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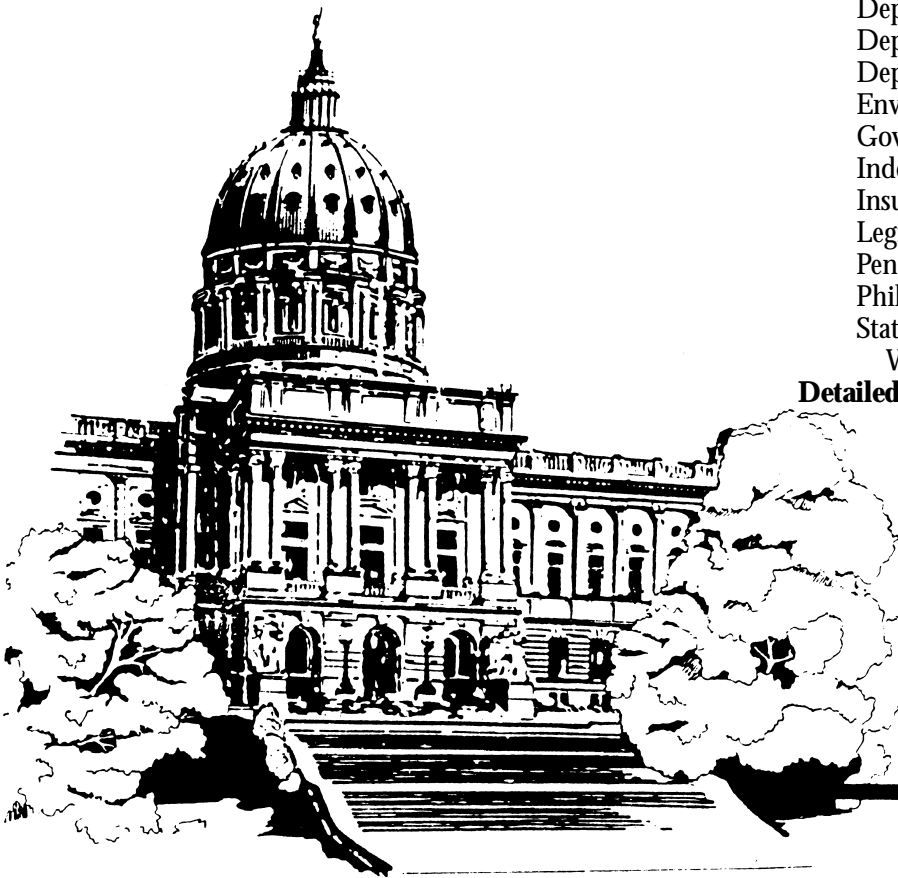
# PENNSYLVANIA BULLETIN

Volume 32  
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**Agencies in this issue:**

The General Assembly  
The Courts  
Department of Banking  
Department of Conservation and Natural Resources  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Revenue  
Department of Transportation  
Environmental Quality Board  
Governor's Office  
Independent Regulatory Review Commission  
Insurance Department  
Legislative Reference Bureau  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
State Board for Certification of Water and Wastewater Systems Operators

**Detailed list of contents appears inside.**



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**No. 335, October 2002**

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2002.

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# THE GENERAL ASSEMBLY

## Recent Actions during the 2002 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2002 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2002 GENERAL ACTS ENACTED—ACT 113 through 122</b>					
113	Oct 2	HB1952	PN4048	60 days	Urban Redevelopment Law—redevelopment contract provisions, blighted property removal and statute of limitations
114	Oct 2	HB2164	PN4204	immediately*	Vehicle Code (75 Pa.C.S.)—omnibus amendments
115	Oct 2	HB2398	PN3983	immediately	Job Enhancement Act—small business definitions and loan eligibility and terms
116	Oct 2	HB0582	PN4169	immediately*	Crimes Code (18 Pa.C.S.)—criminal mischief, institutional vandalism, criminal trespass and retail theft
117	Oct 2	HB0767	PN4160	60 days	Automobile Lemon Law—returned motor vehicle resale
118	Oct 2	SB0483	PN2179	immediately	Board of Claims Act—compensation for Board of Claims members and hearing panels and authority to resolve protests of solicitations or awards
119	Oct 2	SB1035	PN2178	immediately	Conveyance—Commonwealth property in Franklin, Chester, Wayne and Lackawanna counties
120	Oct 2	SB1045	PN2170	immediately	Job Enhancement Act—eligibility and definitions
121	Oct 2	HB0219	PN1510	60 days	Crime Victims Act—victim advocate powers and duties, parole notification to victim and petitions to deny parole upon expiration of minimum sentence
122	Oct 2	HB2322	PN4289	Nov. 1, 2002	Judicial Code (42 Pa.C.S.)—Judicial Computer System Augmentation Account, Access to Justice Account and imposition of fees

\* with exceptions

### Effective Dates of Statutes

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

### Advance Copies of Statutes

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

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

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

[Pa.B. Doc. No. 02-1818. Filed for public inspection October 18, 2002, 9:00 a.m.]

## Recent Actions during the 2002 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2002 Regular Session

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2002 GENERAL ACTS ENACTED—ACT 123 through 125</b>					
123	Oct. 4	SB0238	PN2176	immediately*	Vehicle Code (75 Pa.C.S.)—omnibus amendments
124	Oct. 4	HB0927	PN4199	immediately	General County Assessment Law, The—taxation subjects enumerated, taxation limitation and imposition of certain taxes prohibited
125	Oct. 4	HB0928	PN4200	immediately	Fourth to Eighth Class County Assessment Law, The—taxation subjects enumerated, taxation limitation and imposition of certain taxes prohibited

\* with exceptions

## Effective Dates of Statutes

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

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

[Pa.B. Doc. No. 02-1819. Filed for public inspection October 18, 2002, 9:00 a.m.]

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 89]

#### Amendments to Rules of Organization and Procedure of the Disciplinary Board of the Supreme Court of Pennsylvania; Order No. 57; Doc. No. R-132

The current Rules of Organization and Procedure of the Board provide for the holding of optional conferences either before or during a hearing, but do not require a prehearing conference in all cases. 204 Pa. Code § 89.71. The Board has concluded that the hearing process would be improved if a prehearing conference were always required. This Order accordingly amends the rules of the Board to require the scheduling in all cases of a prehearing conference to be held not less than 30 days before a hearing. A Notice of Proposed Rulemaking regarding the amendments adopted by this Order was published in the *Pennsylvania Bulletin*. No comments were received in response.

The Disciplinary Board of the Supreme Court of Pennsylvania hereby finds that the amendments to the Rules of Organization and Procedure of the Board adopted hereby are not inconsistent with the Pennsylvania Rules of Disciplinary Enforcement and are necessary and appropriate for the administration of the affairs of the Board.

The Board, acting pursuant to Pa.R.D.E. 205(c)(10), orders:

(1) Title 204 of the *Pennsylvania Code* is hereby amended as set forth in Annex A hereto.

(2) The Secretary of the Board shall duly certify this Order, and deposit the same with the Administrative Office of Pennsylvania Courts as required by Pa.R.J.A. 103(c).

(3) The amendments adopted hereby shall take effect upon publication in the *Pennsylvania Bulletin* and shall govern all matters thereafter commenced and, insofar as just and practical, matters then pending.

(4) This Order shall take effect immediately.

ELAINE M. BIXLER  
*Executive Director and Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania*

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

##### CHAPTER 89. FORMAL PROCEEDINGS

##### Subchapter B. INSTITUTION OF PROCEEDINGS

§ 89.57. Scheduling of hearing **and prehearing conference**.

The date, time and place of hearing on a petition for discipline shall be scheduled by the Office of the Secre-

tary after consultation with and consideration of any recommendation by the members of the hearing committee or special master, the Office of Disciplinary Counsel, and, if available, the respondent-attorney. The date fixed for the hearing shall not be later than [ 60 ] 90 days after the file is transmitted to a hearing committee or special master under § 89.56 (relating to assignment for hearing), unless an extension has been granted by the Board Chairman at the request of any party. **At the time that the hearing is scheduled, the Office of the Secretary shall also schedule a prehearing conference for a date not less than 30 days before the scheduled date of the hearing.**

§ 89.58. Notice of hearing **and prehearing conference**.

The Office of the Secretary shall serve or cause to be served notice of **the hearing and prehearing conference required by § 89.57 (relating to scheduling of hearing and prehearing conference)** by means of Form DB-34 (Notice of Hearing and Prehearing Conference) upon the respondent-attorney, at least seven days in advance of the date fixed for the [ **hearing** ] **prehearing conference**. The notice shall indicate the [ **date, time and place** ] **dates, times and places of the prehearing conference and the hearing** and shall state that the respondent-attorney is entitled to be represented by counsel, to cross-examine witnesses and to present evidence in the respondent-attorney's own behalf. A copy of the notice [ **of hearing** ] shall at the same time be transmitted to staff counsel. See § 89.7(b) (relating to notice to other tribunals).

#### Subchapter C. HEARING PROCEDURES PREHEARING CONFERENCES

§ 89.72. **Subjects which may be considered at conferences to expedite hearings.**

At [ **any** ] **the prehearing [ or ] conference required by § 89.57 (relating to scheduling of hearing and prehearing conference) and any other conferences which may be held to expedite the orderly conduct and disposition of any hearing, there may be considered, in addition to any offers of settlement permitted under § 89.71 (relating to conferences to expedite proceedings), the possibility of the following:**

\* \* \* \* \*

[Pa.B. Doc. No. 02-1820. Filed for public inspection October 18, 2002, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [231 PA. CODE CH. 200]

Amendment of Rule 230 Governing Voluntary Nonsuit; No. 375 Civil Procedural Rules; Doc. No. 5

#### Order

*Per Curiam:*

And Now, this 3rd day of October, 2002, Rule 230 of the Pennsylvania Rules of Civil Procedure is amended to read as follows.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective January 1, 2003.

**Annex A**

**TITLE 231. RULES OF CIVIL PROCEDURE**

**PART I. GENERAL**

**CHAPTER 200. BUSINESS OF COURTS**

**Rule 230. Voluntary Nonsuit.**

(a) A voluntary nonsuit shall be the exclusive method of voluntary termination of an action [ , ] in whole or in part by the plaintiff during the trial.

**Official Note:** A plaintiff who asserts a cause of action ex contractu and joins as defendants persons liable to the plaintiff in different capacities may not [ **suffer** ] obtain a voluntary nonsuit as to a defendant primarily liable without [ **suffering** ] obtaining a voluntary nonsuit as to all defendants secondarily liable. Rule 2231(e).

(b) A plaintiff [ **who has rested the case in chief** ] may not [ **suffer** ] obtain a voluntary nonsuit without leave of court **upon good cause shown** and cannot do so after the close of all the evidence.

**Explanatory Comment**

Prior to the present amendment, Rule 230 permitted a plaintiff to "suffer" a nonsuit at his or her whim. The exercise of that right for no good reason, e.g., simply because the plaintiff is not satisfied with the progress of the trial, was unfair to other parties to the action and a waste of judicial time and resources. The rule has now been amended to make the right of a plaintiff to "obtain" a voluntary nonsuit subject to the approval of the court "upon good cause shown."

*By the Civil Procedural Rules Committee*

R. STANTON WETTICK, Jr.,  
*Chair*

[Pa.B. Doc. No. 02-1821. Filed for public inspection October 18, 2002, 9:00 a.m.]

**Title 255—LOCAL  
COURT RULES**

**ERIE COUNTY**

**2003 Fee Schedule for Prothonotary; Misc. No. 90080-2002**

*And Now*, this 2nd day of October, 2002, pursuant to Act No. 98-164, 42 P. S. 21071, the fee schedule following this order is hereby approved and adopted, effective January 1, 2003.

WILLIAM R. CUNNINGHAM,  
*President Judge*

*Erie County Prothonotary Fee Schedule—  
Effective January 1, 2003  
42 Pa.C.S.A. 21070 & Related Acts*

Appeals to Superior, Commonwealth & Supreme Court (Pro fee)	\$50.00
(State fee)	55.00
Arbitration/Mediation Praecepta	20.00
Assignments	8.00

Bankruptcy Discharge	8.00
Certificates—Discontinuance/ Satisfaction/Divorce/Notary/Other	5.00
Commencement of Action—Law, Equity, Petitions, Petition to Open/Strike, License Susp. Appeals, Foreign Judgments, Lis Pendens, Transfer of Venue, DJ Certiorari, New Cases (includes \$10.00 JCP, \$5.00 automation, \$.50 writ tax)	100.50
Custody Complaint (with AOPC \$5.00 Jen & Dave fee)	105.50
Divorce—Add: \$50.00 Master Fee, \$10.00 Surcharge, \$5.00 AOPC Jen & Dave fee for custody count & \$10.00 JCP fee for each additional named count	160.50 minimum
Copy Costs	.50/page
Certified Copy (\$5.00 for 1st page; \$5.00 + .50/pg for multi-page)	5.00
District Justice Appeals	100.25
Divorce Transmittal	10.00
Executions (includes attachment/possession)	25.50
Exemplification of Record	10.00
Government Agency cases (includes JCP, Automation & Writ Tax)	20.50
Judgments (includes Agreement to Revive, Decrees, Default, Final, Lis Pendens on existing case, Non Pros, on Verdicts, District Justice, Notes/Confession of Judgment, Support Arrearage, Criminal etc.)	15.00
*Add \$.50 for new file/docket number judgments	15.50
*Add \$.25 for District Justice Judgment	15.25
License Revocation (Certification of Motor Vehicle Judgment)	10.00
Liens (Commonwealth/Federal/ Municipal)	15.00
Master, Petition for Appointment of	250.00
Mechanics Lien Waiver/Release (a claim is a commencement)	20.50
Mental Health Petitions	10.00
Notary Public Registration of Signature	5.00
Poundage (on money paid into Court) for each dollar of the first \$1,000	.03
For each dollar of each additional \$1,000 or fraction thereof	.01
Power of Attorney	20.50
Protection from Abuse (no fee charged) with filing/fee & \$25.00 surcharge is Court ordered.	
Reinstatement of Complaints/ Re-issuance of writs	8.00
Releases	8.00
Resume Prior Name	8.00
Satisfaction/Discontinuance/Release/ Assignment/other Terminations/ Subordinations/Postponements	8.00

Searches (any search of any record in person, by phone, mail, fax etc)	10.00
Subpoena	2.00
UCC Search (County Fee per debtor name)	59.00
Add \$5.00 per financing statement &/or assignment	5.00
Writ of Revival	20.00
Yearly Financial Statement of Bonding Companies	5.00
PA writ taxes, JCP fees, custody claim fees, automation fees, surcharges and master fees included in commencement fees.	

Fees for services not herein specifically provided for shall be the same as for similar services.

No refunds. A fee of \$20.00 will be charged for returned checks. The Prothonotary shall not be required to perform any service until the requisite fee is paid. Only cash, business checks, certified checks or money orders payable to Erie County Prothonotary. No personal checks.

[Pa.B. Doc. No. 02-1822. Filed for public inspection October 18, 2002, 9:00 a.m.]

