposes of this paragraph, the term "direct supervision" means the opportunity or ability of the athletic trainer to exercise control over the actions of the temporary certificate holder.

(b) Temporary certificates issued under this section shall expire and be surrendered to the Board immediately upon failure of the first examination. An extension until the release of the results of the second examination may be granted at the Board's discretion.

§ 40.102. Temporary certificates issued at the Board's discretion.

The Board may issue a temporary certificate to an individual who has applied to be certified under § 40.83

(relating to Class A certification) but whose employment within this Commonwealth begins prior to the time of approval of the endorsement application. A temporary certificate issued under this section will expire 120 days after the date of issuance unless the Board, in its discretion, grants an extension.

[Pa.B. Doc. No. 97-933. Filed for public inspection June 13, 1997, 9:00 a.m.]

PROPOSED RULEMAKING

INSURANCE DEPARTMENT

[31 PA. CODE CH. 135]

Qualifications of Persons Signing Annual Financial Statements

The Insurance Department (Department) proposes to amend Part VIII (relating to miscellaneous provisions) by deleting §§ 135.1 and 135.2 to read as set forth in Annex A. The deletion is being published as a proposed rulemaking to allow the opportunity for public comment. The repeal is proposed under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412); section 301(g) of The Insurance Department Act of 1921 (40 P. S. § 71(g)); and section 320 of The Insurance Company Law of 1921 (act) (40 P. S. § 443). The regulations relate to the qualifications of persons signing annual financial statements for foreign and domestic life, accident and health insurance companies, associations, exchanges, fraternal benefit societies and beneficial societies.

Purpose

The purpose of this rulemaking is to eliminate obsolete, unnecessary regulations. The regulations adopted were effective January 1, 1971, under the authority of section 320 of the act; section 28 of the act of July 17, 1935 (P. L. 1092, No. 357) (40 P. S. § 1078) (now repealed) relating to fraternal benefit societies; and section 7 of the act of June 4, 1937 (P. L. 1643, No. 342) (40 P. S. § 1107) (now repealed) relating to beneficial societies.

The regulations prescribe the qualifications required of an actuary who signs the annual financial statement filed with the Department by life, accident and health insurance companies, associations, exchanges, fraternal benefit societies and beneficial societies. The regulations require the signing actuary to (1) be a member of the American Academy of Actuaries; or (2) have the educational background necessary for the practice of actuarial science with not less than 7 years of actuarial experience.

The requirements in the regulations are no longer used by the Department and duplicate existing statutory and regulatory authority. The Insurance Department Act of 1921 was amended in 1994 adding section 301(g) requiring a submission of an actuarial opinion of reserves for annual statements, beginning with the year 1993.

The current qualification requirements for actuaries signing annual statements with respect to life insurers and fraternal benefit societies (including accident and health insurance written by those insurers) are found in § 84b.5(b) (relating to general requirements) adopted December 10, 1994, under the authority of section 301(f) of The Insurance Department Act of 1921.

The current actuarial qualification requirements for financial statements filed by property and casualty insurers (including accident and health insurance written by property and casualty insurers) are contained in the instructions for completing annual financial statements. Section 320(a)(2) of the act requires insurers to adhere to the annual statement instruction adopted by the National Association of Insurance Commissioners (NAIC), in the absence of a contrary statute, regulation or order of the Insurance Commissioner. For uniformity, the Common-

wealth has historically relied upon NAIC instructions and has not adopted any laws, regulations or orders governing this topic.

Both the annual statement instructions (governing property and casualty insurers) and § 84b.5(b) sufficiently address the credentials that an actuary must have to sign a financial statement. Chapter 135 (relating to qualifications of persons signing annual financial statements) in no manner enhances the authorizing statutes and regulations. Therefore, the regulations are outdated and redundant, and have been superseded by more recent regulations and requirements.

Affected Parties

The deletion of the regulations is expected to have a minimal effect on life insurers and fraternal benefit societies because the regulations are outdated and have been superseded by statutory amendment and subsequently adopted regulations.

Fiscal Impact

The deletion of the regulations has no fiscal impact because of the redundant nature of the regulations in relation to section 301(g) of The Insurance Department Act of 1921, Chapter 84b (relating to actuarial opinion and memorandum) and section 320 of the act. The regulatory provisions remain in effect under the statutes and regulations.

Paperwork

The deletion of the regulations would impose no additional paperwork requirements on the Department, life insurers or fraternal benefit societies.

Effectiveness/Sunset Date

The rulemaking will become effective upon final publication in the *Pennsylvania Bulletin*. Because the rulemaking proposes to delete obsolete, redundant regulations, no sunset date has been assigned.

Contact Person

Questions or comments regarding the proposed rulemaking may be addressed in writing to Elaine Leitzel, Administrative Officer, Office of Regulation of Companies, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-8840, within 30 days after its publication in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 3, 1997, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance Committee. In addition to submitting this proposal, the Department has provided IRRC and the House and Senate Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1. A copy of the material is available to the public upon request.

If IRRC has objections to any portion of the proposal, it will notify the agency within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria that have not been met by that portion. The Regulatory Review Act specifies detailed

procedures for the Department, the Governor and the General Assembly to review these objections before final publication.

LINDA S. KAISER,
Insurance Commissioner

Fiscal Note: 11-159. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 31. INSURANCE

PART VIII. MISCELLANEOUS PROVISIONS

**CHAPTER 135. [QUALIFICATIONS OF PERSONS SIGNING ANNUAL FINANCIAL STATEMENTS]
(Reserved)**

§ 135.1 [Purpose] (Reserved).

[This chapter is to assure compliance with the requirement that an actuary or a consulting actuary signing the annual financial statement of an insurer is experienced and qualified to perform his duties in a fully competent and professional manner and in the public interest, and to establish, promote and maintain high standards of conduct and competence within the actuarial profession in the interests of policyholders and the insuring public in general.]

§ 135.2 [Qualified actuaries] (Reserved).

[Annual financial statements of foreign and domestic life and accident and health insurance companies, associations, exchanges, fraternal benefit societies and beneficial societies and any other related documents, statements or reports filed with the Insurance Department which require the signature of an actuary or consulting actuary shall be signed by a qualified actuary. For the purpose of this chapter, a qualified actuary is either of the following:

- (1) A member of the American Academy of Actuaries.**
- (2) An individual who has demonstrated to the satisfaction of the Insurance Department that he has the educational background necessary for the practice of actuarial science and that he has not less than 7 years' actuarial experience.]**

[Pa.B. Doc. No. 97-934. Filed for public inspection June 13, 1997, 9:00 a.m.]

**PENNSYLVANIA PUBLIC
UTILITY COMMISSION**

Standardized Cost Support Data to be Provided by ILECs in Arbitration Proceedings

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

Public meeting
held May 22, 1997

Proposed Rulemaking to Establish Standardized Cost Support Data to be Provided by ILECs in Arbitration Proceedings; Doc. No. L-00960119

Order

Background

On September 9, 1996, at Docket No. P-00961108, TCG Pittsburgh filed a petition (TCG Petition) with this Commission to establish an Interconnection Agreement with Bell Atlantic-Pennsylvania. Additionally, the TCG Petition requested that the Commission initiate a rule-making proceeding to establish guidelines for the cost support data to be provided by Incumbent Local Exchange Carriers (ILECs) in arbitration proceedings before the Commission.

By order entered December 6, 1996, the Commission granted the TCG Petition in part, and adopted an order to publish in the *Pennsylvania Bulletin* an Advance Notice of Proposed Rulemaking to solicit comments regarding standardized cost support data to be provided by ILECs in arbitration proceedings. An Advance Notice was subsequently published on December 21, 1996 at 26 Pa.B. 6100, with a 60-day deadline for comments. On January 10, 1997, the Pennsylvania Telephone Association (PTA) requested an additional 45 days in which to file comments. This request was granted on January 13, 1997, and the comment period deadline was changed to April 7, 1997. All comments were received prior to the revised April deadline.

Discussion

GTE North, Inc. (GTE) filed comments which noted that the Commission would determine the cost study methodologies applicable for GTE prior to the establishment, through a rulemaking, of any general standards. GTE also stated that if the Commission intends for a proposed rulemaking to establish requirements for cost proceedings applicable to GTE, then GTE reserved the right to provide additional comments on a late-filed basis.

TCG did not file formal comments. Instead, TCG submitted a paper titled "Beyond Cost Models: Managing Interconnection Pricing to Achieve Sustainable Competition." This paper was prepared for TCG to enable TCG to identify pricing policies which will promote viable local exchange competition. This paper contains an extensive discussion of the economic attributes and liabilities of various costing models, but it does not indicate that TCG has any preference for any specific costing model nor does it provide additional comments to support a proposed rulemaking on costing issues.

Combined comments were filed by the Bentleyville Telephone Company (Bentleyville) and Pymatuning Independent Telephone Company (Pymatuning), two small rural Local Exchange Carriers (LECs). These LECs argue that it is premature for the Commission to act to develop standardized cost support data for arbitration proceedings because the pricing rules established by the FCC under the Telecommunications Act of 1996 (TA-96) have been stayed by the Eighth Circuit Court of Appeals. These LECs also note that costing issues may currently be under examination in other Commission forums. Therefore, these LECs aver that the Commission should not attempt to standardize cost support data requirements while these significant changes are underway.

By way of further comment, these LECs assert that if the Commission does proceed with a proposed rule-making, then the Commission should adopt an embedded cost-based methodology because any cost methodology

which ignores embedded costs will not allow small, rural LECs to recover their interconnection costs.

Finally, comments were received from the PTA and Sprint. Both PTA and Sprint argue that the Commission should not proceed with the instant proposed rulemaking. Both PTA and Sprint note that the Eighth Circuit has stayed the pricing provisions of the FCC's Order, and that the FCC's pricing rules may be overturned. These commentators also aver that the need to establish standardized cost support data is reduced because the Commission has already heard the initial series of proceedings involving Competitive Local Exchange Carriers (CLECs) who intend to enter the market. Both commentators suggest that the Commission's time and resources might be better devoted to more time sensitive telecommunications issues.

PTA argues that if the Commission proceeds with a proposed rulemaking or a related policy statement, then the Commission should adopt an embedded cost-based methodology. PTA asserts that this costing methodology would allow consistent recovery of actual network costs incurred by actual LECs who have incurred network interconnection costs. PTA requests that the Commission not adopt the FCC's TELRIC (Total Element Long Run Incremental Cost) method, which bases rates on hypothetical networks and costs. To the contrary, Sprint believes that if the Commission does act, then the Commission should select TELRIC as the proper cost study methodology to be used in arbitration proceedings. However, Sprint avers that neither TA-96 nor the related FCC Order requires this Commission to adopt a specific cost model. Therefore, parties in arbitration proceedings should be permitted to use the TELRIC methodology to develop and present a cost model they believe to be appropriate.

Recommendations

We agree with the above comments which recommend that the Commission not proceed with a proposed rule-

making. There does not appear to be a pressing need for formal regulations in this matter. The primary rationale for a rulemaking was to prevent burdensome relitigation, in arbitration proceedings, of the proper cost support data required to be supplied by ILECs. This burdensome situation has failed to materialize. The Commission's Office of Administrative Law Judge has already processed several interconnection request proceedings. Thus far, there have been no reports that the cost support data required in these individual proceedings has been a difficult issue to resolve. Additionally, it appears that the majority of interconnection arbitrations have already occurred. Again, any need for immediate Commission action in this matter has dissipated.

We also agree that the pricing rules and costing methodology established by the FCC may be altered by the Eighth Circuit. Since the cost issues of local telecommunications competition are in a state of flux, it would be unwise for the Commission to promulgate regulations or establish fixed, standardized cost support data requirements at this time;

Therefore, It Is Ordered That:

1. Docket No. L-00960119, Advance Notice of Proposed Rulemaking Order "To Establish Cost Support Data To Be Provided By ILECs In Arbitration Proceedings," be closed.
2. A copy of this Order be served upon all commentators, the industry trade associations, the Office of Consumer Advocate, the Office of Small Business Advocate and the Office of Trial Staff.
3. A copy of this Order shall be forwarded to the *Pennsylvania Bulletin* for publication.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-935. Filed for public inspection June 13, 1997, 9:00 a.m.]

STATEMENTS OF POLICY

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE
[55 PA. CODE CHS. 3270, 3280 AND 3290]
Ground Surface Requirements

Purpose

The purpose of this statement of policy is to clarify the ground surface requirements cited in regulations relating to the condition of outdoor play equipment (§§ 3270.102(c), 3280.102(c) and 3290.102(c) (relating to condition of play equipment)).

Requirements

Sections 3270.102, 3280.102 and 3290.102 require the operator to use at least 6 inches of loose-filled, impact-absorbing materials, described in subsection (c) of each section. Other manufactured ground covers may be superior to 6 inches of loose-filled, impact-absorbing material. The Department has determined that many commercially developed unitary or loose fill ground covering materials to be installed under outdoor play equipment meet or exceed the safety standard of §§ 3270.102(c), 3280.102(c) and 3290.102(c).

Regulation Interpretation

A commercially developed unitary safety surfacing that is installed under outdoor play equipment satisfies the requirements of §§ 3270.102(c), 3280.102(c) and 3290.102(c) when the operator provides test data from the manufacturer that warrants the material as safe and shock absorbing for a fall from the highest accessible point on the outdoor play equipment according to test data obtained consistent with ASTM F 1292-93, Test Method F355.

Contact Person

Comments and questions regarding this statement of policy should be directed to: Patty Sheaffer, Department of Public Welfare, Bureau of Child Day Care Services, 4th Floor Bertolino Building, 1401 N. 7th Street, Harrisburg, PA 17105-2675, (717) 787-8691.

Effective Date

This statement of policy shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

(*Editor's Note:* The regulations of the Department, 55 Pa. Code Chapters 3270, 3280 and 3290, are amended by adding a statement of policy at §§ 3270.102a, 3280.102a and 3290.102a to read as set forth in Annex A.)

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-BUL-50. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 55. PUBLIC WELFARE
PART V. CHILDREN, YOUTH AND FAMILIES
MANUAL

Subpart D. NONRESIDENTIAL AGENCIES,
FACILITIES AND SERVICES

ARTICLE I. LICENSING/APPROVAL

CHAPTER 3270. CHILD DAY CARE CENTERS

GENERAL REQUIREMENTS

§ 3270.102a. Condition of play equipment—statement of policy.

A commercially developed unitary safety surfacing that is installed under outdoor play equipment satisfies the requirements in § 3270.102(c) (relating to condition of play equipment) when the operator provides test data from the manufacturer that warrants the material as safe and shock absorbing for a fall from the highest accessible point on the outdoor play equipment according to test data obtained consistent with ASTM F 1292-93, Test Method F355.

CHAPTER 3280. GROUP DAY CARE HOMES

GENERAL REQUIREMENTS

§ 3280.102a. Condition of play equipment—statement of policy.

A commercially developed unitary safety surfacing that is installed under outdoor play equipment satisfies the requirements in § 3280.102(c) (relating to conditions of play equipment) when the operator provides test data from the manufacturer that warrants the material as safe and shock absorbing for a fall from the highest accessible point on the outdoor play equipment according to test data obtained consistent with ASTM F 1292-93, Test Method F355.

CHAPTER 3290. FAMILY DAY CARE HOMES

GENERAL REQUIREMENTS

§ 3290.102a. Condition of play equipment—statement of policy.

A commercially developed unitary safety surfacing that is installed under outdoor play equipment satisfies the requirements in § 3290.102(c) (relating to condition of play equipment) when the operator provides test data from the manufacturer that warrants the material as safe and shock absorbing for a fall from the highest accessible point on the outdoor play equipment according to test data obtained consistent with ASTM F 1292-93, Test Method F355.

[Pa.B. Doc. No. 97-936. Filed for public inspection June 13, 1997, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending June 3, 1997.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
5-30-97	Keystone Financial, Inc., Harrisburg, to acquire 100% of the voting shares of Financial Trust Corp., Carlisle	Harrisburg	Effective

Conversions

The following branch offices were acquired by the May 22, 1997 effective date of the conversion of Patriot Bank, Pottstown, from a Federally-chartered savings bank to a State-chartered commercial bank as noted in Summary of Activities #21:

Fifth Avenue and Main Street Royersford Montgomery County	E. Philadelphia and Chestnut Sts. Boyertown Berks County
536 N. Lewis Road Limerick Montgomery County	Bethlehem Square Shopping Center 3926 Linden Street Bethlehem Lehigh County
46 W. Main Street Fleetwood Berks County	2641 MacArthur Road Whitehall Lehigh County
30 West Franklin St. Topton Berks County	119 Nutt Road Phoenixville Chester County
1130 Chestnut Street Emmaus Lehigh County	

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-22-97	First Republic Bank Philadelphia Philadelphia County	Germantown Pike and Swede Road E. Norriton Twp. Montgomery County	Opened
5-30-97	The Glen Rock State Bank Glen Rock York County	RD 10, Route 616 and Noss Road North Codorus Twp. York County	Approved
5-30-97	Northwest Savings Bank Warren Warren County	104 East Main St. Lock Haven Clinton County	Approved
5-30-97	Pittsburgh Home Savings Bank Pittsburgh Allegheny County	Shop N Save 5001 Library Road Bethel Park Allegheny County	Approved
6-2-97	Standard Bank, PaSB Murrysville Westmoreland County	WalMart Routes 819 and 119 Mt. Pleasant Westmoreland County	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-27-97	Franklin First Savings Bank Wilkes-Barre Luzerne County	<i>To:</i> 811 Kidder Street Wilkes-Barre Luzerne County <i>From:</i> 685 Kidder Street Wilkes-Barre Luzerne County	Effective

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-27-97	Mid-State Bank and Trust Company Altoona Blair County	The Bookstore Pennsylvania State University State College Centre County	Filed

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
5-28-97	Old Forge Bank Old Forge Lackawanna County	To provide for a two for one stock split to increase the authorized capital stock from 500,000 shares of \$5.00 par value per share, to 1,000,000 shares of \$2.50 par value per share.	Approved and Effective
5-30-97	American Bank of the Lehigh Valley (In Organization) Allentown Lehigh County	To amend and restate the Articles of Incorporation in their entirety.	Approved and Effective

SAVINGS ASSOCIATIONS

No activity.

CREDIT UNIONS

No activity.

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 97-937. Filed for public inspection June 13, 1997, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Weatherization Assistance Program; Proposed State Plan

The Department of Community and Economic Development (Department) hereby publishes notice of a public hearing to be held at 10 a.m. on Wednesday, June 25, 1997 in Room 321 of the Forum Building, Commonwealth Avenue and Walnut Street, Harrisburg, PA 17120. The purpose of this hearing is to receive comments on the Weatherization Assistance Program's proposed State Plan to be submitted to the Department of Energy for the program year 1997-98. Included in this hearing will be the Department's Notice of Intent to name the Housing Development Corporation of Lancaster as the service provider for Chester County.

A copy of this plan may be obtained by contacting the Department of Community and Economic Development, Community Empowerment Office, Room 352, Forum Building, Harrisburg, PA at (717) 787-1984. A copy may also be obtained at the following Department Regional Offices:

Central Regional Office, Room 578, Forum Building, Harrisburg, PA 17120, (717) 720-7302.

Southeast Regional Office, 908 State Office Building, Broad and Spring Garden Streets, Philadelphia, PA 19130, (215) 560-2256.

Southwest Regional Office, 1405 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222, (412) 565-5002.

Northeast Regional Office, 201 Samters Building, 101 Penn Avenue, Scranton, PA 18503-2025, (717) 963-4571.

Northwest Regional Office, Third Floor, Rothrock Building, 121 West 10th Street, Erie, PA 16501, (814) 454-7494.

Written comments may be submitted to Dennis Darling, Director, Community Empowerment Office, Room 352, Forum Building, Harrisburg, PA 17120 until 5 p.m. on June 26, 1997.

Persons with a disability who wish to attend this hearing and require auxiliary aid, services or other accommodations to participate in the proceedings, contact Dennis Darling at (717) 787-1984 to discuss how the Department of Community and Economic Development

may accommodate needs. Alternative formats of the document (for example, large print or cassette tape) can be made available to the public upon request.

SAMUEL MCCOLLOUGH,
Acting Secretary

[Pa.B. Doc. No. 97-938. Filed for public inspection June 13, 1997, 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 proposes to issue a permit to discharge, subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

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

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

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

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

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

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

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

PA 0027138. Sewage. **City of Sharon**, 155 W. Connelly Boulevard, Sharon, PA 16146.

This application is for a renewal of an NPDES Permit to discharge treated sewage to the Shenango River in City of Sharon, **Mercer County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is PA American Water Company New Castle District intake on the Shenango River located at New Castle, approximately 22 miles below point of discharge.

The proposed effluent limits for Outfall No. 001, based on a design flow of 4.5 mgd, are:

Parameter	Average Monthly (mg/l)	Weekly Average (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25	40	50
TSS	30	45	60

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Ammonia-Nitrogen (5-1 to 10-31) (11-1 to 4-30)	18 monitor and report		36
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 22,800/100 ml as a geometric average		
Total Residual Chlorine	0.5		1.6
pH	6.0—9.0 at all times		

The EPA waiver is not in effect.

PA 0003085. Industrial waste, SIC: 3624. **The Carbide/Graphite Group, Inc.**, 800 Theresia Street, St. Marys, PA 15857.

This application is for a new NPDES permit, to discharge stormwater to the South Branch of Elk Creek and unnamed tributary to the South branch of Elk Creek in St. Marys, **Elk County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the PA American Water Co. and the Clarion River located approximately 72.6 miles below point of discharge.

This reflects changes to the Public Notice published in the March 1, 1997 *Pennsylvania Bulletin*.

The proposed discharge limits for Outfall No. 010, based on a design flow of .03888 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
Dissolved Iron	XX	XX	XX
Dissolved Iron*	1.3	2.6	3.3
Total Iron		XX	
pH	6.0—9.0 at all times		

XX—Monitor and Report on monthly DMR.

*—Refer to Special Condition Three in Part C of the NPDES Permit.

PA 0210072. Sewage, **YMCA Camp Sherwin**, 8600 West Lake Road, Lake City, PA 16423.

This application is for renewal of an NPDES permit to discharge treated sanitary sewage to an unnamed tributary to Lake Erie in Girard Township, **Erie County**. This is an existing discharge.

The receiving water is classified for cold water fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, there is no potable water supply (PWS) to consider, as the first point of use is Lake Erie.

The proposed effluent limits for Outfall 001, based on average design flow of 0.035 mgd, are:

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
NH ₃ -N (5-1 to 10-31)	2.0	4.0
(11-1 to 4-30)	6.0	12.0
Phosphorus as "P"	1.0	
Dissolved Oxygen	minimum of 6.0 mg/l at all times	
Total Residual Chlorine (Interim)	2.0	
(Final)	0.08	0.19
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,600/100 ml as a geometric average	
pH	6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0102971. Sewage, **Parsons Mobile Home Court**, 14070 Hill Road, Wattsburg, PA 16442.

This application is for renewal of an NPDES permit to discharge treated sewage to an unnamed tributary to French Creek in Venango Township, **Erie County**. This is an existing discharge.

The receiving water is classified for warm water fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is Cambridge Springs Borough on French Creek, located at Cambridge Springs approximately 32 miles below the point of discharge.

The proposed effluent limits for Outfall 001, based on average design flow of 0.0075 mgd, are:

<i>Parameter</i>	<i>Effluent Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
NH ₃ -N		
(5-1 to 10-31)	3.5	7
(11-1 to 4-30)	10.5	21
Phosphorus as "P"	1.0	
Total Residual Chlorine		
(interim)	1.2	
(final)	0.30	0.72
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	5,400/100 ml as a geometric average	
pH	6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0014427. Industrial waste, SIC: 0921 (Fish Hatchery). **Allegheny National Fish Hatchery**, R. D. 1, Box 1050, Warren, PA 16365.

This application is for renewal of an NPDES Permit, to discharge treated and untreated industrial waste and stormwater from a fish hatchery to Allegheny River in Glade Township, **Warren County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fish, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company on the Allegheny River located at river mile 90, approximately 104 miles below point of discharge.

The proposed discharge limits for Outfall No. 001, based on a design flow of 0.250 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	0.25		
CBOD ₅	10		25
Total Suspended Solids	10		25
pH		6.0—9.0 at all times	

The proposed discharge limits for Outfall No. 002, based on a design flow of 5.76 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	5.76		
CBOD ₅	10		25
Total Suspended Solids	10		25
pH		6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0209805. Industrial waste, SIC: 2511 (Household). **Crawford Furniture Manufacturing Corporation**, P. O. Box 156, (PA Route 28, 2 miles north of New Bethlehem—Penn Street), New Bethlehem, PA 16242.

This application is for renewal of an NPDES Permit, to discharge untreated industrial waste and stormwater to Town Run in Redbank Township, **Clarion County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fish, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Hawthorne Water on the Redbank Creek in Hawthorne located at river mile 25.55, approximately 0.76 mile below point of discharge.

The proposed discharge limits for Outfall No. 001, based on a design flow of 0.003275 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report	monitor and report	monitor and report

The proposed discharge limits for Outfall No. 101, based on a design flow of 0.000075 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report	monitor and report	monitor and report
Temperature		monitor and report	
Total Residual Chlorine	0.5		1.2
pH	6.0—9.0 at all times		

The proposed discharge limits for Outfall No. 201, based on a design flow of 0.003200 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report	monitor and report	monitor and report
Temperature		monitor and report	
Total Residual Chlorine	0.5		1.2
pH		6.0—9.0 at all times	

The EPA waiver is in effect.

APPLICATIONS—NPDES MINOR RENEWALS

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0085235	Post Office Inn Corp. R. D. 1, Box 1636 Mohnton, PA 19540	Berks Robeson Twp.	UNT to Allegheny Creek	TRC
PA0031992	DCNR-Greenwood Furnace State Park R. R. 2, Box 118 Huntingdon, PA 16652	Huntingdon Jackson Twp.	E. Branch Standing Stone Creek	TRC
PA0032000	DCNR—Gifford Pinchot State Park 2200 Rosstown Rd. Lewisberry, PA 17339	York Warrington Township	Conewago Creek	TRC

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

PA 0083046. SIC: 3423, Industrial waste, **Easco Hand Tools, Inc.**, 805 Estelle Drive, Lancaster, PA 17604.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to an unnamed tributary of the West Branch Little Conestoga Creek, in West Hempfield Township, **Lancaster County**.

The receiving stream is classified for trout stocking fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Holtwood Power Plant located in Martic Township, Lancaster County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.03 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Trichloroethylene		0.01	0.013
pH		6—9	

The EPA waiver is in effect.

PA 0084221. SIC: 7033, Sewage, **Hidden Springs Campground**, Route 3, Clearville, PA.

This application is for issuance of an NPDES permit for an existing discharge of treated sewage to Rocky Gap Run, in Southampton Township, **Bedford County**.

The receiving stream is classified for HQ-CWF, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Rocky Gap Run located in Southampton Township, Bedford County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.013 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25			50
Total Suspended Solids	30			60
Total Residual Chlorine	0.5			1.64
Dissolved Oxygen			minimum of 5.0 at all times from 6.0—9.0 inclusive	
pH				
Fecal Coliforms				
(5-1 to 9-30)		200/100 ml as a geometric average		
(10-1 to 4-30)		2,000/100 ml as a geometric average		

The EPA waiver is in effect.

PA 0035092. SIC: 2015, Industrial waste, **Tyson Foods, Inc.**, P. O. Box 1156, New Holland, PA 17557.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Mill Creek, in Earl Township, **Lancaster County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Holtwood Power Plant located in Martic Township, Lancaster County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 1.5 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50	62
Suspended Solids	30		60	75
NH ₃ -N				
(5-1 to 10-31)	2		4	5
(11-1 to 4-30)	6		12	15
Total Phosphorus	2		4	5
Total Residual Chlorine	0.26			0.83
Dissolved Oxygen			minimum of 5.0 at all times from 6.0—9.0 inclusive	
pH				
Fecal Coliforms				
(5-1 to 9-30)		200/100 ml as a geometric average		
(10-1 to 4-30)		2,700/100 ml as a geometric average		
Oil and Grease	15			30

The EPA waiver is in effect.

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

PA 0035637. Sewerage, **Department of Transportation**, Bureau of Design, 555 Walnut Street, Harrisburg, PA 17101-1900.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into an unnamed tributary to the south branch of Tunkhannock Creek in Greenfield Township, **Lackawanna County**.

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

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

The proposed effluent limits for Outfall 001 based on a design flow of .0098 mgd, are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25.0	50.0
Total Suspended Solids	30.0	60.0
NH ₃ -N		
(5-1 to 10-31)	5.0	10.0
(11-1 to 4-30)	15.0	30.0
Dissolved Oxygen		a minimum of 4.0 mg/l at all times
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

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	6.0—9.0 standard units at all times	
Total Residual Chlorine	0.4	1.0

The EPA waiver is in effect.

PA 0038270. Industrial waste, SIC: 5171, **Sun Company, Inc.**, c/o David A. Justin, Ten Penn Center, 1801 Market Street, Philadelphia, PA 19103-1699.

This proposed action is for renewal of an NPDES permit to discharge stormwater into Little Schuylkill River in Rush Township, **Schuylkill County**.

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

The proposed effluent limits for Outfall 001 are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Recoverable Petroleum Hydrocarbons	monitor only		

The EPA waiver is in effect.

PA 0012726. Industrial waste, SIC: 3354, **Alumax Extrusions, Inc.**, 53 Pottsville Street, Cressona, PA 17929-0129.

This proposed action is for renewal of an NPDES permit to discharge process wastewater, cooling water and stormwater into the West Branch Schuylkill River in Cressona Borough, **Schuylkill County**.

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

Outfall 010—Process Wastewater

The proposed effluent limits based on a design flow of 0.110 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	199.0	310.0	
Oil and Grease	15.0	30.0	30.0
Total Chromium	1.0	2.50	
Total Cyanide	0.69	1.64	
Total Zinc	3.42	8.18	
Total Aluminum	17.93	36.1	
Total PCBs	.0008	.00016	.0020
pH	7.0—10.0 at all times		

Outfall 002—Stormwater

Oil and Grease—monitor only

Total PCBs—monitor only

Outfall 003—Stormwater

Oil and Grease—monitor only

Total PCBs—monitor only

Outfall 007—Stormwater and Groundwater

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	15.0	30.0
Total PCBs	monitor only	
pH	6.0—9.0 at all times	

Outfall 008—Noncontact Cooling Water and Stormwater

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	15.0	30.0
Total PCBs	monitor only	
pH	6.0—9.0 at all times	

Outfall 009—Stormwater and Groundwater

Parameter

Oil and Grease
Total PCBs
pH

	Monthly Average (mg/l)	Instantaneous Maximum (mg/l)
	15.0	30.0
	monitor only	
	6.0—9.0 at all times	

Total PCBs is the sum of the individual analysis results on PCB 1242, 1254, 1221, 1232, 1248, 1260 and 1016 using EPA Method 608, or equivalent, as approved by the Department.

The EPA waiver is in effect.

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

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

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

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

WQM Permit No. 2597412. Sewage. **Honey Estates**, 1209 Ponderosa Drive, Erie, PA 16509. This project is for the construction of a sewage treatment facility to serve the residential development of 13 single family lots in Summit Township, **Erie County**.

WQM Permit No. 4397203. Industrial waste. **Consumer PA Water Co.**, Shenango Valley Division, 665 South Dock Street, P. O. Box 572, Sharon, PA 16146. This project is for the new Shenango Valley Division Water Purification plant to construct and operate the process wastewater treatment system in the City of Sharon, **Mercer County**.

WQM Permit No. 2097406. Sewage, **Eugene F. Jr. and Leslie K. Soltesz**, SRSTP, 19525 Bear Rd., Venango, PA 16440. This project is for the construction of a Single Residence Sewage Treatment Plant in Cussewago Township, **Crawford County**.

WQM Permit No. 4397406. Sewage, **Audie Yeager**, SRSTP, 38 Wise Rd., Greenville, PA 16125. This project is for the construction of a Single Residence Sewage Treatment Plant in West Salem Township, **Mercer County**.

WQM Permit No. 1097405. Sewage, **Edward and Elizabeth Zezinka**, SRSTP, 2242 River Run Trace, Worthington, OH 43235. This project is for the construction of a Single Residence Sewage Treatment Plant in Adams Township, **Butler County**.

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

A. 2297403. Sewage. Submitted by **Frank T. Perano**, P. O. Box 278, King of Prussia, PA 19406 in East Hanover Township, **Dauphin County** to construct a sewage treatment plant to serve Shadyback Mobile Home Park was received in the Southcentral Region on May 12, 1997.

A. 2871402 (97-1) amendment. Sewage. Submitted by **Mont Alto Sewer Authority**, P. O. Box 430, Mont Alto, PA 17237 in Mont Alto Borough, **Franklin County** to construct a new tank, access road, pipelines and reed beds for sludge handling was received in the Southcentral Region on May 27, 1997.

A. 3697403. Sewage. Submitted by **Lancaster County Career and Technology Center**, 170 Hans Herr Drive, P. O. Box 527, Willow Street, PA 17584-0527 in West Earl Township, **Lancaster County** to replace their existing, badly corroded package wastewater treatment facility with a new precast concrete package wastewater treatment plant was received in the Southcentral Region on May 27, 1997.

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

A. 0297404. Sewerage. **Kennedy Township Sewer Authority**, 340 Forest Grove Road, Coraopolis, PA 15108. Application for the renovation and capacity increase of an existing raw sewage pump station, with replacement and enlargement of its discharge force main and stream crossing located in the Township of Kennedy, **Allegheny County** to serve the Ewing Road Pump Station Project.

A. 6396403. Sewerage. **South Strabane Township Sanitary Authority**, 550 Washington Road, Washington, PA 15301. Application for the replacement of approximately 1680 L. F. of 10 inch Force Main with approximately 1680 L. F. of 12 inch Force Main located in the Township of South Strabane, **Washington County**.

A. 6595406, Amendment No. 1. Sewerage. **Redevelopment Authority of the County of Westmoreland**,

601 Courthouse Square, Greensburg, PA 15601. Application for the installation of a new sewage treatment plant to replace the existing sewage treatment plant located in the Township of Sewickley, **Westmoreland County** to serve the Nike Site No. 37 STP.

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

A. 3997201. Industrial waste. **Northampton Borough Municipal Authority**, 1717 Main Street, P. O. Box 156, Northampton, PA 18067-0156. Application to modify the existing wastewater holding/settling basin, located in Whitehall Township, **Lehigh County**. Application received in the Regional Office May 6, 1997.

INDIVIDUAL PERMITS (PAS)

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 proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and special conditions. These proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

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

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

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

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

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

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

Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701, (717) 826-2553.

Southcentral Regional Office: Regional Water Management Program Manager, 1 Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4590.

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

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

NPDES Permit PAS10A085-1. Stormwater. **Penn Center Management**, Penn Center West, Suite 110, Pittsburgh, PA 15276 has applied to discharge stormwater from a construction activity located in Robinson Township, **Allegheny County**, to Campbells Run.

NPDES Permit PAS10A100. Stormwater. **Robert Morris College**, 881 Narrows Run Road, Coraopolis, PA 15108 has applied to discharge stormwater from a construction activity located in Moon Township, **Allegheny County**, to Narrows Run.

Bedford County Conservation District, District Manager, 702 W. Pitt Street, Bedford, PA 15522, (814) 623-6706.

NPDES Permit PAS100413. Stormwater. **Walmart Stores Inc.**, 701 S. Walton Boulevard, Dept. 8702, Bentonville, AR 72716 has applied to discharge stormwater from a construction activity located in Bedford Township, **Allegheny County**, to Dunning Creek.

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

NPDES Permit PAS10G270. Stormwater. **B & B Homes Inc.**, P. O. Box 2019, West Chester, PA 19380 has applied to discharge stormwater from a construction activity located in Upper Uwchlan Township, **Chester County**, to UNT to Marsh Creek.

Cumberland County Conservation District, District Manager, 43 Brookwood Avenue, Suite 4, Carlisle, PA 17013, (717) 240-7812.

NPDES Permit PAS10H069. Stormwater. **Sprint — The United Telephone Company of PA.**, 1201 Walnut Bottom Road, Carlisle, PA 17013 has applied to discharge stormwater from a construction activity located in South Middleton Township, **Cumberland County**, to Letort Spring Run.

Delaware County Conservation District, District Manager, 1521 N. Providence Road, Media, PA 19063, (610) 892-9484.

NPDES Permit PAS10J040. Stormwater. **Concord Crossing Partners**, P. O. Box 100, Chaddsford, PA 19317 has applied to discharge stormwater from a construction activity located in Concord Township, **Delaware County**, to the west branch of the Chester Creek.

Indiana County Conservation District, District Manager, 251 Route 286, Indiana, PA 15701, (412) 463-7702.

NPDES Permit PAS103111. Stormwater. **Jim Michny**, R. D. 2, Box 130B, Barnesboro, PA 15714 has applied to discharge stormwater from a construction activity located in Pine Township, **Indiana County**, to Little Yellow Creek.

Lackawanna County Conservation District, District Manager, 395 Bedford Street, Clarks Summit, PA 18411, (717) 587-2607.