**WYOMING AND SULLIVAN COUNTIES  
2003 Court Calendar; No. 2002-1090**

**Order of Court**

And Now, the 24th day of September, 2002,

It Is Ordered that the Court Calendar of the Court of Common Pleas of The 44th Judicial District of Pennsylvania for the Year 2003, be and the same is hereby established in accordance with the schedule hereto and made a part hereof.

By the Court

BRENDAN J. VANSTON,  
*President Judge*

**2003—Wyoming County Court Calendar**

<i>Arraignments, Sentences &amp; ARD</i>	<i>Status Call &amp; Guilty Pleas</i>	<i>Criminal Trial Weeks</i>
January 15	January 10	January 27
February 12	February 14	February 18
March 12	March 7	April 21
April 9	April 4	June 23
May 14	May 9	August 18
June 11	June 6	October 20
July 9	July 11	December 15
August 13	August 1	
September 10	September 5	
October 8	October 3	
November 12	November 7	
December 10	December 5	

<i>Juveniles</i>	<i>Dependency</i>	<i>Prison Board &amp; Acct. Confirmation</i>
January 8	January 16	January 7
February 11	February 10	February 4
March 5	March 13	March 4
April 2	April 10	April 1
May 7	May 15	May 6

<i>Juveniles</i>	<i>Dependency</i>	<i>Prison Board &amp; Acct. Confirmation</i>
June 4	June 12	June 3
July 2	July 10	July 1
August 6	August 14	August 5
September 3	September 11	September 2
October 1	October 9	October 7
November 5	November 13	November 4
December 3	December 11	December 2
<i>De Novos</i>	<i>Dro Contempts</i>	<i>Civil Trial Week</i>
January 6	January 16	January 20
February 10	February 11	March 17
March 11	March 13	May 19
April 8	April 10	July 14
May 13	May 15	September 15
June 10	June 12	November 17
July 8	July 1	
August 12	August 14	
September 9	September 11	
October 7	October 9	
November	10 November 13	
December 9	December 11	

*General Call*

September 2

*Close/Civil Trial*

Oct. 4, 2002	(Jan., 2003)
Dec. 6, 2002	(March, 2003)
February 7	(May, 2003)
April 4	(July, 2003)
June 6	(Sept., 2003)
August 1	(Nov., 2003)
October 3	(Jan., 2004)
Dec. 5	(March, 2004)

**2003—Sullivan County Court Calendar**

*Regular Court Day*

January 9	July 3
February 13	August 7
March 6	September 4
April 3	October 2
May 8	November 6
June 5	December 4

*Trial Weeks—Civil & Criminal*

March 24
May 27
June 16
September 22
October 27

*Close Dates for Civil Trial List*

December 6, 2002	(March, 2003 Term)
March 7, 2003	(May, 2003 Term)
April 4	(June, 2003 Term)
June 6	(September, 2003 Term)
August 1	(October, 2003 Term)
October 3	(January, 2004 Term)
December 5	(March, 2004 Term)

*General Call*

September 4, 2003

[Pa.B. Doc. No. 02-1823. Filed for public inspection October 18, 2002, 9:00 a.m.]



# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 121, 129 AND 145]

### Small Sources of NO<sub>x</sub>, Cement Kilns and Large Internal Combustion Engines

The Environmental Quality Board (Board) proposes to amend Chapters 121, 129 and 145 (relating to general provisions; standards for sources; and interstate pollution transport reduction). This proposed rulemaking establishes additional ozone season nitrogen oxide (NO<sub>x</sub>) control requirements for certain boilers, turbines and stationary internal combustion units that are small sources of NO<sub>x</sub> in the Counties of Bucks, Chester, Delaware, Montgomery and Philadelphia. The proposed rulemaking also establishes ozone season NO<sub>x</sub> emission limits for large stationary internal combustion engines and Portland cement kilns across this Commonwealth.

This proposal was adopted by the Board at its meeting of September 17, 2002.

#### A. *Effective Date*

The proposed rulemaking will go into effect upon publication in the *Pennsylvania Bulletin* as a final-form rulemaking.

#### B. *Contact Persons*

For further information contact Dean E. Van Orden, Chief, Stationary Sources Section, Division of Air Resource Management, Bureau of Air Quality, P. O. Box 8468, Rachel Carson State Office Building, Harrisburg, PA 17105-8468, (717) 787-9495; or Kristen M. Campfield, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposal appears in Section I of this Preamble. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available electronically through the Department of Environmental Protection's (Department) website (<http://www.dep.state.pa.us>), choose "participate."

#### C. *Statutory Authority*

This proposed rulemaking is being made under the authority of section 5 of the Air Pollution Control Act (35 P. S. § 4005), which grants the Board the authority to adopt regulations for the prevention, control, reduction and abatement of air pollution.

#### D. *Background and Purpose*

When ground-level ozone is present in concentrations in excess of the Federal health-based standard, public health is adversely affected. The Environmental Protection Agency (EPA) has concluded that there is an association between ambient ozone concentrations and increased hospital admissions for respiratory ailments, such as asthma. Further, although children, the elderly and those with respiratory problems are most at risk, even healthy individuals may experience increased respiratory ailments and other symptoms when they are exposed to ambient ozone while engaged in activity that involves physical exertion. Though these symptoms are often temporary, repeated exposure could result in permanent

lung damage. The implementation of additional measures to address ozone air quality nonattainment in this Commonwealth is necessary to protect the public health.

The purpose of this proposed rulemaking is to reduce emissions of NO<sub>x</sub>, so as to reduce levels of ground-level ozone. Ground-level ozone is not directly emitted by pollution sources, but is created as a result of the chemical reaction of NO<sub>x</sub> and volatile organic compounds (VOC), in the presence of light and heat. The reduction of NO<sub>x</sub> will also protect the public health from high levels of fine particulates, of which NO<sub>x</sub> is a precursor component. Fine particulates, as well as ozone, are health hazards. The reduction of NO<sub>x</sub> also reduces visibility impairment and acid deposition. This proposed rulemaking is part of the Commonwealth's specific action plan and is necessary to achieve and maintain the ozone National Ambient Air Quality Standard in this Commonwealth and is part of a regional effort among the states in the Ozone Transport Region (OTR) to reduce transported ozone.

The proposed amendments to Chapters 121 and 129 establish ozone season (May 1 through September 30) emission limits for NO<sub>x</sub> from certain boilers, turbines and stationary internal combustion engines located at industrial, utility and commercial sites in the Counties of Bucks, Chester, Delaware, Montgomery and Philadelphia. These counties are in a severe nonattainment area for ozone. Surrounding states in the same nonattainment area (Maryland, Delaware and New Jersey) are taking similar actions. The Board's proposed rulemaking requires the emission limits to be implemented by May 1, 2005. The proposed amendments to Chapters 121 and 129 do not affect large sources that are regulated under Chapter 145. The proposed rulemaking is based on model rules developed by the Ozone Transport Commission (OTC), which was created to address ozone problems in the OTR. The Commonwealth is a member of the OTC. The proposed rulemaking is also consistent with the recommendations of the Southeast Pennsylvania Ozone Stakeholders Working Group.

In 1998, the EPA published its requirement that 22 eastern states and the District of Columbia submit revised State Implementation Plans (SIP) (NO<sub>x</sub> SIP Call) prohibiting those amounts of NO<sub>x</sub> emissions that significantly contribute to ozone attainment problems in downwind states. In 2000, the Commonwealth promulgated Chapter 145, Subchapter A (relating to NO<sub>x</sub> budget trading program), which contains the NO<sub>x</sub> cap and trade program for fossil fuel-fired combustion units and electric generating units, to satisfy the first phase of the NO<sub>x</sub> SIP Call. Subchapter A was published and adopted at 30 Pa.B. 4899 (September 30, 2000) and was approved by the EPA as a SIP revision on August 21, 2001 (66 FR 43795). In this proposed rulemaking, Chapter 145, Subchapters B and C (relating to emission of NO<sub>x</sub> from stationary internal combustion engines; and emissions of NO<sub>x</sub> from cement manufacturing) are needed to satisfy the Commonwealth's remaining obligation under the NO<sub>x</sub> SIP Call.

Proposed Subchapters B and C establish ozone season emission limits for NO<sub>x</sub> from large stationary internal combustion engines that emitted more than 153 tons of NO<sub>x</sub> per ozone season in 1995 or any ozone season thereafter and from Portland cement kilns. Revisions pertaining to large stationary internal combustion engines and cement kilns were originally part of the 2000

proposal, but final action was deferred on them. The current proposed rulemaking reflects further revisions made in response to comments received on the previous proposal and is based on EPA proposed emission limits and control technologies published February 22, 2002 (67 FR 8396), and October 21, 1998 (63 FR 56394). The cement kiln provisions in the current proposal are similar to rules adopted by other states including West Virginia, Maryland and Illinois. Most states are expected to adopt similar provisions for cement kilns and large stationary internal combustion engines.

Subchapter B will impact owners and operators of an estimated 14 large stationary internal combustion engines owned by 4 companies and institutions. Subchapter C will impact the owners and operators of 21 cement kilns and will require 8 of them to install continuous emission monitors and report the data in accordance with existing monitoring regulations. Two cement kilns have shutdown or have announced a shutdown date. The remaining cement kilns currently operate Continuous Emission Monitoring Systems (CEMS).

The Board's proposed rulemaking also represents the Commonwealth's continuing commitment to do its fair share in reducing ozone transport both within this Commonwealth and throughout the northeast.

The Department worked with the Air Quality Technical Advisory Committee (AQTAC) in the development of this proposed rulemaking. The Department presented an earlier draft of the Chapter 129 amendments to AQTAC at its January 17, 2002, meeting. In response to AQTAC's comments at the January meeting, the Department revised the proposal, which it presented to AQTAC at its May 2, 2002, meeting. At that meeting, AQTAC concurred with the Department's recommendation that the Board publish the proposed rulemaking. However, AQTAC specifically requested that the Board seek public comment on three issues concerning scope and flexibility. Those three issues are identified more fully in Section I of this Preamble.

#### E. Summary of Regulatory Requirements

The proposed amendments to Chapter 121 consist of definitions of four terms that will be used in the substantive provisions of this proposed rulemaking. The terms are "emergency stationary internal combustion engine," "fire-fighting stationary internal combustion engine," "ppmvd" and "stationary internal combustion engine."

The proposed amendments to Chapter 129 apply during the ozone season (May 1 to September 30) to small sources of NO<sub>x</sub> located in Bucks, Chester, Delaware, Montgomery or Philadelphia County (the five county Philadelphia area). The proposed rulemaking establishes NO<sub>x</sub> emission limits for boilers, stationary combustion turbines and stationary internal combustion engines in §§ 129.201—129.203 (relating to standards for boilers; standards for stationary combustion turbines; and standards for stationary internal combustion engines). These sections allow averaging of emissions to demonstrate compliance in certain circumstances. Some boilers and turbines may demonstrate compliance through the opt-in provisions of §§ 145.80—145.88 (relating to opt-in process). Emergency gas turbines and fire-fighting turbines, fire-fighting stationary internal combustion engines and emergency stationary internal combustion engines are exempt.

Proposed Chapter 145, Subchapter B establishes emission rates for four categories of large stationary internal combustion engines listed in § 145.111 (relating to appli-

cability). Section 145.112 (relating to definitions) defines terms that are used in Subchapter B: "CEMS—Continuous Emission Monitoring System," "diesel stationary internal combustion engine," "dual-fuel stationary internal combustion engine," "engine rating," "lean-burn stationary internal combustion engine," "rich-burn stationary internal combustion engine," "stoichiometric air/fuel ratio" and "unit." Section 145.113 (relating to standard requirements) establishes the emission rates.

This subchapter also establishes compliance reporting, monitoring and recordkeeping requirements in §§ 145.114 and 145.115 (relating to compliance determination; and reporting, monitoring and recordkeeping). Section 145.114 allows averaging of emissions to demonstrate compliance in certain circumstances.

Proposed Subchapter C applies to Portland cement kilns. See § 145.141 (relating to applicability). Section 145.142 (relating to definitions) defines the following terms for the purposes of this subchapter: "CEMS—Continuous Emission Monitoring System," "clinker," "low NO<sub>x</sub> burner," "mid-kiln firing," "Portland cement" and "Portland cement kiln." Section 145.143 (relating to standard requirements) establishes acceptable control technologies and emission limitations. Section 145.144 (relating to reporting, monitoring and recordkeeping) establishes reporting, monitoring and recordkeeping requirements for these units.

This proposed rulemaking, if adopted as a final-form rulemaking, will be submitted to the EPA as an amendment to the SIP.

#### F. Benefits, Costs and Compliance

Executive Order 1996-1, "Regulatory Review and Promulgation," requires a cost/benefit analysis of the proposed rulemaking.

##### *Benefits*

Overall, the citizens of this Commonwealth will benefit from this proposed rulemaking because the changes will result in improved air quality by reducing ozone and fine particulate precursor emissions and encourage new technologies and practices, which will reduce emissions. The proposed rulemaking will also reduce visibility impairment and acid deposition. Financial savings resulting from the proposed rulemaking in terms of effects on mortality, hospital admissions, acute bronchitis, acute respiratory systems, worker productivity, crops and forests could exceed \$16 million per year, based on EPA estimates.

##### *Compliance Costs*

The boilers, turbines and stationary internal combustion engines subject to the proposed Chapter 129 amendments are expected to reduce NO<sub>x</sub> emissions by approximately 3 tons per day in the Philadelphia area. The emission reduction can be achieved through installation of control equipment, combustion unit modification or fuel switching. Cost to reduce emissions for these sources has been estimated to be \$1,500 to \$3,500 per ton for boilers, \$3,000 per ton of NO<sub>x</sub> for turbines and \$1,700 to \$4,400 per ton for stationary internal combustion engines. Under Chapter 145, large stationary internal combustion engines are expected to install control equipment to meet the emission reduction requirements. These controls are estimated to cost \$1,500 to \$2,000 per ton of NO<sub>x</sub> reduced. Cement kilns are expected to achieve some emission reductions through improved fuel efficiency resulting in a potential cost savings. Eight kilns will need

to install continuous emission monitors at a cost of approximately \$60,000 to \$100,000 each.

#### *Compliance Assistance Plan*

The Department plans to educate and assist the regulated community and the public with understanding these new regulatory requirements through various means, including field inspector contacts, mailings and the Small Business Compliance Assistance Program.

#### *Paperwork Requirements*

Aside from electronic CEMS reports that will be required of the cement kiln owners or operators, the regulatory revisions will not increase the paperwork that is already generated during the normal course of business operations.

#### *G. Sunset Review*

The proposed rulemaking will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

#### *H. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 8, 2002, the Department submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC), and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Department. A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed rulemaking, it will notify the Department within 10 days following the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review by the Department, the Governor, and the General Assembly before final-form publication of the rulemaking.

#### *I. Public Comments*

*Written Comments*—Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by December 26, 2002. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by December 26, 2002. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered.