NPDES Permit PAS10N024. Stormwater. **Frank Serafini**, 919 S. Main Street, Old Forge, PA 18518 has applied to discharge stormwater from a construction activity located in Moosic Borough, **Lackawanna County**, to Spring Brook Creek.

NPDES Permit PAS10N025. Stormwater. **William Bracey**, Route 435, Moscow, PA 18444 has applied to discharge stormwater from a construction activity located in Covington Township, **Lackawanna County**, to Roaring Brook.

Luzerne County Conservation District, District Manager, Smith Pond Road, Lehman, PA 18627, (717) 674-7991.

NPDES Permit PAS10R028. Stormwater. **Luzerne County Flood Protection Authority**, North River Street, Wilkes-Barre, PA 18711 has applied to discharge stormwater from a construction activity located in Kingston and Edwardsville Boroughs, **Luzerne County**, to the Susquehanna River.

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

NPDES Permit PAS10U072. Stormwater. **Wagner Enterprises, United**, P. O. Box 3154, Easton, PA 18043, has applied to discharge stormwater from a construction activity located in Bethlehem Township, **Northampton County**, to the Lehigh River.

SAFE DRINKING WATER

Applications received for Operating Permits 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.

A. 1897502. The Department intends to issue an operating permit to **Crawford Township Municipal Authority** (R. R. 2, Box 388, Jersey Shore, PA 17740, Crawford Township, **Clinton County**) for construction of pressure filtration system to filter water from two existing surface sources and one new surface source (Rauchtown Creek). Construction of intake on Rauchtown Creek. Filtration system includes raw and treated water storage.

A. 5797501. The Department intends to issue an operating permit to **Eagles Mere Water Company** (P. O. Box 309, Eagles Mere, PA 17731, Eagles Mere Borough, **Sullivan County**) for the development of Well "A" as a new source of supply for the Eagles Mere Water Company.

A. 1897501. The Department intends to issue an operating permit to **South Renovo Borough** (569 Pennsylvania Avenue, South Renovo, PA 17764, Noyes Township, **Clinton County**) for connection of emergency well to water system. Installation of flow metering/measuring devices at reservoir.

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

A. 4397503. Public water supply. **Consumers Pennsylvania Water Company**, 665 S. Dock Street, Sharon, PA 16146-1835. This proposal involves the construction of a booster station consisting of three pumps, controls,

building and associated piping for the Seig Hill Booster Station in Shenango Township, **Mercer County**.

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

A. 0997508. Public water supply. **Perkasie Borough Authority**, Gary J. Winton, 306 N. Fifth Street, Perkasie, PA 18944. This proposal involves the addition of an ortho-poly phosphate (Aqua Mag) to the water supply system of Perkasie Borough Authority in Perkasie Borough, **Bucks County**.

A. 0997509. Public water supply. **Quakertown Borough**, David Woglom, 15-35 N. Second Street, Quakertown, PA 18951. This proposal involves the construction of a treatment wellhouse for Well No. 15 and the modification of the backwash system for Well No. 12. The treatment facility will contain a clear well and pump, chlorination, an air stripper, pressure filtration vessels, along with pumanganate addition in Quakertown Borough, **Bucks County**.

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

A. 2197502. Public water supply. **PA-American Water Company**, Lower Allen Township, **Cumberland County**, (Steven J. Seidl, Vice-President, Engineering, 800 West Hersheypark Drive, Hershey, PA 17033), booster pump station, (Bruce E. Juergens, Pennsylvania-American Water Company, 800 West Hersheypark Drive, Hershey, PA 17033).

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 and 303 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate identifies a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background or Statewide health standard to remediate a site must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

For further information concerning the content of a Notice of Intent to Remediate, please contact the Department of Environmental Protection Regional Office under

which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

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

Former Outten's Car Dealership, Hamburg Borough, **Berks County**. Jonestown Bank & Trust Co., 2 West Market Street, Jonestown, PA 17038, has submitted a Notice of Intent to Remediate site soils contaminated with heavy metals (except arsenic), PHCs and PAHs, and site groundwater contaminated with lead, heavy metals and BTEX, and sediment contaminated with PHCs. 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 June 4, 1997 in the *Hamburg Item*.

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

Pennsylvania Power & Light Company (PP&L)—Pole #63219S50608 (Weaversville Road), Allen Township, **Northampton County**. PP&L, 2 North Ninth Street, Allentown, PA 18101 has submitted a Notice of Intent to Remediate concerning the remediation of site soils found to have been contaminated with PCBs (polychlorinated biphenyls). The applicant proposes to remediate the site to meet the Statewide health standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDICATION

Under Act 2, 1995

Preamble 2

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

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

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

Former Outten's Car Dealership, Hamburg Borough, **Berks County**. Jonestown Bank & Trust Co., 2 West Market Street, Jonestown, PA 17038, has submitted a Notice of Intent to Remediate site soils contaminated with arsenic. The applicant proposes to remediate the site to meet the site-specific standard. A summary of the Notice of Intent to Remediate was reported to have been published June 4, 1997 in the *Hamburg Item*.

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

PECO Tilghman Street Manufactured Gas Plant, City of Chester, **Delaware County**. Michael F. Heisler, PECO Energy Co., 2301 Market St., Philadelphia, PA 19101, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with heavy metals, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Delaware County Daily Times* on May 23, 1997.

American Trading and Production Corp., Bristol Township, **Bucks County**. Gary R. Brown, P.E., RT Environmental Services, Inc., 215 West Chester Road, King of Prussia, PA 19426, has submitted a Notice of Intent to Remediate site soil contaminated with heavy metals and thallium; groundwater contaminated with heavy metals, solvents, thallium and trichloroethylene. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bucks County Courier Times* on May 2, 1997.

**SOLID AND HAZARDOUS WASTE
PREVIOUSLY UNPERMITTED CLASS OF SPECIAL
HANDLING WASTE
INFECTIOUS OR CHEMOTHERAPEUTIC WASTE**

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

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

John Pfrommer, Inc., 1320 Ben Franklin Highway East, Douglassville, PA 19518; Mike Piazza, Manager; License No. **PA-HC 0022**. Application received May 27, 1997.

**AIR POLLUTION
OPERATING PERMITS**

Construct, modify or activate air contaminant sources

25 Pa. Code § 129.1

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

Regional Office: Southwest Regional Office, Bureau of Air Quality, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

OP-30-00076. The Department received an Air Quality Operating Permit application from **Tembec Company** (1001 Louisiana Street, Houston, TX 75206) for Natural Gas Processing at its Liquids Fractionation Plant located in Franklin Township, **Greene County**.

OP-63-00636. The Department received an Air Quality Operating Permit application from **McGrew Welding & Fabricating, Inc.** (P. O. Box 87, Donora, PA 15033) for a barge unloading operation at its Donora site located in Donora Borough, **Washington County**.

OP-30-00035. The Department received an Air Quality Operating Permit application from **Greene County Memorial Hospital** (7th and Bonar Avenue, Waynesburg, PA 15370) for an acute care hospital at its facility located in Franklin Township, **Greene County**.

Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335.

NM-25-917. Performance Castings, Inc. (242 East 16th St., Erie, PA 16503) in Erie, **Erie County**.

Regional Office: Southcentral Regional Office, Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110.

06-319-012C. The Department intends to issue an Air Quality Operating Permit to **General Battery Corporation** (P. O. Box 13995, Reading, PA 19612-3995) for a lead oxide mill controlled by three fabric collectors in Laureldale/Muhlenberg Township, **Berks County**. The source is subject to 40 CFR 60, Subpart KK, Standards of Performance for New Stationary Sources.

06-319-077A. The Department intends to issue an Air Quality Operating Permit to **General Battery Corporation** (P. O. Box 13665, Reading, PA 19612-3995) for a grid

casting operation controlled by a wet scrubber in Laureldale/Muhlenberg Township, **Berks County**. The source is subject to 40 CFR 60, Subpart KK, Standards of Performance for New Stationary Sources.

36-2040. The Department intends to issue a VOC RACT (Reasonable Available Control Technology) Air Quality Operating Permit to **Clark Filter** (3649 Hempland Road, Lancaster, PA 17601) for their surface coating operations in West Hempfield Township, **Lancaster County**.

06-1018. The Department intends to issue a NOx RACT Operating Permit to **Hershey Chocolate USA** (P. O. Box 15087, Reading, PA 19612-5087) for two boilers controlled by low NOx burners and two emergency generators in Reading, **Berks County**. The boilers are subject to 40 CFR 60, Subpart Dc, Standards of Performance for New Stationary Sources.

06-319-020A. The Department intends to issue an Air Quality Operating Permit to **General Battery Corporation** (P. O. Box 14294, Reading, PA 19612-4294) for the secondary lead smelter controlled by two afterburners, two fabric collectors, two Venturi scrubbers and two spray scrubbers in Laureldale/Muhlenberg Township, **Berks County**. The sources are subject to 40 CFR 52, Section 52.21, Prevention of Significant Deterioration of Air Quality (PSD).

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 327-0512.

NMOP-18-010. The Department received a Minor Source Air Quality Operating Permit application from **Glenn O. Hawbaker, Inc.** (450 East College Ave., Bellefonte, PA 16823) for an asphalt concrete plant at its facility located in Mill Hall, **Clinton County**.

NMOP-17-016. The Department received a Minor Source Air Quality Operating Permit application from **Quehanna Motivational Boot Camp** (P. O. Box 598, Camp Hill, PA 17001) for the operation of propane combustion sources at its facility located in Karthaus Township, **Clearfield County**.

NMOP-49-026. The Department received a Minor Source Air Quality Operating Permit application from **Koch Materials Company** (P. O. Box 191, Northumberland, PA 17857) for a petroleum refining operation for the asphalt paving industry at its facility located in Point Township, **Northumberland County**.

NMOP-17-013. The Department received a Minor Source Air Quality Operating Permit application from **Shawmut Production Corporation** (One Williamsburg Place, Suite 240, Warrendale, PA 15086) for a natural gas and oil production facility located in Ferguson Township, **Clearfield County**.

NMOP-17-012. The Department received a Minor Source Air Quality Operating Permit application from **Shawmut Production Corporation** (One Williamsburg Place, Suite 240, Warrendale, PA 15086) for a natural gas and oil production facility located in Penn Township, **Clearfield County**.

NMOP-59-011. The Department received a Minor Source Air Quality Operating Permit application from **Soldiers & Sailors Memorial Hospital** (3236 Central Avenue, Wellsboro, PA 16901) for a medical incinerator and commercial boilers at its facility located in Wellsboro, **Tioga County**.

NMOP-55-007. The Department received a Minor Source Air Quality Operating Permit application from

Lozier Corporation (East Ohio Street, McClure, PA 17841) for a furniture and fixture coating and a commercial boiler at its facility located in McClure, **Snyder County**.

Notice of Intent to Issue

Title V Operating Permit #65-00634

Notice is hereby given under 25 Pa. Code § 127.521, that the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to Consolidated Natural Gas Transmission Corporation (CNGT) for the J. B. Tonkin Compressor Station operating in the Borough of Murrysville, Westmoreland County. The CNGT representative to contact regarding this application is Sam Mathew, Environmental Engineer, 445 West Main Street, P. O. Box 2450, Clarksburg, WV 26301-2450.

The J. B. Tonkin compressor station is primarily used for the transmission of natural gas. As a result of the levels of nitrogen oxide emitted, J. B. Tonkin is a major stationary source as defined in Title I, Part D of the Clean Air Amendments. The facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G.

Copies of the application, the Department's analysis, and other documents used in evaluation of the application are available for public inspection during normal business hours at Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

Persons wishing to either object to the operating permit or a proposed condition thereof or provide the Department with additional information which they believe should be considered prior to the issuance of this permit, may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify permit #65-00634).
- Concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Joseph Pezze, Regional Air Quality Manager, Department of Environmental Protection, Southwest Regional Office, Field Operations, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

For additional information contact the following at the same address: Nicholas J. Waryanka, Air Pollution Control Engineer III, Air Quality Program.

Title V Operating Permit #63-00642

Notice is hereby given under 25 Pa. Code § 127.521, that the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to Equitrans, Inc. for the Hartson Compressor Station operating in Finleyville, Washington County. The Equitrans,

Inc. representative to contact regarding this application is Holly Hudson, Environmental and Safety Engineer, 3500 Park Lane, Pittsburgh, PA 15275-1102.

The Hartson compressor station is primarily used for the storage and distribution of natural gas. As a result of the levels of nitrogen oxide emitted, Hartson is a major stationary source as defined in Title I, Part D of the Clean Air Amendments. The facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G.

Copies of the application, the Department's analysis, and other documents used in evaluation of the application are available for public inspection during normal business hours at Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

Persons wishing to either object to the operating permit or a proposed condition thereof or provide the Department with additional information which they believe should be considered prior to the issuance of this permit, may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify permit #63-00642).
- Concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Joseph Pezze, Regional Air Quality Manager, Department of Environmental Protection, Southwest Regional Office, Field Operations, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

For additional information contact the following at the same address: R. Shawn Mendt, Air Pollution Control Engineer II, Air Quality Control.

Title V Operating Permit #30-00110

Notice is hereby given under 25 Pa. Code § 127.521, that the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to Equitrans, Inc. for the Pratt Compressor Station operating in Ranklin Township, Greene County. The Equitrans, Inc. representative to contact regarding this application is Holly Hudson, Environmental and Safety Engineer, 3500 Park Lane, Pittsburgh, PA 15275-1102.

The Pratt compressor station is used primarily for the storage and distribution of natural gas. As a result of the levels of nitrogen oxide emitted, Pratt is a major stationary source as defined in Title I, Part D of the Clean Air Amendments. The facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G.

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

hours at Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

Persons wishing to either object to the operating permit or a proposed condition thereof or provide the Department with additional information which they believe should be considered prior to the issuance of this permit, may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify permit #30-00110).
- Concise statements regarding the relevancy of the information or objections to issuance of the permit. A public hearing may be held, if the Department in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Joseph Pezze, Regional Air Quality Manager, Department of Environmental Protection, Southwest Regional Office, Field Operations, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

For additional information contact the following at the same address: R. Shawn Mendt, Air Pollution Control Engineer III, Air Quality Control.

State Only Operating Permit #OP-04-00032

Under 25 Pa. Code § 127.424, notice is hereby provided that the Department intends to issue a facility-wide State Only Operating Permit to LTV Steel Company (P. O. Box 490, Aliquippa, PA 15001) for the LTV Steel Company facility operating in Aliquippa, Beaver County.

Permit conditions cover all equipment located at the facility, including equipment covered in the site inventory. Maximum allowable annual emissions (after control) are established at NOx emissions of less than 99 tons/year.

Copies of the application, the Department's analysis, and other documents used in evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

Persons wishing to either object to the operating permit or a proposed condition thereof or provide the Department with additional information which they believe should be considered prior to the issuance of this permit, may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify permit #OP-04-00032).
- Concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department in its discretion, decides that such a hearing is warranted

based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Joseph Pezze, Regional Air Quality Manager, Department of Environmental Protection, Southwest Regional Office, Field Operations, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

For additional information contact Francis D. Condrick, Air Pollution Control Engineer II, Air Quality at the same address.

Title V Operating Permit No. TV-34-05002

The Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the Texas Eastern Transmission Corporation for the Perulack/Leidy Compressor Station located in Lack Township, Juniata County. The Title V Operating Permit is required under 25 Pa. Code, Chapter 127, Subchapter G for major stationary sources.

An appointment to review the application and other pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary DiSanto at (717) 540-5018 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

Those wishing to comment on the proposed action may contact Kanubhai Patel, Chief, Title V Facilities Section, One Ararat Boulevard, Harrisburg, PA 17110.

Comments may be submitted during the 30-day period immediately following the publication of this notice. Each comment must include the name, address and telephone number of the person submitting the comments along with the reference number of the permit (TV-34-05002).

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the comment period. The Department will give notice of any scheduled public hearing at least 30 days in advance of the hearing under 25 Pa. Code § 127.521.

Title V Operating Permit No. TV-28-05003

The Department of Environmental Protection has made a preliminary determination to issue a Title V Operating Permit to the Columbia Gas Transmission Corporation for the Greencastle Compressor Station located in Montgomery Township, Franklin County. The Title V Operating Permit is required under 25 Pa. Code, Chapter 127, Subchapter G for major stationary sources.

The proposed Title V Operating Permit does not adopt any new regulations and does not reflect any change in air emissions from the facility. It incorporates all of the applicable air quality requirements for each source at the existing plant into a single permit as required under Title V of the federal Clean Air Act Amendments of 1990. Upon final approval, the permit will be issued for a period of 5 years.

An appointment to review the application and other pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary DiSanto at (717) 540-5018 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

Those wishing to comment on the proposed action may contact Kanubhai Patel, Chief, Title V Facilities Section, One Ararat Boulevard, Harrisburg, PA 17110.

Comments may be submitted during the 30-day period immediately following the publication of this notice. Each comment must include the name, address and telephone number of the person submitting the comments along with the reference number of the permit (TV-28-05003).

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the comment period. The Department will give notice of any scheduled public hearing at least 30 days in advance of the hearing under 25 Pa. Code § 127.521.

Title V Operating Permit No. TV-06-05044

The Department of Environmental Protection has made a preliminary determination to issue a Title V Operating Permit to Wernersville State Hospital located in South Heidelberg Township, Berks County. The Title V Operating Permit is required under 25 Pa. Code, Chapter 127, Subchapter G for major stationary sources.

The proposed Title V Operating Permit does not adopt any new regulations and does not reflect any change in air emissions from the facility. It incorporates all of the applicable air quality requirements for each source at the existing plant into a single permit as required under Title V of the Federal Clean Air Act Amendments of 1990. Upon final approval, the permit will be issued for a period of 5 years.

An appointment to review the application and other pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary DiSanto at (717) 541-5018 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

Those wishing to comment on the proposed action may contact Kanubhai Patel, Chief, Title V Facilities Section, One Ararat Boulevard, Harrisburg, PA 17110.

Comments may be submitted during the 30-day period immediately following the publication of this notice. Each comment must include the name, address and telephone number of the person submitting the comments along with the reference number of the permit (TV-06-05044).

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the comment period. The Department will give notice of any scheduled public hearing at least 30 days in advance of the hearing under 25 Pa. Code § 127.521.

Title V Operating Permit No. TV-06-05033

The Department of Environmental Protection intends to issue a Title V Operating Permit to Texas Eastern Transmission Corporation for the Bernville Compressor Station located in North Heidelberg Township, Berks County. The Title V Operating Permit is required under 25 Pa. Code, Chapter 127, Subchapter G for major stationary sources.

An appointment to review the application and other pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary DiSanto at (717) 540-5018 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

Those wishing to comment on the proposed action may contact Kanubhai Patel, Chief, Title V Facilities Section, One Ararat Boulevard, Harrisburg, PA 17110.

Comments may be submitted during the 30-day period immediately following the publication of this notice. Each comment must include the name, address and telephone

number of the person submitting the comments along with the reference number of the permit (TV-06-05033).

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the comment period. The Department will give notice of any scheduled public hearing at least 30 days in advance of the hearing under 25 Pa. Code § 127.521.

Title V Operating Permit No. TV 06-05030

The Department of Environmental Protection intends to issue a Title V Operating Permit to the Reading Paperboard Company for the Reading Plant located in Spring Township, Berks County. The Title V Operating Permit is required under 25 Pa. Code, Chapter 127, Subchapter G for major stationary sources.

An appointment to review the application and other pertinent documents at the Reading District Office may be scheduled by contacting Roger Fitterling at (610) 916-0100 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

Those wishing to comment on the proposed action may contact Roger Fitterling, Air Pollution Control Engineer, Department of Environmental Protection, 1005 Cross Roads Boulevard, Reading, PA 19605.

Comments may be submitted during the 30-day period immediately following the publication of this notice. Each comment must include the name, address and telephone number of the person submitting the comments along with the reference number of the permit (TV 06-05030).

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the comment period. The Department will give notice of any scheduled public hearing at least 30 days in advance of the hearing under 25 Pa. Code § 127.521.

Title V Operating Permit No. TV 06-05026

The Department of Environmental Protection intends to issue a Title V Operating Permit to NAFCO for the Reading Plant located in Ontelaunee Township, Berks County. The Title V Operating Permit is required under 25 Pa. Code, Chapter 127, Subchapter G for major stationary sources.

An appointment to review the application and other pertinent documents at the Reading District Office may be scheduled by contacting Roger Fitterling at (610) 916-0100 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

Those wishing to comment on the proposed action may contact Roger Fitterling, Air Pollution Control Engineer, Department of Environmental Protection, 1005 Cross Roads Boulevard, Reading, PA 19605.

Comments may be submitted during the 30-day period immediately following the publication of this notice. Each comment must include the name, address and telephone number of the person submitting the comments along with the reference number of the permit (TV 06-05026).

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the comment period. The Department will give notice of any scheduled public hearing at least 30 days in advance of the hearing under 25 Pa. Code § 127.521.

Title V Operating Permit #24-00127

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (Department) intends to issue a

Title V Operating Permit to National Fuel Gas Supply Corporation (National Fuel) for its Lamont Compressor Station. National Fuel's Lamont station is located in Jones Township, Elk County. National Fuel's representative to contact concerning these applications is Gary A. Young, Associate Engineer, National Fuel Gas Supply Corporation, R. D. 1, Box 130, Austin, PA 16720, (814) 871-8657.

National Fuel's Lamont compressor station is used in the transmission of natural gas along its pipeline. The air emission sources at the stations include natural gas fired compressor engines and smaller miscellaneous sources. The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to the potential to emit Nitrogen Oxides. The facility is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

Copies of the application, the Department's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335.

Persons wishing to provide the Department of Environmental Protection with additional information which they believe should be considered prior to the issuance of these permits may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following information:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed Permit (specify permit # TV 24-00127).
- Concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held, if the Department in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Larry W. Wonders, Regional Air Quality Program Manager, Department of Environmental Protection, Northwest Region, 230 Chestnut Street, Meadville, PA 16335. For additional information concerning the permit or the issuance procedure, contact Eric A. Gustafson, Facilities Section Chief, Air Quality Program, at the same address or at (814) 332-6940.

PLAN APPROVALS

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

Regional Office: Southcentral Regional Office, Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110.

36-308-005D. Installation of an electric arc furnace at the existing foundry by **Colonial Metals Company**

(P. O. Box 311, Columbia, PA 17512-0311) in Columbia Borough, **Lancaster County**.

36-308-021F. Modification of the existing battery grid casting facility by **C & D Charter Power Systems, Inc.** (82 East Main Street, Leola, PA 17540) in Upper Leacock Township, **Lancaster County**. Several sources are subject to 40 CFR 60, Subpart KK, Standards of Performance for New Stationary Sources.

67-2015A. Installation of a flexographic label printing operation by **Topflight Corporation** (P. O. Box 2847, York, PA 17405) in Springfield Township, **York County**. The facility was previously located in North York Borough, York County.

36-317-184B. Construction of a new cookie line and cracker line 9 controlled by a catalytic oxidizer and modification of the bread oven and cracker lines 7 and 8 by **Pepperidge Farm, Inc.** (2195 North Reading Road, Denver, PA 17517) in East Cocalico Township, **Lancaster County**.

38-318-033. Installation of a paint spray booth by **Supreme Mid-Atlantic Corporation** (411 Jonestown Road, Jonestown, PA 17038) in Swatara Township, **Lebanon County**.

67-03057A. Addition of three paint spray booths to the existing molded millwork production facility by **Fypon, Inc.** (22 West Pennsylvania Avenue, Stewartstown, PA 17363) in Stewartstown, **Franklin County**.

67-2030A. Installation of a flexographic press at the existing printing facility by **C-P Converters, Inc.** (15 Grumbacher Road, York, PA 17402) in Manchester Township, **York County**.

Regional Office: Southwest Regional Office, Bureau of Air Quality Control, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

PA-32-055A. **GPU Generation Corporation** (1001 Broad Street, Johnstown, PA 15907) for a coal blending and storage facility at its Homer City Station facility located in Center Township, **Indiana County**.

PA-63-645A. **Lukens Steel Company** (Woodland and Griffith Avenues, Washington, PA 15301) for a slag processing operation at its Washington Steel-Fitch Works facility located in Chartiers Township, **Washington County**.

PA-30-109A. **Equitrans, L. P.** (3500 Park Lane, Pittsburgh, PA 15275) for a Dehydration Unit at its Rogersville Station No. 29 facility located in Center Township, **Greene County**.

Notice of Plan Approval Application Minor Source

The following stationary sources have filed a request for a plan approval with the Department of Environmental Protection (Department), Bureau of Air Quality. Persons wishing to file protests or comments on the proposed plan approval have 30 days to submit the protest or comments to the Regional Office at the address listed below. Interested persons may also request that a hearing be held concerning the plan approval application by filing a request with the Regional Office stating the reason for the request.

The Department will evaluate and consider all protests and comments received. The Department will, where appropriate, modify the proposed plan approval based on the protests and comments received.

The final plan approval will contain terms and conditions to ensure that the source is constructed and operated in compliance with the Department's regulations contained in 25 Pa. Code Chapters 121 through 143 and the requirements of the Federal Clean Air Act. A notice of the Department's final decision on the proposed plan approval will be published in the *Pennsylvania Bulletin*. Air contaminants emitted from these sources are less than the amounts that would trigger major new source review requirements. For additional information on the following application, contact Devendra Verma, Engineering Services Chief, (814) 332-6940.

Northwest Regional Office: Bureau of Air Quality Control, 230 Chestnut Street, Meadville, PA 16335.

PA-62-017A. The Department received a plan approval application for the installation of vapor controls on the existing combo catch by **United Refining Co.** (P. O. Box 780, Warren, PA 16365), in the city of Warren, **Warren County**.

PA-62-152A. The Department received a plan approval application for the construction of a mechanical slag processing facility (75 tons/hr) by **Smith Alexander Services** (c/o National Forge Company, One Front St., Irvine, PA 16329), at One Front St., Irvine, **Warren County**.

PA-24-064A. The Department received a plan approval application for the operation of two existing spray paint booths (metal parts hand-spray) by **Quality Components, Inc.** (R. R. 1, Box 300, Ridgeway, PA 15853), in Ridgeway, **Elk County**.

PA-25-920A. The Department received a plan approval application for the expansion of **Waste Management of**

Pollutant

Nitrogen Oxides
Carbon Monoxide
Volatile Organic Compounds
Particulate Matter

PA, Inc., Lakeview Landfill (851 Robison Rd., Erie, PA 16509) in Erie, **Erie County**.

Public Notification to Solicit Comments on Plan Approval Application No. 46-313-117D

Under 25 Pa. Code § 127.44, the Department of Environmental Protection (Department) is soliciting comments on the proposed Air Quality Plan Approval for Merck & Co., Inc. (Company), Sumneytown Pike, West Point, PA, for a Catalytic Oxidizer to be located in Building 69, Sumneytown Pike, West Point, Upper Gwynedd Township, Montgomery County. The Catalytic Oxidizer is described in the Company's plan approval application of January 22, 1997, and subsequent supplemental submissions. With the addition of the Catalytic Oxidizer, the Company's contemporaneous 5 year increase in the emission of nitrogen oxides (NOx) is 77.5 tpy. Merck & Co., Inc., has obtained emission reduction credits (ERCs) of 210 tpy of NOx from E. I. DuPont/DuPont DeNemours, Gibbstown, Gloucester County, NJ. The Company will use 100.8 tpy of NOx ERCs offsetting the contemporaneous increase of 77.5 tpy. The remaining ERCs, 109.2 tpy of NOx are to be available to the Company indefinitely for other projects.

Copies of the application, technical review by the Department, and other supporting documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the address shown below. To make an appointment, contact Records Management at (610) 832-6268 for an appointment.

Based on the information provided by the applicant and the Department's own analysis, this proposed operation would emit:

Emission Rate, tpy

8.9 tons per year
2.2 tons per year
0.17 tons per year
0.87 tons per year

In order to assure compliance with the applicable standards, the Department has placed the following conditions in the proposed Plan Approval:

I. *Operational Limitations*

(a) The Catalytic Oxidizer shall not be limited in its hours of operation.

(b) The Catalytic Oxidizer shall be limited to a maximum influent rate of 42,000 scfm.

(c) The minimum inlet temperature to the catalyst bed of the Catalytic Oxidizer shall be 550°F.

(d) The Catalytic Oxidizer shall maintain a minimum destruction efficiency of at least 95% at all operating conditions.

(e) The Catalytic Oxidizer shall fire natural gas as the primary fuel and propane as the secondary fuel. The Catalytic Oxidizer shall be limited to 100 hours per year firing propane.

(f) The company shall install, operate and maintain the Catalytic Oxidizer according to the manufacturer's specifications and good air pollution control practices.

(g) The Company shall be allowed to bypass the Catalytic Oxidizer in the event of a malfunction of the Catalytic Oxidizer. The exhaust from the units described

in Condition (2)(a) may be directed to the atmosphere in the event of a malfunction of the Catalytic Oxidizer. The uncontrolled emissions of VOC that are a result of a Catalytic Oxidizer malfunction shall be included in the emissions total for Building 69. The Company, within 1 hour of occurrence, shall notify the Department at (610) 832-6241 of any malfunction of the air cleaning device. A written report shall be submitted to the Department within 2 working days following the incident describing the malfunction and corrective action taken. The Company shall not exceed the emission limitations contained in Condition II(b) because of a bypass of the Catalytic Oxidizer.

II. *Emission Limitations*

(a) The following air contaminant emission limits are approved for the Catalytic Oxidizer. The Department reserves the right to establish and impose more stringent limitations based on test results from stack testing.

(i) The volatile organic compounds (VOCs) emission rate for the Catalytic Oxidizer shall not exceed 0.049 lbs/hr and 0.17 tons in a 12 month rolling period. The emissions of VOCs from the Catalytic Oxidizer shall be included in the Building 69 emission cap. The emissions of VOCs from the Catalytic Oxidizer shall be included in the existing tracking system for Building 69.

(ii) Particulate Matter (PM): 0.2 lbs/hr and 0.87 tons in a 12 month rolling period

(iii) Oxides of Nitrogen (NO_x): 3.1 lbs/hr and 8.9 tons in a 12 month rolling period

(iv) Carbon Monoxide (CO): 0.52 lbs/hr and 2.2 tons in a 12 month rolling period

(b) The following air contaminant emission limits are approved for Building 69.

Volatile Organic Compounds (VOCs): 100 lbs/hr, 1000 lbs/day, and 50 tpy.

(c) The Catalytic Oxidizer shall comply with provisions contained in 25 Pa. Code § 123.31(b).

(d) The Catalytic Oxidizer shall comply with provisions contained in 25 Pa. Code § 123.41.

(e) The contemporaneous increase of NO_x is 77.5 tpy. The Company has obtained NO_x emission reduction credits in the amount of 210 tpy of NO_x from E. I. DuPont/DuPont DeNemours, Gibbstown, Gloucester County, NJ. The Company will consume 100.8 tpy of the 210 tpy NO_x emission reduction credits leaving the company with NO_x emission reduction credits in the amount of 109.2 tpy.

III. Monitoring Requirements

(a) The Company shall monitor the combustion chamber inlet temperature to ensure compliance with Condition I(c).

(b) The Company shall monitor the temperature of the catalyst bed.

(c) The Company shall monitor the lower explosive limit in the ductwork prior to the Catalytic Oxidizer.

IV. Testing Requirements

Within 60 days after achieving the maximum production rate at which the Catalytic Oxidizer will be operated, but not later than 180 days after the initial start-up of the source, the owner or operator shall conduct performance tests to ensure that the Catalytic Oxidizer is in compliance with Conditions I(d) and II(a).

(a) At least 30 days prior to the test, the Regional Air Quality Manager shall be informed of the date and time of the test.

(b) At least 60 days prior to the test, the Company shall submit to the Department for approval the procedures for the test and a sketch with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples.

(c) Within 30 days after the source tests, two copies of the complete test report, including all operating conditions, shall be submitted to the Regional Air Quality Manager for approval.

(d) Upon issuance of the Operating Permit, the Company shall conduct a stack test once every 5 years to determine the destruction efficiency of the control device. The Company shall use the test methods and procedures approved by the Department's Source Testing and Monitoring Section. The test shall be conducted in the year prior to the expiration of the Operating Permit. Results shall be submitted to the Department for review at least 60 days prior to the expiration of the Operating Permit.

V. Training Requirements

(a) The Company shall provide at least 41 hours of introductory training to new employees and 25 hours per year of refresher training on the proper operation and

maintenance of the source/control device. The Company shall keep records of the type and amount of training provided to each operator. The records shall be kept for a minimum of 2 years and made available to the Department upon request.

VI. Recordkeeping Requirements

Sufficient data shall be recorded, in a format approved by the Department, so that compliance with the conditions in this Plan Approval can be determined. Records shall be kept for a minimum of 2 years and shall be made available to the Department upon request.

(a) The maximum average hourly emission rate of volatile organic compounds.

(b) The total average daily emission rate of volatile organic compounds.

(c) The total emission rate of volatile organic compounds in a 12 month rolling period.

(d) A copy of the manufacturer's specifications for the installation, operation and maintenance of the Catalytic Oxidizer.

(e) A copy of the preventative/predicative maintenance schedule for the Catalytic Oxidizer.

(f) The Company shall produce a quarterly report of the VOC emissions summary which is generated from the tracking system. The quarterly report shall be made available to the Department upon request.

(g) The Company shall record the duration of the bypass of the Catalytic Oxidizer and the reason of the bypass.

(h) The Company shall keep a maintenance record for all work performed on the Catalytic Oxidizer.

Persons wishing to provide the Department with additional information they believe should be considered prior to the issuance of the Plan Approval may submit the information to the address shown below. Written comments should include the following:

1. Name, address and telephone number of the person submitting comments.

2. Identification of the proposed Plan Approval; No. 46-313-117D.

3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

Requests for a public fact-finding conference or hearing may also be made by writing the Department at the address shown below. A public conference may be held if the Department in its discretion decides that such a conference is warranted on the basis of the information received. All persons who have submitted comments or have requested a conference will be notified of the decision to hold such a conference by publication in a newspaper or the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Written remarks from the public will be addressed by the Department during the review process before a final action is taken on the proposal. A summary report addressing the concerns raised by the public will be released should the Department decide to issue the Plan Approval.

Written remarks should be sent to Francine Carlini, Regional Manager, Air Quality, Department of Environmental Protection, Southeast Regional Office, Lee Park,

Suite 6010, 555 North Lane, Conshohocken, PA 19428. For additional information contact George A. Monasky at (610) 941-5123.

**REASONABLY AVAILABLE CONTROL
TECHNOLOGY
(RACT)**

Proposed Approval of Reasonably Available Control Technology Plans and Permits; Public Hearing

Notice is hereby given that the City of Philadelphia, Department of Public Health, Air Management Services, will conduct a public hearing on Monday, May 12, 1997, in the Auditorium of the Medical Examiners Office, Spelman Building, 321 University Avenue, beginning promptly at 6 p.m. and continuing to 7 p.m. or the conclusion of testimony. The hearing is being held to receive comments from the public on the proposed approval, by the Department of Reasonably Available Control Technology (RACT) plans and permit amendments, related to emissions of nitrogen oxides (NOx) and volatile organic compounds (VOCs), submitted by the facilities listed below:

Lawrence McFadden Company, located at 7600 State Rd., Philadelphia, 19136. Lawrence McFadden Co. submitted a RACT proposal for its operation of a paint manufacturing facility which generates Volatile Organic Compounds (VOC). The company proposes to take a Federally enforceable permit limitation on VOC emissions of 50 tons per year. Lawrence will also apply improved operating practices to reduce VOC emissions. Annual usage and other records will be documented to demonstrate compliance.

Newman & Co. Inc., located at 6101 Tacony St., Philadelphia, PA 19136. Newman & Co. Inc., Philadelphia plant has submitted a RACT proposal for its operation of NOx generating combustion equipment. The facility proposes to take a Federally enforceable permit limitation for NOx emissions totaling 122 tons/yr. The facility will perform an annual tune-up on their 118 MMBTU boiler using the specifications as defined in 25 Pa. Code § 129.93(b)(2)–(5). The facility also proposes to install, maintain and operate all other combustion sources and an emergency diesel generator in accordance with manufacturer's specifications, as per the presumptive RACT regulations of 25 Pa. Code § 129.93(c)(5).

Transmit America Inc., located at One Red Lion Road, Philadelphia, PA 19115. Transmit America Inc. has submitted a RACT proposal for its operation of NOx generating combustion equipment. The facility proposes that RACT would be the maintenance and operation of its two 98 MMBTU/hr boilers in accordance with manufacturer's specifications.

The RACT proposals have been submitted under requirements of 25 Pa. Code Chapter 129, Stationary Sources of NOx and VOCs (129.91–129.95). Final RACT plan and permit approval actions will be submitted to the Pennsylvania Department of Environmental Protection and the United States Environmental Protection Agency as formal revisions to the Philadelphia portion of the Pennsylvania State Implementation Plan for Air Quality.

Copies of the proposals and other supporting information are available for public inspection at the offices of Air Management Services (AMS), 321 University Avenue, Philadelphia, PA 19104. For further information, please contact Norman Glazer, AMS Regulatory Services Manager at (215) 685-7572.

Anyone interested in testifying on the proposals at the public hearing is requested to call or write AMS (as indicated above) to be placed on the hearing agenda. It is also requested that written copies of testimony be provided for the hearing record. All written comments on the proposals must be received by AMS by June 30, 1997 in order to be considered.

Persons with a disability, who desire to attend the public hearing and may require an auxiliary aid, service or other accommodation to participate in the proceeding, should contact Joyce Paige directly at (215) 685-7584 to discuss how the Department may accommodate their needs.

Proposed Revisions to the State Implementation Plan for 1990 Emission Inventory; Public Hearing

DEP proposes to amend the Pennsylvania State Implementation Plan (SIP) by modifying the emission inventory of Rockwell Heavy Vehicles, Inc., New Castle Forge Plant, Lawrence County, New Castle, PA. The emission inventory is for 1990, which is considered a base year since all future reductions mandated by the Federal Clean Air Act Amendments are based on that year's inventory.

The proposed SIP revision does not adopt any new regulations or add new requirements. The proposed inventory, if finally approved, will be submitted to the United States Environmental Protection Agency as a revision to Pennsylvania's SIP.

One public hearing will be held for the purpose of receiving comments on the proposed SIP revision. The hearing will be held at 1 p.m., Wednesday, June 18, 1997, at the Department of Environmental Protection Northwest Regional Office, 1st Floor Conference Room, 230 Chestnut Street, Meadville, PA 16335-3407. Persons wishing to present testimony at the hearing, which will not be a question and answer session, should contact Steve Curcio, Community Relations Coordinator, (814) 332-6945 by June 17, 1997 to register. Those unable to attend the hearing, but wish to comment, should provide written comments to Lori Cheplic, Air Pollution Control Engineer, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335 on or before July 25, 1997.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Steve Curcio (814) 332-6945, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department can accommodate their needs.

Copies of the pertinent documents are available for review at the DEP Northwest Office. Appointments for scheduling a review may be made by calling Lori Cheplic (814) 332-6940.

MINING

CONDUCT COAL AND NONCOAL ACTIVITIES

The Bureau of Deep Mine Safety has received a request for variance from Maple Creek Mining, Inc. The following notification contains a summary of this request. Complete copies of the variance request may be obtained from Glen Ziegler by calling (717) 772-4006.

The Department is publishing a summary of the request in order to solicit comments from affected parties on the proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance request. Comments will be accepted for 30 days following

the publication of this notice. All comments should be addressed to Richard E. Stickler, Director, Bureau of Deep Mine Safety, P. O. Box 8463, Harrisburg, PA 17105-8463.

Section 702 of The Bituminous Coal Mine Act (52 P. S. §§ 701—702) provides a mechanism for operators to obtain variances from specific requirements of the act to accommodate the adoption of new machinery, equipment, tools, supplies, methods or processes.

Section 268(b) of The Bituminous Coal Mine Act, entitled Clearances and Shelter Holes, requires that shelter holes be provided on the clearance side along designated travelways that are also used as haulage entries, other than belt conveyor haulage entries. The shelter holes shall be spaced not more than 80 feet apart.

Summary of the request: Maple Creek Mining, Inc. is requesting permission to have shelter hole intervals not in excess of 165 feet along the track haulage entries in all development areas of the Maple Creek Mine.

The Bureau of Deep Mine Safety has received a request for variance from Maple Creek Mining, Inc. The following notification contains a summary of this request. Complete copies of the variance request may be obtained from Glen Ziegler by calling (717) 772-4006.

The Department is publishing a summary of the request in order to solicit comments from affected parties on the proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance request. Comments will be accepted for 30 days following the publication of this notice. All comments should be addressed to Richard E. Stickler, Director, Bureau of Deep Mine Safety, P. O. Box 8463, Harrisburg, PA 17105-8463.

Section 702 of The Bituminous Coal Mine Act (52 P. S. §§ 701—702) provides a mechanism for operators to obtain variances from specific requirements of the act to accommodate the adoption of new machinery, equipment, tools, supplies, methods or processes.

Section 242(c) states that where belt conveyors are installed, main stopping and regulators shall be so arranged as to reduce the quantity of air traveling in the belt conveyor entry to a minimum for effective ventilation and to provide an intake air split as an escapeway from the face area to the main air current.

Summary of the request: Maple Creek Mining requests a variance to allow for the common ventilation of belt conveyor entries with other entries.

MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.31); the Non Coal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection. A copy of the application is avail-

able for inspection at the District mining office indicated above each application. Where a 401 water quality certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for such certification.

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

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

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

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

Coal Applications Received:

11840112. Permit renewal, **C & K Coal Company** (P. O. Box 69, Clarion, PA 16214), commencement, operation and restoration of bituminous strip mine in Reade Township, **Cambria County**, affecting 143.0 acres, receiving stream discharge to Muddy Run to Clearfield Creek to West Branch of the Susquehanna, application received May 27, 1997.

32970107. **Simpson Coal Company** (R. D. 1, Box 244, New Alexandria, PA 15670), commencement, operation and restoration of bituminous strip mine in Young Township, **Indiana County**, affecting 5.5 acres, receiving stream unnamed tributaries no. 1 and no. 2 to Blacklegs Creek (CWF), application received May 23, 1997.

11970104. **M. B. Energy, Inc.** (P. O. Box 1319, Indiana, PA 15701-1319), commencement, operation and restoration of bituminous strip-auger mine in Blacklick and Jackson Townships, **Cambria County**, affecting 444.0

acres, receiving stream unnamed tributaries of South Branch Blacklick Creek to South Branch Blacklick Creek to Blacklick Creek to Two Lick Creek to Conemaugh River, application received May 23, 1997.

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

65920107R. M. B. Energy, Inc. (250 Airport Road, P. O. Box 1319, Indiana, PA 15701-1319). Renewal application received for continued reclamation of a bituminous surface mine located in Derry Township, **Westmoreland County**. Receiving streams an unnamed tributary to Stony Run and Stony Run. Renewal application received May 15, 1997.

63850109. American Coal Company (P. O. Box 810, McMurray, PA 15317). Revision received to change post-mining land use for a 2 acre area from pastureland/forestland to industrial pad, materials yard, and other industrial uses, on a site located in Chartiers Township, **Washington County**. Revision application received May 16, 1997.

03900112. Canterbury Coal Company (R. D. 1, Box 119, Avonmore, PA 15618). Renewal application received for continued mining and reclamation of a bituminous surface mine located in Kiskiminetas Township, **Armstrong County**. Receiving streams the Long Run watershed. Renewal application received May 21, 1997.

26850112R. Christopher Resources (P. O. Box 197, Mt. Braddock, PA 15465). Renewal application received for continued operation and reclamation of a bituminous surface mine located in Dunbar Township, **Fayette County**. Receiving streams unnamed tributary to Gist Run tributary, Gist Run tributary to Dunbar Creek. Renewal application received May 22, 1997.

63840102. Pennweir Construction Company (401 Pennsylvania Avenue, Weirton, WV 26062). Revision received to add biosolids to an existing bituminous surface mine with coal refuse disposal located in Jefferson Township, **Washington County**, affecting 267.9 acres. Receiving streams Parmer Run to Cross Creek to Ohio River and unnamed tributary to Scott Run. Revision application received May 27, 1997.

26970104. Bridgeview Coal Company (P. O. Box 257, Farmington, PA 15437). Application received for commencement, operation and reclamation of a bituminous surface mine located in Wharton Township, **Fayette County**, proposed to affect 37.0 acres. Receiving streams unnamed tributaries to Stony Fork. A social and economic justification is included. Application received May 23, 1997.

McMurray District Office, 3913 Washington Rd., McMurray, PA 15317.

32841308. The Florence Mining Company (P. O. Box 51, New Florence, PA 15944), to renew the permit for the Blacklick bituminous deep mine in East Wheatfield Township, **Indiana County**, no additional discharge. Application received May 8, 1997.

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

Noncoal Applications Received

33(A)77SM15T. Laurel Aggregates, Inc. (P. O. Box 23, Gans, PA 15439). Application received for transfer of permit currently issued to Martin Marietta Corporation for a large noncoal surface mining (quarry) operation located in Springhill Township, **Fayette County**, affect-

ing 32 acres. Receiving streams Rubles Run and unnamed tributary of Ryans Hollow of Rubles Run. Application received April 24, 1997.

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

1A7274SM1C2. Huss Contracting Company (P. O. Box 549, Tamaqua, PA 18252), correction to an existing quarry operation in West Penn Township, **Schuylkill County** affecting 29.0 acres, receiving stream unnamed tributary to Lizard Creek. Application received May 8, 1997.

54970301. Huss Contracting, Company (P. O. Box 549, Tamaqua, PA 18252), commencement, operation and restoration of a quarry operation in West Penn Township, **Schuylkill County** affecting 279.0 acres, receiving stream unnamed tributary to Lizard Creek. Application received May 8, 1997.

6373SM1C. Milestone Materials, Inc. (P. O. Box 231, Easton, PA 18044-0231), renewal of NPDES Permit #PA0593524 in Montour Township, **Columbia County** receiving stream unnamed tributary to Motour Run. Application received May 8, 1997.

38970301. Sheridan Corporation (1212 West Maple Street, Lebanon, PA 17046-2701), commencement, operation and restoration of a quarry operation in Cornwall Borough, **Lebanon County** affecting 133.0 acres, receiving stream Snitz Run. Application received May 9, 1997.

64910302C. Ronald Scull (R. R. 4, Box 637, Honesdale, PA 18431), correction to an existing quarry operation to add blasting in Berlin Township, **Wayne County**. Application received May 6, 1997.

8074SM2C3. Corson Lime Company (500 Stenton Avenue, Plymouth Meeting, PA 19462-1295), renewal of NPDES Permit #PA0012904 in Whitemarsh Township, **Montgomery County**, receiving stream Lorraine Run. Application received May 14, 1997.

APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection. Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments must submit 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 (800) 654-5984.

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

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

Permit No. E48-256. Encroachment. **Pennsylvania Department of Transportation**, Engineering District 5-0, 2460 Parkwood Drive, Allentown, PA 18103. To remove the existing structure and to construct and maintain a steel girder bridge, having a single span of 92 feet and underclearance of approximately 11 feet across Little Bushkill Creek (HQ-CWF). The project also involves 225 L. F. of channel improvement work and is located along S. R. 0191, Section 02B, approximately 300 feet upstream from the existing structure (Windgap, PA Quadrangle N: 7.8 inches; W: 2.1 inches) in Plainfield Township, **Northampton County** (Philadelphia District, Army Corps of Engineers).

Permit No. E54-233. Encroachment. **David S. Wise**, R. R. 3, Box 246, Schuylkill Haven, PA 17972. To maintain a skim coat of topsoil, approximately 1/2 inch thick, in the floodway of a tributary to the Schuylkill River to grow grass for a residential yard. This project is located along Long Run Road (SR0443) approximately 2 miles west of Schuylkill Haven (Friedensburg, PA Quadrangle N: 21 inches; W: 10.9 inches) in North Manheim Township, **Schuylkill County**.

Permit No. E54-234. Encroachment. **Schuylkill County Commissioners**, 401 North Second Street, Pottsville, PA 17901. To repair and maintain a concrete arch bridge, County Bridge No. 105, having a span of approximately 100 feet and a maximum underclearance of 10.5 feet across Mill Creek (CWF). Repairs will consist of the removal and replacement of a sidewalk, the placement of riprap along the abutments, and minor concrete work to spalled areas on the structure. The project is located along Acre Street, 100 feet upstream of SR0209 (Pottsville, PA Quadrangle N: 12.6 inches; W: 5.65 inches) in the Borough of Port Carbon, **Schuylkill County**.

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

E59-342. Encroachment. **Pa. Dept. of Transportation**, 715 Jordan Ave., Montoursville, PA 17754. To construct and maintain reinforced concrete streambed paving approximately 7 inches thick between the ends of the inlet and outlet wingwalls of a bridge over a tributary to Hammond Creek. The project is located on SR 1022 approximately 1.5 miles north of the intersection of Rt. 328 and SR 1022 (Millerton, PA Quadrangle N: 21.8 inches; W: 12.1 inches) in Jackson Township, **Tioga County**. The project will not impact on wetlands while impacting on approximately 50 feet of waterways. The tributary to Hammond Creek is a Cold Water Fishery.

WATER ALLOCATIONS

Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (32 P. S. §§ 631—664) relating to the acquisition of rights to divert waters of the Commonwealth.

Regional Office: Northcentral Regional Office, Water Supply Management, 208 West Third Street, Suite 101, Williamsport, PA 17701-6510.

WA-18-220A. The Department intends to issue a permit to the **Borough of Renovo** (Fifth Street, Renovo, PA 17764, Borough of Renovo, **Clinton County**) for the renewal of the water allocation permit.

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

WA 43-30B. Water Allocation. **Borough of Sharpsville**, 1 South Walnut Street, Sharpsville, PA 16150-2222, requests the right to increase their water allocation from 1.0 mgd to 1.5 mgd to meet the projected water needs of the Borough. The Borough of Sharpsville is located along the Shenango River in **Mercer County**, PA.

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 has taken the following actions on previously received permit applications and requests for plan approval and has issued the following significant orders.

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514), and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, Floor 2, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of 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 Service at (800) 654-5984.

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

Permits Issued

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

NPDES Permit No. PA 0006343, Amendment No. 2. Industrial waste. **Armco, Inc.**, P. O. Box 832, Route 8 South, Butler, PA 16003 is authorized to discharge from a facility located in the City of Butler, **Butler County** to receiving waters named Connoquenessing Creek.

NPDES Permit No. PA 0221872. Industrial waste. **Universal Stainless and Alloy Products**, 121 Caldwell Street, Titusville, PA 16354 is authorized to discharge from a facility located in the City of Titusville, **Crawford County** to receiving waters named Oil Creek and Church Run.

NPDES Permit No. PA 0222267. Sewage. **Lovett's Manufactured Mobile Home Park**, 411 Waterford Street, Apt. 117, Edinboro, PA 16412 is authorized to discharge from a facility located in Washington Township, **Erie County** to receiving waters named Darrow's Creek.

NPDES Permit No. PA 0103241. Sewage. **Moniteau School District**, Marion Elementary School, 1810 West Sunbury Road, West Sunbury, PA 16061 is authorized to discharge from a facility located in Marion Township, **Butler County** to an unnamed tributary to Seaton Creek.

NPDES Permit No. PA 0101192. Industrial waste. **Falls Creek Borough Water**, 117 Taylor Avenue, P. O. Box 418, Falls Creek, PA 15840 is authorized to discharge from a facility located in the Borough of Falls Creek, **Jefferson County** to an unnamed tributary to Falls Creek.

NPDES Permit No. PA 0003085. Industrial waste. **The Carbide/Graphite Group, Inc.**, 800 Theresia Street, St. Marys, PA 15857 is authorized to discharge from a facility located in the City of St. Marys, **Elk**

County to receiving waters named the South Branch of Elk Creek and to an unnamed tributary to the South Branch of Elk Creek.

WQM Permit No. 3394401. Sewage. **Municipal Authority of the Borough of Punxsutawney**, 301 East Mahoning Street, Punxsutawney, PA 15767. This project is for construction improvements and additions to a sewage treatment facility in the Borough of Punxsutawney, **Jefferson County**.

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

NPDES Permit No. PA0003816. Industrial waste, **BP Oil Company**, 200 Public Square 7-T, Cleveland, OH 44114 is authorized to discharge from a facility located at Coraopolis Terminal, Moon Township, **Allegheny County** to Ohio River.

NPDES Permit No. PA0203815. Industrial waste, **County of Allegheny**, Department of Aviation, Landside Terminal, Suite 4000, P. O. Box 12370, Pittsburgh, PA 15231-0370 is authorized to discharge from a facility located at Pittsburgh International Airport, Midfield Terminal, Findlay Township, **Allegheny County** to unnamed tributaries to Montour Run (Outfalls 001—004), East tributary to Enlow Run (Outfalls 005—020 and Outfalls 052—063), McClaren's Run (Outfalls 021—046 and Outfalls 064—066), and East tributary to McClaren's Run (Outfall 047—051).

NPDES Permit No. PAS236101. Industrial waste, **Dyno Nobel**, P. O. Box 192, Donora, PA 15033.

This notice reflects changes from the notice published in the August 19, 1995 *Pennsylvania Bulletin*.

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Aluminum						monitor and report
Ammonia Nitrogen						monitor and report
Phosphorus (as P)						monitor and report
Nitrate-Nitrite						monitor and report
Lead (T)						monitor and report
Iron (T)						monitor and report
Zinc (T)						monitor and report

Special Conditions for stormwater include in Part "C."
The EPA waiver is in effect.

NPDES Permit No. PAS236101. Industrial waste, **Dyno Nobel, Inc.**, P. O. Box 192, Donora, PA 15033 is authorized to discharge from a facility located at Donora Plant, Donora Borough, **Washington County** to Monongahela River.

NPDES Permit No. PA0110663. Sewage, **Municipal Authority of the Borough of Cresson**, P. O. Box 75, Cresson, PA 16630 is authorized to discharge from a facility located at Cresson Sewage Treatment Plant, Cresson Township, **Cambria County** to Little Conemaugh River.

Permit No. 0297403. Sewerage, **Douglas H. Mellinger**, 839 Dorseyville Road, Pittsburgh, PA 15238. Construction of a Single Residence Sewage Treatment Plant located in the Township of Indiana, **Allegheny County** to serve the Mellinger Residence STP.

Permit No. 0496202. Sewerage, **Kennedy Township**, 340 Forest Grove Road, Coraopolis, PA 15108. Construction of a Pump Station and Forcemain Renovations

located in the Township of Kennedy, **Allegheny County** to serve the Ewing Road Pump Station.

Permit No. 6597402. Sewerage, **Unity Township Municipal Authority**, R. D. 3, Box 526K, Latrobe, PA 15650. Construction of Interceptor Sewer located in the Township of Unity, **Westmoreland County** to serve the Carney Road Area.

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

NPDES Permit No. PA0028142. Sewerage. **U. S. Army, Fort Indiantown Gap**, ATTN: AFZ5-FIG-PW-E, 1119 Utility Road, Annville, PA 17503-5029 is authorized to discharge from a facility located in East Hanover Township, **Lebanon County** to the receiving waters of an unnamed tributary of Swatara Creek.

NPDES Permit No. PA0081922. Sewerage. **Lewisberry Area Joint Authority**, P. O. Box 363, Lewisberry, PA 17339 is authorized to discharge from a facility located in Lewisberry Borough, **York County** to the receiving waters named Bennett Run.

NPDES Permit No. PA0052485. Sewerage. **Mountain Springs Camping Resort, Inc.**, P. O. Box 365, Shartlesville, PA 19554-0365 is authorized to discharge from a facility located in Upper Bern Township, **Berks County** to the receiving waters of an unnamed tributary to Mill Creek.

NPDES Permit No. PA0040673. Sewerage. **Teen Challenge Training Center**, P. O. Box 98, Rehrersburg, PA 19550 is authorized to discharge from a facility located in Tulpehocken Township, **Berks County** to the receiving waters of an unnamed tributary of Little Swatara Creek.

NPDES Permit No. PA0083020. Sewerage. **Forbes Road School District**, HCO 01, Box 222, Waterfall, PA 16689-9734 is authorized to discharge from a facility located in Taylor Township, **Fulton County** to the receiving waters of an unnamed tributary to Elders Branch (dry stream).

NPDES Permit No. PA0086908. Sewerage. **Middle Creek Bible Conference, Inc.**, P. O. Box 1, Cascade, MD 21719 is authorized to discharge from a facility located in Freedom and Liberty Townships, **Adams County** to the receiving waters named Middle Creek.

NPDES Permit No. PA0051748. Sewerage. **Tulpehocken Area School District**, 430 New Schaefferstown Road, Bernville, PA 19506 is authorized to discharge from a facility located in Jefferson Township, **Berks County** to the receiving waters of an unnamed tributary to Northkill Creek.

NPDES Permit No. PA0082376. Sewerage. **John E. Dobrota**, R. D. 2, Box 557, Bedford, PA 15522 is authorized to discharge from a facility located in West St. Clair Township, **Bedford County** to the receiving waters of an unnamed tributary of Barefoot Run.

NPDES Permit No. PA0080349. Sewerage. **Chesapeake Estates of Thomasville**, 585 Martin Road, Gettysburg, PA 17325 is authorized to discharge from a facility located in Jackson Township, **York County** to the receiving waters named Little Conewago Creek.

NPDES Permit No. PA0087467. Sewerage. **Oasis of Love Church**, R. D. 1, Box 251-A1, Saxton, PA 16678 is authorized to discharge from a facility located in Carbon Township, **Huntingdon County** to the receiving waters named House Run.

NPDES Permit No. PA0087335. Sewerage. **Broad Top Township Board of Supervisors**, Box 57, Municipal Building, Defiance, PA 16633 is authorized to discharge from a facility located in Broad Top Township, **Bedford County** to the receiving waters named Longs Run.

NPDES Permit No. PA0031631. Sewerage. **Twin Valley School District**, R. R. 3, Box 52, Twin Valley Road, Elverson, PA 19520-9310 is authorized to discharge from a facility located in Caernarvon Township, **Berks County** to the receiving waters name East Branch Conestoga River.

NPDES Permit No. PA0036145. Sewerage. **Franklin County Area Vocational-Technical School**, 2463 Loop Road, Chambersburg, PA 17201-8895 is authorized to discharge from a facility located in Guilford Township, **Franklin County** to the receiving waters named Conococheaque Creek.

NPDES Permit No. PA0087637. Sewerage. **Larry L. Warner**, 414 East Old York Road, Carlisle, PA 17013 is authorized to discharge from a facility located in Upper Frankford Township, **Cumberland County** to the receiving waters of an unnamed tributary to Conodoguinet Creek.

NPDES Permit No. PAG053507. Groundwater Cleanup. **Redners Quick Shoppe**, 1304 North Reading Road (Route 272), Reamstown, PA 17567 is authorized to discharge from a facility located in East Cocalico Township, **Lancaster County** to the receiving waters named Cocalico Creek.

NPDES Permit No. PA0081850. Industrial waste. **Gettysburg Municipal Authority**, 601 East Middle Street, P. O. Box 3307, Gettysburg, PA 17325 is authorized to discharge from a facility located in Cumberland Township, **Adams County** to the receiving waters of an unnamed tributary of Marsh Creek.

Part II Permits Issued

Permit No. 6796402. Sewerage. Amendment 97-1. **Newberry Township Municipal Authority**, 1915 Old Trail Road, Eppers, PA 17319. The construction of pump stations on Mulligan Drive to serve 55 existing homes and two proposed homes in Newberry Township, **York County**.

Permit No. 6797402. Sewerage. **Springfield Township Board of Supervisors**, R. R. 2, Box 206, Seven Valleys, PA 17360. Construction of sewers and appurtenances for collection and conveyance system serving Springfield Township, **Loganville Borough** and **Seven Valleys Borough**.

Permit No. 0696411. Sewerage. **Amity Township**, 2004 Weavertown Road, P. O. Box 215, Douglassville, PA 19518. Construction of pump stations and force main to serve 81 residential units in Amity Township, **Berks County**.

Permit No. 3197401. Sewerage. **Oasis of Love Church**, R. D. 1, Box 251-A1, Saxton, PA 16678. Construction of small flow facility in Carbon Township, **Huntingdon County**.

Permit No. 6797401. Sewage. **York Township Water and Sewer Authority**, 25 Oak Street, York, PA 17402. Construction of sewers and appurtenances to serve the Leader Heights Service Area in York Township, **York County**.

Permit No. 0196406. Sewage. **Middle Creek Bible Conference, Inc.**, P. O. Box 1, Cascade, MD 21719. Construction of sewage treatment facilities in Freedom and Liberty Townships, **Adams County**.

Permit No. 0597402. Sewage. **Broad Top Township**, Municipal Building, Defiance, PA 16633. Construction of sewage treatment facilities for single family dwelling in Broad Top Township, **Bedford County**.

Permit No. 5095406. Sewage. Amendment No. 1. **Stardust Motel**, R. R. 4, Box 4960, Duncannon, PA 17020. Construction of sewage treatment facilities in Watts Township, **Perry County**.

Permit No. 6797405. Sewage. **Dover Township Sewer Authority**, 2480 West Canal Street, Dover, PA 17315. Construction of sewers and appurtenances in Dover Township, **York County**.

Permit No. 0697403. Sewage. **Morgantown Properties, Ltd.**, 200 Bethlehem Drive, Morgantown, PA 19543. Construction of sewage treatment facilities in New Morgan Borough, **Berks County**.

Permit No. 0597401. Sewage. **Broad Top Township**, Municipal Building, Defiance, PA 16633. Construction of sewage treatment facilities in Broad Top Township, **Bedford County**.

Permit No. 2197403. Sewage. **Larry L. Warner**, 414 East Old York Road, Carlisle, PA 17013. Construction of sewage treatment facilities in Upper Frankford Township, **Cumberland County**.

**INDIVIDUAL PERMITS
(PAS)**

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10F062	Calibre Boalsburg Assoc. Limited Partnership 100 N. Patterson St. State College, PA 16801	Harris Twp. Centre County	Spring Creek

**INDIVIDUAL PERMITS
(PAR)**

APPROVALS TO USE NPDES GENERAL PERMITS

The following parties have submitted Notices of Intent (NOI) for Coverage under General NPDES Permits to discharge wastewater into the surface waters of the Commonwealth of Pennsylvania. The Department of Environmental Protection approves the following coverages under the specified General Permit. This approval is subject to applicable effluent limitations, monitoring and

reporting requirements and other conditions set forth in the respective General Permit.

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

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

List of NPDES General Permits issued by Department of Environmental Protection:

NPDES

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

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Allegheny County Indiana Township	PAG046123	Douglas H. Mellinger 839 Dorseyville Road Pittsburgh, PA 15238	Unnamed tributary of Little Pine Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

**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: Redbank Valley Municipal Authority, Clarion and Armstrong Counties.

Redbank Valley Municipal Authority, 212 Lafayette Street, New Bethlehem, PA 16242.

Project Description: This approved project is a regional project which includes New Bethlehem Borough, Hawthorn Borough, Redbank Township, Porter Township; Clarion County, and South Bethlehem Borough and Redbank Township; Armstrong County.

The Plan includes expansion and upgrade of the Redbank Valley Municipal Authority's (RVMA) .3 mgd

Sewage Treatment Plant (STP) to a .6 mgd (Bio-filter) regional STP. It proposes rehabilitation of the South Bethlehem Sanitary Sewage Collection System and transfer of ownership to RVMA, rehabilitation of the New Bethlehem combined sewer collection system and transfer of ownership to RVMA, and the additional upgrade of the South Bethlehem and New Bethlehem sewer systems to accommodate new wastewater flows from presently unsewered communities to the expanded STP. It also proposes construction of a new conventional sewage collection and conveyance system to serve Porter Township's Route 66 and Cottage Hill areas, Redbank Township's Route 28 corridor from Fairmont City to Mayport in Clarion County, the Borough of Hawthorn, and the Oak Ridge area of Redbank Township in Armstrong County.

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

Location: Neshannock Township, Lawrence County.

Neshannock Township Supervisors, 3131 Mercer Road, New Castle, PA 16105.

Project Description: This approved project proposes construction of a new interceptor which will eliminate the pump station at Valhalla Drive. A new pump station and force main will be constructed downstream at Pulaski Road.

The plan also proposes to construct an overflow retention facility of approximately 1.0 million gallons capacity and new collection systems in seven presently unsewered neighborhoods.

The Plan approval is conditioned upon proper resolution of concerns expressed by the PA Historical and Museum Commission for preservation of known significant archaeological resources.

The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. PHMC concerns will be resolved prior to issuance of permits for this project.

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

Location: West Mifflin Borough, Allegheny County, 4733 Greensprings Avenue, West Mifflin, PA 15122.

The West Mifflin approved revision has two phases. The first phase includes pump station improvements, sewer investigation and rehabilitation, abandonment of the Kenmore Sewage Treatment Plant with flows being conveyed to the Thompson Run Sewage Treatment Plant by a new pump station, and improvements to both the Thompson Run and New England Sewage Treatment Plants. The second phase consists of additional sewer rehabilitation and pump station improvements, if expected flow reductions are not achieved.

The West Mifflin Sanitary Sewer Authority may use Pennsylvania's State Revolving Fund administered by the Pennsylvania Infrastructure Investment Authority (PEN-IVEST) for the construction of phase two sewerage facilities. The Department's review of the information received has not identified any significant environmental impacts resulting from this proposal.

Location: New Eagle Borough Sewage Treatment Plant at the current site of Sewage Treatment Plant "A", New Eagle Borough, **Washington County**.

Project Description: Approval of an update to the official Sewage Facilities Plan of New Eagle Borough, Washington County. Project involves decommission and demolition of the two existing Borough treatment facilities (Plants "A" and "B") to be replaced by a pumping station at Plant Site "B" with a force main to a new .5 mgd treatment facility at Plant Site "A" discharging to the Monongahela River. The Department's review of the Sewage Facilities Update revision has not identified any significant environmental impacts resulting from this proposal.

Location: Extension of the Loyalhanna interceptor from Latrobe Borough into Derry Township, Westmoreland County along State Route 217 North.

Description: Approval of a revision to the Sewage Facilities Plan for Derry Township for an extension of a 12" interceptor from the Latrobe Borough conveyance system into Derry Township along State Route 217 to convey sewage from this area to the Latrobe Borough Treatment Facility. The Department's review of the Sew-

age Facilities Update revision has not identified any significant environmental impacts resulting from this proposal.

Location: Big Spring Run Sewage Treatment Plant, east of State Route 711, approximately 2,000 feet south of Seward Borough, St. Clair Township, **Westmoreland County**.

Description: Approval of a Sewage Facilities Plan Update for construction of a sewage treatment facility in St. Clair Township and conveyance facilities to serve Seward Borough, and adjacent areas of St. Clair Township discharging to the Conemaugh River. The Department's review of the Sewage Facilities Update revision has not identified any significant environmental impacts resulting from this proposal.

HAZARDOUS SITES CLEAN-UP

Under the Act of October 18, 1988

Prompt Interim Response Under the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1304)

Delta Truck Body Company, Inc.
Perry Township, Berks County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), is initiating a prompt interim action to provide carbon treatment units for two residential well water supplies in the vicinity of Delta Truck Company, Inc. (Delta Site). These well supplies have contamination above health-based risk levels that is attributable to groundwater contamination at the Delta Site.

The Delta Site is an 11-acre parcel of land in Perry Township, Berks County, adjacent to Route 61 (US 122) just north of Mohrsville and Birch Hills Roads. The surrounding area is a mixture of residential, industrial and commercial development. Two private well water supplies located west and downgradient of the Delta Site have been contaminated by hazardous substances migrating from the Delta Site.

Historically the Delta Site has housed businesses engaged in the fabrication and painting of auto truck bodies. Delta Truck Company, Inc. (Delta) operated at this location from 1959 to 1993 under various corporate names. Delta filed for Chapter 11 bankruptcy which was converted to Chapter 7 bankruptcy on October 10, 1990. Site operations closed on September 27, 1993.

Previous actions at the Delta Site removed drummed hazardous wastes and contaminated soils, and three groundwater monitoring wells were installed. Sampling of the monitoring wells revealed contamination of the groundwater with 1,1,1-Trichloroethane (1,1,1-TCA). 1,1,1-TCA is a volatile organic compound (VOC) that has toxic properties and is a hazardous substance as defined in the HSCA.

Because concentrations of 1,1,1-TCA are present in two offsite downgradient residential wells above the maximum contaminant level (MCL) of 200 parts per billion (ppb), the Department has conducted a prompt interim response to provide water treatment on each of the contaminated residential wells. This action will be protective of human health from the exposure to 1,1,1-TCA through ingestion and inhalation.

The Department considered two alternatives: 1) no action; 2) equipping the impacted water supplies with

point-of-entry carbon treatment systems. The Department prefers the second alternative which is protective of human health.

The Department is providing this notice under sections 505(b) and 506(b) of HSCA (35 P. S. §§ 6020.505(b) and 6020.506(b)). The publication of this notice starts the administrative record period under HSCA. The administrative record that contains information about this site and which supports the Department's decision to perform this action at the Delta Site is available for public review and comment. The administrative record can be examined from 8 a.m. to 4 p.m. at the Department's Reading District Office at 1005 Crossroads Boulevard, Reading, PA 19605, by contacting Donna Good at (610) 916-0100. The administrative record can also be examined at the Department's Southcentral Regional Office at One Ararat Boulevard, Harrisburg, PA 17110, by contacting Barbara Faletti at (717) 657-4125.

The administrative record will be open for comment from the date of publication of this notice in the *Pennsylvania Bulletin* and will remain open for 90 days. Persons may submit written comments regarding this action to the Department before September 15, 1997, by mailing them to Barbara Faletti at the above address.

The public will have an opportunity to present oral comments regarding the proposed action at a public hearing. The hearing has been scheduled for July 16, 1997 at 7 p.m. at the Perry Township Municipal Building, 681 Moselem Spring Road, Shoemakersville, PA 19555. Persons wishing to present formal oral comments at that hearing should register before 4 p.m. July 11, 1997 by calling Sandra Roderick at (717) 541-7969. If no person registers to present oral comments, by July 11, 1997, the hearing will not be held. Persons interested in finding out if anyone has registered, and if the hearing will be held, should also contact Sandra Roderick at the same number above.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceedings should contact Sandra Roderick at the above number or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

LAND RECYCLING AND ENVIRONMENTAL REMEDATION

Under Act 2, 1995

Preamble 3

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

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

sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

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

The Department has received the following final reports.

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

National Forge, AOC-2, Wastewater Treatment Plant Sludge Area, Brokenstraw Twp., Warren County, One Front Street, Irvin, PA 16329 submitted a final report to remediate soil and groundwater contaminated with lead and heavy metals. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Constantine Pontiac, City of Pittsburgh, Allegheny County. Artspace Projects, Inc., d/b/a Artists and Cities, 4551 Forbes Avenue, Third Floor, Pittsburgh, PA 15213 has submitted a final report addressing soil contaminated with BTEX. The report is intended to document remediation of the site to meet the Statewide health standard.

Norwin Dodge Facility II, North Huntingdon Township, Westmoreland County. Norwin Dodge Facility II, 13230 Lincoln Highway, North Huntingdon Township, PA 15642 has submitted a final report addressing soil contaminated with solvents and BTEX. The report is intended to document remediation of the site to meet the Statewide health standard.

SOLID AND HAZARDOUS WASTE

LICENSE TO TRANSPORT HAZARDOUS WASTE

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

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

Rollins Environmental Services (NJ), Inc., P. O. Box 337, Bridgeport, NJ 08014; License No. **PA-AH 0101**; license expired on May 22, 1997.

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

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

Allstate O.R.C., Inc., 473 Hamburg Turnpike, West Milford, NJ 07480-3746; License No. **PA-AH 0564**; license issued May 27, 1997.

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.

7-7, Inc., 607 Freedlander Road, Wooster, OH 44691; License No. **PA-AH 0238**; renewal license issued May 21, 1997.

Clean Venture, Inc., 201 South First Street, Elizabeth, NJ 07206; License No. **PA-AH 0299**; renewal license issued May 20, 1997.

Fort Transfer Co., 225 S. Maple, Morton, IL 61550; License No. **PA-AH 0357**; renewal license issued May 27, 1997.

Gary Dyer Excavating & Tank Service, Inc., 2198 NY Route 26, Edict, NY 13760; License No. **PA-AH S189**; renewal license issued May 30, 1997.

Wherewith Trucks, Inc., P. O. Box 7, Northampton, PA 18067; License No. **PA-AH 0176**; renewal license issued May 28, 1997.

Laidlaw Environmental Services (TG), Inc., P. O. Box 11393, Columbia, SC 29211; License No. **PA-AH 0271**; renewal license issued May 28, 1997.

Security Environmental Technology, Inc., R. R. 9, Box 315, Latrobe, PA 15650; License No. **PA-AH 0436**; renewal license issued May 22, 1997.

Sumter Transport Company, P. O. Box 1060, Sumter, SC 29151-1060; License No. **PA-AH 0439**; renewal license issued May 27, 1997.

Tyree Bros. Environmental Services, Inc., 208 Route 109, Farmingdale, NY 11735; License No. **PA-AH 0391**; renewal license issued May 28, 1997.

United Environmental Group, Inc., 241 McAllen Road, Sewickley, PA 15143; License No. **PA-AH 0431**; renewal license issued May 30, 1997.

BENEFICIAL USE DETERMINATIONS

Beneficial use approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for municipal and residual waste.

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

Permit BU30033. Young's Sanitary Septic Service (P. O. Box 1921, New Kingstown, PA 17072). Beneficial use order previously issued to Dave Young on March 25, 1996. Reissued to James Williams. Beneficial use order issued May 23, 1997.

Beneficial Use No. BU30034. Borough of Palmyra (325 South Railroad Street, Palmyra, PA 17078-2400). On January 23, 1997 the Department received a beneficial use request to use Class I Biosolids for land application and land reclamation located in Borough of Palmyra, **Lebanon County**. Order issued May 23, 1997.