At the request of AQTAC, the Board is specifically requesting comments in three areas:

1. Section 129.201 allows an owner or operator of two or more affected boilers to demonstrate compliance with the emission levels required in that section by averaging emissions from the boilers, with written Department approval. Sections 129.202 and 129.203 allow the same for an owner or operator of two or more stationary combustion turbines or stationary internal combustion engines. The Board is requesting comment on whether

these sections should remain the same, allow more flexibility or allow less flexibility. Examples of flexibility include allowing owners and operators to average their NO<sub>x</sub> emissions among other sources within the five county Philadelphia ozone nonattainment area or allowing sources to purchase and retire NO<sub>x</sub> allowances issued under Chapter 145, Subchapter A of contemporaneous vintage from the five county area.

2. Affected sources are requested to submit detailed information concerning the technical feasibility of the proposed control requirements and potential cost to comply for the affected units in this Commonwealth.

3. The proposed revisions to Chapter 129 apply only within the five county Philadelphia area. The entire proposed rulemaking applies only during each year's ozone season (May 1 through September 30). The Board is requesting comment on whether the proposal should apply Statewide and for the entire year.

*Electronic Comments*—Comments may be submitted electronically to the Board at [regcomments@state.pa.us](mailto:regcomments@state.pa.us) and must also be received by the Board by December 26, 2002. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

#### *J. Public Hearings*

The Board will hold three public hearings for the purpose of accepting comments on the proposed rulemaking. The hearings will be held at 1 p.m. on the following dates:

- |                   |  |
|-------------------|--|
| November 18, 2002 | Department of Environmental Protection<br>Southcentral Regional Office<br>Susquehanna River Conference Room A<br>909 Elmerton Avenue<br>Harrisburg, PA |
| November 20, 2002 | Department of Environmental Protection<br>Southwest Regional Office<br>Waterfront A Conference Room<br>500 Waterfront Drive<br>Pittsburgh, PA          |
| November 25, 2002 | Department of Environmental Protection<br>Southeast Regional Park<br>Main Conference Room, Lee Park<br>555 North Lane<br>Conshohocken, PA              |

Persons wishing to present testimony at a hearing are requested to contact Heather Dwilet, Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Heather Dwilet at (717) 787-4526 or through the

Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

DAVID E. HESS,  
*Chairperson*

**Fiscal Note:** 7-378. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION**

**PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart C. PROTECTION OF NATURAL RESOURCES**

**ARTICLE III. AIR RESOURCES**

**CHAPTER 121. GENERAL PROVISIONS**

**§ 121.1. Definitions.**

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

***Emergency stationary internal combustion engine—***

(i) A stationary internal combustion engine that operates as a mechanical or electrical power source only when the primary power source for a facility has been rendered inoperable by events beyond the control of the owner or operator.

(ii) A stationary reciprocating engine that provides power during instances of voltage reduction or curtailment from the electrical grid is not an emergency stationary internal combustion engine.

\* \* \* \* \*

***Fire-fighting stationary internal combustion engine—***A stationary internal combustion engine that is used solely to pump water for extinguishing fires.

\* \* \* \* \*

***ppmvd—***Parts per million dry volume.

\* \* \* \* \*

***Stationary internal combustion engine—***

(i) An internal combustion engine of the reciprocating type that is either attached to a foundation at a facility or is designed to be capable of being carried or moved from one location to another and remains at a single site at a building, structure, facility, or installation for more than 30 days.

(ii) An engine that replaces an engine at a site that is intended to perform the same or similar function as the engine replaced is included in calculating the consecutive time period.

\* \* \* \* \*

*(Editor's Note:* The following sections are new and are printed in regular type for ease of reading.)

**CHAPTER 129. STANDARDS FOR SOURCES**

**ADDITIONAL NO<sub>x</sub> REQUIREMENTS**

**§ 129.201. Standards for boilers.**

(a) By May 1, 2005, the owner or operator of a boiler that meets the definition of a boiler in § 145.2 (relating

to definitions) located in Bucks, Chester, Delaware, Montgomery or Philadelphia County shall ensure that the boiler meets the lower of any NO<sub>x</sub> emission limitation established in a permit issued under Chapter 127 (relating to permits) or the following NO<sub>x</sub> emission limits:

(1) Boilers with a nameplate rated capacity of greater than 100 million Btu/hour but less than or equal to 250 million Btu/hour shall meet the following NO<sub>x</sub> emission standards from May 1 through September 30 of each year:

(i) Natural gas-fired boilers or boilers firing a noncommercial gaseous fuel may not emit NO<sub>x</sub> in excess of 0.10 pounds NO<sub>x</sub> per million Btu or an alternate emission rate approved by the Department that achieves a NO<sub>x</sub> emission reduction of 60% from the actual 1990 NO<sub>x</sub> emission rate as determined in § 129.91(b) (relating to control of major sources of NO<sub>x</sub> and VOCs). The NO<sub>x</sub> emissions from the boiler after implementation of the alternate standard may not exceed any NO<sub>x</sub> emission limit contained in a permit issued under Chapter 127.

(ii) Boilers firing solid or liquid fuel may not emit NO<sub>x</sub> in excess of 0.20 pounds of NO<sub>x</sub> per million Btu or an alternate emission rate approved by the Department that achieves a NO<sub>x</sub> emission reduction of 60% from the actual 1990 NO<sub>x</sub> emission rate as determined in § 129.91(b). The NO<sub>x</sub> emissions from the boiler after implementation of the alternate standard may not exceed any NO<sub>x</sub> emission limit contained in a permit issued under Chapter 127.

(2) Boilers with a nameplate rated capacity of greater than 250 million Btu/hour that are not subject to §§ 145.1—145.7, 145.10—145.14, 145.30, 145.31, 145.40—145.43, 145.50—145.57, 145.60—145.62 and 145.70—145.76 shall meet the lower of any NO<sub>x</sub> emission limitation established in a permit issued under Chapter 127 or 0.17 pounds NO<sub>x</sub> per million Btu heat input from May 1 through September 30 of each year. A boiler may demonstrate compliance with this paragraph through the provisions of §§ 145.80—145.88 (relating to opt-in process).

(b) The owner or operator of two or more boilers identified in subsection (a) may propose in writing to the Department to demonstrate compliance with this section by averaging emissions from the affected sources. Averaging may not eliminate or modify an otherwise applicable regulatory or permit-based emission limitation. The owner or operator shall propose monitoring and averaging provisions sufficient to demonstrate compliance on a daily basis. The Department will approve the averaging proposal in writing.

**§ 129.202. Standards for stationary combustion turbines.**

(a) By May 1, 2005, the owner or operator of a stationary combustion turbine located in Bucks, Chester, Delaware, Montgomery or Philadelphia County shall ensure that the stationary combustion turbine meets the lower of any NO<sub>x</sub> emission limitation established in a permit issued under Chapter 127 (relating to permits) or the following NO<sub>x</sub> emission limits:

(1) Stationary combustion turbines with a nameplate rated capacity of greater than 100 million Btu/hour but less than or equal to 250 million Btu/hour shall meet the following NO<sub>x</sub> emission standards from May 1 through September 30 of each year:

(i) Combined cycle or regenerative cycle stationary combustion turbines shall emit no more than:

(A) 42 ppmvd of NO<sub>x</sub>, corrected to 15% O<sub>2</sub>, when firing natural gas or a noncommercial gaseous fuel or an alternate emission rate approved by the Department that achieves a NO<sub>x</sub> emission reduction of 60% from the actual 1990 NO<sub>x</sub> emission rate as determined in § 129.91(b) (relating to control of major sources of NO<sub>x</sub> and VOCs). The NO<sub>x</sub> emissions from the turbine after implementation of the alternate standard may not exceed any NO<sub>x</sub> emission limit contained in a permit issued under Chapter 127.

(B) 65 ppmvd of NO<sub>x</sub>, corrected to 15% O<sub>2</sub>, when firing oil or an alternate emission rate approved by the Department that achieves a NO<sub>x</sub> emission reduction of 60% from the actual 1990 NO<sub>x</sub> emission rate as determined in § 129.91(b). The NO<sub>x</sub> emissions from the turbine after implementation of the alternate standard may not exceed any NO<sub>x</sub> emission limit contained in a permit issued under Chapter 127.

(ii) Simple cycle stationary combustion turbines shall emit no more than:

(A) 55 ppmvd of NO<sub>x</sub>, corrected to 15% O<sub>2</sub>, when firing natural gas or a noncommercial gaseous fuel or an alternate emission rate approved by the Department that achieves a NO<sub>x</sub> emission reduction of 60% from the actual 1990 NO<sub>x</sub> emission rate as determined in § 129.91(b). The NO<sub>x</sub> emissions from the turbine after implementation of the alternate standard may not exceed any NO<sub>x</sub> emission limit contained in a permit issued under Chapter 127.

(B) 75 ppmvd of NO<sub>x</sub>, corrected to 15% O<sub>2</sub>, when firing oil or an alternate emission rate approved by the Department that achieves a NO<sub>x</sub> emission reduction of 60% from the actual 1990 NO<sub>x</sub> emission rate as determined in § 129.91(b). The NO<sub>x</sub> emissions from the turbine after implementation of the alternate standard may not exceed any NO<sub>x</sub> emission limit contained in a permit issued under Chapter 127.

(2) Stationary combustion turbines with a nameplate rated capacity of greater than 250 million Btu/hour that are not subject to §§ 145.1—145.7, 145.10—145.14, 145.30, 145.31, 145.40—145.43, 145.50—145.57, 145.60—145.62 and 145.70—145.76 shall meet the lower of any NO<sub>x</sub> emission limit established in a permit issued under Chapter 127 or 0.17 lb NO<sub>x</sub> per million Btu heat input from May 1 through September 30 of each year. A stationary combustion turbine may demonstrate compliance with this paragraph through the provisions of §§ 145.80—145.88 (relating to opt-in process).

(b) Emergency gas turbines and fire-fighting turbines, as those terms are defined in 40 CFR 60.331 (relating to definitions), are exempt from this section.

(c) The owner or operator of two or more stationary combustion turbines identified in subsection (a) may propose in writing to the Department to demonstrate compliance with this section by averaging emissions from the affected sources. Averaging may not eliminate or modify an otherwise applicable regulatory or permit-based emission limitation. The owner or operator shall propose monitoring and averaging provisions sufficient to demonstrate compliance on a daily basis. The Department will approve the averaging proposal in writing.

**§ 129.203. Standards for stationary internal combustion engines.**

(a) This section applies to stationary internal combustion engines rated at greater than 1,000 horsepower and

located in Bucks, Chester, Delaware, Montgomery or Philadelphia County, except for the following:

(1) Fire-fighting stationary internal combustion engines and emergency stationary internal combustion engines.

(2) Stationary internal combustion engines regulated under Chapter 145, Subchapter B (relating to emissions of NO<sub>x</sub> from stationary internal combustion engines).

(b) By May 1, 2005, the owner or operator shall ensure that, during the period May 1 through September 30 of each year, the affected stationary internal combustion engines identified in subsection (a) meet the lower of any NO<sub>x</sub> emission limitation established in a permit issued under Chapter 127 (relating to permits) or the following NO<sub>x</sub> emission limits:

(1) For a spark-ignited engine, 1.5 grams of NO<sub>x</sub> per brake horsepower-hour or an alternate emission rate approved by the Department that achieves a NO<sub>x</sub> emission reduction of 80% from the actual 1990 NO<sub>x</sub> emission rate as determined in § 129.91(b) (relating to control of major sources of NO<sub>x</sub> and VOCs). The NO<sub>x</sub> emissions from the stationary internal combustion engine after implementation of the alternate standard may not exceed any NO<sub>x</sub> emission limit contained in a permit issued under Chapter 127.

(2) For a compression ignition stationary internal combustion engine firing diesel fuel or a combination of diesel fuel and natural gas, 2.3 grams of NO<sub>x</sub> per brake horsepower-hour or an alternate emission rate approved by the Department that achieves a NO<sub>x</sub> emission reduction of 80% from the actual 1990 NO<sub>x</sub> emission rate as determined in § 129.91(b). The NO<sub>x</sub> emissions from the stationary internal combustion engine after implementation of the alternate standard may not exceed any NO<sub>x</sub> emission limit contained in a permit issued under Chapter 127.

(c) The owner or operator of two or more stationary internal combustion engines identified in subsection (a) may propose in writing to the Department to demonstrate compliance with this section by averaging emissions from the affected sources. Averaging may not eliminate or modify any otherwise applicable regulatory or permit-based emission limitation. The owner or operator shall propose monitoring and averaging provisions sufficient to demonstrate compliance on a daily basis. The Department will approve the averaging proposal in writing.

**CHAPTER 145. INTERSTATE POLLUTION TRANSPORT REDUCTION**

**Subchapter B. EMISSIONS OF NO<sub>x</sub> FROM STATIONARY INTERNAL COMBUSTION ENGINES**

Sec.

145.111. Applicability.

145.112. Definitions.

145.113. Standard requirements.

145.114. Compliance determination.

145.115. Reporting, monitoring and recordkeeping.

**§ 145.111. Applicability.**

(a) An owner or operator of a rich-burn stationary internal combustion engine with an engine rating equal to or greater than 2,400 brake horsepower that emitted greater than or equal to 153 tons of NO<sub>x</sub> from May 1 through September 30 in 1995 or from May 1 through September 30 of any year thereafter shall comply with the applicable requirements of this subchapter.

(b) An owner or operator of a lean-burn stationary internal combustion engine with an engine rating equal to or greater than 2,400 brake horsepower that emitted

greater than or equal to 153 tons of NO<sub>x</sub> from May 1 through September 30 in 1995 or from May 1 through September 30 of any year thereafter shall comply with the applicable requirements of this subchapter.

(c) An owner or operator of a diesel stationary internal combustion engine with an engine rating equal to or greater than 3,000 brake horsepower that emitted greater than or equal to 153 tons of NO<sub>x</sub> from May 1 through September 30 in 1995 or from May 1 through September 30 of any year thereafter shall comply with the applicable requirements of this subchapter.

(d) An owner or operator of a dual-fuel stationary internal combustion engine with an engine rating equal to or greater than 4,400 brake horsepower that emitted greater than or equal to 153 tons of NO<sub>x</sub> from May 1 through September 30 in 1995 or from May 1 through September 30 of any year thereafter shall comply with the applicable requirements of this subchapter.

#### § 145.112. Definitions.

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

*CEMS—Continuous Emission Monitoring System*—The equipment required under this subchapter and Chapter 139 (relating to sampling and testing) to sample, analyze, measure and provide, by readings taken at least every 15 minutes of the measured parameters, a permanent record of NO<sub>x</sub> emissions.

*Diesel stationary internal combustion engine*—A compression-ignited two- or four-stroke engine in which liquid fuel injected into the combustion chamber ignites when the air charge has been compressed to a temperature sufficiently high for auto-ignition.

*Dual-fuel stationary internal combustion engine*—A compression-ignited stationary internal combustion engine that is burning liquid fuel and gaseous fuel simultaneously.

*Engine rating*—The output of an engine as determined by the engine manufacturer and listed on the nameplate of the unit, regardless of any derating.

*Lean-burn stationary internal combustion engine*—Any two- or four-stroke spark-ignited engine that is not a rich-burn stationary internal combustion engine.