Beneficial Use No. BU30035. Borough of Carlisle (54 North Middlesex Road, Carlisle, PA 17013). On January 17, 1997, the Department received a beneficial use request to use Class I Biosolids for land application and land reclamation located in Borough of Carlisle, **Cumberland County**. Order issued May 23, 1997.

Beneficial Use No. BU30036. American Ash Recycling Corporation of PA (6622 Southpoint Drive S., Jacksonville, FL 32216). Application for the beneficial use of ash for road base and sub-base and other paved surfaces, aggregate for asphalt manufacturing, structural fill material, and substitute aggregate in concrete for a site in the Southcentral Region (county and township unknown at this time). Order issued May 26, 1997.

Beneficial Use Request No. BU30028. Penn Township Board of Commissioners (20 Wayne Avenue, Hanover, PA 17331). Received a beneficial use request to mix Penn Township sewage waste and quicklime together to enhance the cultivation of corpos, promote the reclamation of strip mines and provide daily cover for landfill operations. The site will be located in Penn Township, **York County**. Beneficial use request order granted in the Regional Office May 23, 1997.

Beneficial Use Request No. BU30027. L & W Demolition Company, Inc. (2224 Paxton Street, Harrisburg, PA 17111). Received a beneficial use request to use wood chips for commercial marketing. The site will be located in Franklin Township, **York County**. Beneficial use request order granted in the Regional Office May 23, 1997.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Southcentral Regional Office: Regional Solid Waste Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4588.

Permit No. 101653. Hanover Wastewater Treatment Plant, Wheelabrator Water Technologies (180 Admiral Cochrane Drive, Suite 305, Annapolis, MD 21401). Application for reconstruction of a wastewater treatment plant to convert to septic/sludge/food processing waste processing facility in Conewage Township, **Adams County**. Permit issued in the Regional Office May 29, 1997.

Permit No. 603318. Sinking Springs Farm, North-eastern York County Sewer Authority (P. O. Box 516, Mt. Wolf, PA 17347-0516). Application for operation of an agricultural utilization of sewage sludge site in Manchester Township, **York County**. Permit issued in the Regional Office May 23, 1997.

Permit No. 602622. Triple S. Farm, BFI, Inc. (1 Briar Lane, West Grove, PA 19390). Application for operation of an agricultural utilization of sewage sludge site in Amity Township, **Berks County**. Permit issued in the Regional Office March 23, 1997.

Permit No. 603002. Kyle Rigby Site, Young's Sanitary Septic Service, Inc. (31 East Main Street, P. O. Box 1921, New Kingstown, PA 17072). Application for permit reissuance of an agricultural utilization of sewage sludge site in Washington Township, **York County**. Permit issued in the Regional Office May 23, 1997.

Permit No. 603398. Williams Farm, Young's Sanitary Septic Service (31 East Main Street, P. O. Box 1921, New Kingstown, PA 17072). Application for transfer of permit from David Young to James William previously permitted March 25, 1996. Permit issued in the Regional Office May 23, 1997.

Permit No. 603452. Robert and Levi Mumma Farms, Land Resource Recycling Management (1296 High Street, Pottstown, PA 19464). Application for operation of an agricultural utilization of sewage sludge site in West Cornwall Township, **Lebanon County**. Permit issued in the Regional Office May 23, 1997.

The West Cornwall Township Supervisors opposes issuance of this permit because of the potential impacts to water resources in the township.

The agricultural utilization of sewage sludge on this farm will not contribute to groundwater problems for the following reasons: the use of biosolids as a fertilizer must be conducted in accordance with agricultural best management practices, such as nutrient management plans and soil erosion and sedimentation control plans. Minimum isolation distances to wells, streams and homes must be maintained. Additionally the application rates can only be a quantity sufficient to meet the nutrient needs of the crops grown. Therefore, these sites will be managed in a manner which will protect groundwater and surface water resources. In consideration of the above the Department has issued this permit.

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

Permit No. 603440 (Permit Modification), Wheelabrator Technologies, Inc., 180 Admiral Cochrane Drive, Annapolis, MD 21401. Operation of a multiple farm agricultural utilization permit to add the Cantoni Farm located in Morgan Township, **Greene County**. Permit issued in the Regional Office on May 23, 1997.

AIR POLLUTION

OPERATING PERMITS

Construct, modify or activate air contaminant sources

25 Pa. Code § 129.1

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

Regional Office: Southwest Regional Office, Bureau of Air Quality, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

63-309-058. The Department issued an Air Quality Operating Permit on May 8, 1997 to **Therm-O-Rock East, Inc.** (Pine Street, P. O. Box 429, New Eagle, PA 15067) for a baghouse on the blending and bagging operation at its Plant 2 facility located in Donora Borough, **Washington County**.

65-318-046B. The Department issued an Air Quality Operating Permit on May 8, 1997 to **Perfect Plastics Industries, Inc.** (14th Street, Building 201, New Kensington, PA 15068) for a paint spray booth at its New Kensington facility located in New Kensington, **Westmoreland County**.

65-322-003. The Department issued an Air Quality Operating Permit on May 8, 1997 to **Waste Management Disposal Services of PA, Inc.** (R. R. 1, Box 716, Landfill Road, Scottdale, PA 15683) for a LFG Flare on the Landfill Gas Extraction process at its Greenridge Reclamation facility located in East Huntingdon Township, **Westmoreland County**.

32-399-022. The Department issued an Air Quality Operating Permit on May 8, 1997 to **CNG Producing**

Company (303 Airport Professional Center, Indiana, PA 15701) for an engine and gas dehydrator at its Nesbit Compressor Station located in North Mahoning Township, **Indiana County**.

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

General Plan Approval and Operating Permit No. BAQ-GPA/GP-5 for Natural Gas Production Facilities were issued to the following:

GP-20-257: Cranberry Pipeline, Lippert Compressor Station, East Fairfield Township, **Crawford County**, Cabot Oil & Gas Corporation, 400 Fairway Dr., Coraopolis, PA 15108.

GP-61-194: Cranberry Pipeline, Toonerville Compressor Station, Cherrytree Township, **Venango County**, Cabot Oil & Gas Corporation, 400 Fairway Dr., Coraopolis, PA 15108.

GP-43-271: Cranberry Pipeline, Wallace Compressor Station, French Creek Township, **Mercer County**, Cabot Oil & Gas Corporation, 400 Fairway Dr., Coraopolis, PA 15108.

General Plan Approval and Operating Permit No. BAQ-GPA/GP-5 for Natural Gas Production facilities were issued to the following:

Lomak Operating Company, P. O. Box 235, Yatesboro, PA 16263.

GP-20-253 Miller Compressor Station, Rome Township, Crawford County

GP-20-254 Habrouck Compressor Station, Rome Township, Crawford County

GP-20-273 Izbicki Compressor Station, Bloomfield Township, Crawford County

GP-20-274 Gocal Compressor Station, Bloomfield Township, Crawford County

GP-20-275 Chidester Compressor Station, Rock Dale Township, Crawford County

GP-20-276 Allen Yard Compressor Station, Sadsbury Township, Crawford County

GP-20-277 Anderson Compressor Station, Athens Township, Crawford County

GP-20-278 Springboro Compressor Station, Spring Township, Crawford County

GP-20-279 Humes Compressor Station, Cussewago Township, Crawford County

GP-61-195 Haslet Compressor Station, Jackson Township, Venango County

GP-62-154 Swart Compressor Station, Springcreek Township, Warren County

CNG Transmission Corporation, P. O. Box 2450, 445 W. Main St., Clarksburg, WV 26302-2450.

GP-33-152 Stoney Run Compressor Station, Gaskill Township, Jefferson County

Fairman Drilling Company, P. O. Box 288, DuBois, PA 15801.

GP-33-158 Fairman Drilling, Gaskill Township, Jefferson County

24-313-116A. The Department has issued an air quality operating permit to **Carbone of America** (215

Stackpole St., St. Marys, PA 15857) for the operation of a baghouse in St. Marys, **Elk County**.

25-317-004C. The Department has issued an air quality operating permit to **Van de Kamp's Inc.** (P. O. Box 10367, Erie, PA 16514) for the operation of five fryers in Erie, **Erie County**.

37-309-049A. The Department has issued an air quality operating permit to **Universal Refractories, Inc.** (P. O. Box 97, Wampum, PA 16157) for the operation of drying ovens in Wampum Borough, **Lawrence County**.

43-304-014. The Department has issued an air quality operating permit to **Hodge Foundry, Inc.** (P. O. Box 550, Greenville, PA 16125) for the operation of a baghouse in Hempfield Township, **Mercer County**.

PLAN APPROVALS

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

Regional Office: Southwest Regional Office, Bureau of Air Quality, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

56-307-001E: On May 9, 1997, a Plan Approval expiration date was extended to October 1, 1997 for **FirstMiss Steel, Inc.**, (P. O. Box 509, Hollsopple, PA 15935) for an Electric Arc Furnace at its Stony Creek Plant located in Quemahoning Borough, **Somerset County**.

65-309-033A: On May 9, 1997, a plan approval expiration date was extended to September 1, 1997 for **St. George Crystal Ltd.** (P. O. Box 709, Jeannette, PA 15644) for baghouses on the glass melting furnace at its Jeannette Plant located in Jeannette, **Westmoreland County**.

03-000-180: On May 9, 1997, a plan approval expiration date was extended to September 1, 1997 for **CNG Transmission Corporation** (445 West Main Street, P. O. Box 2450, Clarksburg, WV 26302) for internal combustion engines at its South Bend Station located in South Bend Township, **Armstrong County**.

03-318-019: On May 9, 1997, a plan approval expiration date was extended to September 1, 1997 for **5 Rubber Corporation** (1655 Orr Avenue, Kittanning, PA 16201) for a dust collector on the Elastomer Coating Line at its Kittanning Plant located in Kittanning Borough, **Armstrong County**.

32-306-009B: On May 9, 1997, a plan approval expiration date was extended to September 1, 1997 for **GPU Generation Corporation** (1001 Broad Street, Johnstown, PA 15907) for a selective non-catalytic reduction system on Boiler #15 at its Seward Station located in East Wheatfield Township, **Indiana County**.

63-000-014: On May 9, 1997, a plan approval expiration date was extended to September 1, 1997 for **Duquesne Light Company** (411 Seventh Avenue, Mail Drop 14-705, Pittsburgh, PA 15230) for Low NOx Burners on the Boilers at its Elrama Station located in Union Township, **Washington County**.

63-305-020A: On May 9, 1997, a plan approval expiration date was extended to September 1, 1997 for **Matt Canestrone Contracting, Inc.** (P. O. Box 234, Belle Vernon, PA 15012) for a pebble lime loading/unloading operation at its facility located in Donora Borough, **Washington County**.

65-305-051: On May 9, 1997, a plan approval expiration date was extended to September 1, 1997 for **North Central Processing, Inc.** (P. O. Box 396, Chagrin Falls, OH 44022) for a FA6-Spec 14,000 CFM baghouse on the Coke Processing operation at its Canestrone Yards facility located in Rostraver Township, **Westmoreland County**.

PA-63-641A: On May 8, 1997, a plan approval was issued to **Regal Industrial Corporation** (P. O. Box 291, Donora, PA 15033) for a baghouse on the abrasive blasting operation at its Donora Plant located in Donora Borough, **Washington County**.

PA-65-864A: On May 8, 1997, a plan approval was issued to **Zeus Aluminum Products (USA), Inc.** (R. R. 6, Box 20, Latrobe Industrial Park, Latrobe, PA 15650) for a Sand Reclamation Unit at its Latrobe Plant located in Unity Township, **Westmoreland County**.

PA-65-865A: On May 8, 1997, a plan approval was issued to **Sony Chemicals Corporation of America** (1001 Technology Drive, Mt. Pleasant, PA 15666) for a Research and Development Coater at its Pittsburgh Manufacturing Center located in Mt. Pleasant Township, **Westmoreland County**.

PA-04-218A: On April 24, 1997, a plan approval was issued to **NF & M International, Inc.** (1729 Pennsylvania Avenue, Monaca, PA 15061) for a fume scrubber on the pickling operation at its Manufacturing Division located in Monaca Borough, **Beaver County**.

PA-65-788B: On April 24, 1997, a plan approval was issued to **Sony Electronics, Inc.** (1001 Technology Drive, Mt. Pleasant, PA 15666) for two Wave Solder Machines at its Pittsburgh Manufacturing Center located in Mt. Pleasant Township, **Westmoreland County**.

PA-63-110B: On April 28, 1997, a plan approval was issued to **Corning Consumer Products Company** (100 Eighth Street, Charleroi, PA 15022) for glass melting tank #56 at its Charleroi Plant located in Charleroi Borough, **Washington County**.

PA-04-033A: On April 28, 1997, a plan approval was issued to **Nova Chemicals, Inc.** (400 Frankfort Road, Monaca, PA 15061) for a D2 Liquid Lube Dylite Process at its Beaver Valley Plant located in Potter Township, **Beaver County**.

65-307-054B: On April 11, 1997, a plan approval was re-issued to **Teledyne, Inc.** (P. O. Box 151, Latrobe, PA 15650) for a baghouse on the EAF Oxygen Lance and AOD Vessel at its Teledyne Allvac facility located in Derry Township, **Westmoreland County**.

Regional Office: Southcentral Regional Office, Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110.

06-1003B. On May 19, 1997, the Department issued a Plan Approval to **Lucent Technologies, Inc.** (P. O. Box 13396, Reading, PA 19612-3396) for the construction of a photoresist stripper line at their Reading Plant in Muhlenberg Township, **Berks County**.

28-318-012D. On May 22, 1997, the Department issued a Plan Approval to **Department of the Army** (Letterkenny Army Depot, SDSLE-EN, Chambersburg, PA 17201-4150) for the installation of chrome plating tanks controlled by a fume scrubber at their Building 1—North in Greene Township, **Franklin County**. The sources are subject to 40 CFR 63, Subpart N, National Emission Standards for Hazardous Air Pollutants.

ER 36-1001. On May 22, 1997, the Department issued an Emission Reduction Credit Approval to **Leggett &**

Platt, Inc. (One Leggett Road, Carthage, MO 64836) for the shutdown of a surface coating operation at the former Harris Hub facility in Columbia Borough, **Lancaster County**.

01-310-040C. On May 30, 1997, the Department issued a Plan Approval to **Carmeuse Pennsylvania, Inc.** (P. O. Box 468, Hanover, PA 17331) for the modification of three lime kilns controlled by a scrubber at their Hanover Lime Plant in Oxford Township, **Adams County**.

06-5078. On May 27, 1997, the Department issued a Plan Approval to **F R & S, Inc.** (727 Red Lane Road, Birdsboro, PA 19508) for the installation of air cleaning devices on their municipal waste landfill gas collection system located at the Pioneer Crossing Landfill in Exeter Township, **Berks County**. The sources are subject to 40 CFR 60, Subpart WWW, Standards of Performance for New Stationary Sources.

07-313-0121. On May 30, 1997, the Department issued a Plan Approval to **QCI, A ChemFirst Company** (P. O. Box 216, Tyrone, PA 16686) for the installation of a flare on a batch chemical manufacturing operation in Tyrone Borough, **Blair County**.

36-309-055B. On May 30, 1997, the Department issued a Plan Approval to **Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506) for the modification of a lime plant and crushing area at their Weaverland Quarry in East Earl Township, **Lancaster County**. The source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

36-301-102. On May 30, 1997, the Department issued a Plan Approval to **Columbia Animal Hospital** (4081 Columbia Avenue, Columbia, PA 17512) for the construction of an animal crematory incinerator with an afterburner in West Hempfield Township, **Lancaster County**.

36-310-021G. On May 30, 1997, the Department issued a Plan Approval to **D. M. Stoltzfus & Son, Inc.** (219 Quarry Road, Talmage, PA 17580-0084) for the modification of a limestone crushing plant controlled by wet suppression and two fabric collectors at their Cedar Hill Quarry in Fulton Township, **Lancaster County**. The source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

36-310-023E. On May 30, 1997, the Department issued a Plan Approval to **Compass Quarries, Inc.** (47 McIvaine Road, Paradise, PA 17562) for the installation of a limestone milling plant in Paradise Township, **Lancaster County**. The source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

36-317-222. On May 27, 1997, the Department issued a Plan Approval to **Wilbur Chocolate Company, Inc.** (48 North Broad Street, Lititz, PA 17543) for the installation of two sugar grinding and classifying systems located in Lititz Borough, **Lancaster County**.

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

PA-10-281A. On May 9, 1997, a Plan Approval was issued to **II-VI, Inc.** (375 Saxonburg Blvd., Saxonburg, PA 16056) for construction of a batch type vapor degreaser at Clinton Township, **Butler County**.

PA-24-131A. On April 18, 1997, a Plan Approval was issued to **SGL Carbon Corporation** (900 Theresia St., St. Marys, PA 15857) for installation of a baghouse at St. Marys, **Elk County**.

PA-42-174A. On April 30, 1997, a Plan Approval was issued to **McKean County Solid Waste Authority** (P. O. Box 448, Mt. Jewett, PA 16740) for construction of two leachate tanks and air cleaning device at Sergeant Township, **McKean County**.

PA-37-011A. On May 5, 1997, a Plan Approval was issued to **Pro Corp Inc., Farmers Dairy Foods, Inc.** (1274 Acorn St., Lemont, IL 60439) for installation of a flare at Wilmington Township, **Lawrence County**.

20-301-029. On May 6, 1997, a Plan Approval was issued to **Channelock, Inc.** (1306 South Main St., Meadville, PA 16335) for operation of an incinerator at West Mead Township, **Crawford County**.

25-318-123. On April 30, 1997, a Plan Approval was issued to **GE Transportation Systems** (2901 East Lake Rd., Erie, PA 16531) for modification of existing varnish and curing ovens at Lawrence Park Township, **Erie County**.

10-307-051. On April 30, 1997, a Plan Approval extension was issued to **Armco, Inc.** (P. O. Box 832, Butler, PA 16003) for installation of a urea injection system on anneal and pickle lines in Butler, **Butler County**.

61-399-007C. On March 31, 1997, a Plan Approval extension was issued to **A. G. Industries, Inc.** (P. O. Box I 107, Oil City, PA 16301) for installation of hard chromium tanks in Oil City, **Venango County**.

62-329-005A. On April 30, 1997, a Plan Approval extension was issued to **Elkhorn Operating Company** (8801 S. Yale, Suite 420, Tulsa, OK 74137) for construction of a natural gas engine in Sheffield Township, **Warren County**.

16-399-008. On May 7, 1997, a Plan Approval extension was issued to **Peoples Natural Gas Company** (625 Liberty Ave., Pittsburgh, PA 15222) for installation of plasma ignition systems on three natural gas engines in Redbank Township, **Clairon County**.

43-302-019. On May 31, 1997, a Plan Approval extension was issued to **International Timber & Veneer** (Jackson Commerce Park, Mercer, PA 16137) for construction of a wood fired boiler in Jackson Township, **Mercer County**.

MINING

CONDUCT COAL AND NONCOAL ACTIVITIES

MINING ACTIVITY ACTIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.31); 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).

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

Coal Permits Issued

63940101. Robinson Coal Company (200 Neville Road, Neville Island, PA 15225). Revision issued adding an adjacent area to an existing bituminous surface mine located in Smith Township, **Washington County**, now affecting 160.4 acres. Receiving streams unnamed tributary to Robinson Run, Robinson Run to Chartiers Run, Chartiers Run to Ohio River. Revision application received February 27, 1997. Revision issued May 15, 1997.

04960101. Kerry Coal Company (P. O. Box 19, Portersville, PA 16051). Permit issued for commencement, operation and reclamation of a bituminous surface mine located in South Beaver Township, **Beaver County**, affecting 224.0 acres. Receiving streams unnamed tributaries to Brush Run to North Fork Little Beaver Creek to Little Beaver Creek to Ohio River. Application received November 26, 1996. Permit issued May 16, 1997.

26920103R. Hoffman Mining, Inc. (R. D. 3, Box 389, Stoystown, PA 15563). Renewal issued for reclamation only of a bituminous surface mine located in German Township, **Fayette County**, affecting 24.9 acres. Receiving streams unnamed tributaries to both South Branch Browns Run and North Branch of Browns Run, to Browns Run. Application received April 18, 1997. Renewal issued May 27, 1997.

03910108. Stitt Coal Co., Inc. (R. R. 1, Box 197A, Ford City, PA 16226). Permit revised to add 5.0 acres to an existing bituminous surface mining site located in Kittanning Township, **Armstrong County**, now affecting 86.0 acres. Receiving streams Garretts Run to Allegheny River. Application received January 21, 1997. Revision issued May 27, 1997.

63960101. Twilight Industries, Division of U. S. Natural Resources, Inc. (212 State Street, Belle Vernon, PA 15012). Permit issued for commencement, operation and reclamation of a bituminous surface mine site located in Somerset Township, **Washington County**, affecting 155.5 acres. Receiving streams unnamed tributaries to the North Branch of Pigeon Creek. Application received March 6, 1996. Permit issued May 27, 1997.

McMurray District Office, 3913 Washington Rd., McMurray, PA.

03871302. Triple K Coal Company (R. D. 1, Box 308, Rural Valley, PA 16249), to revise the permit for the Triple K No. 1 bituminous deep mine in Burrell Township, **Armstrong County** to add 735 permit acres, no additional discharge. Permit issued May 29, 1997.

03851301. Rosebud Mining Company (R. D. 1, Box 379-A, Kittanning, PA 16201), to renew the permit for the Rosebud No. 2 bituminous deep mine in Perry Township, **Armstrong County**, no additional discharge. Permit issued May 29, 1997.

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

49860201R2. Rosini Coal Company, Inc. (Box 226, Gilberton, PA 17934), renewal of an existing coal refuse reprocessing operation in Coal Township, **Northumberland County** affecting 60.0 acres, receiving stream none. Renewal issued May 27, 1997.

49851310R2. Sheldon Derck t/a Jordan L. Coal Co. (133 Academy Street, Shamokin, PA 17872), renewal of an existing anthracite deep mine operation in Coal Town-

ship, **Northumberland County** affecting 2.0 acres, receiving stream none. Renewal issued May 30, 1997.

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

Small Noncoal Permits Issued

26962301. Patrick Michael Wallace (R. D. 2, Box 61, Dunbar, PA 15431). Permit issued for commencement, operation and reclamation of a small noncoal surface mine located in Menallen Township, **Fayette County**, affecting 23.3 acres. Receiving streams unnamed tributary to Redstone Creek. Application received September 5, 1996. Permit issued May 28, 1997.

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

Noncoal Permits Issued

8073SM5A1C4. Gill Quarries, Inc. (P. O. Box 187, Fairview Village, PA 19409), correction to an existing quarry operation in East Norriton Township, **Montgomery County** affecting 98.0 acres, receiving stream tributary to West Branch of Stoney Creek. Correction issued May 27, 1997.

8275SM3C. Narvon Mineral Products, Inc. (R. R. 1, Box 237A, Huntingdon, PA 16652), renewal of NPDES Permit #PA0117986 in Caenarvon and East Earl Townships, **Lancaster County**, receiving stream unnamed tributary to Conestoga River. Renewal issued May 30, 1997.

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

General Small Noncoal Authorizations Granted

58970813. Bill O'Dell (706 Railroad Street, Forest City, PA 18421), commencement, operation and restoration of a small bluestone quarry operation in Great Bend Township, **Susquehanna County** affecting 3.0 acres, receiving stream none. Authorization granted May 29, 1997.

58960807. Elaine H. Helvig (R. R. 1, Box 78, Laceyville, PA 18623), commencement, operation and restoration of a small quarry operation in Choconut Township, **Susquehanna County** affecting 5.0 acres, receiving stream none. Authorization granted May 29, 1997.

ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT ENCROACHMENTS

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

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a

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

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

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

E67-423. Encroachment. **Robert Conely**, 626 Old York Road, York, PA 17319. To place and maintain fill for a parking area in approximately 0.19 acre of wetlands associated with a Tributary to Fishing Creek located along the southwest side of Susquehanna Trail (T-686) approximately 2,100 feet northwest of the intersection of T-686 and SR 382 (Steeltown, PA Quadrangle N: 2.1 inches; W: 8.0 inches) in Newberry Township, **York County**. The permit applicant has met the wetland replacement requirement by participating in the Pennsylvania's Wetland Replacement Fund. This permit also includes 401 Water Quality Certification.

E67-582. Encroachment. **Allan Dameshek**, County of York, One West Marketway, 4th Floor, York, PA 17401. To remove an existing structure and to construct and maintain a 26-foot wide 45 feet 9 inch span bridge having a minimum underclearance of 8 feet 7 inches on Conewago Road (T-822) over Davidsburg Run just north of Schoolhouse Road (Abbottstown, PA Quadrangle N: 22.1 inches; W: 5.9 inches) in Dover Township, **York County**. This permit also includes 401 Water Quality Certification.

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

E08-312. Encroachment. **Athens Township Supervisors**, 184 Herrick Ave., Sayre, PA 18840. To periodically remove gravel for a period of 5 years from a site measuring approximately 8 feet wide by 800 feet west and east of the bridge located on SR 1043, Riverside Drive, by a maximum of 6 feet deep. The delta area is not included as part of this project. The project center is located approximately 1,200 feet east of the confluence of the Susquehanna River and Satterlee Creek Sayre, PA Quadrangle (N: 16.0 inches; W: 1.4 inches) in Athens Township, **Bradford County**.

E18-231. Encroachment. **Dotterer Farms**, R. R. 3, Box 589, Mill Hall, PA 17751. To construct and maintain two eight foot diameter by 50 foot long smooth lined metal pipe culverts, depressed into the stream 1 foot, as a private road stream crossing over Cedar Run approximately 100 feet off Fox Hollow Road (T-321) and 2.5 miles west of the intersection of T-321 and SR 2018 (Beech Creek, PA Quadrangle N: 9.2 inches; W: 5.6 inches) in Porter Township, **Clinton County**.

E19-164. Encroachment. **Santo and Helen Lanzafame**, 1743 Old Berwick Rd., Bloomsburg, PA

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

E47-058. Encroachment. **Danville Borough**, Mill and Penn Sts., Danville, PA 17821. To repair, operate and maintain a 2.6 acre recreational facility in the floodplain of Mahoning Creek. The proposed work shall consist of placing 15,185 cubic yards of stable fill, grading and seeding/mulching in all areas of disturbance within the floodplain. The project is located along the eastern right of way of SR 0011 approximately 4,000 feet south of the intersection of SR 0054 and SR 0011 (Riverside, PA Quadrangle N: 16.5 inches; W: 0.8 inches) in Danville Borough, **Montour County**. This permit was issued under Section 105.13(e) "Small Projects."

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

Permit No. E58-216. Encroachment. **Pennsylvania Department of Transportation**, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501. To remove the existing structure and to construct and maintain a three-span prestressed concrete box beam bridge and approach roadways, across Wyalusing Creek and adjacent wetlands and floodplain. The proposed bridge has normal waterway opening widths of approximately 52.7 feet each, and an average underclearance of approximately 11.7 feet. The project includes placement of fill in 0.77 acre of wetlands associated with the relocation of the western roadway approach. The project is located on S. R. 0706, Section 570, Segment 0020, Offset 0307, approximately 500 feet east of the intersection of S. R. 0706 and S. R. 0858 (Lawton, PA Quadrangle N: 6.8 inches; W: 15.5 inches) in Rush Township, **Susquehanna County**. The permittee is required to provide 8 acres of replacement wetlands.

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

Permit No. E15-517. Encroachment. **West Whiteland 100 Corporation**, 30 Jelliff Lane, Southport, CT 06490. To construct and maintain a commercial development which will impact 0.22 acre of wetland (PSS). The project is located approximately 3,800 feet north of the intersection of S. R. 30 (Lincoln Highway) and S. R. 100 (Pottstown Pike) (Downingtown, PA Quadrangle N: 7.00 inches; W: 1.00 inches) in West Whiteland Township, **Chester County**. The developer will construct 0.22 acre of replacement wetlands along the 100-year floodplain of Lionville Run at a point just west of S. R. 100.

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

Permit No. E15-520. Encroachment. **County of Chester**, Courthouse, 2nd and High Streets, West Chester, PA 19380. To repair, modify and maintain Chester County Bridge No. 178 carrying Pickering Road (T-504) over Pickering Creek (HQ-TSF). The proposed work will consist of replacing deteriorated iron trusses and laminated timber deck with steel I-beams, open steel grid and timber plank deck, and remounting existing steel trusses on exterior beams. The work also will

include repair of existing stone masonry abutment and wingwall facings, constructing new reinforced concrete abutments behind existing abutments, and placing riprap stone protection along the abutments and wing walls. Also included in this project will be the reconstruction of approximately 350 linear feet of roadway bridge approaches, and installation of two storm drainage outfall structures which are a 38-foot long, 18-inch diameter CMP for Pickering Road and a 52-foot long, 24-inch by 18-inch elliptical CMP for Lincoln Road. This bridge is located approximately 1 1/2 miles southeast of the intersection of S. R. 113 and Pickering Road (Malvern, PA Quadrangle N: 18.3 inches; W: 9.8 inches) in Charlestown Township, **Chester County**. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

DAM SAFETY

Dams, Encroachments and Environmental Assessments

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

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

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

Permits Issued and Actions on 401 Certification:

Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

D15-370. Dam. Wooldridge Construction of Pennsylvania, Inc. (1500 Green Hill Road, West Chester, PA 19380). To modify, operate and maintain a stormwater detention dam, Dam No. 2 at Hershey's Mill, located across a Tributary to Ridley Creek in East Goshen Township, **Chester County**. The proposed facility is part of the stormwater management plan for the Kennett Village and Lincoln Village Subdivisions.

SPECIAL NOTICES

CERTIFICATION TO PERFORM RADON-RELATED ACTIVITIES IN PENNSYLVANIA

In the month of May 1997 the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, 1-800-23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Patrick Orr	10 Clifford Road	Testing
Bassett Home Inspection, Inc.	McDonald, PA 15057	
Best Inspect, Inc.	1053 High Meadows Drive	Mitigation
	Gibsonia, PA 15044	
Carl Cura	21 Brookview Drive	Testing
	Glenmoore, PA 19343	
T. Thomas d'Arcy	101 Hampstead Place	Testing
Radon Testing by J. D.	West Chester, PA 19382	
Richard Finn	6 Glendale Drive	Mitigation
	Mountaintop, PA 18707	
Peter Cook	2230 Greenspring Drive	Laboratory
Gemini Research	Timonium, MD 21093	
Vilas Godbole	307 Dogwood Lane	Testing
	Wallingford, PA 19086	
Robert Caun	43 Elwyn Avenue	Testing
Home Inspections Plus, Inc.	Carnegie, PA 15106	
Michael Lieb	407 Burmont Road	Testing
	Drexel Hill, PA 19026	
John McDermott, III	2655 Harrisburg Pike	Testing
	Lancaster, PA 17601	
Robert Meyer, Jr.	2843 North Front Street	Mitigation
	Harrisburg, PA 17110	

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Thomas Moore	421 Redgate Road Sewickley, PA 15143	Testing
Pillar to Post	721 South State Street Clarks Summit, PA 18411	Testing
Theresa Pratt	1654 Hemlock Farms Hawley, PA 18428	Testing
Michael Schneider	108 Tartline Drive Glenshaw, PA 15116	Testing
David Miller	3049 Enterprise Drive State College, PA 16801	Testing
Todd Giddings & Associates, Inc.	100 West Hillcrest Avenue Havertown, PA 19083	Testing

[Pa.B. Doc. No. 97-939. Filed for public inspection June 13, 1997, 9:00 a.m.]

Draft Report on Conducting Radiological Performance Assessments for LLRW Disposal in Pennsylvania

The draft technical guidance report titled "Conducting Radiological Performance Assessment for LLRW Disposal in Pennsylvania" is available for public inspection and comment. Comments from the public will be accepted until July 14, 1997.

The regulations in Title 25 of the Pennsylvania Code, Chapter 236, "Low-Level Radioactive Waste Management and Disposal," identify the need for performance assessment in developing and licensing a low-level radioactive waste (LLRW) disposal facility. Although the regulations address general aspects of performance assessment, they do not discuss the associated technical complexities and issues.

This report addresses radiation exposures that the public could receive from accidental or otherwise unintended releases of radioactive contaminants during and following disposal facility operations, and it addresses radiation exposures that an inadvertent intruder could receive after the facility's institutional control period ends.

For more information on this report and the Low-Level Radioactive Waste Disposal Facility Siting Program contact Rich Janati, Department of Environmental Protection, Bureau of Radiation Protection, P. O. Box 8469, Harrisburg, PA 17105-8469 at (800) 232-2786 or by e-mail at janati.rich@a1.dep.state.pa.us. You can also check out the Low-Level Radioactive Waste Program on the department's World Wide Web Site: <http://www.dep.state.pa.us> (choose information by Environmental Subject; then choose Radiation Protection).

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 97-940. Filed for public inspection June 13, 1997, 9:00 a.m.]

Submission Date for Environmental Education Grants Applications under the Environmental Education Act

The Department of Environmental Protection (Department) hereby announces that applications for the 1998 Environmental Education Grants Program are available.

The Environmental Education Act created an Environmental Education Fund from the annual deposit of 5% of ment. The fund is used to support new environmental

education programs in DCNR's Bureau of State Parks; provide grants to schools, conservation organizations, educational organizations, and county conservation districts. Some administrative costs associated with administering the grants program are also covered by this fund.

The purpose of the grants program is to stimulate environmental education in this through direct instruction or through teacher training. Grants can be used to develop new programs or to significantly improve the quality of existing programs. Projects may be large, comprehensive endeavors affecting many teachers and/or students, or they may be small, focused efforts to help an individual teacher or school implement an environmental education program.

This is a reimbursement program with awards up to \$10,000. Grantees must provide a minimum of 25% in matching funds from non-State sources. Eligible applicants are:

- Public and private schools for youth environmental education (kindergarten through secondary levels)
- Nonprofit conservation and education organizations and institutions, including public and private schools, for teacher training and preservice training in environmental education
- County conservation districts for youth education, teacher training or community education

Other interested parties may form partnerships or consortiums with an eligible applicant. Extra incentive points will be given for programs that deal with sustainability issues.

Applications may be submitted on or after July 1, 1997 and must be received by the Department or postmarked no later than November 1, 1997. Applications received after that date will not be considered. Applications must be on the Department-provided forms. Grant awards will be announced April 22, 1998. Awarded projects may not begin until July 1, 1998, or after.

Inquiries concerning this notice should be directed to Helen Olena at the Department of Environmental Protection, Environmental Education Grants Program, P. O. Box 8454, Harrisburg, PA 17105-8454, (717) 772-1828, or olena.helen@1.dep.state.pa.us.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 97-941. Filed for public inspection June 13, 1997, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

State Surplus Property Bid Items

Under section 510 of The Administrative Code of 1929 (P. L. 165, No. 67), the Department of General Services, State Surplus Property is offering for sale to counties, boroughs, incorporated towns, cities and townships the following items:

<i>Item</i>	<i>Make</i>	<i>Equip No.</i>	<i>Location</i>	<i>County</i>
Rubber Tired Loader	Ford	118-1058	PA Dot—Selinsgrove	Snyder
Rubber Tired Loader	Caterpillar	030-1387	PA Dot—Montrose	Susquehanna
Excavator	Gradall	060-6365	PA Dot—Bortondale	Delaware
Loader, Mdl 544	John Deere	112-1385	PA Dot—Lancaster	Lancaster
Backhoe	Case	171-6056	PA Dot—Ebensburg	Cambria

The above will be sold to the highest responsible bidder by sealed bid sale. The political subdivisions interested in procuring one or more of these items should contact the Department of General Services, State Surplus Property Division, P. O. Box 1365, 2221 Forster Street, Harrisburg, PA 17105, (717) 787-4085 prior to the bid opening on July 8, 1997, at 1 PM to receive a bid proposal.

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 97-942. Filed for public inspection June 13, 1997, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation, under 71 P. S. § 513(e)(7), intends to sell certain land owned by it located at southwest intersection of Goods Lane and Plank Road in Logan Township, Altoona, PA.

It has been determined that the land is no longer needed for present or future transportation purposes.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Earl L. Neiderhiser, P.E., District Engineer, Department of Transportation, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648.

BRADLEY MALLORY,
Secretary

[Pa.B. Doc. No. 97-943. Filed for public inspection June 13, 1997, 9:00 a.m.]

Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation, under 71 P. S. § 513(e)(7), intends to sell certain land owned by it located at the northeast intersection of S. R. 403 and River Street in Benson, PA.

It has been determined that the land is no longer needed for present or future transportation purposes.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Earl L. Neiderhiser, P.E., District Engineer, Department of Trans-

portation, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648.

BRADLEY MALLORY,
Secretary

[Pa.B. Doc. No. 97-944. Filed for public inspection June 13, 1997, 9:00 a.m.]

Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation, under 71 P. S. § 513(e)(7), intends to sell certain land owned by the Department.

The following is a list of properties available for sale by the Department.