*Rich-burn stationary internal combustion engine*—A two- or four-stroke spark-ignited engine where the manufacturer's original recommended operating air/fuel ratio divided by the stoichiometric air/fuel ratio is less than or equal to 1.1.

*Stoichiometric air/fuel ratio*—The air/fuel ratio where all fuel and all oxygen in the air/fuel mixture will be consumed.

*Unit*—An engine subject to this subchapter.

#### § 145.113. Standard requirements.

Beginning May 1, 2005, an owner or operator of a unit described in § 145.111 (relating to applicability) may not operate the unit from May 1 through September 30 of any year unless the owner or operator complies with the following requirements:

(1) An owner or operator of a unit identified in § 145.111(a), (c) or (d) shall demonstrate that emissions from the unit have been reduced by 90% from the 1990 emission rate as determined in § 129.91(b) (relating to control of major sources of NO<sub>x</sub> and VOCs).

(2) An owner or operator of a unit identified in § 145.111(b) shall demonstrate that emissions from the unit have been reduced by 91% from the 1990 emission rate as determined in § 129.91(b).

#### § 145.114. Compliance determination.

(a) An owner or operator of a unit subject to this subchapter shall determine compliance using a CEMS that meets the applicable requirements of Chapter 139 (relating to sampling and testing) unless an alternate monitoring technique is approved by the Department under § 145.115(b)(1)(ii) (relating to reporting, monitoring and recordkeeping).

(b) An owner or operator of two or more units subject to this subchapter may demonstrate compliance with this subchapter through an averaging demonstration approved in writing by the Department. Averaging may not eliminate or modify an otherwise applicable regulatory or permit-based emission limitation. The units demonstrating compliance through an averaging provision shall be monitored using a CEMS.

#### § 145.115. Reporting, monitoring and recordkeeping.

(a) *Reporting requirements.* An owner or operator of a unit subject to this subchapter shall:

(1) By May 1, 2004, submit to the Department the identification number and type of each unit, the name and address of the plant where the unit is located, and the name and telephone number of the person responsible for demonstrating compliance.

(2) Submit a report documenting for that unit the total NO<sub>x</sub> emissions from May 1 through September 30 of each year to the Department by October 31 of each year, beginning in 2005.

(b) *Monitoring requirements.*

(1) An owner or operator of a unit subject to this subchapter may not operate the unit unless it is equipped with one of the following:

(i) A CEMS that meets the applicable requirements of Chapter 139 (relating to sampling and testing).

(ii) An alternate calculation and recordkeeping procedure based upon actual annual emissions testing and correlations with operating parameters. The installation, implementation and use of the alternate calculation and recordkeeping procedure shall be approved by the Department in writing prior to implementation.

(2) The CEMS or approved alternate calculation and recordkeeping procedure shall be operated and maintained in accordance with an onsite CEMS operating plan approved by the Department.

(c) *Recordkeeping requirements.* An owner or operator of a unit subject to this subchapter shall maintain records necessary to demonstrate compliance for 5 consecutive calendar years at the facility at which the unit is located. The records shall be made available to the Department upon request.

### Subchapter C. EMISSIONS OF NO<sub>x</sub> FROM CEMENT MANUFACTURING

Sec.	
145.141.	Applicability.
145.142.	Definitions.
145.143.	Standard requirements.
145.144.	Reporting, monitoring and recordkeeping.

**§ 145.141. Applicability.**

This subchapter applies to Portland cement kilns located in this Commonwealth.

**§ 145.142. Definitions.**

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

*CEMS—Continuous Emission Monitoring System*—The equipment required under this subchapter and Chapter 139 (relating to sampling and testing) to sample, analyze, measure and provide, by readings taken at least every 15 minutes of the measured parameters, a permanent record of NO<sub>x</sub> emissions.

*Clinker*—The product of a Portland cement kiln from which finished cement is manufactured by milling and grinding.

*Low NO<sub>x</sub> burner*—Combustion equipment designed to reduce flame turbulence, delay fuel/air mixing and establish fuel-rich zones for initial combustion.

*Mid-kiln firing*—The secondary firing in kilns by injecting solid fuel at an intermediate point in the kiln using a specially designed feed injection mechanism for the purpose of decreasing NO<sub>x</sub> emissions through burning part of the fuel at a lower temperature and creating reducing conditions at the solid waste injection point that may destroy some of the NO<sub>x</sub> formed upstream in the kiln burning zone.

*Portland cement*—A hydraulic cement produced by pulverizing clinker consisting essentially of hydraulic calcium silicates, usually containing one or more of the forms of calcium sulfate as an interground addition.

*Portland cement kiln*—A system, including any solid, gaseous or liquid fuel combustion equipment, used to calcine and fuse raw materials, including limestone and clay, to produce Portland cement clinker.

**§ 145.143. Standard requirements.**

Beginning May 1, 2005, an owner or operator of a Portland cement kiln subject to this subchapter may not operate the kiln during May 1 through September 30 unless one of the following has been installed and operates during May 1 to September 30:

- (1) Low NO<sub>x</sub> burner.

- (2) Mid-kiln firing.

(3) An alternative control approved in writing by the Department that achieves at least a 30% reduction of NO<sub>x</sub> from the actual 1990 emission rate as determined in § 129.91(b) (relating to control of major sources of NO<sub>x</sub> and VOCs). The NO<sub>x</sub> emissions from the Portland cement kiln after installation and operation of the alternate control may not exceed any NO<sub>x</sub> emission limit contained in a permit issued under Chapter 127 (relating to construction, modification, reactivation and operation of sources).

**§ 145.144. Reporting, monitoring and recordkeeping.**

(a) *Reporting requirements.* An owner or operator subject to § 145.143 (relating to standard requirements) shall:

- (1) By May 1, 2005, submit to the Department the identification number and type of each unit subject to this section, the name and address of the plant where the unit is located and the name and telephone number of the person responsible for demonstrating compliance with this subchapter.

- (2) Submit a report documenting for that unit the total NO<sub>x</sub> emissions from May 1 through September 30 of each year to the Department by October 31 of each year, beginning in 2005.

- (3) Submit a report, by May 1, 2005, documenting the control equipment or NO<sub>x</sub> reduction technique installed to demonstrate compliance with § 145.143.

(b) *Monitoring requirements.* A Portland cement kiln subject to this section shall install and operate a CEMS to demonstrate the continual effectiveness of the compliance option selected under § 145.143. The CEMS shall be installed, operated and certified in accordance with Chapter 139 (relating to sampling and testing) by May 1, 2005.

(c) *Recordkeeping requirements.* The owner or operator of the Portland cement kiln shall maintain the records and reports required by this subchapter for a minimum of 5 years. The records and reports shall be made available to the Department upon request.

[Pa.B. Doc. No. 02-1824. Filed for public inspection October 18, 2002, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending October 8, 2002.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
10-1-02	Sky Financial Group, Inc., Bowling Green OH, to acquire 100% of the voting shares of Three Rivers Bancorp, Inc., Monroeville, PA, and thereby indirectly acquire Three Rivers Bank and Trust Company	Bowling Green, OH	Effective

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-30-02	Standard Bank, PaSB Murrysville Westmoreland County  Purchase of assets/assumption of liabilities of two branch offices of the Commercial National Bank of Pennsylvania, Latrobe, located at:  4785 Old William Penn Highway Murrysville Westmoreland County	Murrysville      Redstone Presbyterian Senior Care 4951 Cline Hollow Road Murrysville Westmoreland County (Limited Service Facility)	Effective

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-7-02	Bank of Hanover and Trust Company Hanover York County	One West Market St. York York County	Approved
10-7-02	First Financial Bank Downingtown Chester County	300 Simpson Drive Chester Springs Chester County	Approved

##### Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-30-02	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 225 W. Lancaster Ave. Ardmore Montgomery County  <i>From:</i> 354 W. Lancaster Ave. Haverford Montgomery County	Effective



**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-30-02	Farmers First Bank Lititz Lancaster County	Weis Market 5360 Lincoln Highway Gap Lancaster County	Effective

**SAVINGS INSTITUTIONS****Conversions**

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
10-7-02	First Pennsylvania Savings Association Pittsburgh Allegheny County	Pittsburgh	Filed

Application represents request for conversion from a State-chartered mutual savings association to a State-chartered permanent reserve fund stock association.

**CREDIT UNIONS**

No activity.

PAUL H. WENTZEL, Jr.,  
*Acting Secretary*

[Pa.B. Doc. No. 02-1825. Filed for public inspection October 18, 2002, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Pennsylvania Recreational Trails Advisory Board Meeting

The Pennsylvania Recreational Trails Advisory Board, Department of Conservation and Natural Resources (Department), will hold a dinner meeting on Monday, October 28, 2002, from 7 p.m. until 9 p.m. at the Quality Inn & Suites, 100 South Centre St., Pottsville, PA 17901. A meeting will be held on Tuesday, October 29, 2002, from

9:30 a.m. until 3:30 p.m. in the Common Room, Hawk Mountain Sanctuary, Kempton, PA.

Questions concerning the meeting or agenda items should be directed to Scott Cope, CPRP, (717) 783-3319.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Scott Cope at (717) 783-3319 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN C. OLIVER,  
*Secretary*

[Pa.B. Doc. No. 02-1826. Filed for public inspection October 18, 2002, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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### APPLICATIONS

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### NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

### NPDES APPLICATIONS

### PART I PERMITS

Under the Federal Clean Water Act and The Clean Streams Law, the following parties have applied for an NPDES permit or to renew their current permit to discharge controlled wastewaters into the waters of this Commonwealth or to conduct other activities required by the NPDES permit. For renewal applications listed in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements. For all new permit applications, renewal application with major changes or applications for permits not waived by EPA, the Department,

based upon preliminary reviews, also made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications listed in Section II. These determinations are published as proposed actions for comments prior to taking final actions.

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

Persons wishing to comment on the proposed permit are invited to submit a statement, to the office noted before the application within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. The comments 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 comment period, the Department's Water Management Program Manager will make a final determination regarding these applications. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The renewal application, including proposed effluent limitations and special conditions, is available on file. For new permit applications, information submitted with the applications is available on file. The information may be inspected and arrangements made for copying at the office indicated before the application.

Persons with a disability, who require an auxiliary aid, service, including TDD users or other accommodations to seek additional information, should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### I. NPDES Renewal Applications

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0060925	Girl Scouts Scranton Pocono Council 333 Madison Avenue Scranton, PA 18510	Susquehanna County Brooklyn Township	Unnamed tributary to Hop Bottom Creek	Yes
PA0062103	Spring Brook Township Sewer Authority P. O. Box 1100 Moscow, PA 18444	Roaring Brook Township Lackawanna County	Green Run 5A	Yes

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0043893 Sewerage	Western Clinton County Municipal Authority P. O. Box 363 Renovo, PA 17764-0363	Renovo Borough Clinton County	West Branch Susquehanna River 9-B	Yes

### II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Applications

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**PA0011134**, Industrial, **Agere Systems, Inc.**, 555 Union Boulevard, Allentown, PA 18103. This proposed facility is located in City of Allentown, **Lehigh County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated industrial waste.

The receiving stream, Spring Run, is in the State Water Plan watershed #2C and is classified for TSF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Keystone Water Supply is located on Delaware River, approximately 50 miles below the point of discharge.

*Outfall 001:* The proposed effluent limits based on a design flow of 3.5 MGD are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Dissolved Solids	2,200	2,750	
Oil and Grease	15		30
Total Suspended Solids	30	60	
Temperature			110°F
pH	6.0 to 9.0 Standard Units at all times		

*Monitoring Point 101*

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Toxic Organics		1.37	
Total Fluoride	17.4	32.0	
pH	6.0 to 9.0 Standard Units at all times		

*Monitoring Point 201*

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Cyanide	Monitor and Report		

*Outfall 002:* The proposed effluent limits based on a design flow of .7 MGD are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature			110°F
pH	6.0 to 9.0 Outfall 002 at all times		

Other conditions: Chemical additives requirements and total toxics organic conditions.

The EPA waiver is not in effect.

**PA0061468**, Sewage, **Liberty Mobile Home Park**, R. R. 3, Box 205, Montrose, PA 18801-8809. This proposed facility is located in Liberty Township, **Susquehanna County**.

The receiving stream, unnamed tributary to Snake Creek, is in the State Water Plan watershed #4E and is classified for CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Pennsylvania/New York State Line is located on Snake Creek, approximately 4 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .03 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N			
(5-1 to 10-31)	4		8
(11-1 to 4-30)	12		24
Dissolved Oxygen	A minimum of 5 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		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	.3		.8

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

**PA0027111**, Sewage, **Municipal Sanitary Authority of the City of New Kensington**, 120 Logans Ferry Road, New Kensington, PA 15068. This application is for renewal of an NPDES permit to discharge treated sewage from the Municipal Sanitary Authority of the City of New Kensington Wastewater Pollution Control Plant in the City of New Kensington, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Pucketa Creek, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Oakmont Borough Municipal Authority.

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

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

**PA0097098**, Sewage, **United States Army Support Element—Site #63**, 3 Harr Way, Projects Office, Oakdale, PA 15071-5015. This application is for renewal of an NPDES permit to discharge treated sewage from the United States Army Support Element—Site #63 in South Fayette Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Millers Run, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the West View Municipal Authority.

*Outfall 001*: existing discharge, design flow of 0.002 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	5.0			10.0
(11-1 to 4-30)	15.0			30.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	Monitor and Report			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0205711**, Sewage, **Ernest Buck**, 1601 North Road, McDonald, PA 15057. This application is for renewal of an NPDES permit to discharge treated sewage from Buck SRSTP in North Fayette Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of North Branch Robinson Run, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the West View Municipal Water Authority on the Ohio River.

*Outfall 001*: existing discharge, design flow of 0.0004 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	Monitor and Report			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0217719**, Sewage, **Michele R. Love**, 295 Tunnel Road, Smithfield, PA 15478-1471. This application is for renewal of an NPDES permit to discharge treated sewage from the Riviera Mobile Home Court STP in Dunkard Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Monongahela River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the East Dunkard Water Association.

*Outfall 001*: existing discharge, design flow of 0.01 mgd.

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

The EPA waiver is in effect.

**PA0095737**, Industrial Waste, SIC 3317, **PTC Alliance Corp.**, Cherrington Corporate Center, 600 Clubhouse Drive, Suite 200, Moon Township, PA 15108-3195. This application is for renewal of an NPDES permit to discharge treated cooling water and untreated stormwater from the Darlington Plant in Darlington Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, North Fork of Little Beaver Creek, classified as a HQ-CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the City of East Liverpool, Ohio intake on the Ohio River, over 15 miles below the discharge point.

*Outfall 001: existing discharge.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
To consist solely of uncontaminated stormwater and emergency overflow (with internal outfall limits) of recirculating cooling water.					

Other Conditions: Residual waste, stormwater runoff, control floating solids, chemical additives, notification of emergency overflow, analytical requirements, mass limit condition and temperature condition.