1. Parcel 1546—City of Pittsburgh, Allegheny County. This parcel contains .20± acres or 8,862± square feet of unimproved land situated along the northwesterly side of Gershon Street (formerly Geyer Road), in the 26th Ward of the City of Pittsburgh.

2. Parcel 317—City of Pittsburgh, Allegheny County. This parcel contains 2,028± acres or 88,347± square feet of unimproved land situated along the easterly side of relocated East Street, in the 26th Ward of the City of Pittsburgh.

It has been determined that the land is no longer needed for present or future Transportation purposes.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Henry M. Nutbrown, P.E., District Engineer, Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 97-945. Filed for public inspection June 13, 1997, 9:00 a.m.]

Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation, under 71 P. S. § 513(e)(7), intends to sell certain land owned by it located at the northbound exit ramp of I-99 at the Roaring Spring Exchange bordering the Freedom Junction Plaza in East Freedom, PA.

It has been determined that the land is no longer needed for present or future transportation purposes.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Earl L. Neiderhiser, P.E., District Engineer, Department of Transportation, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648.

BRADLEY MALLORY,
Secretary

[Pa.B. Doc. No. 97-946. Filed for public inspection June 13, 1997, 9:00 a.m.]

Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation, under 71 P. S. § 513(e)(7), intends to sell certain land owned by it located along the north side of S. R. 30 at R. D. 1, Box 295, McConnellsburg, PA.

It has been determined that the land is no longer needed for present or future transportation purposes.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Earl L. Neiderhiser, P.E., District Engineer, Department of Transportation, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648.

BRADLEY MALLORY,
Secretary

[Pa.B. Doc. No. 97-949. Filed for public inspection June 13, 1997, 9:00 a.m.]

Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation, under 71 P. S. § 513(e)(7), intends to sell certain land owned by it located along the north side of S. R. 2014 at its intersection with S. R. 22 eastbound entrance ramp of the Ebensburg Exchange near Ebensburg, PA.

It has been determined that the land is no longer needed for present or future transportation purposes.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Earl L. Neiderhiser, P.E., District Engineer, Department of Transportation, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648.

BRADLEY MALLORY,
Secretary

[Pa.B. Doc. No. 97-947. Filed for public inspection June 13, 1997, 9:00 a.m.]

Duty of Issuing Agents to Verify Purchase Price of Vehicle at Time of Sale/Registration

The Department of Transportation (Department), Bureau of Motor Vehicles, under the authority contained in the act of April 17, 1997 (act) (75 Pa.C.S. § 1318(d)), hereby prescribes the manner by which issuing agents shall verify that the purchase price of a motor vehicle, as stated upon an application for a certificate of title and/or registration, approximates the fair market value of the motor vehicle.

Issuing agents shall verify the fair market value of a motor vehicle by using data supplied by the National Automobile Dealers Association (N.A.D.A.). For motor vehicles of the 7 most recent model years, issuing agents shall verify the fair market value by using the most current, "Eastern Edition" of the N.A.D.A. Official Used Car Guide. For motor vehicles with a model year of 7 to 18 years old, issuing agents shall verify the fair market value by using the most current, "National Edition" of the N.A.D.A. Appraisal Guide, Official Older Used Car Guide. Issuing agents also may use the most current version of the N.A.D.A. Guide 2000, which is a computer diskette version providing market values for motor vehicles for the preceding 18 years.

The publications and the computer diskette are produced by the National Automobile Dealers Association Used Car Guide Company. Copies and subscriptions to the publications and the diskette may be obtained by writing to the National Automobile Dealers Association Used Car Guide Company, 8400 Westpark Drive, McLean, Virginia 22102 or by telephoning the National Automobile Dealer's Association Used Car Guide Company at (800) 966-6232. The N.A.D.A. data also may be obtained telephonically from authorized providers, such as trade associations, other issuing agents or Internet providers.

The fair market value of a motor vehicle shall be obtained from the relevant publication's stated retail value for that motor vehicle and by making the N.A.D.A.-suggested adjustments for high or low mileage for the motor vehicle. The issuing agent may obtain the reported mileage from the odometer statement. The issuing agent may not add to or deduct from the value of the vehicle for optional equipment.

Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation, under 71 P. S. § 513(e)(7), intends to sell certain land owned by it located along the north side of S. R. 30 at its intersection with S. R. 4025 and T-546 near Jennerstown, PA.

It has been determined that the land is no longer needed for present or future transportation purposes.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Earl L. Neiderhiser, P.E., District Engineer, Department of Transportation, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648.

BRADLEY MALLORY,
Secretary

[Pa.B. Doc. No. 97-948. Filed for public inspection June 13, 1997, 9:00 a.m.]

If the stated purchase price upon an application for a certificate of title and/or registration of a motor vehicle with a model year of the preceding 18 years is less than 90% of the stated N.A.D.A. retail value for that motor vehicle, the issuing agent shall accept a form prescribed by the Department, upon which the applicant and the seller shall explain and attest before a notary public, or other officer empowered to administer oaths, the reason that the purchase price for the motor vehicle is less than the N.A.D.A. retail value for the motor vehicle. The issuing agent shall determine whether the purchase price is less than 90% of the N.A.D.A. retail value by subtracting 10% from the N.A.D.A. retail value and comparing the difference with the stated purchase price. If the stated purchase price is less than the difference, the applicant must submit the form prescribed by the Department. For a motor vehicle purchased from a public auto auction, the issuing agent may accept a copy of the block ticket signed by both the auctioneer or its clerk, and the applicant in lieu of the form prescribed by the Department, provided that the block ticket contains both the N.A.D.A. retail value and the actual purchase price.

If a particular motor vehicle is not listed by the N.A.D.A., the applicant shall submit to the issuing agent the form prescribed by the Department, upon which the applicant and the seller shall explain and attest before a notary public, or other officer empowered to administer oaths, how the applicant and the seller determined the purchase price of the motor vehicle and that the purchase price approximates the fair market value of the motor vehicle. This provision regarding a motor vehicle which is not listed by the N.A.D.A. shall not apply to a new motor vehicle, that is, a vehicle which is being sold to its first retail customer.

Transactions which involve a motor vehicle with a model year over 18 years old do not require N.A.D.A. verification. Instead, if the stated purchase price for the said vehicle is below \$500 the issuing agent shall accept the form prescribed by the Department, upon which the applicant and the seller shall explain and attest before a notary public, or other officer empowered to administer oaths, the reason that the purchase price for the motor vehicle is less than \$500.

In accordance with section 1318(e) of the act, issuing agents that violate its provisions commit a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$100 nor more than \$500 and for each subsequent or additional offense, a fine of not less than \$200 nor more than \$500, or to imprisonment for not more than 90 days or both. In addition, issuing agents will also be subject to the sanctions contained in 67 Pa. Code Chapter 43 (relating to temporary registration cards and plates).

This notice shall take effect upon publication in the *Pennsylvania Bulletin* with an effective compliance date of June 16, 1997.

Questions, comments or suggestions may be directed to Gary M. Skovron, Manager, Regulated Client Services, 1101 S. Front Street, Riverfront Office Center—First Floor, Harrisburg, PA 17104-2516, (717) 787-3780.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 97-950. Filed for public inspection June 13, 1997, 9:00 a.m.]

Retention of Engineering Firms

Fayette, Greene, Washington and Westmoreland Counties

Project Reference No. 08430AG2080

The Department of Transportation will retain two engineering firms for two separate Open-End Contracts for various projects located in Engineering District 12-0, that is Fayette, Greene, Washington and Westmoreland Counties. Each Contract will be for a 60 month period with projects assigned on an as-needed basis. The required services may encompass a wide range of design and environmental efforts with the possibility of several different types of projects having short completion schedules. The anticipated types of projects may include, but are not limited to, bridge replacements or bridge replacements or bridge rehabilitations with minor approach work roadway betterments (3R Type), Capital Improvement Projects (bridges or roadways), and minor location studies. The maximum amount for each Open-End Contract will be \$1.0 million.

The Department will establish an order of ranking of a minimum of five firms for the purpose of negotiating two Open-End Contracts based on the Department's evaluation of the acceptable letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Specialized experience and technical competence of firm.
- b. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on Open-End Contracts. The specific experience of individuals who constitute the firms shall be considered.
- c. Location of consultants in respect to the District.
- d. Current workload.
- e. Available staffing for this assignment.
- f. Relative size of firms to size of projects that may be completed under these Contracts.

The firms may be required to perform any or all of the following engineering services: attend field views and prepare minutes; prepare submissions for field views and safety review meeting; field surveys; plot topography; and cross sections; prepare submissions and materials necessary for the Department to prepare the application of Public Utility Commission (PUC) for the PUC field conference; attend and supply any required information for all PUC meetings and supply any required information for all PUC meetings and hearings during project design; develop erosion control details and narrative; develop right-of-way plans; prepare type, size and location reports; prepare hydraulic report for waterway approval; prepare bridge drawings; traffic control plans and narrative; procure core borings; provide the soil and foundation and engineering report; investigate utility and property involvement; prepare and disseminate right of entry letters; prepare prints and information required for a value engineering review; make the necessary investigations and adjustments to the design as a result of the value engineering review comments; make all necessary contact with railroad officials for any railroad related cost estimates, permits, insurance, approvals and other re-

quired information; collect traffic signal timing and accident data; perform traffic counts and speed delay studies; prepare plans for signal design and implementation of signal interconnections; evaluate alternatives using benefit/cost analysis; document study activities and findings; and prepare construction plans, specifications and estimates.

The format and content of all documents, plans and specifications will be consistent with applicable State and Federal regulations and guidelines.

The firms may be required to perform any or all of the following environmental studies: air quality; surface water and groundwater hydrology; terrestrial ecology; wetlands; soils; geology; farmland; visual quality; socio-economic; cultural; Section 4(f) and Section 106 documents; and other related studies not identified above. The environmental studies will be conducted in accordance with Department policy and accepted analysis techniques and methodologies.

The firms may also be required to perform any or all of the following in order to ensure a complete environmental investigation has been performed: provide all necessary environmental services, material and equipment necessary to collect, analyze and organize data; assess impacts; conduct agency and public involvement activities; and prepare reports and design mitigation plans.

The reports and other written and graphic material to be prepared may include, but are not limited to, early coordination and scoping correspondence; Plans of Study; meeting minutes; public meetings and hearing presentations, handouts and displays; technical basis reports; NEPA environmental documents; Section 106 documents; Section 4(f) Evaluations; mitigation plans and reports; and wetland and floodplain findings.

The engineering services and environmental studies identified above are the general work activities that can be expected under each Open-End Contract. A more specific and project-related Scope of Work will be outlined for each individual Work Order developed under each Open-End Contract.

The second copy of the letter of interest and required forms (see general requirements and information section) shall be sent to Michael H. Dufalla, P.E., District Engineer, P. O. Box 459, N. Gallatin Avenue Ext., Uniontown, PA 15401.

Technical questions concerning the requirements for this project should be directed to P. Gregory Bednar, P.E., District 12-0, at (412) 439-7243.

Questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit two copies of a letter of interest and required information for each Project Reference Number for which the applicant wishes to be considered.

The first copy of the letter of interest and required information must be submitted to Charles W. Allwein, P.E., Chief, Consultant Agreement Division, 7th Floor, Forum Place, 555 Walnut Street, Harrisburg, PA 17101-1900.

The letter of interest and required information must be received within 13 calendar days of this notice. The

deadline for receipt of a letter of interest at the above address is 4:30 p.m. prevailing time of the thirteenth day.

The second copy of the letter of interest and required information must be submitted to the appropriate District Engineer/Administrator or the Bureau Director as indicated in the individual advertisement. This copy must be postmarked or delivered on or before the deadline indicated above.

If an individual, firm or corporation not authorized to engage in the practice of engineering desires to submit a letter of interest, said individual, firm or corporation may do so as part of a Joint Venture with an individual, firm or corporation which is permitted under the State law to engage in the practice of engineering.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate letters of interest from the Joint Venture constituents. A firm will not be permitted to submit on more than one Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Intermodal Surface Transportation Efficiency Act of 1991 and currently certified by the Department of Transportation, shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they were defined prior to the act), WBEs or combinations thereof.

Proposing DBE firms must be certified at the time of submission of the letter of interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

Each letter of interest must include the following information, and the information must be packaged and presented in the following order:

1. Transmittal Letter (maximum of two typed pages, one side)

The subject heading of the transmittal letter must include the project reference number for which the applicant wishes to be considered, the firm's legal name, fictitious name (if applicable) and the firm's Federal identification number. If the project advertisement indicated the Department will retain an engineering firm for the project, the applicant must indicate in the body of their transmittal letter the names and Professional Engi-

near License Number of individuals who are directing heads or employes of the firm who have responsible charge of the firm's engineering activities, and whose names and seals shall be stamped on all plans, specifications, plats and reports issued by the firm.

2. Project Organization Chart (one page, one side)

This chart should show key staff from the prime and each subconsultant and their area of responsibility.

3. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project" (one Form 255 for the project team)

The Standard Form 255 must be signed, dated and filled out in its entirety, including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project. Under Item 4 of this form, Column A should include the number of subconsultant personnel and Column B should include the number of prime consultant personnel to be assigned to work on this project reference number.

If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be currently certified by the Department of Transportation, and the name of the DBE and the work to be performed must be indicated in Item No. 6. If a Woman Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

4. Standard Form 254, "Architect-Engineer for Related Services Questionnaire"

A Standard Form 254, not more than 1 year old as of the date of this advertisement, must accompany each letter of interest for the firm, each party to a Joint Venture, and for each subconsultant the firm or Joint Venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor or a company, unless an acceptable Standard Form 254 for the prime and each subconsultant/subcontractor is on file in both the Bureau of Design and the Engineering District Office or Central Office Bureau identified in the individual project advertisement.

If the Standard Form 254 is not submitted with the letter of interest, the transmittal letter shall indicate the dates that the Standard Forms 254 were submitted to the Bureau of Design and appropriate Engineering District/Central Office Bureau.

These forms shall be assembled with the prime's first, followed by the subconsultant's in the same order as they appear in Item 6 of Form 255.

5. Workload Projection Graph (not required for Construction Inspection Services)

A Workload Projection Graph for the prime and each subconsultant should indicate the firm's current and anticipated workload compared to the anticipated capacity available for the next 2-year time frame. The Workload Projection Graph should be submitted for the offices where the work would be performed and should only include the personnel classifications required for providing the advertised services and work.

6. Authorization Letters (if required)

If the advertisement requires a letter signed by individuals giving their approval to use their names in the letter of interest, the letters from proposed prime em-

ployes should be first, followed by subconsultant employes, in the same order as shown in Item 6 of Form 255.

7. Registration To Do Business

Firms with out-of-State headquarters or corporations not incorporated in Pennsylvania must include, with each letter of interest, a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

8. Overhead Rates (one page)

This page must show the latest audited overhead rate developed in accordance with Federal Acquisition Regulations (FAR) for the prime consultant and each subconsultant. If a FAR rate is not available, the latest rate available from a Certified Public Account must be indicated. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

9. Additional Information

Additional information, not to exceed ten one sided pages or five double sided pages may be included at the discretion of the submitting firm.

The assignment of the agreement/contract for the above advertisements will be made to one of the firms who submitted an acceptable letter of interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this notice and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 97-951. Filed for public inspection June 13, 1997, 9:00 a.m.]

INSURANCE DEPARTMENT

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with their company's termination of the insured's automobile policies.

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

Appeal of Minnich, Eli B. and Gloria J.; file no. 97-121-02958; Motorists Insurance Companies; doc. no. P97-05-030; July 8, 1997, at 9 a.m.;

Appeal of Vasco, Anthony, Jr.; file no. 97-193-01972; Keystone Insurance Company; doc. no. P97-05-031; July 8, 1997, at 9 a.m.;

Appeal of Fields, Deborah; file no. 97-265-32574; Keystone Insurance Company; doc. no. PH97-05-035; July 8, 1997, at 10 a.m.;

Appeal of Strickler, Chadwick A.; file no. 97-121-03141; Erie Insurance Exchange; doc. no. P97-05-032; July 8, 1997, at 10 a.m.;

Appeal of Lavin, Patrick and Donna J.; file no. 97-265-32707; Erie Insurance Exchange; doc. no. PH97-05-034; July 8, 1997, at 11 a.m.;

Appeal of Foy, Kathleen T.; file no. P7-264-32384; State Farm Fire and Casualty Co.; doc. no. PH97-05-036; July 9, 1997, at 10 a.m.;

Appeal of Coury, Joseph and Ruth; file no. 97-121-03275; Allstate Insurance Company; doc. no. P97-05-033; July 9, 1997, at 11 a.m.;

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

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

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-952. Filed for public inspection June 13, 1997, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer has requested a hearing as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with the termination of the insured's automobile policy.

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

Appeal of Erie Insurance Exchange; file no. 97-121-03103; Robert W. Murphy; doc. no. P97-05-029; July 8, 1997, 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, documents, photographs, drawings, witnesses and the like necessary to substantiate

the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

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

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-953. Filed for public inspection June 13, 1997, 9:00 a.m.]

Review Procedure Hearings under The Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies.

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

Appeal of Alemhoca, Angela and Valihan; file no. 97-264-32772; Allstate Insurance Company; doc. no. PH97-05-037; July 9, 1997, at 9 a.m.;

Appeal of Adyseh, Elizabeth; file no. 97-308-71004; State Farm Fire and Casualty Insurance Co.; doc. no. PI97-05-038; July 9, 1997, at 11 a.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in 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) 787-4289.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-954. Filed for public inspection June 13, 1997, 9:00 a.m.]

State Farm Fire and Casualty Company; Rate Revision for Homeowners

On May 27, 1997, the Insurance Department received from State Farm Fire and Casualty Company a filing of rates for Homeowners Insurance.

The company requests an overall 5.1% increase amounting to \$8,630,000 annually, to be effective October 1, 1997 for new business and December 1, 1997 for renewals.

Unless formal administration action is taken prior to July 26, 1997, 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 Rick Pawelski, Insurance Department, Office of Rate and Policy Regulation, Room 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-955. Filed for public inspection June 13, 1997, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board lease will expire:

Monroe County, Wine and Spirits Shoppe # 4503, Route 390, R. R. 2, Box 55, Cresco, PA 18326-9516.

Lease Expiration Date: August 31, 1998.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,800 to 3,200 net useable square feet of new or existing retail commercial space on PA Route 390 between secondary Routes 191 and 447 within Barrett Township.

Proposals due: July 11, 1997 at 12 Noon.

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661

Contact: Ronald Hancher, (717) 657-4228.

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 97-956. Filed for public inspection June 13, 1997, 9:00 a.m.]

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION

Water Pollution Control Revolving Fund Projects Federal FY 1997 Intended Use Plan

[CORRECTION]

The Pennsylvania Infrastructure Investment Authority and the Department of Environmental Protection have received approval from the Environmental Protection Agency of the final fiscal year 1997 Intended Use Plan (IUP) list of municipal sewerage projects to be considered for a construction loan from funds Pennsylvania will receive from fiscal year 1997 Federal appropriation Acts to capitalize the Water Pollution Control Revolving Fund (WRCRF) program.

Projects listed on the FY 1997 IUP list are on Pennsylvania's approved FY 96/97 Project Priority List. The Notice of preparation of the Intended Use Plan and the list of projects was mailed to all projects on the FY 96/97 Project Priority List and areawide clearinghouses in Pennsylvania and was printed in the September 28, 1996, issue of the *Pennsylvania Bulletin* for the purpose of receiving comments from the public.

The final FY 1997 IUP follows this notice.

Interested persons may direct questions relating to the status of a project or its priority rating to the appropriate regional office of the Department. A list of the Department's regional offices follows:

Southeast Region:

Water Management Program Manager
Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428
(610) 832-6130

Northeast Region:

Water Management Program Manager
2 Public Square, Wilkes-Barre, PA 18711-0790
(717) 826-2553

Southcentral Region:

Water Management Program Manager
One Ararat Boulevard, Harrisburg, PA 17110
(717) 657-4590

Northcentral Region:

Water Management Program Manager
208 West 3rd Street, Williamsport, PA 17701
(717) 327-3669

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

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

PENNVEST
22 S. Third Street, 4th Floor, Keystone Building,
Harrisburg, PA 17101
(717) 787-8137

JAMES M. SEIF,
Secretary
Department of Environmental Protection
PAUL K. MARCHETTI,
Executive Director
Pennsylvania Infrastructure Investment Authority

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATER POLLUTION CONTROL REVOLVING FUND
FINAL FY 1997 INTENDED USE PLAN PROJECT LIST

EXPLANATION OF COLUMNAR HEADINGS (EXCEPT THOSE THAT ARE SELF-EXPLANATORY)

NEEDS CATEGORY:

- I — SECONDARY TREATMENT
- II — TREATMENT MORE STRINGENT THAN SECONDARY
- IIIA — INFILTRATION/INFLOW CORRECTION
- IIIB — MAJOR SEWER SYSTEM REHABILITATION
- IVA — NEW COLLECTOR SEWERS AND APPURTENANCES
- IVB — NEW INTERCEPTORS AND APPURTENANCES
- V — CORRECTION OF COMBINED SEWER OVERFLOWS

PROJECT TYPE:

- STP — SEWAGE TREATMENT PLANT
- STPMOD — SEWAGE TREATMENT PLANT MODIFICATION
- INT — INTERCEPTOR
- PS — PUMP STATION
- FM — FORCE MAIN
- SS — SEWER SYSTEM
- SS REH — SEWER SYSTEM REHABILITATION
- FL EQ — FLOW EQUALIZATION BASIN

NPDES PERMIT NUMBER:

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT NUMBER

PROJECT NUMBER:

FEDERAL LOAN PROJECT IDENTIFICATION NUMBER

ELIGIBLE PROJECT COSTS:

ESTIMATED LOAN AMOUNT FOR ELIGIBLE PROJECT

APPLICANT NAME ADDRESS CITY	STATE	COUNTY ZIPCODE	PROJECT TYPE NPDES PERMIT NUMBER	PROJECT NUMBER PRIORITY RATING	PROJECT RANKING
NEEDS CATEGORIES I: IVA:	NEEDS CATEGORIES II: IVB:	NEEDS CATEGORIES III A: V:	NEEDS CATEGORY IIIB:	ELIGIBLE PROJECT COST	
ALLEGHENY TWP M A COMMUNITY BUILDING LEECHBURG	PA	WESTMORELAND 15656	SS	CS421951-01 23	174
I: \$0 IVA: \$1,370,000	II: \$0 IVB: \$0	III A: \$0 V: \$0	IIIB: \$0	\$1,370,000	
AVONDALE BOROUGH PO BOX 263 AVONDALE	PA	CHESTER 19311	STPMOD PA0025488	CS421664-01 34	76
I: \$1,646,000 IVA: \$0	II: \$0 IVB: \$0	III A: \$0 V: \$0	IIIB: \$0	\$1,646,000	
CONYNGHAM BOROUGH AUTH		LUZERNE	STP MOD, SS REH		

APPLICANT NAME ADDRESS CITY	STATE	COUNTY ZIPCODE	PROJECT TYPE NPDES PERMIT NUMBER	PROJECT NUMBER PRIORITY RATING	PROJECT RANKING
NEEDS CATEGORIES I: IVA:	NEEDS CATEGORIES II: IVB:	NEEDS CATEGORIES III A: V:	NEEDS CATEGORY IIIB:	ELIGIBLE PROJECT COST	
PO BOX 469 CONYNGHAM	PA	18219	PA00420048	20	229
I: \$0 IVA: \$81,000	II: \$0 IVB: \$1,145,000	III A: \$0 V: \$298,000	IIIB: \$19,000	\$1,543,000	
DUBLIN TWP SUPERVISORS HRC 75 BOX 240 FORT LITTLETON	PA	FULTON 17223	STP SS	47	9
I: \$600,000 IVA: \$2,199,000	II: \$0 IVB: \$0	III A: \$0 V: \$0	IIIB: \$0	\$2,799,000	
GIRARD TWP BOS RR 1 BOX 394 FRENCHVILLE	PA	CLEARFIELD 16836	STP INT SS	12	286
I: \$226,742 IVA: \$526,367	II: \$0 IVB: \$56,686	III A: \$0 V: \$0	IIIB: \$0	\$809,795	
NORTHEASTERN SCHUYLKILL JMA RD 2 BOX 105-A BARNESVILLE	PA	SCHUYLKILL 18214	STP PS SS	31	104
I: \$1,465,000 IVA: \$4,697,000	II: \$0 IVB: \$175,400	III A: \$0 V: \$0	IIIB: \$0	\$6,337,400	
SHINGLEHOUSE BOROUGH 40 HONEOYE STREET SHINGLEHOUSE	PA	POTTER 16748	STP MOD PA5391403	23	195
I: \$327,272 IVA: \$0	II: \$0 IVB: \$0	III A: \$72,738 V: \$0	IIIB: \$0	\$400,010	
SMITHTON BOROUGH MUN AUTH PO BOX 350 SMITHTON	PA	WESTMORELAND 15479	STP PS INT SS PA0024881	38	41

APPLICANT NAME ADDRESS CITY	STATE	COUNTY ZIPCODE	PROJECT TYPE NPDES PERMIT NUMBER	PROJECT NUMBER PRIORITY RATING	PROJECT RANKING																																																
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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 (Commission). Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before July 7, 1997 as set forth at 52 Pa. Code § 3.381 (relating to the applications for the transportation of property and persons). The protests shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for the transportation of household goods as described under each application.

A-00113647, F. 1. Am-A. Geo. W. Weaver & Son, Inc. (165 Lamont Street, New Cumberland, Cumberland County, PA 17070), a corporation of the Commonwealth of Pennsylvania—inter alia, household goods, in use, between points in the city of Harrisburg, Dauphin County, and within 15 miles by the usually traveled highways of the limits of the city: *So As To Permit* (1) the transportation of household goods and office furniture, in use, between points in Hershey, Dauphin County, and within 9 miles by the usually traveled highways of the limits of Hershey; (2) household goods and office furnishings, in use, from points in Hershey, Dauphin County, and within 9 miles by the usually traveled highways of the limits of Hershey, to other points in Pennsylvania, and vice versa; and (3) property, between points in Hershey, Dauphin County, and within 5 miles by the usually traveled highways of the limits of Hershey. *Attorney:* Lloyd R. Persun, P. O. Box 5950, Harrisburg, PA 17110-0950

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

A-00113984. Sound the Alarm Ministries, Inc. (434 Franklin Avenue, Aliquippa, Beaver County, PA 15001), a corporation of the Commonwealth of Pennsylvania—(1) persons on schedule over the following two routes; Route No. 1: beginning in the city of Aliquippa, Beaver County, at 434 Franklin Avenue, The Hope Christian Center and heading southwest on Franklin Avenue, proceed left onto Highland Avenue, then south via Highland Avenue, proceed left onto Hill Street, then northeast via Hill Street, proceed left onto Kiehl Street, then northeast via Kiehl Street to its intersection with Franklin Avenue, proceed southwest via Franklin Avenue to Superior Avenue, then west via Superior Avenue to its intersection with Sheffield Avenue, then southwest via Sheffield Avenue to its intersection with Monaca Road, then west via Monaca Road, proceed right onto Fifth Avenue, then via Fifth Avenue to its intersection with Adams Street, turn around and proceed back over Fifth Avenue to its intersection with Monaca Road, then proceed right onto Monaca Road, then

northeast via Monaca Road, proceed left onto Davis Street, then via Davis Street to Spaulding Street, and turn around, proceed back over Davis Street to its intersection with Monaca Road, then proceed left onto Monaca Road, then southwest via Monaca Road to Kennedy Boulevard, then southwest via Kennedy Boulevard to Maratta Road, then south via Maratta Road to its intersection with Main Street, then proceed right onto Main Street, then west via Main Street to its intersection with Brodhead Road, then proceed right onto Brodhead Road, then northwest via Brodhead Road to Mill Street, then southwest via Mill Street to its intersection with Brodhead Road, then northwest via Brodhead Road to the Beaver Valley Mall (located in Center Township, Beaver County) and returning over the same route to point of beginning at 434 Franklin Avenue, The Hope Christian Center; and (2) persons on schedule in the city of Aliquippa, Beaver County and the townships of Moon and Findlay, Allegheny County; Route No. 2: beginning at 434 Franklin Avenue, The Hope Christian Center, southwest via Franklin Avenue, then northwest via Franklin Avenue to Waugamann Street, then northwest via Waugamann Street to Tyler Street, turn around and proceed southeast via Waugamann Street to Kennedy Boulevard then southwest via Kennedy Boulevard to its intersection with Pa. State Highway Route 60, then south via Pa. State Highway Route 60 to the Pittsburgh International Airport located in the township of Moon and Findlay, Allegheny County, and returning over the same route terminating at the place of beginning at 434 Franklin Avenue, The Hope Christian Center. *Attorney:* Gusty Sunseri, 10 New London Lane, Oakmont, PA 15139.

A-00114012. Terranova Funeral Home, Inc. (1248 South Broad Street, Philadelphia, Philadelphia County, PA 19146), a corporation of the Commonwealth of Pennsylvania—(1) funeral accessories between points in the city and county of Philadelphia and within an airline distance of 30 miles of City Hall in the city; (2) persons, attending funerals and flowers for funerals between points in the city and county of Philadelphia, and within an airline distance of 30 miles of City Hall in the city; and (3) persons attending weddings and christening parties to or from homes of wedding and christening services and churches or places at which marriage ceremonies or christening services are performed in the city and county of Philadelphia.

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

A-00110577, F. 5001. Five Star Limo Service, Inc., t/d/b/a Flamingo Limousine Service, Ltd. (309 Felton Avenue, Collingdale, Delaware County, PA 19023), a corporation of the Commonwealth of Pennsylvania—stock transfer—for approval of the transfer of all issued and outstanding stock from Ernest Roselli (50 shares) and Anthony DiMauro (50 shares) to Delaware County Transportation Service, Inc. *Attorney:* Richard T. Mulcahey, Jr., 1500 John F. Kennedy Boulevard, 1400 Two Penn Center, Philadelphia, PA 19102.

A-00110623, Folder 5000. ABC Limo, Inc. (1225 Spring Valley Lane, West Chester, Chester County, PA 19380)—for the approval of the transfer of all the issued and outstanding shares of stock from Paul V. Touey (100) to Harold J. Myers, Jr. *Attorney:* John J. Gallagher, Suite 1100, 1760 Market Street, Philadelphia, PA 19103.

Property, Excluding Household Goods in Use

The following applications for the authority to transport property, excluding household goods in use, between

points in this Commonwealth, have been filed with the Pennsylvania Public Utility Commission. Public comment to these applications may be filed, in writing with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 on or before June 30, 1997.

- A-00114009 A. J., J. C. & J. P. Maletto, t/d/b/a M & M Contractors
303 West Center Street, Johnsonburg, PA 15845
- A-00114010 Indus Sales, Inc.
P. O. Box 106, 481 Bruxelles Street, St. Marys, PA 15857
- A-00114011 Dennis L. Hall, t/d/b/a Dennis L. Hall General Contracting
R. D. 7, Box 78, Wellsboro, PA 16901
- A-00114013 Fenton & Strobe Trucking, Inc.
R. R. 1, Box 61A, Township Road 419, Wilmot Township, Sugar Run, PA 18846
- A-00114014 E. R. Rhodes & Son, Inc.
62 Railroad Street, Lewistown, PA 17044
- A-00114022 James "Whitey" Cain Specialized Carriers LLC
P. O. Box 1057, 1333A Farmer Road, Conyers, GA 30207
- A-00114015 Orren Helper, t/d/b/a Helper Transport
Box 290 M, Franklin, PA 16323
- A-00114016 William Edward Myers, t/d/b/a Now Express
317 Blue Ridge Drive, York, PA 17402
- A-00114017 Isaac B. Stoltzfus
R. D. #3, Box 127, Mifflinburg, PA 17844
- A-00114018 Joseph D. King
148 Brick Church Road, Leola, PA 17540
- A-00114019 SSD Distribution System, Inc.
3115 Berea Road, Cleveland, OH 44111:
John J. Rooney, P. O. Box 110566, Cleveland, OH 44111-0566
- A-00114020 P & P Transport, Inc.
P. O. Box 1710, Delran, NJ 08075: Rose Leon, 4300 Haddonfield Road, Suite 311, Pennsauken, NJ 08109
- A-00114021 Papco, LLC
P. O. Box 1010, Vineland, NJ 08360
- A-00114023 Seybert Transportation Services, Inc.
P. O. Box 652, Mercer, PA 16137
- A-00114024 Raymond A. Huey, t/d/b/a Huey's Excavating
R. R. #7, Box 511, Altoona, PA 16601:
Dwight L. Koerber, Jr., P. O. Box 1320, Clearfield, PA 16830

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-957. Filed for public inspection June 13, 1997, 9:00 a.m.]

Telecommunications Without Hearing

Doc. No. A-310211F2000. Dial & Save of Pennsylvania, Inc. Application of Dial & Save of Pennsylvania,

Inc. for authority to cease providing telecommunications services to the public in the Commonwealth of Pennsylvania.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before June 30, 1997, under 52 Pa. Code (relating to public utilities).

Applicant:

Dial & Save of Pennsylvania, Inc., 4219 Lafayette Center Drive, Chantilly, VA 20151;

Through and By Counsel: Pamela S. Arluk, Esquire, Jean Gibbons, Esquire, Swidler & Berlin, Chartered, 3000 K Street, NW, Suite 300, Washington, DC 20007.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-958. Filed for public inspection June 13, 1997, 9:00 a.m.]

Telecommunications Service

A-310518. GTE North Incorporated and AT&T Wireless Services Inc. Joint Application for Approval of an Interconnection Agreement between GTE North Incorporated and AT&T Wireless Services, Inc.

GTE North Incorporated and AT&T Wireless Services, Inc., by its counsel, filed on May 23, 1997, at the Public Utility Commission, a Joint Application for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the application and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 20 days after the date of publication of this notice. Copies of the GTE North Incorporated and AT&T Wireless Services, Inc. Joint Application 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) 787-7466.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-959. Filed for public inspection June 13, 1997, 9:00 a.m.]

Telecommunications Service

A-310482. United Telephone Company of Pennsylvania, d/b/a Sprint; and Cellular Rentals, Inc. d/b/a Pa. Telecom South. Joint Application of the United Telephone Company of Pennsylvania, d/b/a Sprint and Cellular Rentals, Inc. d/b/a Pa. Telecom South for approval of an Interconnection/Resale Agreement under section 252(e) of the Telecommunications Act of 1996.

United Telephone Company of Pennsylvania, d/b/a Sprint; and Cellular Rentals, Inc. d/b/a Pa. Telecom South, by its counsel, filed on April 14, 1997, at the Public Utility Commission, a Joint Application for approval of an Interconnection/Resale Agreement.

Interested parties may file comments concerning the application and agreement with the Secretary, Pennsylvania

nia Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 20 days after the date of publication of this notice. Copies of the United Telephone Company of Pennsylvania, d/b/a Sprint; and Cellular Rentals, Inc. d/b/a Pa. Telecom South Joint Application of an Interconnection/Resale Agreement 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) 787-7466.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-960. Filed for public inspection June 13, 1997, 9:00 a.m.]

STATE TRANSPORTATION ADVISORY COMMITTEE

Meeting Notice

The State Transportation Advisory Committee will hold a scheduled business meeting on Tuesday, June 24, 1997. This meeting is open to the public to attend and will begin at 9 a.m. at the following location: Executive Conference Room 9B, Forum Place, 555 Walnut Street—9th Floor, Harrisburg, PA 17101.

Chairperson, H. Michael Liptak, will preside. Attendees are to enter Forum Place and proceed to the 6th Floor Reception Area.

The meeting location is accessible to persons with disabilities. Persons having special needs or requiring special aides are requested to contact the State Transportation Advisory Committee Office at (717) 787-2913 in order that special disability needs may be accommodated.

H. MICHAEL LIPTAK,
Chairperson

[Pa.B. Doc. No. 97-961. Filed for public inspection June 13, 1997, 9:00 a.m.]

STATE TRANSPORTATION COMMITTEE

Meeting Notice

The State Transportation Commission will hold a special business meeting on Wednesday, June 25, 1997. This meeting is open to the public to attend and will begin at 10 a.m. at the following location: Department of Transportation, Forum Place, 555 Walnut Street—9th Floor, Conference Room 9B, Harrisburg, PA 17101.

Chairperson Bradley L. Mallory is presiding. Attendees are to enter Forum Place and proceed to the 6th Floor Reception Area.

The meeting location is accessible to persons with disabilities. Persons having special needs or requiring special aides are requested to contact the State Transportation Advisory Commission at (717) 787-2913 in order that special disability needs may be accommodated.

BRADLEY L. MALLORY,
Chairperson

[Pa.B. Doc. No. 97-962. Filed for public inspection June 13, 1997, 9:00 a.m.]

TURNPIKE COMMISSION

Request for Bids

The Turnpike Commission is requesting a sealed bid for: Roof Replacement—So. Somerset Service Plaza, Somerset County. Mandatory Site Inspection: June 20, 1997 at 1 p.m., at South Somerset Service Plaza, Milepost 112.3 Eastbound, Somerset County. Open Date: July 1, 1997 at 11 a.m., local time.

Bids will be received by the Purchasing Manager not later than the time indicated above. Bid proposal Forms and Conditions may be obtained, free of charge, by communicating with the Bid Clerk, Purchasing Dept., (717) 939-9551, Ext. 2830.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 97-963. Filed for public inspection June 13, 1997, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

Reader's Guide

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.
- ③ Contract Information
- ④ Department
- ⑤ Location
- ⑥ Duration
- ⑦ (For Commodities: Contact:) Vendor Services Section 717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET THAT COMPETITIVE EDGE—FOR FREE!

Do you want to do business with your state government? The Treasury Department's office of Contract Information Services can assist you by providing you with information that may be helpful to you in successfully bidding on State contracts.

Act 244 of 1980 requires Commonwealth departments and agencies to file with the Treasury Department a copy of all contracts involving an expenditure of \$5,000 or more.

These fully executed contracts usually contain the vendor's name, dollar value, effective and termination dates and contract specifications. Some contracts also include the names of other bidding vendors and the bid proposal compiled by the awarded vendor. There is a minimal cost for photocopying contracts.

Allow the Treasury Department to "make a difference for you." For contract information call the office of Contract Information Services TOLL-FREE (in Pennsylvania) at 1-800-252-4700 or (717) 787-4586. Or you may write or visit the office at Room G13, Finance Building, Harrisburg, Pa. 17120.

BARBARA HAFER,
State Treasurer

Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340

Commodities

8177510 Construction and building materials—2,811 tons plant mixed ID-2A binder; 1,968 tons plant mixed ID 2 wearing SRL E, H, M or G or blend of H and L, G and L, or E and L.

Department: Transportation
Location: Bowmansville, Lancaster County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8177520 Construction and building materials—plant mixed bituminous concrete base course.

Department: Transportation
Location: Conestoga, Lancaster County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8177530 Construction and building materials—7,583 tons plant mixed bituminous concrete base course.

Department: Transportation
Location: Penryn, Lancaster County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8177550 Construction and building materials—7,757 tons plant mixed ID-2A binder; 5,430 tons plant mixed ID-2A wearing SRL E, H, G or blend of H and M, E and L.

Department: Transportation
Location: Strasburg, Lancaster County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8970200 Construction, mining, excavating and highway maintenance equipment—8 each patching machine, trailer mounted.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8970210 Construction, mining, excavating and highway maintenance equipment—2 each trailer, asphalt reheater, 4TSU (3495).

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8970220 Construction, mining, excavating and highway maintenance equipment—2 each trailer, asphalt reheater, 4TCR (3500).

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8970300 Construction, mining, excavating and highway maintenance equipment—2 each roller 40" with trailer (2575).

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8970310 Construction, mining, excavating and highway maintenance equipment—2 each roller 10 ton vibratory (2580).

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8970330 Construction, mining, excavating and highway maintenance equipment—6 each roller 4—6 ton vibratory with trailer (2640).

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8970350 Construction, mining, excavating and highway maintenance equipment—7 each roller, rubber tire, articulated (2700/Spec Type B).

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1022117 Containers, packaging and packing supplies—4 mill 1/2 pint skim milk cartons (light blue); 1 mill 1/2 pint skim milk cartons (red).

Department: Correctional Industries
Location: Graterford, Montgomery County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8503890 Engines, turbines and components—26 each fuel dispenser for submergible pumping system; 21 each fuel dispenser high volume submerged pumping system.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8970120 Metal working machinery—3 each compressor, air, 250 CFM (0602).

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8970130 Metal working machinery—3 each compressor, air, portable 125 CFM (0580); 6 each compressor air, portable 175 CFM (0600).

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1066047 Paper and printing—1,223.3M ADLEB-37 Rev 98 Dog License; 318M ADLEB-40 Rev 98 Senior Citizen Dog License; 15.1M ADLEB-41 Rev 98 Lifetime Dog License; 13,460M ADLEB-30 Rev 98 Duplicate Dog License; 3,349M ADLEB-39 Rev 98 Kennel License; 15.1M ADLEB-46 Rev 98 Tattoo Certificate; 1,840M ADLEB-23 Rev 98 Dog License Transfer.

Department: County Treasurers Office
Location: Various
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1064077 Paper and printing—20M H114.616 PA Cardiac Catheterization Report Form.

Department: Health
Location: Harrisburg, Dauphin County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1038157 Plumbing, heating and sanitation equipment—1 each Ferno Washington Model 991D W or equal elevating bathing system.

Department: Torrance State Hospital
Location: Torrance State Hospital, Torrance, Westmoreland County, PA
Duration: FY 1996-97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

SERVICES

Computer Related Services—8

23-6003105 Provide ELIXIR Advanced Function Printing software and onsite training at a PennDOT facility for six students in a 4 day advanced function printing workshop.

Department: Transportation
Location: 555 Walnut Street, 8th Floor, Harrisburg, PA 17101-1900
Duration: 1 year
Contact: Rebecca S. Young, (717) 787-7602

C 103660 Services of an Oracle Development Analyst to provide software application enhancement to the Wells Information System (WIS). The enhancement will track oil and gas activities on State forest and park lands.

Department: Conservation and Natural Resources
Location: Bureau of Forestry, Division of State Forest Management, Harrisburg and Pittsburgh, PA
Duration: Commence upon execution and terminate on June 30, 1998
Contact: Corey Gaiski, (717) 783-0760

ITQ 5810-06 The Commonwealth is issuing an ITQ (Invitation to Qualify) for vendors to demonstrate their ability to provide software and services to replace the existing Disaster Recovery product. This proposed software and services will be utilized by 50 plus State agencies. This is an ITQ only and will not result in an issuance of a contract. A subsequent RFP will be issued at a later date, pending the responses to this request, which will result in a State-wide contract award.

Department: General Services
Location: Bureau of Purchases Telecommunications Division, 2221 Forster Street, G-13, Harrisburg, PA 17103
Duration: 3 years (2 year option to renew)
Contact: Richard L. Jacobs, (717) 705-0304

Construction—9

Project No. 808 Abandoning an existing septic tank, running pipe from Organizational Maintenance Shop and connecting lavatory facilities to existing sanitary sewer line from the armory.

Department: Military and Veterans Affairs
Location: PAARNG Armory, P. O. Box 510, R. D. 1, Route 664, Lock Haven, Clinton County, PA
Duration: September 30, 1997
Contact: Emma Schroff, (717) 861-8518

Project No. 809 Remove existing felt and asphalt shingle roof. Install 1/2" plywood underlayment on upper roof, approximately 1,600 feet. Install new felt and new shingles over upper, lower and shed roofs, approximately 38 squares.

Department: Military and Veterans Affairs
Location: Building 9-9, Ft. Indiantown Gap, Annville, Lebanon County, PA
Duration: January 1, 1997—June 30, 1998
Contact: Emma Schroff, (717) 861-8518

1189-W The contractor shall provide all labor, equipment, materials and supplies necessary to repave a parking lot approximately 4,280 square yards in size and a roadway approximately 1,327 square yards in size at the State Correctional Institution at Greensburg. The approximate size of total area to be serviced is 5,607 square yards.

Department: Corrections
Location: State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999
Duration: September 15, 1997 to June 30, 1999
Contact: Jack Loughry, (412) 837-4397, ext. 339

Project No. 9805 Renovation of room for vault—necessary in order for weapons to be stored onsite. Renovation of room for Supply Room—necessary to comply with building standards.

Department: Military and Veterans Affairs
Location: PAARNG Armory, Roosevelt Avenue, York, York County, PA
Duration: January 1, 1997—June 30, 1998
Contact: Emma Schroff, (717) 861-8518

030001 Columbia County, State Route 11, Section 54M.

Department: Transportation
Location: District 3-0
Duration: FY 1997/98
Contact: Paul W. Beaver, Contract Mgt. Supr., (717) 368-4263

0500-711 Berks County Group 5-97-POC1D; Lehigh County Group 5-97-POC3E; Monroe County Group 5-97-POC4A; Northampton County Group 5-97-POC5C. Bid opening date July 17, 1997.

Department: Transportation
Location: District 5-0
Duration: FY 1997-98
Contact: V. C. Shah, (717) 787-5914

Engineering Services—14

0000 000 98 RFP 1-97 Preservation Consultant Services Contract. This contract will provide consultant services in the areas of historic research, archaeological research and investigations/excavations, historic site preservation planning, landscape design, architectural preservation and design, engineering, maritime preservation/historical naval architecture, historic building investigation and analysis, materials analysis diagnostic testing and analysis, building destructive investigation, removal, repair and specialized restoration, integrated pest management, maintenance management, interior design, facilities space planning, master planning, preservation studies, training and other services. This contract shall begin July 1, 1998 and end June 30, 2003. The purpose of this project will be to provide a full range of building and site professional services for historic sites and museums on an as-needed basis throughout the contract period. Preproposal meeting will be held on August 6, 1997 at 1 p.m. in the Board Room, 5th Floor, The State Museum of PA, 3rd and North Streets, Harrisburg, PA 17108-1026. All interested bidders should submit a request for a bid package in writing, to PA Historical and Museum Commission, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026 Attention: Judi Yingling or FAX request to (717) 783-1073. Proposals are due on Friday, September 5, 1997 at 3 p.m. Proposals will be received in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

Department: Historical and Museum Commission
Location: Bureau of Historic Sites and Museums, Various—Division of Architecture and Conservation, 3rd and North Streets, P. O. Box 1026, Harrisburg, PA 17108-1026
Duration: July 1, 1998 to June 30, 2003
Contact: Judi Yingling or Barry Loveland, (717) 772-2401

08430AG2080 Two open-end contracts to provide for various engineering services and environmental studies in Engineering District 12-0, that is Fayette, Greene, Washington and Westmoreland Counties.

Department: Transportation
Location: Engineering District 12-0
Duration: 60 months
Contact: Consultant Agreement Division, (717) 783-9309

Environmental Services—15

BOGM 96-7R Clean out and plug one abandoned oil and gas well on Sweetie property. Estimated to be 2,600 feet deep.

Department: Environmental Protection
Location: Cecil Township, Washington County, PA
Duration: 60 days after Notice to Proceed
Contact: Construction Contracts Unit, (717) 783-7994

Food-19

8319 Meat and meat products. Delivery dates, special delivery instructions and quantities may be obtained from the hospital. Award to be made on an item by item basis. Delivery schedules 8 a.m.—3:30 p.m., Monday—Friday except State and National holidays.

Department: Public Welfare
Location: Warren State Hospital, Institutional Storeroom, Route 62 North, North Warren, Warren County, PA 16365
Duration: January 1, 1998—December 31, 2000
Contact: JD Sample, (814) 726-4448

ACAD-142 Milk: milk standard, 2.0% B.F. low fat milk with vitamin D added; 2. chocolate milk, 1% B.F.; 3. milk, skim, fortified with protein, vitamins A and D added. Interested bidders may obtain bid from the Procurement and Supply Division at (717) 783-5485.

Department: State Police
Location: State Police Academy, Hershey, PA
Duration: July 1, 1997 through June 30, 1998
Contact: Robert D. Stare, (717) 783-5485

Fuel Related Services—20

Project No. 95-25 "Redesign and Expansion of a Commonwealth-wide Automated Fuels Control System." The objective of this project is to find a contractor who can upgrade PennDOT's existing Automated Fuels Control System, since the Department's fueling needs have changed and the current system is in need of replacement. Detailed requirements and an RFP are available upon request. FAX requests to Tina Chubb at (717) 783-7971.

Department: Transportation
Location: Bureau of Office Services, 8th Floor, 555 Walnut Street, Forum Place, Harrisburg, PA
Duration: 12 months
Contact: Tina Chubb, (717) 787-7001

Heating, Ventilation—22

639027-006 Mechanical maintenance service of entire heat plant and controls located on the campus of Thaddeus Stevens State School of Technology. Contractor shall maintain entire system, including heating, ventilating, air conditioning, emergency lighting and fire system.

Department: Education
Location: Thaddeus Stevens State School of Technology, 750 East King Street, Lancaster, PA 17602
Duration: June 1, 1997 to May 31, 1998
Contact: Betty Tompos, Business Manager, (717) 299-7749

Janitorial Services—23

JC-22-97 Janitorial services to be provided on a daily basis, Monday through Friday, after 5 p.m., except on State holidays. Janitorial services is for 5,500 square feet of office space.

Department: Labor and Industry
Location: Venango Area Job Center, 395 Seneca Street, P. O. Box 278, Oil City, Venango County, PA 16301
Duration: October 1, 1997 through September 30, 1999
Contact: Donald P. Errera, Manager, (814) 677-3509

JC-23-97 Janitorial services: complete janitorial services to be provided Monday through Friday, except State holidays, after 5 p.m. Involves 10,814 square feet of first floor office space and 788 square feet of second floor office space. Detailed specifications can be obtained upon request.

Department: Labor and Industry
Location: 75 East Maiden Street, Washington, PA 15301
Duration: July 1, 1997—June 30, 1998
Contact: Terry N. Faust, Manager, (412) 223-4508

Laboratory Services—24

JW-0002 Contractor shall provide dental laboratory services for inmate dental prosthesis. Additional information on file.

Department: Corrections
Location: State Correctional Institution at Albion, 10745 Route 18, Albion, PA 16475-0001
Duration: September 1, 1997 through August 31, 2000
Contact: Lesley S. Hill, Purchasing Agent II, (814) 756-5778

Lodging—27

X87981 Provide lodging, meeting rooms and meals for Department of Environmental Protection Workshop for approximately 225 attendees.

Department: Environmental Protection
Location: Within a 50-mile radius of downtown Harrisburg, PA
Duration: September 30, 1997—October 9, 1997
Contact: Ally Castaneira, (717) 787-2471

Medical Services—29

Inquiry No. 78 To provide for allergy and asthma services. The services will include initial consultations, allergy testing and allergy shots on referral to the patients of our hospital. Copies of the bid proposal can be obtained by contacting the hospital's purchasing office.

Department: Public Welfare
Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18103-2498
Duration: July 01, 1997 through June 30, 2000
Contact: T. F. Snyder, Purchasing Agent, (610) 740-3428

Property Maintenance—33

1187-W This project is to refurbish the exterior of a 36' x 60' modular building. The project includes the removal and replacement of existing metal siding and 14 windows. The contractor will also be responsible for furnishing and installing one steel access door/panel with frame.

Department: Corrections
Location: State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999
Duration: September 15, 1997 to June 30, 1999
Contact: Jack Loughry, (412) 837-4397, ext. 339

1188-W This project will include the replacement of approximately 2,160 square feet of roofing over the Personnel/Training Office Modular building. The project will require the removal of an existing E.P.D.M. roof and the repair of any structural deck damage. A new rubber (E.P.D.M.) roofing system with all required accessories including replacement gutters and downspouts shall be furnished and installed by the contractor.

Department: Corrections
Location: State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999
Duration: September 15, 1997 to June 30, 1999
Contact: Jack Loughry, (412) 837-4397, ext. 339

4-7 Flail mowing of State highways in Maintenance District 4-7, Wyoming County, two cycles per contract period.

Department: Transportation
Location: PennDOT Maintenance District 4-7, 1 Franklin Avenue, Tunkhannock, PA 18657
Duration: Multiple year contract
Contact: Diane Salsman, (717) 836-3141

Real Estate Services—35

990A State Owned Property for Sale Department of General Services. The Department of General Services, will accept sealed bids for the purchase of 0.83 acre of land and one building, known as State Police Barracks, located in Coolspring Township, Mercer County, PA. Persons wishing to make a visit should call to make arrangements. Requests for information and bidding packages are due by June 27, 1997. Solicitation No. 990.

Department: General Services
Location: Bureau of Real Estate, 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1996-97
Contact: Lloyd D. Colegrove, (717) 772-0538

Sanitation—36

0450 Garbage pick up at Building No. 046-5762 in District 4-5, T. R. 706, 2.5 miles east of Montrose. Provide one 30 cubic yard storage container with a minimum of 12 pick ups and/or a maximum of 36 pick ups for the period September 1, 1997 to August 31, 1998.

Department: Transportation
Location: R. D. 1, Box 40, District 0450, Montrose, PA 18801
Duration: 09/01/97 to 08/31/98
Contact: William Benedict, (717) 278-1171

Security Services—37

RFP-TC-9 The Department of General Services requires an addition to a security system at the Lieutenant Governor's Residence. This turnkey project will include: an addition to the existing intrusion, smoke and fire detection system; a new perimeter intrusion detection system; a video monitoring system complete with video recorders and monitors; emergency power system; control console and associated equipment. A mandatory preproposal conference and site visit will be scheduled for interested vendors. For a copy of the Request for Proposal call (717) 787-1450 or Fax (717) 705-0165.

Department: General Services
Location: Bureau of Purchases/Telecommunications, Lebanon County, PA
Duration: 1 year
Contact: John W. Obradovich, (717) 787-1459

Miscellaneous—39

300809 Lease of two pinball machines: to lease two pinball machines (flipper operated) on a monthly basis. The machines must have plexiglass instead of glass. The machines shall be replaced at the end of every sixth month with a change of games. Each pinball machine will be located at a different location within the hospital campus.

Department: Public Welfare
Location: Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300
Duration: August 1, 1997 to June 30, 2000, a period of 35 months
Contact: Jack W. Heinze, Purchasing Agent III, (717) 772-7435

4700-004 The Pennsylvania Departments of Transportation and Community and Economic Development are working with the Laurel Highlands Visitors Bureau to develop an innovative highway signing system that will be used for directional signing to cultural and recreational amenities, businesses, public facilities and other motorist services in a five county area of Southwestern Pennsylvania. The Laurel Highlands Visitors Bureau will be accepting proposals to provide consultant services for designing the directional signage system, developing the management structure for the system's maintenance, conducting meetings to gain public acceptance and interfacing with public agencies. Interested parties may receive copies of the request for proposal by writing to the Laurel Highlands Visitors Bureau, Attention: Joanne Smith, 120 East Main Street, Ligonier, PA 15658. Fax (412) 238-3673. Proposals in response to this request will be accepted no later than 4:30 p.m., Monday, June 30, 1997.

Department: Transportation
Location: Laurel Highlands Visitors Bureau, c/o Joanne Smith, 120 East Main Street, Ligonier, PA 15658
Duration: Indeterminate 1996-97
Contact: Mark Alexander, P.E., (717) 783-6261

AST-158 Project title: Install Guiderail. Project description: install approximately 35 feet of standard galvanized guiderail, 13 steel I-beam posts and 6 buffer ends at each site. Guiderail system to be installed around aboveground storage tank foundation slabs at 21 separate sites.

Department: Game Commission
Location: Twenty-one separate sites in 19 counties throughout the Commonwealth of Pennsylvania
Duration: 120 calendar days after issuance of contract
Contact: Engineering and Contract Management Division, (717) 787-9620

[Pa.B. Doc. No. 97-964. Filed for public inspection June 13, 1997, 9:00 a.m.]

DESCRIPTION OF LEGEND

- | | |
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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of
1033157-01	06/03/97	Ace Plumbing and Heating Co.	6,000.00
1345156-01	05/27/97	Dobil Labora- tories, Inc.	57,560.00
1583116-01	06/03/97	Weinstein Supply Corp.	30,418.77
1585216-01	05/28/97	Todd Devin Food Equip- ment	28,222.00
1696156-01	05/28/97	Photographics Supply, Inc.	15,995.00
1729726-01	05/28/97	Vision Com- munication Services	9,930.00
1790076-01	05/28/97	Mainline In- formation Systems	144,308.00
1792116-01	06/03/97	Comtec	38,000.00
1796306-01	06/03/97	Bierig Sailmakers	24,216.00
1800116-01	05/27/97	Common- wealth In- ternational Trucks, Inc.	277,873.56
1805356-01	06/03/97	Hewlett- Packard Co.	23,141.00
1820046-01	06/03/97	Advanced In- struments, Inc.	6,515.00
1824206-01	06/03/97	Seltronics Eyretel, Inc.	69,600.00
1834166-01	06/03/97	Chief Automot- ive Sys- tems, Inc.	41,137.50
1862116-01	05/28/97	Allegheny Fence Con- struction, Inc.	22,140.00
1908386-01	05/28/97	Cooks Equip- ment, Inc.	102,000.00

Requisition or Contract #	Awarded On	To	In the Amount Of
1909206-01	06/03/97	Hitachi Soft- ware Engi- neering America Ltd.	165,800.00
1916126-01	05/28/97	Medi-Peth Medical Lab, Inc.	4,071.00
1916126-02	05/28/97	Lightning Handcycles	14,136.00
1922156-01	06/03/97	Westinghouse Audio Intel- ligence De- vices	3,700.00
1930386-01	06/03/97	Frank Webb	9,600.00
1950206-01	06/03/97	Sarstedt, Inc.	8,893.50
1961216-01	06/03/97	James Doorcheck	32,321.00
1975216-01	06/03/97	Simplex Time Recorder Co.	6,152.00
1991186-01	06/03/97	Commercial Envelope	47,960.00
8055400-01	05/28/97	Comprador Corp.	13,200.00
8055400-02	05/28/97	Data Systems, Inc.	2,450.00
8104320-01	06/03/97	Bell & Howell	77,270.00
8160900-01	05/28/97	Terre Hill Concrete Products	18,532.00
8211710-01	06/03/97	Lumitrak, Inc.	8,000.00
8503860-01	06/03/97	Fleet Parts and Electri- cal Service, Inc.	22,580.00
9550-10 (Rebid in Part No. 1)	06/04/97	Franklin In- dustries Co.	203,242.25

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 97-965. Filed for public inspection June 13, 1997, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD [25 PA. CODE CHS. 261, 262 and 264—266]

Hazardous Waste Management—Universal Waste Rule

The Environmental Quality Board (Board) by this order amends the Department of Environmental Protection's (Department) regulations governing the management of hazardous waste by amending Chapters 261, 262 and 264—266. These amendments are set forth in Annex A.

This order was adopted by the Board at its meeting of March 18, 1997.

A. Effective Date

These amendments are effective immediately upon publication in the *Pennsylvania Bulletin* as final-form rule-making.

B. Contact Persons

For further information, contact Rick Shipman, Division of Hazardous Waste Management, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, 14th floor, 400 Market Street, P. O. Box 8471, Harrisburg, PA 17105-8471, telephone: (717) 787-6239, or electronic mail Shipman.Rick@a1.dep.state.pa.us or Marc A. Roda, Assistant Counsel, Bureau of Regulatory Counsel, Rachel Carson State Office Building, 9th floor, 400 Market Street, P. O. Box 8464, Harrisburg, PA 17105-8464, telephone: (717) 787-7060, or electronic mail Roda.Marc@a1.dep.state.pa.us. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final rulemaking is available electronically through the DEP Website (<http://www.dep.state.pa.us>).

C. Statutory Authority

The final rulemaking is being made under the authority of section 5 of The Clean Streams Law (35 P. S. § 691.105); section 105 of the Solid Waste Management Act (35 P. S. § 6018.105); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20). Section 5 of The Clean Streams law directs the Department to adopt rules and regulations necessary to implement the act. Under section 105 of the Solid Waste Management Act, the Board has the power and duty to adopt rules and regulations that are necessary to carry out the purposes of the Solid Waste Management Act which includes the management of hazardous waste to protect the public's health, safety, and welfare, as well as protect the environmental resources of this Commonwealth. Section 1920-A of The Administrative Code of 1929 grants the Board the

authority to promulgate rules and regulations that are necessary for the proper work of the Department.

D. Background and Summary

These regulatory amendments add the Universal Waste Rule to the Department's hazardous waste management regulations. The Universal Waste Rule is a set of environmentally protective, simplified standards for the management of certain wastes identified as universal wastes. Universal wastes share the following common characteristics:

a. They are frequently generated in a variety of settings other than the industrial settings usually associated with hazardous wastes.

b. They are generated by a vast community, the size of which poses implementation difficulties for both those who are regulated and the regulatory agencies charged with implementing the hazardous waste program.

c. They may be present in significant volumes in nonhazardous waste management systems.

This rule will facilitate the recycling of spent batteries and mercury-containing thermostats, and the disposal of recalled pesticides, while ensuring that the environment and the public's health, safety and welfare are adequately protected.

This final-form rulemaking also aligns more closely the Department's regulations with the Federal program. The Universal Waste Rule adopted by the Board is essentially equivalent to the Universal Waste Rule adopted by the Environmental Protection Agency (EPA), 40 CFR Part 273 (relating to standards for universal waste management).

This final-form rule amends Chapter 266 (relating to special standards for certain hazardous waste activities) by adding six subchapters defining the universal waste program. These subchapters are: J (relating to general); K (relating to standards for small quantity handlers of universal waste); L (relating to standards for large quantity handlers of universal waste); M (relating to standards for universal waste transporters); N (relating to standards for destination facilities); O (relating to import requirements); and P (relating to petitions to include other wastes under Chapter 266 as universal wastes). In addition, there are some technical amendments to Chapter 261 (relating to criteria, identification and classification of hazardous waste); §§ 262.10(a) (relating to scope); 264.1(c) (relating to scope); 265.1(c) (relating to scope); and 266.80 (relating to reclaimed spent lead acid batteries: applicability and requirements).

The following table is a simplified overview of the participants in the universal waste system and the requirements that are applicable to each type of participant. Each of the universal waste requirements is then described in more detail.

OVERVIEW OF UNIVERSAL WASTE REGULATIONS¹

<i>Universal Waste Requirements</i>	<i>Small Quantity Handlers of Universal Waste</i>	<i>Large Quantity Handlers of Universal Waste</i>	<i>Universal Waste Transporters</i>	<i>Destination Facilities</i>
Prohibitions	§ 266.211	§ 266.231	§ 266.251	Comply with RCRA TSDf requirements
Notification	§ 266.212 NO REQUIREMENTS	§ 266.232	Comply with DOT requirements	Comply with RCRA TSDf requirements

<i>Universal Waste Requirements</i>	<i>Small Quantity Handlers of Universal Waste</i>	<i>Large Quantity Handlers of Universal Waste</i>	<i>Universal Waste Transporters</i>	<i>Destination Facilities</i>
Waste Management Requirements	§ 266.213	§ 266.233	§ 266.252 Comply with DOT requirements	Comply with RCRA TSDF requirements
Labeling/Marking	§ 266.214	§ 266.234	Comply with DOT requirements	Comply with RCRA TSDF requirements
Storage Time Limits	§ 266.215 1 YEAR LIMIT	§ 266.235 1 YEAR LIMIT	§ 266.253 10 DAY LIMIT	Comply with RCRA TSDF requirements
Employee Training	§ 266.216 DISTRIBUTE INFO	§ 266.236 ENSURE FAMILIARITY	Comply with DOT requirements	Comply with RCRA TSDF requirements
Response to Releases	§ 266.217	§ 266.237	§ 266.254	Comply with RCRA TSDF requirements
Offsite Shipments	§ 266.218	§ 266.238	§ 266.255 Comply with DOT requirements	§ 266.261
Tracking	§ 266.219 NO REQUIREMENTS	§ 266.239	Comply with DOT requirements	§ 266.262
Export Requirements	§ 266.220	§ 266.240	§ 266.256	None

¹ Gray shading indicates that there are applicable regulations in Chapter 266, Subchapters K through O.

Wastes Covered Under the Universal Waste Rule

The Universal Waste Rule is designed to apply to certain widely generated hazardous wastes that are not appropriately managed under the existing regulations. Three types of wastes are defined as a universal waste. These wastes are: nickel cadmium and other batteries, hazardous waste pesticides that are either recalled or collected in a waste pesticide collection program, and mercury-containing thermostats. Additional types of hazardous waste can also be managed in a manner consistent with the Universal Waste Rule if they are added to the EPA's Universal Waste Rule or if they are added to Pennsylvania's Universal Waste Rule by the rulemaking petition process.

Nothing in this rule negatively impacts the Pennsylvania Department of Agriculture's CHEMSWEEP program. It also does not conflict with the Federal Mercury-Containing and Rechargeable Battery Management Act (42 U.S.C.A. §§ 14301—14336).

Universal Waste Handler

A key participant in the universal waste system is the universal waste handler. A universal waste handler is a person who either generates universal waste or who accumulates universal waste for transfer to another facility (collection facility). Except for some basic management activities, a universal waste handler cannot treat/recycle, or dispose of a universal waste.

There are two types of universal waste handlers, large and small quantity handlers. The distinction between a large quantity handler of universal waste (LQHUU) and a small quantity handler of universal waste (SQHUW) is the amount of waste accumulated onsite at any time. A universal waste handler that accumulates at any time onsite 5,000 kg or more total of universal wastes is an LQHUU.

An SQHUW that any one time accumulates 5,000 or more kgs becomes an LQHUU for the remainder of the calendar year. In the following year, the handler can operate as an SQHUW provided it does not accumulate onsite 5,000 kgs or more at any time.

It is anticipated that the SQHUW category with its reduced management standards will facilitate the creation of universal waste collection facilities for consumers and small businesses. These collectors will frequently be retail-type operations participating in a National collection program, such as, a department or specialty store that has a spent battery collection box. These collectors would likely accumulate only small quantities of universal waste because only a minor portion of their business is devoted to managing waste, and because they would ship wastes frequently using package shipping services or similar systems set up by the collection programs. As a result, the standards for SQHUWs will ensure that the environment and the public is protected and will minimize the cost of operating a universal waste collection facility.

The requirements applicable to LQHUUWs and SQHUWs are found in Subchapters K and L. Most of the requirements are the same for SQHUWs and LQHUUWs. The discussion will indicate when LQHUUWs and SQHUWs are subject to different standards.

The Universal Waste Rule creates a Permit-By-Rule (PBR) for the management of universal waste by a universal waste handler. The universal waste handler obtains this PBR by complying with the applicable requirements for an LQHUU or an SQHUW.

This PBR was created to satisfy sections 401 and 501 of the Solid Waste Management Act (35 P.S. §§ 6018.401 and 6018.501) which require a permit for the storage and treatment of hazardous waste. This is because a universal waste handler is authorized to conduct some activities,

such as draining batteries and removing mercury ampules from thermostats, that constitute treatment under the Solid Waste Management Act.

This PBR makes the Department's Universal Waste Rule different, but not more stringent than the EPA's Universal Waste Rule. The EPA exempts universal waste handlers from the requirement to obtain a permit. Nonetheless, the Department's Universal Waste Rule is not more stringent than the EPA's Universal Waste Rule because a universal waste handler is subject to the same requirements under both rules.

In general, universal waste handlers are only authorized to collect, store and package for shipping universal waste. The universal waste must be stored and packaged in a manner that prevents releases to the environment. Except for the draining of batteries and the removal of mercury ampules from thermostats, a universal waste handler is prohibited from treating or disposing of universal wastes.

LQHUs and SQHUs are subject to different notification requirements. Only LQHUs are required to notify the Department and the EPA of their universal waste handling activities. SQHUs are not subject to this notification requirement.

Universal waste handlers are required to label and mark all shipping containers. The label must identify the material contained therein either as a universal waste, a waste or a used material.

Universal waste handlers can store universal waste for up to 1 year. This time limit may be exceeded if additional time is necessary solely to facilitate the proper recycling or disposal of the waste. Universal waste handlers must be able to demonstrate the length of time the waste has been accumulated.

SQHUs and LQHUs are subject to different training requirements. SQHUs are only required to distribute basic handling and emergency information to employees handling universal waste. LQHUs are required to ensure that employees are familiar with waste handling and emergency procedures as appropriate, based on their responsibilities.

Universal waste handlers must immediately contain any releases of universal waste and other residues from universal waste. Universal waste handlers must characterize the materials generated by the release. If this material is determined to be hazardous, then it is managed in accordance with the hazardous waste regulations. Universal waste handlers assume generator responsibility for the material generated by the release.

Universal waste handlers can only send or receive universal waste from another handler, destination facility or a foreign destination. Universal waste handlers who self-transport universal waste must comply with the universal waste transporter requirements. Also, any universal waste that is a United States Department of Transportation (U.S. DOT) hazardous material must be shipped in accordance with the applicable U.S. DOT regulations, 49 CFR Parts 171—180.

Prior to shipping universal waste, the originating universal waste handler must ensure that the receiving facility will accept the shipment. The originating handler is also responsible for receiving any load or partial load that has been rejected by the receiving facility. However, the originating handler and the receiving facility can jointly agree upon another destination facility to receive the rejected load.

Universal waste handlers that receive a shipment of hazardous waste that is not a universal waste, must immediately notify the appropriate Department regional office. The regional office will provide instructions on managing the hazardous waste. Shipments of nonhazardous waste are to be managed in accordance with the applicable municipal or residual waste regulations.

SQHUs and LQHUs are subject to different tracking requirements. SQHUs are not required to keep records of shipments of universal waste. LQHUs are required to document each shipment received and sent from the facility. This documentation can take the form of a log, invoice, manifest, bill of lading or other shipping document. The documentation must identify the facility sending or receiving the shipment, the quantity of each type of universal waste being shipped, and the date the shipment was sent or received. LQHUs must retain these documents for 3 years after the shipment was received or sent. Universal waste handlers exporting universal waste to a foreign destination must comply with the requirements of Chapter 262, Subchapter E (relating to exports of hazardous waste). The applicable requirements for primary exporters in 40 CFR Part 262 (relating to standards applicable to generators of hazardous waste) must also be satisfied.

Universal Waste Transporters

Another participant in the universal waste system is the universal waste transporter. Universal waste transporters are persons engaged in the transportation of universal waste. The requirements applicable to universal waste transporters are found in Subchapter M.

Persons who transport universal waste in accordance with the requirements of Subchapter M are deemed to have a universal waste transporters license. This license-by-rule implements section 501 of the Solid Waste Management Act (35 P. S. § 6018.501) which requires that hazardous waste be transported by a licensed transporter.

The granting of a license makes the Department's Universal Waste Rule slightly different from, but not more stringent than, the EPA's Universal Waste Rule. As with all other hazardous waste transporters, the EPA Universal Waste Rule does not require universal waste transporters to obtain a license. The Department's Universal Waste Rule is not more stringent than EPA's Universal Waste Rule because the two rules have the same requirements.

Universal waste transporters are prohibited from disposing of, diluting or treating universal waste. This prohibition is not applicable to treatment activities necessary to respond to a release.

Universal waste transporters are subject to the U. S. DOT requirements for transporting hazardous materials. The U. S. DOT hazardous material category of "hazardous waste" is not applicable to universal wastes. The U. S. DOT hazardous material classification for hazardous wastes only applies to materials subject to the EPA's manifest requirements. Universal wastes are not required to be manifested. Only those universal wastes that meet a specific U. S. DOT hazardous material category are subject to the U. S. DOT regulations. The shipping papers accompanying these materials must describe the material by the U. S. DOT proper shipping name. The words "hazardous waste" or "waste" cannot be added to the shipping name.

Universal wastes can be stored for up to 10 days at a universal waste transfer facility without the transporter having to comply with any additional requirements. A

universal waste transporter who complies with the applicable universal waste handler requirements can store universal wastes for more than 10 days.

A universal waste transporter must immediately contain any releases of universal waste. The transporter must characterize the materials generated by the release. If this material is determined to be hazardous, it is managed under the hazardous waste regulations. The transporter assumes generator responsibility for this material.

A transporter cannot knowingly accept a shipment of universal waste destined for export that does not conform to the EPA acknowledgement of consent. In addition, the transporter must ensure that the shipment is accompanied with the EPA acknowledgement of consent and is delivered to the designated facility.

Destination Facilities

A destination facility is any facility that treats/recycles or disposes of universal waste. Except as modified by Subchapter N (relating to standards for destination facilities), a destination facility is subject to the applicable regulations for a hazardous waste treatment/recycling, or disposal facility.

A shipment of universal waste can be rejected, in whole or in part, by the owner or operator of a destination facility. The owner or operator of the destination facility must notify the shipper of the rejected load. The rejected load can be returned to the shipper. Alternatively, if the shipper agrees, the rejected load can be sent to another destination facility.

If a destination facility receives a shipment of hazardous waste that is not a universal waste, the owner or operator must immediately notify the appropriate regional office of the Department. The regional office will provide the owner or operator with instructions on managing the hazardous waste. Any shipments of non-hazardous waste are to be managed in accordance with the applicable municipal or residual waste regulations.

The owner or operator of a destination facility must document each shipment of universal waste received at the facility. The documentation can take the form of a log, invoice, manifest, bill of lading or other shipping document. The documentation must identify the shipper, quantity of each type of universal waste received and the date the shipment was received. These records are to be retained for 3 years from the date of receiving the shipment.

Import Requirements

Subchapter O contains the standards applicable to universal waste shipped from a foreign country. In short, once universal waste from a foreign country enters this Commonwealth, it is managed like universal waste generated within this Commonwealth.

Including Additional Hazardous Wastes Under the Universal Waste Rule

Subchapter P creates two mechanisms for adding new types or categories of hazardous waste to the Universal Waste Rule. These mechanisms are incorporated by reference and a rulemaking petition process.

The incorporation by reference provision automatically amends the Department's Universal Waste Rule to include any changes to the EPA's Universal Waste Rule. Thus, any new type or category of hazardous waste added to the EPA Universal Waste Rule is automatically added to the Department's Universal Waste Rule.