*Outfall 101: existing discharge.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Monitor and Report				
Total Suspended Solids	0.36	0.72			10
Oil and Grease	0.12	0.30			10
Lead	0.0018	0.0054			0.03
Zinc	0.0012	0.0036			0.02
Dissolved Solids			500		1,250
Temperature (°F)					90
pH	not less than 6.0 nor greater than 9.0 standard units				

*Outfall 201: existing discharge.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Monitor and Report				
Total Suspended Solids	0.36	0.72			10
Oil and Grease	0.12	0.30			10
Lead	0.0018	0.0054			0.03
Zinc	0.0012	0.0036			0.02
Dissolved Solids			500		1,250
Temperature (°F)					90
pH	not less than 6.0 nor greater than 9.0 standard units				

*Outfall 002: existing discharge.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Outfall to consist solely of uncontaminated stormwater.					

The EPA waiver is in effect.

**PA0217387**, Industrial Waste, SIC, 2813, 4231, **BOC Gases**, 575 Mountain Avenue, Murray Hill, NJ 07974-2082. This application is for renewal of an NPDES permit to discharge untreated cooling water from the Braddock facility in Braddock Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Monongahela River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Pennsylvania American Water Company, located at Pittsburgh, 6 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.12 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Temperature					
Total Residual Chlorine				0.5	110
pH	not less than 6.0 nor greater than 9.0				1.25

The EPA waiver is in effect.

**WATER QUALITY MANAGEMENT PERMITS**

**CONTROLLED INDUSTRIAL WASTE AND SEWAGE WASTEWATER**

**APPLICATIONS UNDER THE CLEAN STREAMS LAW**

**PART II PERMITS**

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

Persons wishing to comment on any of the applications are invited to submit a statement to the office noted before the application within 15 days from the date of this public notice. Comments received within this 15-day comment period will be considered in making the final decision regarding the application. The comments 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.

The Department reserves the right to hold a public hearing if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation of the area. If no hearing is held, the Department's Water Management Program Manager will make a final determination regarding the applications after a complete review. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

A copy of the permit application or proposed plan is on file in the office indicated and is open to public inspection. Appointments to review the application may be made by contacting Records Management at the indicated telephone number.

**I. Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).**

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**WQM Permit No. 1702405**, Sewerage SIC 4915, **City of DuBois**, P. O. Box 408, DuBois, PA 15801. This proposed facility is located in Sandy Township, **Clearfield County**.

Description of Proposed Action/Activity: Construction of flow equalization facilities at the City of DuBois wastewater treatment plant and improvements to the collection system.

**WQM Permit No. 5902410**, Sewerage, SIC 4952, **Richmond Township Municipal Authority**, 563 Valley Road, Mansfield, PA 16933. This proposed facility is located in Richmond Township, **Tioga County**.

Description of Proposed Action/Activity: Construction and operation of Pickle Hill and Route 6 West sewer extension.

**NPDES Stormwater Individual Permit**

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the appropriate Department Regional Office noted before the application within 30 days from the date of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and relevant facts upon which it is based. A public hearing may be held after consideration of comments received by the appropriate Department Regional Office during the 30-day public comment period.

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

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity, are on file and may be inspected at the office identified in this notice.

Persons with a disability who require an auxiliary aid, service or other accommodation to participate during the 30-day public comment period should contact the specified

Regional Office. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Butler Conservation District: 122 McCune Drive, Butler, PA 16001-6501, (724) 284-5270.*

**NPDES Permit PAS10E077**, Stormwater, **David Augustine, Palm Investments, LLC**, 108 Scott Avenue, Glenshaw, PA 15116 has applied to discharge stormwater associated with a construction activity located in Buffalo Township, **Butler County** to UNT to Little Buffalo Creek (HQ-TSF).

### **NOTICE OF INTENT (NOI) FOR COVERAGE UNDER CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) NPDES GENERAL PERMITS**

The following parties have submitted: (1) NOIs for Coverage under the Department of Environmental Protection's (Department) CAFO General NPDES Permit—PAG 12 to develop and operate a facility that may discharge wastewater into the surface waters of the Commonwealth.

The EPA Region III Administrator has not waived the right to review or object to this permit action under the waiver provision 40 CFR 123.24(d).

The notice of intent and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the Regional Office noted. Persons wishing to comment on the proposed permit are invited to submit a statement, to the office noted before the application within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. The comments 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 comment period, the Department's Water Management Program Manager will make a final determination regarding these applications. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The new or renewal notice of intent, including other information submitted with the applications, is available on file. The information may be inspected and arrangements made for copying at the office indicated before the application.

Persons with a disability, who require an auxiliary aid, service, including TDD users or other accommodations to seek additional information, should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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#### **CAFO Notices of Intent Received**

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**PAG124815**, CAFO, **Doug W. Beachel**, 1894 Continental Boulevard, Danville, PA 17821. This proposed facility is located in Derry Township, **Montour County**.

Description of Size and Scope of Proposed Operation/Activity: The operation will consist of two barns. Each barn will measure 82 feet by 226 feet, house 2,180 head of swine and have a 693,010 gallon concrete manure storage beneath. Total swine at the facility will be 4,360 and total AEU's will be 606.3.

The receiving stream, Chillisquaque Creek, is in the SWP 10D watershed and classified for WWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25 year/24 hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with Pennsylvania Nutrient Management Act and The Clean Stream Law constitutes compliance the State narrative water quality standards.

### **PUBLIC WATER SUPPLY (PWS) PERMIT**

Under the Pennsylvania Safe Drinking Water Act, the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on the permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. Comment responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

The permit application and any related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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#### **SAFE DRINKING WATER**

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

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

**Permit No. 0902508**, Public Water Supply.

Applicant **Falls Township**  
 Responsible Official Wayne Bergman  
 188 Lincoln Highway, Suite 100  
 Fairless Hills, PA 1903

Type of Facility PWS

Consulting Engineer Unitech Engineers, Inc.  
 654 N. Woodbourne Road  
 Langhorne, PA 19047

Application Received September 11, 2002  
 Date

Description of Action Supplemental chlorination and  
 valve modification to the Cabor  
 Boulevard East pump and storage  
 tank necessary to convert this fire  
 protection facility to a potable on-  
 line storage and high service  
 pumping facility.

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 2202507**, Public Water Supply.

Applicant **Lower Dauphin School District**

Municipality Londonderry Township

County **Dauphin**

Responsible Official Ronald R. Wise, Supervisor of  
 Operations and Maintenance  
 291 East Main St.  
 Hummelstown, PA 17036-1799

Type of Facility PWS

Consulting Engineer William E. Fisher, P. E.  
 Moore Engineering Company  
 3637 Columbia Ave.  
 Lancaster, PA 17603

Application Received August 15, 2002  
 Date

Description of Action Installation of a granular acti-  
 vated carbon system for the re-  
 moval of benzene, TCE and  
 MTBE at the Londonderry El-  
 ementary School.

*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. 4496031—Amendment 11**, Public Water Supply.

Applicant **Tulpehocken Spring Water Co., Inc.**

Township Point Township, **Northumberland County**

Responsible Official Joseph V. Malloy, President  
 Tulpehocken Spring Water Co.,  
 Inc.  
 R. R. 1, Box 114T  
 Northumberland, PA 17857

Type of Facility Bottled Water Plant

Consulting Engineer Mid-Penn Engineering Corp.  
 P. O. Box 51  
 Lewisburg, PA 17837

Application Received August 29, 2002  
 Date

Description of Action Application for use of existing  
 onsite well as supply for distilled  
 water bottling

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

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

**Application No. 0902509**, Minor Amendment.

Applicant **North Penn and North Wales Water Authorities**

Borough Chalfont

Responsible Official Jeff S. Pifer  
 144 Park Avenue  
 Chalfont, PA 18914

Type of Facility PWS

Consulting Engineer Gannett Fleming, Inc.  
 P. O. Box 67100  
 Harrisburg, PA 17106-7100

Application Received October 3, 2002  
 Date

Description of Action Removal of existing tube settlers  
 and chain and flight sludge collec-  
 tion equipment and installation of  
 plate settlers and vacuum sludge  
 removal equipment in six sedi-  
 mentation basins at Forest Park  
 Water Treatment Plant.

**INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES****Applications received or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.**

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

*New Applications Received*

**MAC Healthcare Services, LLC**, 21 Jacobs Lane,  
 Scotch Plains, NJ 07076. Received on October 2, 2002.

*Renewal Applications Received*

**The Pennsylvania State University**, 6 Eisenhower  
 Parking Deck, University Park, PA 16802. License No.  
**PA-HC 0153**. Received on September 26, 2002.

**HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES****Application received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*



**PAD980692008. Keystone Environmental Services Inc.**, 1100 S. Pottsville Pike, P. O. Box 127, Shoemakersville, PA, 19555-0127, Perry Township, **Berks County**. Application determined to be administrative complete by the Southcentral Regional Office on September 30, 2002.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

The Department has received applications for plan approvals and/or operating permits from the following facilities.

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

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

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

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

#### PLAN APPROVALS

**Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001-4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: Mark Wejkszner, Acting New Source Review Chief, (570) 826-2531.*

**48-310-046: Chrin Brothers, Inc.** (635 Industrial Drive, Easton, PA 18042) for construction of a stone crushing operation and associated air cleaning device facility at 860 Island Park Road, Williams Township, **Northampton County**.

**39-399-055: Stanley Vidmar Storage Technologies, Inc.** (11 Grammes Road, Allentown, PA 18105) for modification of a clean-up operation in Allentown, **Lehigh County**.

**13-308-104: Horsehead Resource Development Co., Inc.** (900 Delaware Avenue, Palmerton, PA 18071) for modification of Kiln No. 1 to be utilized for both calcining and waelzing of zinc bearing materials at their facility in Palmerton Borough, **Carbon County**.

**54-322-003B: Commonwealth Environmental Systems LP** (P. O. Box 322, Hegins, PA 17938) for modification of the landfill waste acceptance rate at their facility at 99 Commonwealth Avenue, Foster Township, **Schuylkill County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.*

**06-5087B: Haines and Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474) for modification of the existing bituminous asphalt plant controlled by a fabric collector to fire waste derived liquid fuels in the drier section of the plant in Colebrookdale Township, **Berks County**.

**07-05031A: Union Tank Car Co.** (P. O. Box 2003, Altoona, PA 16602-2003) for replacement of an existing fabric collector with two fabric collectors controlling particulate from the railcar sandblast operation in the City of Altoona, **Blair County**.

**28-03042: Advanced Recycling Technology, Inc.** (1080 Opportunity Avenue, Chambersburg, PA 17201) for construction of an industrial dryer in Greene Township, **Franklin County**.

**67-03041C: County Line Quarry, Inc.** (P. O. Box 99, Wrightsville, PA 17368) for construction of a single deck screen and a lattice frame conveyor in Wrightsville Borough, **York County**. This facility is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: David Aldenderfer, Program Manager, (570) 327-3637.*

**17-399-022: GKN Sinter Metals, Inc.** (P. O. Box 1047, DuBois, PA 15081) for construction of seven powdered metal parts sintering furnaces (F11-F17), as well as modification of ten additional sintering furnaces (F1-F10) to use lubricant blends other than those previously approved by the Department, in the City of DuBois, **Clearfield County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.*

**56-00025D: New Enterprise Stone and Lime** (P. O. Box 77, New Enterprise, PA 16664) for construction of Bakersville Hot Mix Asphalt Plant and combustion of WDLF in Jefferson Township, **Somerset County**.

**65-00891C: Firestone Building Products Co.** (525 Congressional Boulevard, Carmel, IN 46032) for pentane conversion at Youngwood Plant in Youngwood Borough in **Westmoreland County**.

**56-00011B: New Enterprise Stone and Lime** (P. O. Box 77, New Enterprise, PA 16664) for installation of an addition to a primary crushing plant which consists of two pre-1983 crushers and a new vibrating screen. Control of emission will be by the use of a water spray system.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Edward Brown, Facilities Permitting Chief, (610) 832-6242.*

**09-0087B: Air Products and Chemicals, Inc.** (351 West Philadelphia Avenue, Morrisville, PA 19067) for modification of an existing source at their Morrisville Plant (previously known as Solkatronic Chemicals), Falls Township, **Bucks County**. This is a minor facility. The modifications include: an increase in hourly production rate of silicon tetrafluoride ( $\text{SiF}_4$ ) to 28 pounds per hour, an increase in annual production rate to 123,000 pounds per year, an increase in hours of operation to 8,760 hours per year, the construction of a secondary air emission containment system and the upgrading of an existing scrubber. As a requirement of the Plan Approval, the production of silicon tetrachloride and trichlorosilane will cease at the Morrisville Plant and the trichlorosilane lines exhausting to the current scrubber will be disconnected before any  $\text{SiF}_4$  production increase under this Plan Approval is allowed. Emissions will be limited to 1.0 ppmv of  $\text{SiF}_4$  and 4.0 ppmv of hydrogen fluoride. The Plan Approval will require stack tests to be performed. Appropriate monitoring and recordkeeping requirements will be included.

**46-0014B (originally issued as 46-0115): Knoll, Inc.** (1235 Water Street, East Greenville, PA 18041) for installation of a cyclone to control particulate matter (PM) emissions from a metal and plastic cutting saw in Upper Hanover Township, **Montgomery County**. This facility is a Title V facility. This installation will result in PM emissions reduced to less than 0.02 grain per dry standard cubic feet.

**09-0015E: Rohm and Haas Co.** (Route 413 and State Road, Bristol, PA 19007) for modification of operations to a No. 2 diesel fuel-fired emergency generator rated at 1.7 MW, originally approved for installation under Plan Approval No. 09-0015A. The facility, located in Bristol Township, **Bucks County**, is a Title V facility for NOx and VOCs. The modification being made to the emergency generator is a reduction in hours of operation to avoid triggering New Source Review. The emergency generator is used as a backup power source for facility operations. The emergency generator is equipped with turbocharger and aftercooler, which will help reduce emissions of NOx. Along with the reduction in annual emissions of NOx, emissions of all other criteria pollutants will also be reduced due to the new limitations in hours of operation. This Plan Approval and the amended Title V Operating Permit will contain recordkeeping and operating restric-

tions designed to keep the facility operating within all applicable air quality requirements.

**46-00081: Markel Corp.** (416 School Lane, Norristown, PA 19404) located in Plymouth Township, **Montgomery County**. The following changes have been incorporated into this Title V Operating Permit:

1) Incorporation of Source ID: 105 (two horizontal extruders: I and J), including applicable requirements for emission limitations, monitoring, recordkeeping and work practice standards.

2) The total VOC emissions from all ten horizontal extruders through the oxidizer stack has been revised to 2.97 lbs/hr.

3) The total annual VOC emission from the horizontal extruders has been revised to 26.8 tons/year on a 12-month rolling basis.

**09-00015: Rohm and Haas Co.** (Route 413 and 13, P. O. Box 219, Bristol, PA 19021) for an administrative amendment to the Title V Operating Permit at their facility in Bristol Township, **Bucks County**. The facility is a diverse chemical manufacturing plant with a variety of continuous and batch type processes. The amended Title V operating permit will contain additional monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

**46-00012: Philadelphia Newspapers, Inc.** (800 River Road, West Conshohocken, PA 19428) in Upper Merion Township, **Montgomery County**. To resolve the appeal of the Title V Operating Permit issued November 7, 2001, the Title V Permit is proposed to be amended.