The rulemaking petition process contains procedures and criteria applicable to petitions to the Board and the Department to amend the Universal Waste Rule to add another type or category of universal waste. This petition process differs from the proposed petition process in that a successful petition results in an amendment to the Universal Waste Rule rather than a determination by the Department that the hazardous waste can be managed like a universal waste. This change has been made to address concerns raised by the EPA and the Independent Regulatory Review Commission (IRRC).

Rather than just the Department determining the merits of a petition, Chapter 266, Subchapter P has been revised to have the Department and the Board evaluate the petition. This evaluation will still be based upon the factors listed in § 266.281 (relating to factors for petitions to include other wastes under Subchapters J—O). Some of the more important factors are whether: the hazardous waste is generated by a wide variety of generators; the hazardous waste is generated by a large number of generators and is frequently generated in relatively small quantities by each generator; the applicable management standards will be protective of human health and the environment; and whether managing the hazardous waste as a universal waste will increase the likelihood that the hazardous waste will be recycled, treated or disposed of properly.

Section 266.280(f), which stated that the Department could initiate the petition process, is unnecessary and has been deleted. The Department, on its own initiative, can request the Board to amend the Universal Waste Rule.

Section 266.282 (relating to public notice and review of petitions) sets forth the process for reviewing these petitions. The Department still determines whether the petition is administratively complete; See § 266.282 (a). The Department will then publish in the *Pennsylvania Bulletin* a notice that it has received an administratively complete rulemaking petition to add another type or category of hazardous waste to the Universal Waste Rule. Subsection (b) gives interested parties 60 days to submit comments concerning the proposed action. After reviewing all comments the Department will submit to the Board a recommendation whether or not to amend the Universal Waste Rule in a manner consistent with the proposed action.

The proposed and final-form regulations contain a number of provisions identifying those hazardous wastes which can be managed under the Universal Waste Rule. In the proposed regulations, these provisions contained language to include types or categories of hazardous wastes determined by the Department, pursuant to the petition process, that could be managed like a universal waste. This language is now unnecessary because successful petitions will result in an amendment to the Department's regulations. Therefore, §§ 261.9(5) (relating to requirements for universal wastes); 264.1(c)(10)(v) and 265.1(c)(11)(v) (both relating to scope); 266.201(5) (relating to scope); 266.206 definition of "universal waste" subsection (v) (relating to definitions); 266.213(d) and 266.233(d) (relating to waste management); and 266.234(5) (relating to labeling/markings) are deleted.

By including this rulemaking petition process in the Universal Waste Rule, once the Universal Waste Rule becomes part of Pennsylvania's authorized program, any new type or category of hazardous waste added to the Universal Waste Rule, through the petition process, becomes part of Pennsylvania's authorized program. The rulemaking petition process contains all the procedural

and substantive requirements found in the EPA's Universal Waste Rule petition process. The EPA is encouraging states to include this petition process in their own Universal Waste Rule. Additional wastes deemed universal wastes under the petition process become part of the state's authorized program.

Miscellaneous Amendments

The Universal Waste Rule, like the EPA's Universal Waste Rule, exempts hazardous wastes managed as a universal waste from the quantity determination used to qualify for conditionally exempt small quantity generator status. This exemption should encourage generators to participate in the universal waste program. The other amendments to Chapters 261, 264 and 265 merely make it clear that universal wastes are to be managed in accordance with the requirements of Chapter 266, Subchapters J—O, and not the normal hazardous waste regulations.

E. Summary of Comments and Changes to the Proposed Rulemaking

Notice of proposed rulemaking was published on August 2, 1996, in the *Pennsylvania Bulletin* and was followed by a 60-day public comment period. No public meetings or hearings were held.

Comments

Four persons and organizations commented on the proposed amendments during the comment period. IRRC also submitted comments.

The Department has prepared a Comment and Response Document summarizing and responding to the comments received by the Board. This document is available for review upon request from the contact persons identified in Section B of this Preamble.

Several commentators suggested expanding the Universal Waste Rule to include mercury-containing lamps, and other mercury-containing devices. In the notice of proposed rulemaking, the Board requested information concerning adding fluorescent tubes and other hazardous wastes to the final-form rule.

The Board agrees that mercury-containing lamps and other mercury-containing devices are good candidates for management as universal wastes. Nonetheless, the Board believes the final-form rule should only cover those hazardous wastes included under the EPA Universal Waste Rule. The EPA has specified the procedures and standards to be used by a state for expanding its Universal Waste Rule beyond the Federal program. These procedures and standards have been included in the final-form rule. They will be used to review the recommendations that mercury-containing lamps or other mercury-containing devices should be managed under the universal waste program.

One commentator suggested that the final-form rule require the shipping documents to include a parenthetical expression to modify the U.S.DOT proper shipping name to identify the material as a waste. Except for materials categorized as a hazardous waste, the U.S.DOT proper shipping name does not identify the material as a waste. The commentator is concerned that someone might mistakenly conclude that the shipment contains a product, rather than a waste because the shipping documents only use the U.S.DOT shipping name to describe the shipment.

The Board believes this concern is unfounded. In addition to the shipping paper description, universal waste handlers must label packages of universal waste to

identify their contents as a waste or used material, such as universal waste—batteries, waste batteries, or used batteries. Any regulation imposing additional requirements on the description to be used in shipping documents may be preempted by the U.S. Hazardous Materials Transportation Act (49 U.S.C.A. § 5125 (b)).

IRRC recommended deleting from the final-form rule the regulations authorizing the Department to determine whether other wastes can be managed as a universal waste. IRRC believes the Department lacks the authority to make adjudications. Even if the Department has the authority to make adjudications, IRRC believes that the determination to expand the Universal Waste Rule should be made via the rulemaking process.

The final-form rule has been changed to conform the petition process to the Federal program's petition process. Successful petitions to add other hazardous wastes will result in an amendment to the Universal Waste Rule through the rulemaking process.

IRRC believed mercury-containing lamps and other mercury-containing devices may be worthy candidates for inclusion under the Universal Waste Rule. However, IRRC recommended not including these hazardous wastes in the final-form rule. These wastes should be considered only after there has been broad opportunity for public comment on the addition of each waste.

The Board agrees. The procedures authorizing the Department to make these determinations include notice in the *Pennsylvania Bulletin* and a 60-day comment period.

IRRC recommended that the labeling requirements be clarified in the final-form rule. The Board disagrees. As explained previously, the handler is required to clearly identify the contents of packages of universal waste.

IRRC recommended rewriting the Universal Waste Rule to primarily incorporate by reference EPA's Universal Waste Rule. The Board disagrees at this point in time. Rewriting the Universal Waste Rule to incorporate by reference the EPA Universal Waste Rule will extend the rulemaking process. At a minimum, the Board would have to use an advanced notice of final rulemaking to provide the public with notice of the change in the rule. However, as part of the Regulatory Basics Initiative, the question of incorporation by reference will be considered on a broad scale.

IRRC recommended that the statutory references requiring permits for handlers and licenses for transporters be included in the final-form rule. The Board believes adding this explanation and cross references to the regulation will adversely affect the regulation's clarity. This explanation, including citations, has instead been included in the summary and background section of this Preamble.

IRRC recommended clarifying language in § 261.5(i) relating to which regulations are applicable to mixtures of hazardous waste and solid waste that exceed the quantity limitations. The revisions to § 261.5 were addressed as part of the recently promulgated hazardous waste amendments known as PK5. This final-form rulemaking merely excludes universal wastes from the quantity limitations imposed by that regulation.

The remainder of IRRC's comments relate to either correcting typos or minor changes to clarify the regulations. In general, the Board accepts these recommendations.

Changes to Proposed Regulations

The final regulations contain several changes which respond to comments. The changes are identified as follows:

1. Amendment to petitioning process.

The final regulations in Subchapter P, §§ 266.280, 266.281 and 266.282 were amended to remove the procedures to petition for a Department universal waste determination. Under the final regulations, persons may petition for a regulatory amendment to regulate additional categories of waste as universal wastes.

In §§ 261.9(5), 264.1(5), 265.1(5), 266.201(a)(4), 266.206, 266.212(d), 266.214(5), 266.233(d) and 266.234(5), the final regulations delete language which referred to the procedures for a Department universal waste determination. Under the final regulations, additional categories of waste can only be added by regulatory amendment.

2. Cross references to Chapters 261—266.

In the proposed amendments, §§ 266.203(b)(2), 266.212(a)(3)(i), 266.217 and 266.237 referenced the hazardous waste regulations in the remainder of this article as being applicable in several circumstances. To improve clarity the final regulations a reference to Chapters 261—265 and Chapter 266, Subchapters C—I as provides other applicable requirements in several circumstances.

On November 14, 1996, the Solid Waste Advisory Committee (SWAC) was briefed on the comments received during the public comment period. On January 9, 1997, SWAC approved this final-form regulations for submission to the Board. The final-form regulations were also approved by the Agricultural Advisory Committee at its December 18, 1996, meeting.

F. Benefits, Costs and Compliance

Executive Order 1996-1 requires a cost/benefit analysis of the final rulemaking.

Benefits

Adopting the Universal Waste Rule will prevent pollution by facilitating the recycling or proper disposal of these wastes. The complexity and costs of complying with the full hazardous waste regulations inhibit the creation of systems for the collection and transportation of universal wastes to recycling or hazardous waste disposal facilities. The Universal Waste Rule establishes environmentally protective streamlined standards for the collection and transportation of these wastes. By making these management standards less complex and less costly to comply with, the creation of universal waste systems will be facilitated.

It is estimated that generators of universal waste will see an annualized cost saving of \$11.4 million. This estimate is based upon an EPA study concerning cost savings resulting from the Universal Waste Rule.

The EPA performed a Nationwide analysis to estimate the cost differences between compliance with the full RCRA Subtitle C (Hazardous Waste) requirements, and compliance with the universal waste regulations for generators of universal wastes. The economic impact analysis examined the savings that should result from generators handling hazardous waste batteries and thermostats under several possible options for complying with the universal waste requirements. It also identified the least-cost compliance options. The economic impact analysis also estimated the incremental savings that should result for generators of pesticides that are hazardous after their

recall. Summing up the savings from the various universal wastes, the EPA's estimate of the total annualized savings from complying with the Universal Waste Rule is \$76 million Nationwide.

The estimate that the Universal Waste Rule will save Pennsylvania generators \$11.4 million is based upon the assumption that the proportion of the National cost saving attributable to Pennsylvania generators equals the proportion of universal waste generated Nationally that is attributable Pennsylvania. The Department estimates Pennsylvania's share of the National universal waste stream to be 15%. Multiplying the National estimate of the total annualized savings estimate by 15% (\$76 million x 0.15) results in a total annualized savings of \$11.4 million, for Pennsylvania generators of universal waste.

Savings could increase substantially in future years if additional wastes are added to the Universal Waste Rule.

Compliance Costs

The regulations provide an optional means to comply with applicable hazardous waste requirements. Compared to compliance costs associated with full regulations under the hazardous waste program, compliance with the Universal Waste Rule will be less costly.

Compliance Assistance Plan

The Department's compliance assistance efforts will take two forms. The Department will prepare fact sheets to help explain how the Universal Waste Rule works. In addition, the Department will work with industry groups to develop workshops to explain how individuals can utilize the Universal Waste Rule to establish universal waste collection systems to recycle or properly dispose of these hazardous wastes.

Paperwork Requirements

The Universal Waste Rule imposes few paperwork requirements. LQHUV and owner/operators of destination facilities must maintain records of the universal waste received or shipped from the facility. These records can be the normal shipping documents, such as invoices or bills of lading, used by businesses to track shipments.

G. Pollution Prevention

The Federal Pollution Prevention Act of 1990 established a National policy that promotes pollution prevention as the preferred means for achieving State environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally-friendly materials, the more efficient use of raw materials, or the incorporation of energy efficient strategies. Pollution prevention provisions are not applicable with these regulations because these regulations establish a set of streamlined standards for managing universal wastes. However, these final-form regulations should promote the recycling of universal wastes.

H. Sunset Review

These final-form regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulation effectively fulfills the goals for which it was intended.

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 4, 1996, the Department submitted a copy of the proposed amendments to IRRC and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. In compliance

with section 5(b.1) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments, as well as other documentation.

In preparing these final-form regulations, the Department has considered the comments received from IRRC and the public. These comments are addressed in the comment and response document and Section E of this Preamble. The Committees did not provide comments on the proposed rulemaking.

The final-form regulations were deemed approved by the House Environmental Resources and Energy Committee on April 21, 1997, and were deemed approved by the Senate Environmental Resources and Energy Committee on April 21, 1997. IRRC met on May 1, 1997, and approved the regulations in accordance with section 5(c) of the Regulatory Review Act.

J. Findings of the Board

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law, and all comments were considered.

(3) These regulations do not enlarge the purpose of the proposal published at 26 Pa.B. 3801.

(4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this order.

K. Order of the Board

The Board, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 25 Pa. Code Chapters 261, 262 and 264—266, are amended by amending §§ 261.5, 262.10, 262.11, 264.1, 265.1 and 266.80; and by adding §§ 261.9, 266.201—266.206, 266.210—266.220, 266.230—266.240, 266.250—266.256, 266.260—266.262, 266.270 and 266.280—266.283, to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form, as required by law.

(c) The Chairperson shall submit this order and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

(d) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau, as required by law.

(e) This order shall take effect immediately.

JAMES M. SEIF,
Chairperson

(Editor's Note: For the text of the order of IRRC relating to this document, see 27 Pa.B. 2490 (May 17, 1997).)

Fiscal Note: Fiscal Note 7-297 remains valid for the final adoption of the subject regulations.

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

ARTICLE VII. HAZARDOUS WASTE MANAGEMENT

CHAPTER 261. CRITERIA, IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

§ 261.5. Special requirements for hazardous waste generated by conditionally exempt small quantity generators.

(a) A generator is a conditionally exempt small quantity generator in a calendar month if the generator generates no more than 100 kilograms of hazardous waste in that month.

(b) Except for those wastes identified in subsections (f), (g) and (j), a conditionally exempt small quantity generator is not subject to regulation under Chapters 262—266 and Chapter 270, and the notification requirements of § 261.41 (relating to notification of hazardous waste activities), if the generator complies with the requirements of subsections (f), (g) and (j).

(c) When making the quantity determinations of this chapter and Chapter 262 (relating to generators of hazardous waste), the generator shall include all hazardous waste that it generates, except hazardous waste that:

(1) Is exempt from regulation under § 261.4 or 40 CFR § 261.6(a)(3), § 261.7(a)(1) or § 261.8 (relating to requirements for recyclable materials; residues in hazardous waste in empty containers; and PCB waste regulated under toxic substance control act).

(2) Is managed immediately upon generation only in onsite elementary neutralization units, wastewater treatment units or totally enclosed treatment facilities as defined in § 260.2 (relating to definitions).

(3) Is recycled, without prior storage or accumulation, only in an onsite process subject to regulation under Chapter 266 (relating to special standards for the management of certain hazardous waste activities).

(4) Is used oil managed under the requirements of § 261.6 (relating to requirements for hazardous wastes that are recycled) and Chapter 266.

(5) Is spent lead-acid batteries managed under the requirements of Chapter 266, Subchapter G (relating to reclaimed spent lead-acid batteries).

(6) Is universal waste managed under Chapter 266.

(d) In determining the quantity of hazardous waste generated, a generator need not include one or more of the following:

(1) Hazardous waste when it is removed from onsite storage.

(2) Hazardous waste produced by onsite treatment, including reclamation, of hazardous waste generated onsite, if the hazardous waste that is treated was counted once.

(3) Spent materials that are generated, reclaimed and subsequently reused onsite, if spent materials have been counted once.

(4) A universal waste managed under § 261.9 (relating to requirements for universal waste) and Chapter 266.

(e) All quantities of acute hazardous waste are subject to Chapters 262—266 and 270 if a generator generates acute hazardous waste in a calendar month in quantities greater than the following:

(1) A total of 1 kilogram of acute hazardous wastes listed in § 261.31, § 261.32 or § 261.33(4) (relating to list of hazardous waste from nonspecific sources; list of hazardous waste from specific sources; and waste commercial chemical products, off-specification species, containers, container residues and spill residues thereof).

(2) A total of 100 kilograms of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acute hazardous wastes listed in § 261.31, § 261.32 or § 261.33(4).

(f) For acute hazardous wastes generated by a generator of acute hazardous wastes in quantities equal to or less than those set forth in subsection (e) to be excluded from this section, the generator shall comply with the following requirements:

(1) Section 262.11 (relating to hazardous waste determination).

(2) The generator may accumulate acute hazardous waste onsite. If the generator accumulates at any time acute hazardous wastes in quantities greater than those in subsection (e), all of those accumulated wastes are subject to Chapters 262—266 and 270. The time period established in § 262.34(a) (relating to accumulation) for accumulation of wastes onsite begins when the accumulated wastes exceed the applicable exclusion limit.

(3) The conditionally exempt small quantity generator may either treat or dispose of acute hazardous waste generated onsite at an onsite facility or ensure delivery to an offsite treatment, storage or disposal facility, either of which, if located in the United States, is:

(i) Permitted under Chapter 270 (relating to permit program) if the facility is located within this Commonwealth.

(ii) In interim status under Chapter 265 (relating to interim status standards for hazardous waste management facilities and permit program for new and existing hazardous waste management facilities) and Chapter 270 if the facility is located within this Commonwealth.

(iii) Authorized to manage hazardous waste by a state with a hazardous waste management program approved under 40 CFR Part 271 (relating to requirements for authorization of state hazardous waste programs).

(iv) Permitted, licensed or registered by another state to manage municipal or industrial solid waste, or, if a conditionally exempt small quantity generator's wastes are mixed with waste oil and the mixture is to be recycled or reused, it may be transported, stored or processed under Article VIII (relating to municipal waste) or Article IX (relating to residual waste).

(v) A facility which meets one or more of the following conditions:

(A) Beneficially uses or reuses, or legitimately recycles or reclaims its waste.

(B) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation.

(vi) A universal waste handler or destination facility subject to the requirements of Chapter 266, Subchapters J—P, if the waste is a universal waste managed under Chapter 266, Subchapters J—P.

(g) For hazardous waste generated by a conditionally exempt small quantity generator in quantities of less than 100 kilograms of hazardous waste during a calendar month to be excluded from full regulation under this section, the generator shall comply with the following requirements:

(1) Section 262.11.

(2) The conditionally exempt small quantity generator may accumulate hazardous waste onsite. If the conditionally exempt small quantity generator accumulates at any time more than a total of 1,000 kilograms of hazardous wastes which were generated onsite, all of those accumulated wastes are subject to regulation under the special provisions of Chapter 262 (relating to generators of hazardous waste) applicable to generators of between 100 kilograms and 1,000 kilograms of hazardous waste in a calendar month as well as the requirements of Chapters 263—266 and 270. The time period established in § 262.34(e) (relating to accumulation) for accumulation of wastes onsite begins for a conditionally exempt small quantity generator when the accumulated wastes exceed 1,000 kilograms.

(3) The conditionally exempt small quantity generator may either treat or dispose of hazardous waste generated onsite at an onsite facility or ensure delivery to an offsite treatment, storage or disposal facility, either of which, if located in the United States, is one or more of the following:

(i) Permitted under Chapter 270.

(ii) In interim status under Chapters 265 and 270.

(iii) Authorized to manage hazardous waste by a state with a hazardous waste management program approved under 40 CFR Part 271.

(iv) Permitted, licensed or registered by another state to manage municipal or industrial solid waste, or, if a conditionally exempt small quantity generator's wastes are mixed with waste oil and the mixture is to be recycled or reused, it may be transported, stored or processed under Article VIII or Article IX.

(v) A facility which meets one or more of the following conditions:

(A) Beneficially uses or reuses, or legitimately recycles or reclaims its waste.

(B) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation.

(vi) A universal waste handler or destination facility subject to the requirements of Chapter 266, if the waste is a universal waste managed under Chapter 266, Subchapters J—P.

(h) Hazardous waste subject to the reduced requirements of this section may be mixed with nonhazardous waste and remain subject to these reduced requirements even though the resultant mixture exceeds the quantity limitations identified in this section, unless the mixture meets any of the characteristics of hazardous waste identified in Subchapter C (relating to characteristics of hazardous waste).

(i) If a person mixes a solid waste with a hazardous waste that exceeds a quantity exclusion level of this section, the mixture is subject to full regulation.

(j) If a conditionally exempt small quantity generator's wastes are mixed with waste oil, the mixture is subject to Chapter 266, Subchapter E (relating to waste oil burned for energy recovery), if it is destined to be burned for

energy recovery. A material produced from such a mixture by processing, blending or other treatment is also so regulated if it is destined to be burned for energy recovery.

(Editor's Note: Section 261.8 has been omitted to retain parallelism with the Federal numbering system.)

§ 261.9. Requirements for universal waste.

The wastes listed in this section are exempt from regulation under Chapters 262—270 except as specified in Chapter 266 (relating to special standards for the management of certain hazardous waste activities and universal waste management) and, therefore are not fully regulated as hazardous waste. The wastes listed in this section are subject to regulation under Chapter 266:

- (1) Batteries as described in § 266.202 (relating to applicability-batteries).
- (2) Pesticides as described in § 266.203 (relating to applicability-pesticides).
- (3) Thermostats as described in § 266.204 (relating to applicability-thermostats).
- (4) Other hazardous wastes or categories of hazardous waste determined by the EPA to be universal wastes regulated under 40 CFR Part 273 (relating to standards for management of universal wastes).

CHAPTER 262. GENERATORS OF HAZARDOUS WASTE

Subchapter A. GENERAL

§ 262.10. Scope.

(a) This chapter establishes standards for a generator of hazardous waste identified in Chapter 261 (relating to criteria, identification and listing of hazardous waste) who is located in this Commonwealth. Section 261.5(c) and (d) (relating to special requirements for wastes generated by conditionally exempt small quantity generators) shall be used to determine the applicability of provisions of this chapter that are dependent on calculations of the quantity of hazardous waste generated per month.

(b) A generator who treats, stores or disposes of hazardous waste at a permitted onsite facility or an onsite facility being treated as having been issued a permit shall comply with applicable requirements of Chapters 264 and 265 (relating to new and existing hazardous waste management facilities applying for a permit; and interim status standards for hazardous waste management facilities and permit program for new and existing hazardous waste management facilities) and with the following in this chapter:

- (1) Section 262.11 (relating to hazardous waste determination).
- (2) Section 262.12 (relating to identification numbers).
- (3) Section 262.34 (relating to accumulation).
- (4) Section 262.40 (relating to recordkeeping).
- (5) Section 262.41(b) (relating to biennial report).
- (6) Section 262.43 (relating to additional reporting).
- (7) Section 262.45 (relating to hazardous waste disposal plan).
- (8) Section 262.46 (relating to hazardous waste discharges or spills).

(c) A farmer who generates waste pesticides which are hazardous wastes and who complies with the require-

ments of § 262.70 (relating to farmers), is not required to comply with Chapters 264 and 265 with respect to the pesticides.

(d) An owner or operator who initiates a shipment of hazardous waste from a treatment, storage or disposal facility shall comply with the generator standards established in this chapter.

(e) A household hazardous waste collection contractor under section 1512 of the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. § 400.1512) is a generator of the hazardous wastes collected and shall comply with the requirements of this chapter.

(f) Used oil collection site operators who are not transporters, marketers or burners are not generators. Used oil collection contractors under section 1512 of the Municipal Waste Planning, Recycling and Waste Reduction Act who manage hazardous waste oils are generators.

§ 262.11. Hazardous waste determination.

(a) A person or municipality who generates a solid waste as defined in section 103 of the act (35 P. S. § 6018.103) shall determine if that waste is a hazardous waste using the following procedures:

(1) The generator shall first determine if the waste is excluded from regulation under § 261.4 (relating to exclusions) or subject to the special requirements under § 261.5 (relating to special requirements for hazardous waste generated by conditionally exempt small quantity generators), or to be managed as a universal waste under the special requirements of Chapter 266 (relating to special standards for the management of certain hazardous waste activities and universal waste management).

(2) The generator shall then determine if the waste is listed as a hazardous waste in Chapter 261, Subchapter D (relating to lists of hazardous wastes), contains a waste listed in Chapter 261, Subchapter D or is derived from a waste listed in Chapter 261, Subchapter D.

(3) For purposes of compliance with 40 CFR Part 268 (relating to land disposal restrictions), or if the waste is not listed in Chapter 261, Subchapter D, the person shall determine whether the waste material is identified in Chapter 261, Subchapter C (relating to characteristics of hazardous waste), by either:

(i) Testing the waste according to the methods in Chapter 261 (relating to criteria, identification and listing of hazardous waste) or according to an equivalent method approved by the Department under § 260.21 (relating to requests for determination of equivalent testing or analytical methods).

(ii) Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.

(4) The generator shall determine if a spill or accidental discharge is subject to the reporting requirements of § 262.46 (relating to hazardous waste discharges or spills) and shall comply with § 262.46, except § 262.46(e), for a spill or accidental discharge.

(b) If a waste is listed as a hazardous waste in, contains a waste listed in, or is derived from a waste listed in Chapter 261, Subchapter D, a generator's waste can be declared nonhazardous if the generator can demonstrate to the Department in accordance with § 260.22 (relating to delisting procedures) that the waste from the generator's particular facility or operation is not a hazardous waste.

(c) If the waste is determined to be nonhazardous or is subject to the special requirements under § 261.5, a

generator shall retain copies of the evaluations performed under subsection (a)(3)(i) or (ii) and shall repeat the evaluations or testing when there is a significant change in the generator's raw materials or operations which may alter the test results. Copies of the evaluations shall be retained for 5 years and furnished to the Department upon request.

(d) A generator of hazardous waste subject to regulation under § 261.5 shall retain for 5 years records of quantities, descriptions and dispositions of the wastes, and shall furnish the records to the Department upon request.

(e) A determination that a waste is not hazardous under subsection (a)(3) and (b) does not preclude the Department, using the characteristics and testing methods set forth in Chapter 261 from determining the waste to be hazardous.

CHAPTER 264. NEW AND EXISTING HAZARDOUS WASTE MANAGEMENT FACILITIES APPLYING FOR A PERMIT

Subchapter A. General

§ 264.1. Scope.

* * * * *

(c) The requirements of this chapter do not apply to the following:

* * * * *

(10) Universal waste handlers and universal waste transporters as defined in § 266.206 (relating to definitions) handling the wastes listed in this paragraph. These persons are subject to regulation under Chapter 266 (relating to special standards for the management of certain hazardous waste activities and universal waste management) when managing the following listed universal wastes:

(i) Batteries as described in § 266.202 (relating to applicability-batteries).

(ii) Pesticides as described in § 266.203 (relating to applicability-pesticides).

(iii) Thermostats as described in § 266.204 (relating to applicability-mercury thermostats).

(iv) Other hazardous wastes or categories of hazardous waste determined by the EPA to be universal wastes regulated under 40 CFR Part 273 (relating to standards for management of universal wastes).

* * * * *

CHAPTER 265. INTERIM STATUS STANDARDS FOR HAZARDOUS WASTE MANAGEMENT FACILITIES AND PERMIT PROGRAM FOR NEW AND EXISTING HAZARDOUS WASTE MANAGEMENT FACILITIES

Subchapter A. GENERAL

§ 265.1. Scope.

* * * * *

(c) This section does not apply to the following:

* * * * *

(11) Universal waste handlers and universal waste transporters as defined in § 266.206 (relating to definitions) handling the wastes listed in this paragraph. These persons are subject to regulation under Chapter 266 (relating to special standards for the management of

certain hazardous waste activities and universal waste management) when handling the following listed universal wastes.

(i) Batteries as described in § 266.202 (relating to applicability-batteries).

(ii) Pesticides as described in § 266.203 (relating to applicability-pesticides).

(iii) Thermostats as described in § 266.204 (relating to applicability-mercury thermostats).

(iv) Other hazardous wastes which may be determined by the EPA to be universal wastes regulated under 40 CFR Part 273 (relating to standards for management of universal wastes).

* * * * *

CHAPTER 266. STANDARDS FOR THE MANAGEMENT OF CERTAIN HAZARDOUS WASTE ACTIVITIES AND UNIVERSAL WASTE MANAGEMENT

Subchapter G. RECLAIMED SPENT LEAD-ACID BATTERIES

§ 266.80. Applicability and requirements.

(a) This section applies to persons who reclaim (including regeneration) spent lead-acid batteries. Persons who generate, transport or collect intact spent lead-acid batteries, who regenerate spent batteries, or who store intact spent batteries, but do not reclaim them (other than spent batteries that are to be regenerated) are not subject to Chapters 260—265, 267, 269 and 270 or the notification requirements of § 261.41 (relating to notification of hazardous waste activities).

(b) Owners or operators of facilities that store spent lead-acid batteries before reclaiming them (other than spent batteries that are to be regenerated) shall be deemed to have a hazardous waste storage permit and are subject to the following requirements:

(1) Notification requirements under § 261.41.

(2) Chapter 264, Subchapters A—L and Chapters 267, 269 and 270, except the waste analysis requirements of § 264.13(a)—(c) (relating to general requirements for hazardous waste management approvals and analysis) and the manifest and manifest discrepancy requirements of §§ 264.70—264.72 (relating to applicability; use of the manifest system; and manifest discrepancies) unless a variance is obtained under § 264.1(d) (relating to scope).

(c) The Department may require an owner or operator with a permit-by-rule under this section to apply for, and obtain an individual permit when the facility is not in compliance with the requirements of subsection (b) or is engaged in an activity that harms or presents a threat of harm to the health, safety or welfare of the people or the environment of this Commonwealth.

Subchapter J. GENERAL

Sec.

- 266.201. Scope.
- 266.202. Applicability-batteries.
- 266.203. Applicability-pesticides.
- 266.204. Applicability-mercury thermostats.
- 266.205. Applicability-household and conditionally exempt small quantity generator waste.
- 266.206. Definitions.

§ 266.201. Scope.

(a) This subchapter and Subchapters K—P establish requirements for managing the following:

(1) Batteries as described in § 266.202 (relating to applicability-batteries).

(2) Pesticides as described in § 266.203 (relating to applicability-pesticides).

(3) Thermostats as described in § 266.204 (relating to applicability-mercury thermostats).

(4) Other hazardous wastes or categories of hazardous wastes determined by the EPA to be universal wastes regulated under 40 CFR Part 273 (relating to standards for management of universal wastes).

(b) This subchapter and Subchapters K—P provide an alternative set of management standards in lieu of regulation under the remainder of this article.

§ 266.202. Applicability-batteries.

(a) Batteries covered under this subchapter and Subchapters K—P include the following:

(1) The requirements of these sections apply to persons managing batteries, as described in § 266.206 (relating to definitions), except those listed in subsection (b).

(2) Spent lead-acid batteries which are not managed under Subchapter G (relating to reclaimed spent lead-acid batteries) are subject to management under this subchapter and Subchapters K—P.

(b) The requirements of this subchapter and Subchapters K—P do not apply to persons managing the following batteries:

(1) Spent lead-acid batteries that are managed under Subchapter G.

(2) Batteries, as described in § 266.206 that are not yet wastes under 40 CFR 261.2 (relating to definitions of solid waste), including those that do not meet the criteria for waste generation in subsection (c).

(3) Batteries, as described in § 266.206, that are not hazardous waste. A battery is a hazardous waste if it exhibits one or more of the characteristics identified in Chapter 261, Subchapter C (relating to characteristics of hazardous waste).

(c) Generation of waste batteries shall be as follows:

(1) A used battery becomes a waste on the date it is discarded (for example, when sent for reclamation).

(2) An unused battery becomes a waste on the date the handler decides to discard it.

§ 266.203. Applicability-pesticides.

(a) This subchapter and Subchapters K—P apply to persons managing pesticides, as described in § 266.206 (relating to definitions), meeting the following conditions, except those listed in subsection (b):

(1) Recalled pesticides that are either:

(i) Stocks of a suspended or canceled pesticide that are part of a voluntary or mandatory recall under section 19(b) of FIFRA (7 U.S.C.A. § 137(y)), including, but not limited to, those owned by the registrant responsible for conducting the recall.

(ii) Stocks of a suspended or cancelled pesticide, or a pesticide that is not in compliance with FIFRA that are part of a voluntary recall by the registrant.

(2) Stocks of other unused pesticide products that are collected and managed as part of a waste pesticide collection program.

(b) The requirements of this chapter do not apply to persons managing the following pesticides:

(1) Recalled pesticides described in subsection (a)(1), and unused pesticide products described in subsection (a)(2) that are managed by farmers in compliance with § 262.70 (relating to farmers). Section 262.70 refers to pesticides disposed of on the farmer's own farm in a manner consistent with the disposal instructions on the pesticide label, providing the container is triple rinsed in accordance with § 261.7 (relating to empty containers).

(2) Pesticides not meeting the conditions in subsection (a). These pesticides shall be managed in compliance with the hazardous waste regulations in the remainder of Chapters 261—265 and Chapter 266, Subchapters C—I.

(3) Pesticides that are not wastes under 40 CFR Parts 260 and 261 (relating to definitions and requests for determination; and criteria, identification and listing of hazardous waste), including those that do not meet the criteria for waste generation in subsection (c) or those that are not wastes as described in subsection (d).

(4) Pesticides that are not hazardous waste. A pesticide is a hazardous waste if it is listed in 40 CFR Part 261 Subpart D (relating to list of hazardous waste) as incorporated by reference in Chapter 261, Subchapter D (relating to lists of hazardous waste) or if it exhibits one or more of the characteristics identified in Chapter 261, Subchapter C (relating to characteristics of hazardous waste).

(c) When a pesticide becomes a waste:

(1) A recalled pesticide described in subsection (a)(1) becomes a waste on the first date on which both of the following conditions apply:

(i) The generator of the recalled pesticide agrees to participate in the recall.

(ii) The person conducting the recall decides to discard (for example, burn the pesticide for energy recovery).

(2) An unused pesticide product described in subsection (a)(2) becomes a waste on the date the generator decides to discard it.

(d) The following pesticides are not wastes:

(1) Recalled pesticides described in subsection (a)(1), provided that the person conducting the recall either:

(i) Has not made a decision to discard (for example, burn for energy recovery) the pesticide under 40 CFR 261.2 (relating to definition of solid waste). Until this decision is made, the pesticide does not meet the definition of "solid waste" under 40 CFR 261.2. The pesticide is not a hazardous waste and is not subject to hazardous waste requirements, including this subchapter and Subchapters K—P. This pesticide remains subject to the requirements of FIFRA.

(ii) Has made a decision to use a management option that does not cause the pesticide to be a solid waste under 40 CFR 261.2. That is, the selected option is use (other than use constituting disposal) or reuse (other than burning for energy recovery), or reclamation. The pesticide is not a solid waste under 40 CFR 261.2. The pesticide is not a waste, and is not subject to the hazardous waste requirements including this chapter. This pesticide, including a recalled pesticide that is exported to a foreign destination for use or reuse, remains subject to the requirements of FIFRA.

(2) Unused pesticide products described in subsection (a)(2), if the generator of the unused pesticide product has not decided to discard (for example, burn for energy recovery) them. These pesticides remain subject to the requirements of FIFRA.

§ 266.204. Applicability-mercury thermostats.

(a) This subchapter and Subchapters K—P apply to persons managing thermostats, as described in § 266.206 (relating to definitions), except those listed in subsection (b).

(b) The requirements of this chapter do not apply to persons managing the following thermostats:

(1) Thermostats that are not yet wastes under 40 CFR 261.2 (relating to definition of solid waste).

(2) Thermostats that are not hazardous waste. A thermostat is a hazardous waste if it exhibits one or more of the characteristics identified in Subchapter C (relating to characteristics of hazardous waste).

(c) Generation of waste thermostats is as follows:

(1) A used thermostat becomes a waste on the date it is discarded (for example, sent for reclamation).

(2) An unused thermostat becomes a waste on the date the handler decides to discard it.

§ 266.205. Applicability-household and conditionally exempt small quantity generator waste.

(a) Persons managing the wastes listed in paragraphs (1) and (2) may, at their option, manage them under the requirements of this section:

(1) Household wastes that are exempt under § 261.4(a)(6) (relating to exclusions) and are also of the same type as the universal wastes defined in § 266.206 (relating to definitions).

(2) Conditionally exempt small quantity generator wastes that are exempt under § 261.5 (relating to special requirements for hazardous waste generated by conditionally exempt small quantity generators) and are also of the same type as the universal wastes defined in § 266.206.

(b) Persons who commingle the wastes described in subsection (a) together with universal waste regulated under this chapter shall manage the commingled waste under the requirements of this chapter.

§ 266.206. Definitions.

The following words and terms, when used in this subchapter and Subchapters K—O, have the following meanings, unless the context clearly indicates otherwise:

Battery—A device consisting of one or more electrically connected electrochemical cells which is designed to receive, store and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode and an electrolyte, plus connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term also includes an intact, unbroken battery from which the electrolyte has been removed.

Destination facility—A facility that treats, disposes of, or recycles a particular category of universal waste, except management activities described in §§ 266.213(a) and (c) and 266.233(a) and (c) (relating to waste management). A facility at which a particular category of universal waste is only accumulated is not a destination facility for purposes of managing that category of universal waste.

FIFRA—The Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C.A. §§ 136—136(y)).

Generator—A person, by site, whose act or process produces hazardous waste identified or listed in Chapter 261 (relating to criteria, identification and listing of

hazardous waste) or whose act first causes a hazardous waste to become subject to regulation.

Large quantity handler of universal waste—A universal waste handler (as defined in this section) who accumulates 5,000 kilograms or more total of universal waste (batteries, pesticides or thermostats, calculated collectively) at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which 5,000 kilograms or more total of universal waste is accumulated.

Onsite—The same or geographically contiguous property which may be divided by public or private right-of-way, provided that the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the right-of-way. The term includes noncontiguous properties owned by the same person but connected by a right-of-way which that person controls and to which the public does not have access.

Pesticide—A substance or mixture of substances intended for preventing, destroying, repelling or mitigating a pest, or intended for use as plant regulator, defoliant or desiccant, other than an article that is:

(i) A new animal drug under section 201(w) of the Federal Food, Drug and Cosmetic Act (21 U.S.C.A. § 321(w)).

(ii) An animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug.

(iii) An animal feed under section 201(x) of the Federal Food, Drug and Cosmetic Act (21 U.S.C.A. § 321(x)), that bears or contains substances described by subparagraph (i) or (ii).

Small quantity handler of universal waste—A universal waste handler (as defined in this section) who does not accumulate more than 5,000 kilograms total of universal waste (batteries, pesticides or thermostats, calculated collectively) at any time.

Thermostat—A temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element, and mercury-containing ampules that have been removed from these temperature control devices in compliance with § 266.213(c)(2) or § 266.233(c)(2) (relating to waste management).

Universal waste—Any of the following hazardous wastes that are subject to the universal waste requirements of this subchapter and Subchapters K—P:

(i) Batteries as described in § 266.202 (relating to applicability-batteries).

(ii) Pesticides as described in § 266.203 (relating to applicability-pesticides).

(iii) Thermostats as described in § 266.204 (relating to applicability-mercury thermostats).

(iv) Other hazardous wastes or categories of hazardous wastes determined to be a universal waste by EPA under 40 CFR Part 273 (relating to standards for universal waste management).

Universal waste handler—

(i) The term means either:

(A) A generator (as defined in this section) of universal waste.

(B) The owner or operator of a facility, including all contiguous property, that receives universal waste from

other universal waste handlers, accumulates universal waste and sends universal waste to another universal waste handler, to a destination facility or to a foreign destination.

(ii) The term does not mean:

(A) A person who treats (except under § 266.213(a) or (c) or § 266.233(a) or (c) (relating to waste management), disposes of, or recycles universal waste.

(B) A person engaged in the offsite transportation of universal waste by air, rail, highway or water, including a universal waste transfer facility.

Universal waste transfer facility—Any transportation-related facility, including loading docks, parking areas, storage areas and other similar areas where shipments of universal waste are held during the normal course of transportation for 10 days or less.

Universal waste transporter—A person engaged in the offsite transportation of universal waste by air, rail, highway or water.

Subchapter K. STANDARDS FOR SMALL QUANTITY HANDLERS OF UNIVERSAL WASTE

Sec.
 266.210. Applicability.
 266.211. Prohibitions.
 266.212. Notification.
 266.213. Waste management.
 266.214. Labeling/marketing.
 266.215. Accumulation time limits.
 266.216. Employee training.
 266.217. Response to releases.
 266.218. Offsite shipments.
 266.219. Tracking universal waste shipments.
 266.220. Exports.

§ 266.210. Applicability.

(a) This subchapter applies to small quantity handlers of universal waste as defined in § 266.206 (relating to definitions).

(b) A small quantity handler of universal waste complying with this subchapter is deemed to have a permit for the storage of universal wastes.

§ 266.211. Prohibitions.

A small quantity handler of universal waste is:

- (1) Prohibited from disposing of universal waste.
- (2) Prohibited from diluting or treating universal waste, except by responding to releases as provided in § 266.217 (relating to response to releases); or managing specific wastes as provided in § 266.213 (relating to waste management).

§ 266.212. Notification.

A small quantity handler of universal waste is not required to notify the Department or the EPA of universal waste handling activities.

§ 266.213. Waste management.

(a) *Universal waste batteries.* A small quantity handler of universal waste shall manage universal waste batteries in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A small quantity handler of universal waste shall contain any universal waste battery that shows evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions in a container. The container shall be closed, structurally sound, compatible with the contents of the battery, and lack evidence of

leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(2) A small quantity handler of universal waste may conduct the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but shall be immediately closed after removal):

- (i) Sorting batteries by type.
- (ii) Mixing battery types in one container.
- (iii) Discharging batteries to remove the electric charge.
- (iv) Regenerating used batteries.
- (v) Disassembling batteries or battery packs, individual batteries or cells.
- (vi) Removing batteries from consumer products.
- (vii) Removing electrolyte from batteries.

(3) A small quantity handler of universal waste who removes electrolyte from batteries, or who generates other solid waste (such as, battery pack materials, discarded consumer products) as a result of the activities listed in paragraph (2) shall determine whether the electrolyte or other solid waste exhibits a characteristic of hazardous waste identified in Chapter 261, Subchapter C (relating to characteristics of hazardous waste).

(i) If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it is subject to the applicable requirements of Chapters 261—265 and Chapter 266, Subchapters C—I. The handler is considered the generator of the hazardous electrolyte or other waste and is subject to Chapter 262 (relating to generators of hazardous waste).

(ii) If the electrolyte or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with the applicable municipal or residual waste regulations.

(b) *Universal waste pesticides.* A small quantity handler of universal waste shall manage universal waste pesticides in a way that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides shall be contained in one or more of the following:

(1) A container that remains closed, structurally sound, compatible with the pesticide and that lacks evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(2) A container that does not meet the requirements of paragraph (1), provided that the unacceptable container is overpacked in a container that does meet the requirements of paragraph (1).

(3) A tank that meets the requirements of Chapter 265, Subchapter J (relating to tanks), except for § 265.197(c) (relating to closure and postclosure care).

(4) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide and that lacks evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(c) *Universal waste thermostats.* A small quantity handler of universal waste shall manage universal waste thermostats in a way that prevents releases of any universal waste or component of a universal waste to the environment as follows:

(1) A small quantity handler of universal waste shall contain any universal waste thermostat that shows evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions in a container. The container shall be closed, structurally sound, compatible with the contents of the thermostat and lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(2) A small quantity handler of universal waste may remove mercury-containing ampules from universal waste thermostats if the handler:

(i) Removes the ampules in a manner designed to prevent breakage of the ampules.

(ii) Removes ampules only over or in a containment device (for example, a tray or pan sufficient to collect and contain mercury released from an ampule in case of breakage).

(iii) Ensures that a mercury clean-up system is readily available to immediately transfer mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of § 262.34 (relating to accumulation).

(iv) Immediately transfers mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of § 262.34.

(v) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable occupational safety and health administration exposure levels for mercury.

(vi) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers.

(vii) Stores removed ampules in closed, nonleaking containers that are in good condition.

(viii) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling and transportation.

(3) A small quantity handler of universal waste who removes mercury-containing ampules from thermostats shall determine whether:

(i) The following exhibit a characteristic of hazardous waste identified in Chapter 261, Subchapter C:

(A) Mercury or clean-up residues resulting from spills or leaks.

(B) Other solid waste generated as a result of the removal of mercury-containing ampules (for example, remaining thermostat units).

(ii) If the mercury, residues or other solid waste exhibit a characteristic of hazardous waste, it shall be managed in compliance with applicable requirements of Chapters 261—265 and Chapter 266, Subchapters C—I. The handler is considered the generator of the mercury, residues or other waste and is subject to Chapter 262 (relating to generators of hazardous waste).

(iii) If the mercury, residues or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with the applicable municipal or residual waste regulations.

(d) *EPA determination.* A small quantity handler of universal waste shall manage other universal wastes

determined by the EPA to be universal wastes managed under 40 CFR Part 273 (relating to standard universal waste management) according to the applicable requirements of 40 CFR Part 273.

§ 266.214. Labeling/markings.

A small quantity handler of universal waste shall label or mark the universal waste to identify the type of universal waste as specified as follows:

(1) Universal waste batteries (that is, each battery), or a container in which the batteries are contained, shall be labeled or marked clearly with one of the following phrases: “universal waste-battery(ies), or “waste battery(ies),” or “used battery(ies).”

(2) A container (or multiple container package unit), tank, transport vehicle or vessel in which recalled universal waste pesticides as described in § 266.203(a)(1) (relating to applicability-pesticides) are contained shall be labeled or marked clearly with the following:

(i) The label that was on or accompanied the product as sold or distributed.

(ii) The words “universal waste-pesticide(s)” or “waste-pesticide(s).”

(3) A container, tank or transport vehicle or vessel in which unused pesticide products as described in § 266.203(a)(2) are contained shall be labeled or marked clearly with:

(i) The label that was on the product when purchased, if still legible.

(ii) The appropriate label as required under the United States Department of Transportation regulation in 49 CFR Part 172 (relating to hazardous materials table, special provisions, hazardous materials communications, emergency response information, and training requirements), if using the labels described in paragraph (1) is not feasible.

(iii) Another label prescribed or designated by the waste pesticide collection program administered or recognized by the Department of Agriculture or collection program of another state, if using the labels described in paragraphs (1) and (2) is not feasible.

(iv) The words “universal waste-pesticide(s)” or “waste-pesticide(s).”

(4) Universal waste thermostats (that is, each thermostat), or a container in which the thermostats are contained, shall be labeled or marked clearly with one of the following phrases: “universal waste-mercury thermostat(s),” or “waste mercury thermostat(s),” or “used mercury thermostat(s).”

(5) A small quantity handler of universal waste shall label or mark other universal wastes determined by the EPA to be universal wastes managed under 40 CFR Part 273 (relating to standard universal waste management) according to the applicable requirements of 40 CFR Part 273.

§ 266.215. Accumulation time limits.

(a) A small quantity handler of universal waste may accumulate universal waste for no longer than 1 year from the date the universal waste is generated or received from another handler unless the requirements of subsection (b) are met.

(b) A small quantity handler of universal waste may accumulate universal waste for longer than 1 year from the date the universal waste is generated or received

from another handler if the activity is solely for the purpose of accumulation of the quantities of universal waste as necessary to facilitate proper recovery, treatment or disposal. The handler bears the burden of proving that the activity is solely for the purpose of accumulation of the quantities of universal waste as necessary to facilitate proper recovery, treatment or disposal.

(c) A small quantity handler of universal waste who accumulates universal waste shall be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by either:

(1) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received.

(2) Marking or labeling each individual item of universal waste (for example, each battery or thermostat) with the date it became a waste or was received.

(3) Maintaining an inventory system onsite that identifies the date each universal waste became a waste or was received.

(4) Maintaining an inventory system onsite that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received.

(5) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received.

(6) Another method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

§ 266.216. Employee training.

A small quantity handler of universal waste shall inform employes who handle or have responsibility for managing universal waste. The information shall describe proper handling and emergency procedures appropriate to the type of universal waste handled at the facility.

§ 266.217. Response to releases.

(a) A small quantity handler of universal waste shall immediately contain all releases of universal wastes and other residues from universal wastes.

(b) A small quantity handler of universal waste shall determine whether material resulting from the release is hazardous waste, and if so, shall manage the hazardous waste in compliance with applicable requirements of Chapters 261—265 and Chapter 266, Subchapters C—I. The handler is considered the generator of the material resulting from the release, and shall manage it in compliance with Chapter 262 (relating to generators of hazardous waste).

§ 266.218. Offsite shipments.

(a) A small quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility or a foreign destination.

(b) If a small quantity handler of universal waste self-transport universal waste offsite, the handler becomes a universal waste transporter for those self-transportation activities and shall comply with the transporter require-

ments of Subchapter M (relating to standards for universal waste transporters) while transporting the universal waste.

(c) If a universal waste being offered for offsite transportation meets the definition of hazardous materials under 49 CFR Parts 171—180 (relating to hazardous materials regulations), a small quantity handler of universal waste shall package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable United States Department of Transportation regulations under 49 CFR Parts 172—180.

(d) Prior to sending a shipment of universal waste to another universal waste handler, the originating handler shall ensure that the receiving handler agrees to receive the shipment.

(e) If a small quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler shall either:

(1) Receive the waste back when notified that the shipment has been rejected.

(2) Agree with the receiving handler on a destination facility to which the shipment will be sent.

(f) A small quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste that he has received from another handler. If a handler rejects a shipment or a portion of a shipment, the handler shall contact the originating handler to notify him of the rejection and to discuss reshipment of the load. The handler shall either:

(1) Send the shipment back to the originating handler.

(2) If agreed to by both the originating and receiving handler, send the shipment to a destination facility.

(g) If a small quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler shall immediately notify the appropriate regional Department office of the illegal shipment, and provide the name, address and phone number of the originating shipper. The regional office will provide instructions for managing the hazardous waste.

(h) If a small quantity handler of universal waste receives a shipment of nonhazardous, nonuniversal waste, the handler may manage the waste in any way that is in compliance with the applicable municipal or residual waste regulation.

§ 266.219. Tracking universal waste shipments.

A small quantity handler of universal waste is not required to keep records of shipments of universal waste.

§ 266.220. Exports.

A small quantity handler of universal waste who sends universal waste to a foreign destination shall:

(1) Comply with Chapter 262, Subchapter E (relating to exports of hazardous waste) and also the requirements applicable to a primary exporter in 40 CFR 262.53, 262.56(a)(1)—(4), (6) and (b) and 262.57 (relating notification of intent to export; annual reports; and recordkeeping).

(2) Export the universal waste only upon consent of the receiving country and in conformance with Chapter 262, Subchapter E.

(3) Provide to the Department a copy of the EPA acknowledgement of consent for the shipment to the transporter transporting the shipment for export.

Subchapter L. STANDARDS FOR LARGE QUANTITY HANDLERS OF UNIVERSAL WASTE

Sec.

- 266.230. Applicability.
- 266.231. Prohibitions.
- 266.232. Notification.
- 266.233. Waste management.
- 266.234. Labeling/markings.
- 266.235. Accumulation time limits.
- 266.236. Employee training.
- 266.237. Response to releases.
- 266.238. Offsite shipments.
- 266.239. Tracking universal waste shipments.
- 266.240. Exports.

§ 266.230. Applicability.

(a) This subchapter applies to large quantity handlers of universal waste as defined in § 266.206 (relating to definitions).

(b) A large quantity handler of universal waste complying with this subchapter is deemed to have a permit for the storage of universal wastes.

§ 266.231. Prohibitions.

A large quantity handler of universal waste is prohibited from:

- (1) Disposing of universal waste.
- (2) Diluting or treating universal waste, except by responding to releases as provided in § 266.237 (relating to response to releases) or by managing specific wastes as provided in § 266.233 (relating to waste management).

§ 266.232. Notification.

(a) Notification requirements include:

(1) Except as provided in paragraphs (2) and (3), a large quantity handler of universal waste shall have sent written notification of universal waste management to the regional administrator of the EPA, and received an EPA identification number, before meeting or exceeding the 5,000 kilogram storage limit.

(2) A large quantity handler of universal waste who has already notified the EPA of hazardous waste management activities and has received an EPA identification number is not required to renotify the EPA under this section.

(3) A large quantity handler of universal waste who manages recalled universal waste pesticides as described in § 266.203(a)(1) (relating to applicability-pesticides) and who has sent notification to the EPA as required by 40 CFR Part 165 (relating to pesticide management and disposal: standards for pesticide containers and containment) is not required to notify EPA for those recalled universal waste pesticides under this section.

(b) This notification shall include:

- (1) The universal waste handler's name and mailing address.
- (2) The name and business telephone number of the person at the universal waste handler's site who should be contacted regarding universal waste management activities.
- (3) The address or physical location of the universal waste management activities.
- (4) A list of all of the types of universal waste managed by the handler (for example, batteries, pesticides, thermostats).

(5) A statement indicating that the handler is accumulating more than 5,000 kilograms of universal waste at one time and the types of universal waste (for example, batteries, pesticides, thermostats) the handler is accumulating above this quantity.

§ 266.233. Waste management.

(a) A large quantity handler of universal waste shall manage universal waste batteries in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A large quantity handler of universal waste shall contain a universal waste battery that shows evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions in a container. The container shall be closed, structurally sound, compatible with the contents of the battery, and lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(2) A large quantity handler of universal waste may conduct the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but shall be immediately closed after removal):

- (i) Sorting batteries by type.
- (ii) Mixing battery types in one container.
- (iii) Discharging batteries so as to remove the electric charge.
- (iv) Regenerating used batteries.
- (v) Disassembling batteries or battery packs into individual batteries or cells.
- (vi) Removing batteries from consumer products.
- (vii) Removing electrolyte from batteries.

(3) A large quantity handler of universal waste who removes electrolyte from batteries, or who generates other solid waste (such as battery pack materials, discarded consumer products) as a result of the activities listed in paragraph (2) shall determine whether the electrolyte or other solid waste exhibits a characteristic of hazardous waste identified in Chapter 261, Subchapter C (relating to characteristics of hazardous waste).

(i) If the electrolyte or other solid waste exhibits a characteristic of hazardous waste, it shall be managed in compliance with applicable requirements of Chapters 260—265, 267, 269 and 270. The handler is considered the generator of the hazardous electrolyte or other waste and is subject to Chapter 262 (relating to generators of hazardous waste).

(ii) If the electrolyte or other solid waste is not hazardous, the handler shall manage the waste in compliance with the applicable municipal or residual waste regulations.

(b) A large quantity handler of universal waste shall manage universal waste pesticides in a way that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides shall be contained in one or more of the following:

(1) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(2) A container that does not meet the requirements of paragraph (1), provided that the unacceptable container is overpacked in a container that does meet the requirements of paragraph (1).

(3) A tank that meets the requirements of Chapter 265, Subchapter J (relating to tanks), except for § 265.197(c) (relating to closure and postclosure care).

(4) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(c) A large quantity handler of universal waste shall manage universal waste thermostats in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(1) A large quantity handler of universal waste shall contain a universal waste thermostat that shows evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions in a container. The container shall be closed, structurally sound, compatible with the contents of the thermostat, and lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(2) A large quantity handler of universal waste may remove mercury-containing ampules from universal waste thermostats if the handler:

(i) Removes the ampules in a manner designed to prevent breakage of the ampules.

(ii) Removes ampules only over or in a containment device (for example, a tray or pan sufficient to contain mercury released from an ampule in case of breakage).

(iii) Ensures that a mercury clean-up system is readily available to immediately transfer mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of § 262.34 (relating to accumulation).

(iv) Immediately transfers mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of § 262.34.

(v) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable Occupational Safety and Health Administration (OSHA) exposure levels for mercury.

(vi) Ensures that employes removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers.

(vii) Stores removed ampules in closed, nonleaking containers that are in good condition.

(viii) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling and transportation.

(3) A large quantity handler of universal waste who removes mercury-containing ampules from thermostats shall determine:

(i) Whether the following exhibit a characteristic of hazardous waste identified in Chapter 261, Subchapter C (relating to characteristics of hazardous waste):

(A) Mercury or clean-up residues resulting from spills or leaks.

(B) Other solid waste generated as a result of the removal of mercury-containing ampules (for example, remaining thermostat units).

(ii) If the mercury, residues or other solid waste exhibits a characteristic of hazardous waste, it shall be managed in compliance with applicable requirements of this article. The handler is considered the generator of the mercury, residues or other waste and is subject to Chapter 262 (relating to generators of hazardous waste).

(iii) If the mercury, residues or other solid waste is not hazardous, the handler shall manage the waste in compliance with applicable municipal or residual waste regulations.

(d) A large quantity handler of universal waste shall manage other universal wastes determined by the EPA to be universal wastes managed under 40 CFR Part 273 (relating to standards for universal waste management) according to the applicable requirements of 40 CFR Part 273.

§ 266.234. Labeling/markings.

A large quantity handler of universal waste shall label or mark the universal waste to identify the type of universal waste as specified as follows:

(1) Universal waste batteries (that is, each battery), or a container or tank in which the batteries are contained, shall be labeled or marked clearly with one of the following phrases: "universal waste-battery(ies)," or "waste battery(ies)" or "used battery(ies)."

(2) A container (or multiple container package unit), tank, transport vehicle or vessel in which recalled universal waste pesticides as described in § 266.203(a)(1) (relating to applicability-pesticides) are contained shall be labeled or marked clearly with:

(i) The label that was on or accompanied the product as sold or distributed.

(ii) The words "universal waste-pesticide(s)" or "waste-pesticide(s)."

(3) A container, tank or transport vehicle or vessel in which unused pesticide products as described in § 266.203(a)(2) are contained shall be labeled or marked clearly with:

(i) The label that was on the product when purchased, if still legible.

(ii) If not feasible, the appropriate label as required under the United States Department of Transportation regulations at 49 CFR Part 172 (relating to hazardous materials table, special provisions, hazardous materials communications, emergency response information, and training requirements), if using the labels described in subparagraph (i) is not feasible.

(iii) Another label prescribed or designated by the pesticide collection program approved by the Department of Agriculture or collection program of another state, if using the labels described in subparagraphs (i) and (ii) is not feasible.

(iv) The words "universal waste-pesticide(s)" or "waste-pesticide(s)."

(4) Universal waste thermostats (that is, each thermostat), or a container or tank in which the thermostats are contained, shall be labeled or marked clearly with one of the following phrases: "universal waste-mercury thermostat(s)," or "waste mercury thermostat(s)" or "used mercury thermostat(s)."

(5) A large quantity handler of universal waste shall label or mark other universal wastes determined by the EPA to be universal wastes managed under 40 CFR Part 273 (relating to standard universal waste management) according to the applicable requirements of 40 CFR Part 273.

§ 266.235. Accumulation time limits.

(a) A large quantity handler of universal waste may accumulate universal waste for no longer than 1 year from the date the universal waste is generated, or received from another handler, unless the requirements of subsection (b) are met.

(b) A large quantity handler of universal waste may accumulate universal waste for longer than 1 year from the date the universal waste is generated, or received from another handler, if the activity is solely for the purpose of accumulation of quantities of universal waste as necessary to facilitate proper recovery, treatment or disposal. The handler bears the burden of proving that the activity was solely for the purpose of accumulation of quantities of universal waste as necessary to facilitate proper recovery, treatment or disposal.

(c) A large quantity handler of universal waste shall be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by:

(1) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received.

(2) Marking or labeling the individual item of universal waste (for example, each battery or thermostat) with the date it became a waste or was received.

(3) Maintaining an inventory system onsite that identifies the date the universal waste being accumulated became a waste or was received.

(4) Maintaining an inventory system onsite that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received.

(5) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received.

(6) Another method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

§ 266.236. Employee training.

A large quantity handler of universal waste shall ensure that employees are thoroughly familiar with proper waste handling and emergency procedures, relative to their responsibilities during normal facility operations and emergencies.

§ 266.237. Response to releases.

(a) A large quantity handler of universal waste shall immediately contain all releases of universal wastes and other residues from universal wastes.

(b) A large quantity handler of universal waste shall determine whether any material resulting from the release is hazardous waste, and if so, shall manage the hazardous waste in compliance with applicable requirements of Chapters 261—265 and Subchapters C—I. The handler is considered the generator of the material

resulting from the release, and is subject to Chapter 262 (relating to generators of hazardous waste).

§ 266.238. Offsite shipments.

(a) A large quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility or a foreign destination.

(b) If a large quantity handler of universal waste self-transportes universal waste offsite, the handler becomes a universal waste transporter for those self-transportation activities and shall comply with the transporter requirements of Subchapter M (relating to standards for universal waste transporters) while transporting the universal waste.

(c) If a universal waste being offered for offsite transportation meets the definition of hazardous materials under 49 CFR Parts 171—180 (relating to hazardous materials regulations), a large quantity handler of universal waste shall package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable Department of Transportation regulations under 49 CFR Parts 172—180.

(d) Prior to sending a shipment of universal waste to another universal waste handler, the originating handler shall ensure that the receiving handler agrees to receive the shipment.

(e) If a large quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler shall either:

(1) Receive the waste back when notified that the shipment has been rejected.

(2) Agree with the receiving handler on a destination facility to which the shipment will be sent.

(f) A large quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste that he has received from another handler. If a handler rejects a shipment or a portion of a shipment, the handler shall contact the originating handler to notify him of the rejection and to discuss reshipment of the load. The handler shall:

(1) Send the shipment back to the originating handler.

(2) Send the shipment to a destination facility, if agreed to by both the originating and receiving handler.

(g) If a large quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler shall immediately notify the Department of the illegal shipment, and provide the name, address and phone number of the originating shipper. The Department will provide instructions for managing the hazardous waste.

(h) If a large quantity handler of universal waste receives a shipment of nonhazardous, nonuniversal waste, the handler shall manage the waste in accordance with the applicable municipal or residual waste regulations.

§ 266.239. Tracking universal waste shipments.

(a) A large quantity handler of universal waste shall keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading or other shipping document. The record for each shipment of universal waste received shall include the following information:

(1) The name and address of the originating universal waste handler or foreign shipper from whom the universal waste was sent.

(2) The quantity of each type of universal waste received (for example, batteries, pesticides, thermostats).

(3) The date of receipt of the shipment of universal waste.

(b) A large quantity handler of universal waste shall keep a record of each shipment of universal waste sent from the handler to other facilities. The record may take the form of a log, invoice, manifest, bill of lading or other shipping document. The record for each shipment of universal waste sent shall include the following information:

(1) The name and address of the universal waste handler, destination facility or foreign destination to whom the universal waste was sent.

(2) The quantity of each type of universal waste sent (for example, batteries, pesticides, thermostats).

(3) The date the shipment of universal waste left the facility.

(c) Record retention is as follows:

(1) A large quantity handler of universal waste shall retain the records described in subsection (a) for at least 3 years from the date of receipt of a shipment of universal waste.

(2) A large quantity handler of universal waste shall retain the records described in subsection (b) for at least 3 years from the date a shipment of universal waste left the facility.

§ 266.240. Exports.

A large quantity handler of universal waste who sends universal waste to a foreign destination shall:

(1) Comply with §§ 262.53 and 262.55 (relating to notification of intent to export; and exception report) and the requirements applicable to primary exporters in 40 CFR 262.53, 262.56(a)(1)–(4), (6) and (b) and 262.57 (relating to notification of intent to export; annual reports; and recordkeeping).

(2) Export the universal waste only upon consent of the receiving country and in conformance with the EPA acknowledgment of consent as defined in 40 CFR Part 262, Subpart E (relating to exports of hazardous waste).

(3) Provide a copy of the EPA acknowledgment of consent for the shipment to the transporter transporting the shipment for export.

Subchapter M. STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

Sec.
 266.250. Applicability.
 266.251. Prohibitions.
 266.252. Waste management.
 266.253. Storage time limits.
 266.254. Response to releases.
 266.255. Offsite shipments.
 266.256. Exports.

§ 266.250. Applicability.

(a) This subchapter applies to universal waste management transporters as defined in § 266.206 (relating to definitions).

(b) A universal waste transporter complying with this subchapter is deemed to have a license for the transportation of universal wastes.

§ 266.251. Prohibitions.

A universal waste transporter is prohibited from:

(1) Disposing of universal waste.

(2) Diluting or treating universal waste, except by responding to releases as provided in § 266.254 (relating to response to releases).

§ 266.252. Waste management.

(a) A universal waste transporter shall comply with applicable United States Department of Transportation regulations in 49 CFR Parts 171–180 (relating to hazardous materials regulations) for transport of universal waste that meets the definition of hazardous material in 49 CFR 171.8 (relating to definitions and abbreviations). For purposes of the Department of Transportation regulations, a material is considered a hazardous waste if it is subject to the hazardous waste manifest requirements of the EPA specified in 40 CFR Part 262 (relating to standards applicable to generators of hazardous waste). Because universal waste does not require a hazardous waste manifest, it is not considered hazardous waste under the United States Department of Transportation regulations.

(b) Some universal waste materials are regulated by the United States Department of Transportation as hazardous materials because they meet the criteria for one or more hazard classes specified in 49 CFR 173.2 (relating to general requirements for shipments and packaging). As universal waste shipments do not require a manifest under 40 CFR Part 262, they may not be described by the United States Department of Transportation proper shipping name “hazardous waste, (l) or (s), n.o.s.,” nor may the hazardous material’s proper shipping name be modified by adding the word “waste.”

§ 266.253. Storage time limits.

(a) A universal waste transporter may only store the universal waste at a universal waste transfer facility for 10 days or less.

(b) If a universal waste transporter stores universal waste for more than 10 days, the transporter becomes a universal waste handler and shall comply with the applicable requirements of Subchapter K or L (relating to standards for small quantity handlers of universal waste; and standards for large quantity handlers of universal waste) while storing the universal waste.

§ 266.254. Response to releases.

(a) A universal waste transporter shall immediately contain releases of universal wastes and other residues from universal wastes.

(b) A universal waste transporter shall determine whether any material resulting from the release is hazardous waste, and if so, it is subject to the applicable requirements of this article. If the waste is determined to be a hazardous waste, the transporter is subject to Chapter 262 (relating to generators of hazardous waste).

§ 266.255. Offsite shipments.

(a) A universal waste transporter is prohibited from transporting the universal waste to a place other than a universal waste handler, a destination facility or a foreign destination.

(b) If the universal waste being shipped offsite meets the United States Department of Transportation’s definition of hazardous materials under 49 CFR 171.8 (relating to definitions and abbreviations), the shipment shall be properly described on a shipping paper in accordance with

the applicable United States Department of Transportation regulations under 49 CFR Part 172 (relating to hazardous materials table, special provisions, hazardous materials communications, emergency response information, and training requirements).

§ 266.256. Exports.

A universal waste transporter transporting a shipment of universal waste to a foreign destination may not accept a shipment if the transporter knows the shipment does not conform to the EPA acknowledgment of consent. The transporter shall ensure that:

- (1) A copy of the EPA acknowledgment of consent accompanies the shipment.
- (2) The shipment is delivered to the facility designated by the person initiating the shipment.

Subchapter N. STANDARDS FOR DESTINATION FACILITIES

Sec.
266.260. Applicability.
266.261. Offsite shipments.
266.262. Tracking universal waste shipments.

§ 266.260. Applicability.

The owner or operator of a destination facility, as defined in § 266.206 (relating to definitions), is subject to the applicable requirements of Chapters 264, 265, 269 and 270 and Subchapters C—I, as well as § 261.6 (relating to requirements for hazardous wastes that are recycled), and the notification requirements of § 261.41 (relating to notification of hazardous waste activities).

§ 266.261. Offsite shipments.

(a) The owner or operator of a destination facility is prohibited from sending or taking universal waste to a place other than a universal waste handler, another destination facility or foreign destination.

(b) The owner or operator of a destination facility may reject a shipment containing universal waste, or a portion of a shipment containing universal waste. If the owner or operator of the destination facility rejects a shipment or a portion of a shipment, the owner or operator shall contact the shipper to notify the shipper of the rejection and to discuss reshipment of the load. The owner or operator of the destination facility shall either:

- (1) Send the shipment back to the original shipper.
- (2) Send the shipment to another destination facility, if agreed to by both the shipper and the owner or operator of the destination facility

(c) If the owner or operator of a destination facility receives a shipment containing hazardous waste that is not a universal waste, the owner or operator of the destination facility shall immediately notify the appropriate Department regional office of the illegal shipment, and provide the name, address and phone number of the shipper. The Department regional office will provide instructions for managing the hazardous waste.

(d) If the owner or operator of a destination facility receives a shipment of nonhazardous, nonuniversal waste, the owner or operator shall manage the waste in any way that is in compliance with the applicable municipal or residual waste regulations.

§ 266.262. Tracking universal waste shipments.

(a) The owner or operator of a destination facility shall keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading or other shipping

document. The record for each shipment of universal waste received shall include the following information:

(1) The name and address of the universal waste handler, destination facility or foreign shipper from whom the universal waste was sent.

(2) The quantity of each type of universal waste received (for example, batteries, pesticides, thermostats).

(3) The date of receipt of the shipment of universal waste.

(b) The owner or operator of a destination facility shall retain the records described in subsection (a) for at least 3 years from the date of receipt of a shipment of universal waste.

Subchapter O. IMPORT REQUIREMENTS

Sec.
266.270. Imports.

§ 266.270. Imports.

Persons managing universal waste that is imported from a foreign country into the United States are subject to the applicable requirements of this chapter, immediately after the waste enters this Commonwealth, as indicated as follows:

(1) A universal waste transporter is subject to the universal waste transporter requirements of Subchapter M (relating to standards for universal waste transporters).

(2) A universal waste handler is subject to the small or large quantity handler of universal waste requirements of Subchapter K or L (relating to standards for small quantity handlers of universal waste; and standards for large quantity handlers of universal waste), as applicable.

(3) An owner or operator of a destination facility is subject to the destination facility requirements of Subchapter N (relating to standards for destination facilities).

Subchapter P. PETITIONS TO INCLUDE OTHER WASTES UNDER CHAPTER 266 AS UNIVERSAL WASTE

Sec.
266.280. General.
266.281. Factors for petitions to include other wastes under Chapter 266, Subchapters J—O.
266.282. Public notice and review of petitions.
266.283. Incorporation by reference.

§ 266.280. General.

(a) A person seeking to add a hazardous waste or a category of hazardous waste to Subchapters J—O may petition the Department for a regulatory amendment under this subchapter.

(b) To be successful, the petitioner shall demonstrate to the satisfaction of the Department and the EQB that regulation as a universal waste under this chapter is the following:

- (1) Appropriate for the waste or category of waste.
- (2) Will improve management practices for the waste or category of waste.
- (3) Will improve implementation of the hazardous waste program.

(c) The petition shall include the following information:

- (1) The petitioner's name and address.
- (2) A statement of the petitioner's interest in the proposed action.

(3) A description of the proposed action, including proposed waste management practices.

(4) A statement of the need and justification for the proposed action, including supportive tests, studies or other information.

(5) The petition should also address as many of the factors listed in Subchapters J—O and this subchapter as are appropriate for the waste or waste category addressed in the petition.

(d) The petition will be processed and reviewed in accordance with § 266.282 (relating to public notice and review of petitions).

(e) The Department and the EQB will evaluate petitions using the factors listed in § 266.281 (relating to factors for petitions to include other waste under Chapter 266, Subchapters J—O). The decision will be based on the weight of evidence showing that regulation under Subchapters J—O is appropriate for the waste or category of waste, will improve management practices for the waste or category of waste and will improve implementation of the hazardous waste program.

§ 266.281. Factors for petitions to include other waste under Chapter 266, Subchapters J—O.

The following factors will be considered in evaluating petitions:

(1) The waste or category of waste, as generated by a wide variety of generators, as listed in Chapter 261, Subchapter D (relating to lists of hazardous waste), or if not listed a proportion of the waste stream exhibits one or more characteristics of hazardous waste identified in Chapter 261, Subchapter C (relating to characteristics of hazardous waste). When a characteristic waste is added to the universal waste regulations by using a generic name to identify the waste category (for example, batteries), the definition of “universal waste” in § 266.206 (relating to definitions) includes only the hazardous waste portion of the waste category (for example, hazardous waste batteries). Thus, only the portion of the waste stream that does exhibit one or more characteristics (that is, is hazardous waste) is subject to the universal waste regulations of this chapter.

(2) The waste or category of waste is not exclusive to a specific industry or group of industries and is commonly generated by a wide variety of types of establishments (including, for example, households, retail and commercial businesses, office complexes, conditionally exempt small quantity generators, small businesses, government organizations, as well as large industrial facilities).

(3) The waste or category of waste is generated by a large number of generators (for example, more than 1,000 Nationally) and is frequently generated in relatively small quantities by each generator.

(4) Systems to be used for collecting the waste or category of waste (including packaging, marking and labeling practices) would ensure close stewardship of the waste.

(5) The risk posed by the waste or category of waste during accumulation and transport is relatively low compared to other hazardous wastes, and specific management standards proposed or referenced by the petitioner or applicable United States Department of Transportation requirements would be protective of human health and the environment during accumulation and transport.

(6) Regulation of the waste or category of waste under this chapter will increase the likelihood that the waste will be diverted from nonhazardous waste management systems (for example, the municipal waste stream, residual waste stream, municipal sewer or stormwater systems) to hazardous waste recycling, treatment or disposal facilities in compliance with this article.

(7) Regulation of the waste or category of waste under this chapter will improve implementation of and compliance with the hazardous waste regulatory program.

(8) Other factors as may be appropriate.

§ 266.282. Public notice and review of petitions.

(a) The Department will publish notice of receipt of a petition for a regulatory amendment in the *Pennsylvania Bulletin* when the Department determines that the application is administratively complete.

(b) Interested persons may submit comments to the Department within 60 days of publication and may recommend conditions upon, revisions to, approval of or disapproval of the regulatory amendment.

§ 266.283. Incorporation by reference.

Any modification to the EPA universal waste rule, 40 CFR Part 273 (relating to standard universal waste management) is incorporated into this chapter and is effective on the date established by the Federal regulations, unless otherwise established by this chapter.

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