The following conditions have been addressed in the revised Title V permit:

1) Section D, Source ID: 001—004—the frequency of the required monitoring and recordkeeping has been changed to monthly.

2) Section D—the term “good air pollution control practices” has been removed from conditions pertaining to combustion sources.

3) Section C—the 355 mmscf/year natural gas throughput limit as been moved to this section as a site level requirement.

4) Section C—the 24.9 tons/year NOx emission limit has been moved to this section as a site level requirement.

5) Section D, Source ID: 127, Condition No. 004—the condition was modified to omit any references to the supplier and to allow annual EPA Method 24 testing of the inks used at the printing presses.

6) Section D, Source ID: 127, Conditions No. 005 and 007—monitoring and recordkeeping conditions were added to verify compliance from the use of fountain solution and blanket wash for the presses, using the worst case estimations.

7) Section D, Source ID: 127, Condition No. 011—the condition was revised to include the term “. . . or other Department approved methods.”

8) Section D, Source ID: 125, Conditions No. 003 and 004—monitoring and recordkeeping conditions were revised to include the estimated amount of platemaking developer used daily, based on the number of plates processed and the previously established (worst case) average coverage rate.

9) Section D, Source ID: 101—source has been removed from Section D and placed in Section G (Miscellaneous) as a de minimis source.

10) Section D, Source ID: C01, Conditions No. 002 and 003—the frequency of the required monitoring and recordkeeping for these conditions were revised to weekly.

11) Section D, Source ID: C01, Condition No. 005—the condition was included to document the maximum capacity of this source as 8,400 cfm (air flow).

12) Section D, Source 126—the condition pertaining to the regulatory requirements of 25 Pa. Code § 129.62 was determined to be not applicable for this facility and has been omitted.

13) Section C, VIII. Compliance Certification—the condition was revised to include the initial date (October 30, 2002) of the annual compliance certification and semiannual monitoring/deviation reports.

14) Section C, Condition No. 007—the condition was revised to document that the Back-up Generator (Source ID: 031) and the Pump House Fire Pump (Source ID: 032) are not restricted to natural gas use.

**23-0014C: Kimberly-Clark Corp.** (Front and Avenue of the States, Chester, PA 19013) for installation of a Venturi scrubber to control emissions of particulate matter from Paper Machine No. 17 in the City of Chester, **Delaware County**. The facility is a Title V facility. The scrubber will have an hourly emission limit of 0.66 lb/hr and an annual emission limit of 2.89 tons per year. The emission of particulate matter from the scrubber shall not exceed 0.02 grain per dry standard cubic feet. The company shall keep records of pressure drop and flow rate of recirculation water in the scrubber.

**46-0031B: SmithKline Beecham Research Co.** (1250 South Collegeville Road, Collegeville, PA 19426) for the installation of a 2 MW diesel fuel-fired emergency generator. The facility, located in Upper Providence Township, **Montgomery County**, is a Title V facility for NOx and SOx. The emergency generator is equipped with turbocharger and aftercooler, which will help reduce emissions of NOx. Emissions of NOx will be less than 13 tons per year. Emissions of SOx and carbon monoxide will be less than 2 tons per year each and emissions of particulate matter and VOCs will each be less than 1 ton per year. This Plan Approval and the amended Title V Operating Permit will contain recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**67-03115: Garrod Hydraulics, Inc.** (3466 Board Road, York, PA 17402) for construction of a hydraulic cylinder manufacture/repair and industrial hard chrome plating facility in East Manchester Township, **York County**. The chrome plating equipment is subject to 40 CFR Part 63, Subpart N—National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks. The plan approval for the non-Title V facility will include provisions for stack testing, work practices, monitoring, recordkeeping and reporting designed to ensure the facility complies with the applicable air quality requirements.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: Muhammad Zaman, Facilities Permitting Chief, (570) 327-3637.*

**49-303-006: Collier Materials, Inc.** (R. R. 2, Box 672, Shamokin, PA 17872) for construction of a 300 tons per hour batch mix asphalt concrete plant at the Bear Gap Quarry in Ralpho Township, **Northumberland County**. The 96.8 million Btu per hour burner associated with the plant's aggregate dryer will be fired with natural gas, propane, #2 fuel oil, #5 fuel oil and reprocessed fuel oil. The particulate matter emissions from the plant will be controlled by a cyclone collector and a fabric collector operating in series.

The asphalt plant will have the potential to emit up to 12.0 tons of NOx, 40.0 tons of carbon monoxides, 0.98 ton of particulate matter, 3.6 tons of VOCs and 36.2 tons of sulfur oxides per 12 consecutive month period. The plant will also have the potential to emit up to 0.77 ton of hazardous air pollutants per 12 consecutive month period.

The Department has determined that the proposed asphalt plant will comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. The Department consequently intends to issue plan approval for the construction of the respective asphalt plant.

The following is a summary of the conditions the Department proposes to place in the plan approval to ensure compliance with all applicable air quality regulatory requirements:

1. The plant shall not be used to produce more than 200,000 tons of asphalt per 12 consecutive month period.
2. The particulate matter in the exhaust of the fabric collector shall not exceed 0.02 grain per dry standard cubic foot.
3. The air contaminant emissions shall not exceed the following:

When burning reprocessed fuel oil or #5 fuel oil:

Pollutant	Emissions		
	Pounds per ton product	Pounds per hour	Tons per 12 months
NOx	0.12	36.0	12.0
VOCs	0.036	10.8	3.6
CO	0.4	120.0	40.0

When burning #2 fuel oil:

Pollutant	Emissions		
	Pounds per ton product	Pounds per hour	Tons per 12 months
NOx	0.12	36.0	12.0
VOCs	.0082	2.46	0.82
CO	0.4	120.0	40.0

When burning natural gas or propane:

Pollutant	Emissions		
	Pounds per ton product	Pounds per hour	Tons per 12 months
NOx	.025	7.5	2.5
VOCs	0.0082	2.46	0.82
CO	0.4	120.0	40.0

4. The total combined hazardous air pollutants emissions from the plant shall not exceed 0.77 ton during any 12 consecutive month period.
5. The applicant shall perform NOx, carbon monoxide and VOCs (expressed as propane) stack testing when

firing each of the proposed fuels. Additionally, the applicant shall perform particulate matter and opacity testing while firing one of the proposed fuels. Testing shall be performed while the plant is being operated at its maximum production rate using test methods and procedures acceptable to the Department.

6. The plant shall not burn #2 fuel oil with a sulfur content in excess of 0.3% by weight or reprocessed fuel oil and #5 fuel oil with a sulfur content in excess of 1% by weight.

7. Recycled asphalt pavement shall not be introduced to the plant at a rate in excess of 20 tons per hour.

8. The plant shall not be used to dry stone other than when the plant is simultaneously producing asphalt concrete nor shall it be used to produce asbestos-containing asphalt material nor shall it be used to decontaminate or otherwise treat soil or any other material which has been contaminated with gasoline, fuel oil or any other substance.

9. The reprocessed fuel oil fired in this plant shall not exceed the following limitations:

<i>Contaminant</i>	<i>Limitation</i>
Arsenic	5 ppm
Cadmium	2 ppm
Chromium	10 ppm
Lead	100 ppm
Total halogens	1,000 ppm
PCBs	Nondetectable (detection limit no higher than 2 parts per million, volume basis)

Additionally, the flash point of the reprocessed oil shall not be less than 100°F.

10. The permittee shall not accept any shipment of reprocessed oil for use in the plant for which the arsenic, cadmium, chromium, lead, total halides and PCB contents and/or flash point are unknown or which fail to meet the aforementioned limitations.

11. A sample of each load of reprocessed oil delivered to the plant shall be taken at the time of delivery to the plant using a sampling technique capable of achieving a representative composite sample of the entire load and shall be retained on site for at least 2 years for random selection and analysis by the Department.

12. The permittee shall submit an annual report to the Department listing the delivery date, quantity delivered, source of origin and delivery invoice number of each load of reprocessed oil delivered to the plant during the previous calendar year, as well as identifying the arsenic, cadmium, chromium, lead, total halides, PCB, sulfur contents and the flash point of each load.

13. Dust collected in the cyclone and fabric collector shall be screw conveyed to the plant's pugmill. At no time shall any of this dust be discharged to a truck, front end loader and the like or handled in another fashion which would generate fugitive particulate matter emissions.

**55-00001B: Sunbury Generation, LLC** (P. O. Box 517, Shamokin Dam, PA 17876) for construction of a trailer-mounted ash storage silo and associated tank truck and railcar loading operations in Shamokin Dam Borough, **Snyder County**. The facility is a major facility for which a Title V Operating Permit (#55-00001) has been issued.

The particulate matter emissions from the ash silo and associated loading operations will be controlled by a

fabric collector. The resultant particulate matter emissions will be a maximum of 0.13 ton in any 12 consecutive month period.

The Department's review of the information contained in the application indicates that the proposed trailer-mounted ash storage silo and associated tank truck and railcar loading operations will meet all applicable air quality regulatory requirements including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department intends to approve the application and issue a plan approval for the construction of the silo and associated loading operations.

The Department intends to place conditions in the plan approval to be issued to assure compliance with all applicable air quality regulatory requirements. The following is a summary of these conditions:

1. The particulate matter concentration in the exhaust of the fabric collector shall not be in excess of 0.01 grain per dry standard cubic foot.

2. Fly ash loading or transfer shall not occur if the fabric collector is inoperable.

3. A sufficient quantity of spare fabric collector bags for the fabric collector shall be kept on hand at all times to immediately replace any worn or damaged bags.

4. Operators shall monitor all ash transfer line connections for fugitive emissions during all ash transfers between the tank trucks, railcars and the silo.

5. The air compressor supplying the air to the fabric collector shall be equipped with an air dryer and oil trap.

6. The only trucks to be loaded with ash shall be tank trucks.

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**Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Edward Brown, Facilities Permitting Chief, (610) 832-6242.*

**46-00150: Montgomery County SPCA** (1059 Sweiford Road, Perkiomenville, PA 18074-9608) on October 3, 2002, for a non-Title V Facility, State-Only, Natural Minor Operating Permit in Upper Frederick Township, **Montgomery County**. The Montgomery County SPCA operates and maintains an animal crematory, from which the main pollutants emitted are particulate matter and nitrogen oxides. Particulate matter and nitrogen oxides emissions from this facility are each less than 1 ton per year. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**38-05023: Pennsy Supply, Inc.** (P. O. Box 3331, Harrisburg, PA 17105) for operation of an asphalt batch plant controlled by a knockout box and a fabric collector at the Prescott Quarry in South Lebanon Township, **Lebanon County**. Actual emissions for criteria pollutants will be below Title V thresholds. This will be accomplished by limiting the annual production of hot mix asphalt. The operating permit will contain appropriate conditions designed to keep the facility operating within all applicable air quality requirements. This source is subject to 40 CFR Part 60, Subparts I—Standards of Performance for Hot

Mix Asphalt Facilities and 40 CFR Part 60, Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Edward Braun, Chief, (215) 685-9476.*

**S01-003: American Bank Note Co.** (132 South 55th Street, Philadelphia, PA 19139) September 30, 2002, for operation of a printing facility for high quality financial documents in the City of Philadelphia, **Philadelphia County**. The synthetic minor facility's air emission sources include 4 nonheatset intaglio presses, 11 nonheatset sheetfed lithographic printing presses and 2 chrome plating tanks with a composite mesh-pad system control device.

### MINING ACTIVITY APPLICATIONS

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

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated before 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 certification.

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

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. 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 previous, 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 previously-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.

#### *Coal Applications Received*

*Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200.*

**17000109 and NPDES Permit No. PA0242985. Kenneth K. Rishel & Sons, Inc.**, 1229 Turnpike Avenue, Clearfield, PA 16830. Revision to an existing bituminous surface mine permit to change the acreage from 20.0 acres to 29.3 acres and to add auger mining. The permit is located in Lawrence Township, **Clearfield County**. Receiving streams: Orr's Run and unnamed stream to Orr's Run, classified for CWF. Application received September 24, 2002.

**17020113 and NPDES Permit No. PA0243353. Junior Coal Contracting, Inc.**, R. R. 3, Box 225A, Philipsburg, PA 16866. Commencement, operation and restoration of a bituminous surface mine-auger permit in Decatur Township, **Clearfield County** affecting 114 acres. Receiving streams: unnamed tributaries to Laurel Run, Laurel Run classified for CWF. Application received September 24, 2002.

**17860140 and NPDES Permit No. PA0115673. Waroquier Coal Company, P. O. Box 128, Clearfield, PA 16830.** Renewal of an existing bituminous surface mine permit located in Beccarria Township, **Clearfield County** affecting 323 acres. Receiving streams: unnamed tributary to Cofinan Run and unnamed tributary to Muddy Run. Application received July 22, 2002.

**41920101 and NPDES Permit No. 0207195. Fisher Mining Company**, 40 Choate Circle, Montoursville, PA 17754. Major permit revisions to include a change in permit acreage from 217.4 acres to 218.2 acres, stream relocation of a 210 foot section of Shingle Mill Branch and to conduct stream bank stabilization on Little Pine Creek as mitigation for the disturbance on Shingle Mill Branch. Receiving streams: Shingle Mill to English Run to Little Pine Creek, Buckeye Run to Otter Run to Little Pine Creek to Pine Creek to West Branch Susquehanna River. Application received October 2, 2002.

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982, (724) 925-5500.*

**30850103 and NPDES Permit No. 0589756. Patriot Mining Company, Inc.** (2708 Cranberry Square, Morgantown, WV 26508-9286). Renewal application for continued operation and reclamation of a bituminous surface mine location in Greene Township, **Greene County**, affecting 127.4 acres. Receiving streams: unnamed tributary to Whitely Creek, classified for WWF. There is no potable water supply intake within 10 miles

downstream from the point of discharge. Renewal application received October 1, 2002.

**03960107 and NPDES Permit No. 0201821. Thomas J. Smith, Inc.** (R. R. 1, Box 260D, Shelocta, PA 15774-9641). Renewal application for reclamation only of an existing bituminous surface mine located in Burrell Township, **Armstrong County**, affecting 167.8 acres. Receiving streams: unnamed tributary to Cherry Run to Crooked Creek, classified for CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received October 1, 2002.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**56890110 and NPDES Permit No. PA0598551. Hoffman Mining, Inc.**, P. O. Box 130, 118 Runway Road, Friedens, PA 15541, permit revision to include auger mining and for discharge of treated mine drainage in Shade Township, **Somerset County**, affecting 67.6 acres. Receiving streams: Whiskey Run to Dark Shade Creek classified for CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 26, 2002.

**32970112 and NPDES Permit No. PA0234605. Mears Enterprises, Inc.**, P. O. Box 157, Clymer, PA 15728, permit revision to add 10.2 acres of support and mining area and for discharge of treated mine drainage, in Green Township, **Indiana County**, affecting 102.7 acres. Receiving streams: Buck Run, Dixon Run classified for CWF. The first downstream potable water supply intake from the point of discharge is Pennsylvania American Water Company Two Lick Creek intake. Application received October 2, 2002.

*McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317, (724) 941-7100.*

**32931601. NPDES Permit PA0215023, Senate Coal Mines, Inc.** (One Energy Place, Suite 5100, Latrobe, PA 15650), to renew the permit for the Coral Tipple in Burrell Township, **Indiana County**, renewal, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for N/A. The first downstream potable water supply intake from the point of discharge is N/A. Application received August 19, 2002.

**63831302. NPDES Permit PA0213608, Eighty Four Mining Co.** (P. O. Box 284, Eighty Four, PA 15330), to revise the permit for Mine 84 in Amwell Township, **Washington County** to add mowl ventilation shaft, Surface Acres Proposed 18.6, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, Redd Run, classified for WWF. The first downstream potable water supply intake from the point of discharge is N/A. Application received September 17, 2002.

#### **PROJECTS UNDER THE ENVIRONMENTAL GOOD SAMARITAN ACT**

The Environmental Good Samaritan Act (27 Pa.C.S. §§ 8001—8114) provides certain protections and immunities from civil liability for landowners and persons who voluntarily undertake reclamation and abatement projects to address land and water adversely affected by mining or oil or gas extraction or exploration for natural resources and left in an unreclaimed condition or left discharging water pollution. For landowners and persons

to qualify for immunity, the projects must be approved by the Department of Environmental Protection (Department).

The following project proposals have been received by the Department. A copy of the proposals is available for inspection at the office indicated before each proposal.

Written comments or objections may be submitted by any person or any office 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.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the proposal identification number; and a statement of sufficient detail to inform the Department of the basis of the comment or objection and the relevant facts upon which it is based.

#### *Project Proposals Received*

*Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200.*

**17-01-05. RAMM Coal Company**, R. R. 1, Box 16, Rockton, PA 15856. The Hawk Run District Mining Office for the Department awarded a Government Financed Construction Contract to RAMM Coal Company on September 12, 2002, that will result in incidental coal removal necessary to accomplish reclamation of an abandoned mine land site affecting 5.8 acres. The site is located in Brady Township, **Clearfield County**. Under the terms of the contract no reprocessing of the coal refuse may take place and no coal refuse materials may be returned to the site once removed. The contract requires total reclamation and revegetation of the project area. This project was made possible under a program developed by the Department which allows for expedited removal and reclamation of old coal refuse piles which are generally eyesores as well as major sources of siltation and pollution to the streams of this Commonwealth. Application received October 25, 2001. Permit issued September 12, 2002.

**17-01-01. A. W. Long Coal Company**, 1203 Presque Isle Street, Philipsburg, PA 16866. The Hawk Run District Mining Office for the Department awarded a Government Financed Construction Contract to A. W. Long Coal Company on October 2, 2002, that will result in incidental coal removal necessary to accomplish reclamation of an abandoned mine land site affecting 14.4 acres. The site is located in Morris Township, **Clearfield County**. Under the terms of the contract no reprocessing of the coal refuse may take place and no coal refuse materials may be returned to the site once removed. The contract requires total reclamation and renegotiation of the project area. This project was made possible under a program developed by the Department which allows for expedited removal and reclamation of old coal refuse piles which are generally eyesores as well as major sources of siltation and pollution to the streams of this Commonwealth. Application received January 23, 2001. Permit issued October 2, 2002.

#### *Project Proposals Issued*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**EGS 07001, Blair County Conservation District**, 1407 Blair Street, Hollidaysburg, PA 16648. A water pollution abatement project to construct passive treatment systems (spaghetti hole, Clearwater and coke ovens) for three abandoned acid mine discharges on 13 acres of the Altoona City Authority and Angels Coal Trust (previ-

ously Cooney Brothers Coal Company) properties located approximately 2 miles west of the Horseshoe Curve on the north side of SR 4008 in Logan Township, **Blair County**. The receiving stream is Glen White Run. Project was received November 30, 2001. Project issued October 2, 2002.

### FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications and requests for Environmental Assessment approval and requests for Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)), requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Initial requests for 401 Water Quality 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 Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment 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 before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8 a.m. and 4 p.m. on each working day at the office noted before 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, contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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#### Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E23-428. Belmont 17 LLC**, 100 Baltimore Pike, P. O. Box 100, Chadds Ford, PA 19317, Bethel Township, **Delaware County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the proposed Belmont Subdivision situated in and along 0.21 acre of wetland (PFO/PEM) within the watersheds of unnamed

tributaries to the South Branch of Naamans Creek (WWF), unnamed tributaries to Webb Creek (TSF, MF) and unnamed tributaries to Beaver Creek (WWF-MF).

1. To extend an existing stormwater cross drain and place and maintain fill within approximately 0.01 acre of wetland adjacent to a tributary to the South Branch of Naamans Creek associated with the construction of the Belmont Lane road crossing. The crossing will serve as an access off of Ebright Road.

2. To construct an 8-inch PVC sanitary sewer utility line crossing of a wetland adjacent to a tributary of Webb Creek temporarily disturbing 0.04 acre.

3. To construct 134 linear feet of 18-inch RCP cross drain and associated fill in 0.04 acre of wetland adjacent to a tributary of Beaver Creek associated with the construction of Belmont Lane.

4. To place fill within 0.04 acre of wetland adjacent to a tributary of Beaver Creek associated with the construction of Sarasota Lane.

5. To place fill within 0.01 acre of wetland adjacent to a tributary of Beaver Creek associated with the construction of Sarasota Lane.

6. To install an 8-inch PVC sanitary sewer utility line crossing of a wetland adjacent to a tributary of Beaver Creek temporarily disturbing 0.09 acre.

The applicant also seeks an environmental assessment approval for impacts associated with proposed work to construct, modify and maintain three nonjurisdictional dams which shall include the following:

1. To modify the outlet works of an existing nonjurisdictional dam and impact approximately 0.01 acre of wetland adjacent to a tributary of Beaver Creek associated with the construction of a stormwater management facility.

2. To modify the outlet works of an existing nonjurisdictional dam and impact approximately 0.01 acre of wetland adjacent to a tributary of Webb Creek associated with the construction of Half Mile Post North Road, which will serve as a stormwater management facility.

The applicant has proposed to construct replacement wetlands to compensate for impacts associated with the proposed work.

The proposed subdivision is located on a 95.5-acre parcel along the southwest corner of Ebright Road and Naamans Creek Road (Wilmington North, PA Quadrangle N: 16.1 inches; W: 3.3 inches).

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.*

**E53-379. Pennsylvania Department of Transportation District 2-0**, 1924-30 Daisy Street, Clearfield, PA 16830, in Stewardson Township, **Potter County**, ACOE Baltimore District (Tamarack, PA Quadrangle N: 22 inches; W: 6.5 inches).

The applicant proposed to create a 1-acre wetland mitigation site along SR 144 and Kettle Creek on property owned by the Department of Conservation and Natural Resources. There will be 0.048 acre of palustrine wetland impacts resulting from this project.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E20-524, The Home Depot USA, Inc.**, 15 Dan Road, Canton, MA 02021. Home Depot Meadville Retail Center in Vernon Township, **Crawford County**, ACOE Pittsburgh District (Geneva, PA Quadrangle N: 22.6 inches; W: 17.0 inches).

To fill a total of 0.91 acre of wetland for the construction of a Home Depot retail center south of SR 6/19/322 east of Kennedy Hill Road. Project includes creation of 0.91 acre of replacement wetland onsite and installation of a stream bank enhancement/protection structure along the left bank of Van Horne Creek.

**E62-386, Pennsylvania Department of Transportation, District 1-0**, 255 Elm Street, P. O. Box 398, Oil City, PA 16301-1412. SR 3010, Section BOO, Segment 0120, Offset 1390 Across Brokenstraw Creek, in Spring Creek Township, **Warren County**, ACOE Pittsburgh District (Columbus, PA Quadrangle N: 0.1 inch; W: 3.7 inches).

To remove the existing structure and to construct and maintain a P/S spread concrete box beam bridge having a clear span of 102.5 feet and an underclearance of 12.2 feet on a 90 degree skew across Brokenstraw Creek (CWF) on SR 3010, Section BOO, Segment 0120, Offset 1390 approximately 600 feet SW of the intersection of SR 3010 and SR 426.

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## ACTIONS

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### FINAL ACTIONS TAKEN UNDER THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT—NPDES AND WQM PART II PERMITS

#### INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

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

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

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once.

Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

#### **I. Municipal and Industrial Permit Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).**

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**NPDES Permit No. PA0062758**, Industrial Waste, **Municipal Authority of Borough of Shenandoah**, P. O. Box 110, Shenandoah, PA 17976. This proposed facility is located in West Mahanoy Township, **Schuylkill County**.

Description of Proposed Action/Activity: Renewal of NPDES permit.

**NPDES Permit No. PA0062774**, Industrial Waste, **Pilot Travel Centers, LLC**, P. O. Box 10146, Knoxville, TN 37939-0146. This proposed facility is located in Sugarloaf Township, **Luzerne County**.

Description of Proposed Action: Renewal of NPDES Stormwater Permit.

**NPDES Permit No. PA0063258**, Industrial Waste, **Mahanoy Township Authority**, 46 North Main Street, Mahanoy City, PA 17948-2659. This proposed facility is located in Mahanoy Township, **Schuylkill County**.

Description of Proposed Action/Activity: Renewal of NPDES permit.

**NPDES Permit No. PA0060704**, Sewage, **Pleasant Valley Manor, Inc.**, 4227 Manor Drive, Stroudsburg, PA 18360. This proposed facility is located in Hamilton Township, **Monroe County** and discharge to McMichael Creek.

Description of Proposed Action/Activity: Renewal of NPDES Permit.

**WQM Permit No. 4802407**, Sewerage, **Bethlehem Township Municipal Authority**, 4225 Easton Avenue, Bethlehem, PA 18020. This proposed facility is located in Bethlehem Township, **Northampton County**.

Description of Proposed Action/Activity: Construction of sanitary sewer extensions consisting of 8" and 12" sewers and a pump station to serve properties along Route 191, Brodhead Road and Brodhead Manor Subdivision.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**NPDES Permit No. PA0115231**, Sewerage SIC 4952, **Woodland Bigler Area Authority**, P. O. Box 27, Woodland, PA 16881. This proposed facility is located in Bradford Township, **Clearfield County**.

Description of Proposed Action/Activity: Renewal of NPDES Permit.

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

**NPDES Permit No. PA0026158**, Sewage, **Mon Valley Sewage Authority**, P. O. Box 792, Donora, PA 15033 is authorized to discharge from a facility located at Mon Valley Wastewater Treatment Plant, Carroll Township, **Washington County** to receiving waters named Monongahela River.

**NPDES Permit No. PA0026352**, Sewage, **Riverview Sanitary Authority**, 500 Narrows Run Road, Moon



Township, PA 15108 is authorized to discharge from a facility located at Riverview Sanitary Authority Wastewater Treatment Plant, Moon Township, **Allegheny County** to receiving waters named Ohio River.

**NPDES Permit No. PA0028703**, Sewage, **Peters Township Sanitary Authority**, 3244 Washington Road, McMurray, PA 15317-3153 is authorized to discharge from a facility located at the Donaldson's Crossroads Water Pollution Control Plant, Peters Township, **Washington County** to receiving waters named Chartiers Creek.

**NPDES Permit No. PA0090131**, Sewage, **Samuel Bottone**, R.D. 1, Lot 6, Scenery Hill, PA 15360 is authorized to discharge from a facility located at Beryl Acres STP, North Bethlehem Township, **Washington County** to receiving waters named unnamed tributary South Branch Pigeon Creek.

**NPDES Permit No. PA0043648-A1**, Industrial Waste, **EME Homer City Generation LP**, 1750 Power Plant Road, Homer City, PA 15748-9558 is authorized to discharge from a facility located at Homer City Coal Cleaning Plant, Center Township, **Indiana County** to receiving waters named unnamed tributary to Cherry Run.

**NPDES Permit No. PA0219134**, Industrial, **Allegheny Energy Supply Co., LLC**, 4350 Northern Pike, Monroeville, PA 15146-2841 is authorized to discharge from a facility located at Allegheny Energy Units 3-5, Springdale Township, **Allegheny County** to receiving waters named Allegheny River.

**Permit No. 0202201**, Industrial Waste, **Allegheny Energy Supply Company, LLC**, 4350 Northern Pike, Monroeville, PA 15146-2841. Construction of a power generation plant located in Springdale Township, **Allegheny County** to serve Allegheny Energy Units 3-5 Wastewater Treatment Plant.

**NPDES STORMWATER INDIVIDUAL PERMITS — (PAS)**

The following NPDES Individual Permits for Discharges of Stormwater Associated with Construction Activities have been issued.

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

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Stream</i>
PAS10A097R	Spectra Development Company 2591 Wexford Bayne Road Sewickley, PA 15143	Allegheny County Franklin Park Borough	Fish Run CWF

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS103314	McCauley Trucking and Warehousing P. O. Box 127 New Bethlehem, PA 16242	Jefferson	Pine Creek Township	Little Mill Creek HQ-CWF

**APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS**

The following parties have submitted: (1) Notices of Intent for Coverage under (1) General NPDES Permits to Discharge Wastewater into the Waters of this Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations. Monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permits for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in this Commonwealth; (3) General NPDES Permit Authorizing the Discharge of Stormwater Associated with Construction Activities to Waters of the Commonwealth; (4) Notification for First Use Application of Sewage Sludge.

The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. The Department approves the following coverage under the specific General Permit.

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

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

**List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
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 (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

*General Permit Type—PAG 2*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Butler County Valencia Borough	PAR10E041RR	Douglas W. Day 5850 Meridian Road Gibsonia, PA 15044	Breakneck Creek WWF	Butler County Conservation District (724) 284-5270
Butler County Cranberry and Adams Townships	PAR10E172	Charles Betters Southern Valley Com- mons, L. P. 3468 Broadhead Road Monaca, PA 15061-2500	UNT to Kauffman Run WWF	Butler County Conservation District (724) 284-5270
Butler County Adams Township	PAR10E190	Richard Dorothy Adams Pointe Construction 1000 Adams Pointe Blvd. Mars, PA 16046	Breakneck Creek WWF	Butler County Conservation District (724) 284-5270
McKean County Foster Township	PAR104112	Raymond McMahon Bradford Economic Dev. Corp. 20 Russell Blvd. Bradford, PA 16701	Kendall Creek WWF	McKean County Conservation District (814) 368-2585
Lackawanna County Glenburn Township	PAR10N141	Harold Kaplan 102 Windmere Circle Dalton, PA 18414	Unnamed tributary to Ackerly Creek TSF	Lackawanna County Conservation District (570) 281-9495
Monroe County Stroud Township	PAR10S034	James and Shirley Halterman 400 Analomink Rd. Rt. 447 East Stroudsburg, PA 18301	Sambo Creek CWF, MF	Monroe County Conservation District (570) 629-3060
Susquehanna County Lenox Township	PAR106402	Jen Sorensen R. R. 1, Box 1151 Nicholson, PA 18446	Unnamed tributary to Tunkhannock Creek CWF	Susquehanna County Conservation District (570) 278-4600
Centre County Ferguson Township	PAR10F168	Highland Hills Subdivi- sion Christopher Kopac P. O. Box 215 State College, PA 16804	UNT to Slab Cabin Run CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Allegheny County Upper St. Clair Township	PAR10A451-2	William & Jefferson, Inc. 212 Sussex Way McMurray, PA 15317	UNT Painters Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County City of Pittsburgh	PAR10A606	Urban Redevelopment Authority of Pittsburgh 200 Ross Street Pittsburgh, PA 15219	Monongahela River TSF	Allegheny County Conservation District (412) 241-7645
Westmoreland County Rostraver Township	PAR10X296	Maronda Homes, Inc. 202 Park West Dr. Pittsburgh, PA 15275	UNT to Pollock Run WWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Municipality of Murrysville	PAR10X307	Allegheny Power 800 Cabin Hill Dr. Greensburg, PA 15601	Turtle Creek TSF Pucketa Creek TSF Plum Creek WWF	Westmoreland County Conservation District (724) 837-5271

*General Permit Type—PAG-4*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Bradford Township Clearfield County	PAG044990	Jean Read R. R. 1, Box 201B Woodland, PA 16881	UNT to Millstone Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Brothersvalley Township Somerset County	PAG046139	David E. Hummel 544 Plank Road Berlin, PA 15530	Miller Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000
Richland Township Allegheny County	PAG046260	Mr. and Mrs. Joe Stanger 3823 Anderson Road Gibsonia, PA 15044	Willow Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000

*General Permit Type—PAG-8 (SSN)*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Telephone No.</i>
West Pennsboro Township Cumberland County	PAG083568 PAG083569	Hampden Township 230 S. Sporting Hill Rd. Mechanicsburg, PA 17050	George Lee Souder Farm West Pennsboro Town- ship Cumberland County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-9 (SSN)*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Telephone No.</i>
Shirley Township Huntingdon County	PAG093537	Lake Septic Tank Cleaning HC 62 Box 444 Shade Gap, PA 17255	Richard Covert Farm Shirley Township Huntingdon County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Telephone No.</i>
Long Farm Biosolids Site Mt Pleasant Township Westmoreland County	PAG096111	Norman Stout d/b/a AA Septic Tank Service R. D. 4 Box 139A Latrobe, PA 15650	AA Septic Tank Service	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

## PUBLIC WATER SUPPLY PERMITS

The Department of Environmental Protection has taken the following actions on applications received under the Safe Drinking Water Act for the construction, substantial modification or operation of a public water system.

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

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### SAFE DRINKING WATER

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

*Southeast Region: Water Supply Management Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

#### Permit No. 4602501, Public Water Supply.

Applicant	<b>Upper Hanover Authority</b> P. O. Box 205 East Greenville, PA 18041
Township	Upper Hanover
County	<b>Montgomery</b>
Type of Facility	PWS
Consulting Engineer	Castle Valley Consultant, Inc. 10 S. Clinton Street, Suite 302 Doylestown, PA 18901
Permit to Construct Issued	September 27, 2002

*Southcentral Region: Water Supply Management Program Manager; 909 Elmerton Avenue, Harrisburg, PA 17110.*

#### Permit No. 2202508 MA, Minor Amendment, Public Water Supply.

Applicant	<b>United Water Pennsylvania</b>
Municipality	Susquehanna Township
County	<b>Dauphin</b>
Type of Facility	Installation of two 2,800-gallon double-walled replacement alum storage tanks.
Consulting Engineer	R. Michael Gephart, P. E. United Water Pennsylvania 4211 East Park Circle Harrisburg, PA 17111
Permit to Construct Issued	October 2, 2002

#### Permit No. 2102505 MA, Minor Amendment, Public Water Supply.

Applicant	<b>Department of General Services</b>
Municipality	Lower Allen Township
County	<b>Cumberland</b>
Type of Facility	Filter replacement project at Camp Hill State Correctional Institution.
Consulting Engineer	Joseph R. Mancuso, P. E. P. O. Box 1325 18th and Herr Streets Harrisburg, PA 17125-0001
Permit to Construct Issued	September 23, 2002

#### Permit No. 0601516, Public Water Supply.

Applicant	<b>Mountain Village LP</b>
Municipality	Longswamp Township
County	<b>Berks</b>
Type of Facility	Construction of 125,000 gallon finished water storage tank, pump station, new well and expand by 108 units.
Consulting Engineer	Todd M. Duerr, P. E. American Water Services 453 Boot Road Downingtown, PA 19335
Permit to Construct Issued	September 9, 2002

*Northcentral Region: Water Supply Management Program Manager; 208 West Third Street, Williamsport, PA 17701.*

**Permit No. Minor Amendment.** Public Water Supply.

Applicant **State College Borough Water Authority**  
1201 West Branch Road  
State College, PA 16801-7697

Township Harris and College Townships

County **Centre**

Type of Facility PWS—Approval for operation of a raw water transmission line from the Thomas Wellfield to the existing Woodside Drive filtration plant

Permit to Operate Issued October 1, 2002

**Permit No. 1491504,** Public Water Supply.

Applicant **State College Borough Water Authority**  
1201 West Branch Road  
State College, PA 16801-7697

Township Harris and College Townships

County **Centre**

Type of Facility PWS—Amendment to Woodside Drive filtration plant operating permit reflecting new transmission line from the Thomas Wellfield and maximum allowable pumping rates

Permit to Operate Issued October 1, 2002

**SEWAGE FACILITIES ACT PLAN APPROVAL****Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a).**

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

## Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Jefferson Township	487 Cortez Road Lake Ariel, PA 18436	Lackawanna

Plan Description: On September 27, 2002, the Department approved a Plan Revision to Jefferson Township's Official Plan. The Plan Revision provides for collected wastewater from Jefferson Township to be treated at the Lackawanna River Basin Sewer Authority's Throop treatment plant, instead of at the Scranton Sewer Authority's treatment plant as called for in the Township's previous Sewage Plan, approved by the Department on July 3, 2000. The Plan Revision entails construction of a gravity sanitary sewer from a point on Marshwood Road to a connection with an existing sanitary sewer located at Mid-Valley Drive and East Lackawanna Avenue, in the Borough of Olyphant. The selected alternative is identified as Alternative 5 and the route of the proposed sewer is shown on Figure III-5 in the Plan Revision. The Department's review of the Plan Revision has not identified any significant environmental impacts associated with the changes to the Township's Official Plan. Any required WQM Permits must be obtained in the name of the municipality or authority as appropriate.

## Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Borough of Olyphant	113 Willow Avenue Olyphant, PA 18447	Lackawanna

Plan Description: On September 27, 2002, the Department approved a Plan Revision to the Borough of Olyphant's Official Plan. The Plan Revision provides for gravity sanitary sewer through the Borough of Olyphant as depicted on Figure III-5 in the Plan Revision. The new sewer will connect to the existing Borough of Olyphant sewer system at Mid-Valley Drive and East Lackawanna Avenue. From the point of connection, Jefferson Township's wastewater will be conveyed through the Borough of Olyphant's existing sewer system to the Lackawanna River Basin Sewer Authority's Throop interceptor and treatment plant. The Plan Revision has been adopted by the Borough of Olyphant. The Department's review of the Plan Revision has not identified any significant environmental impacts associated with the proposal.

## Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Meshoppen Borough	P. O. Box 237 Meshoppen, PA 18630	Wyoming

Plan Description: The approved Base Plan addresses sewage facilities needs of Meshoppen Borough through 2022 and states that collection and treatment facilities are required to meet the projected needs of the planning area. Major recommendations of the Base Plan include the construction of a 50,000 gpd wastewater treatment plant and low-pressure collection system for Meshoppen Borough. The planning area of Meshoppen Borough consists of approximately 175 dwelling units located within the Borough. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION****UNDER ACT 2, 1995****PREAMBLE 3**

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

Provisions of 25 Pa. Code § 250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Act. Plans and reports required by provisions of the Act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances

in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

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

**Former Penn Fuel Gas Manufactured Gas Plant—Slatington Site**, Borough of Slatington, **Lehigh County**. RETEC Group, Inc., 3040 William Pitt Way, Pittsburgh, PA 15238 submitted a Remedial Investigation Report (on behalf of PPL Services Corp., Two North Ninth Street, Allentown, PA 18101) concerning the characterization of soils, groundwater and adjacent surface water found or suspected to have been contaminated with metals, polycyclic aromatic hydrocarbons, phenolics, cyanides and BTEX compounds related to historic manufactured gas plant operations. The report was submitted in partial fulfillment of a combination of both the Statewide health and the site-specific standards and was approved on September 27, 2002.

**Nallo Property**, 4445 Shimerville Road), Upper Milford Township, **Lehigh County**. Vincent M. Carbone, P. G., Lawler, Matusky & Skelly Engineers, LLP, The Sovereign Building, 609 Hamilton Mall, Allentown, PA 18101 submitted a Final Report (on behalf of James D. Nallo and Margaret Brady-Nallo, Newgate Drive, Allentown, PA) concerning the remediation of soils found to have been contaminated with lead, arsenic and benzo(a)pyrene. The report was documented attainment of the Statewide health standard and was approved on September 26, 2002.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

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

#### *Hazardous Waste Transporter License Issued*

**Providence Environmental, Inc.**, 312 Sharpe Road, Columbia, SC 29203. License No. **PA-AH 0695**. Effective October 3, 2002.

#### *Hazardous Waste Transporter License Renewed*

**Aqua-Tex Transport, Inc.**, 219 N. White Horse Pike, P. O. Box 1204, Hammonton, NJ 08037. License No. **PA-AH S179**. Effective September 30, 2002.

**Ameritech Environmental Services, Inc.**, P. O. Box 539, Eliot, ME 03903. License No. **PA-AH 0677**. Effective October 1, 2002.

#### *Hazardous Waste Transporter License Expired*

**Atlantic Coast Environmental Services, Inc.**, P. O. Box 8608, New Haven, CT 06512. License No. **PA-AH 0601**. Effective September 30, 2002.

**Pioneer Tank Lines, Inc.**, 12501 Hudson Road S., Afton, MN 55001-9751. License No. **PA-AH 0600**. Effective September 30, 2002.

**Nighthawk Transport, Incorporated**, 811 Southeast J, Bentonville, AR 72712. License No. **PA-AH 0602**. Effective September 30, 2002.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Determination of Applicability for General Permit approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. § 4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

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

**General Permit Application No. WMGR025SW001. ISER, Inc.**, P. O. Box 303, Somerset, PA 15501. This general permit to operate a residual waste composting facility to produce compost for use as a soil substitute, soil conditioner, soil amendments, fertilizer or mulch in Elk Lick Township, **Somerset County** was approved in the Regional Office on October 1, 2002.

Persons interested in reviewing the general permit may contact Michael G. Forbeck, Facilities Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

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

**Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 100934. IESI Pennsylvania Blue Ridge Landfill Corp.**, P. O. Box 399, Scotland, PA 17254, Greene Township, **Franklin County**. The permit modifi-

cation was approved for the Radiation Protection Action Plan for the Blue Ridge Landfill. The permit was approved by the Southcentral Regional Office on September 30, 2002.

**Permit No. 100945. Cumberland Refuse Service, Inc.,** 620 Newville Road, Newburg, PA 17240, Hopewell and North Newton Townships, **Cumberland County.** The permit modification was approved for the Radiation Protection Action Plan for the Cumberland County Landfill. The permit was approved by the Southcentral Regional Office on September 24, 2002.

**Permit No. 100346. FR&S,** 727 Red Lane Road, Birdsboro, PA 19508, Exeter Township, **Berks County.** The permit modification was approved for the Radiation Protection Action Plan for the Pioneer Crossing Landfill. The permit was approved by the Southcentral Regional Office on September 26, 2002.

**Permit No. 100113. Republic Services of PA, LLC,** 4400 Mt. Pisgah Road, York, PA 17402, Windsor and Lower Windsor Townships, **York County.** The permit modification was approved for the Radiation Protection Action Plan for the Modern Landfill. The permit was approved by the Southcentral Regional Office on September 24, 2002.

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. 101421. Shade Landfill, Inc.,** Westpointe Corporate Center I, Suite 200, Moon Township, PA 15108. Shade Landfill, Inc., 1176 No. 1 Road, Cairnbrook, PA 15924. Major permit modification for the reduction in total permitted acreage and expansion of disposal area. This permit modification eliminates Landfill Area B and approves the Northern Landfill Area adjacent to Landfill Area A. Permit issued in the Regional Office on October 3, 2002.

Persons interested in reviewing the permit may contact Michael G. Forbeck, Facilities Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

**Permit revoked under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 603148. Springettsbury Township, Department of Waste Water Treatment,** 1501 Mount Zion Road, York, PA 17402-9084, Chanceford and Lower Chanceford Townships, **York County.** This permit has been revoked at the request of the permittee for a site in Chanceford and Lower Chanceford Townships. The permit was revoked by the Southcentral Regional Office on October 3, 2002.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: David Aldenderfer, Program Manager, (570) 327-3637.*

**GP5-14-01: Equitable Production Co., Inc.** (1710 Pennsylvania Avenue, Charleston, WV 25302) on September 12, 2002, for operation of a 640 horsepower natural gas-fired reciprocating internal combustion compressor engine equipped with a catalytic converter, a 120 horsepower natural gas-fired reciprocating internal combustion compressor engine equipped with a catalytic converter and a 730 horsepower natural gas-fired reciprocating internal combustion compressor engine under the General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP-5) at the Dehass Station in Curtin Township, **Centre County.**

**GP5-17-23A: Power Gas Marketing and Transmission, Inc.** (Gulf Tower, 32nd Floor, 707 Grant Street, Pittsburgh, PA 15219) on September 20, 2002, for operation of a 122 horsepower natural gas-fired reciprocating internal combustion compressor engine equipped with a governor throttle padlock and a lock out box under the General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP-5) at the Leamer Station in Burnside Township, **Clinton County.**

**Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: David Aldenderfer, Program Manager, (570) 327-3637.*

**41-302-042B: Federal Bureau of Prisons** (P. O. Box 3500, White Deer, PA 17887) on September 3, 2002, for modification of two 12.55 million Btu per hour #2 fuel oil and natural gas-fired boilers to fire landfill gas from the Lycoming County Landfill at the Allenwood Federal Prison Camp in Brady Township, **Lycoming County.**

**14-00005A: Department of Corrections** (Box A, Bellefonte, PA 16823) on September 25, 2002, for construction of a 57.7 million Btu per hour #2 fuel oil and natural gas-fired boiler equipped with a low NOx burner and flue gas recirculation at the Rockview State Correctional Institution in Benner Township, **Centre County.** The boiler is subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources.

**14-00002D: Graymont (PA), Inc.** (P. O. Box 448, Bellefonte, PA 16823) on September 30, 2002, for construction of a lime co-product processing operation (CalAg System) and associated air cleaning device (a water spray dust suppression system) in Spring Township, **Centre County.**

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.*

**65-00622A: General Carbide Corp.** (P. O. Box C, Greensburg, PA 15601) on October 2, 2002, for increase in permit emission limits from carbide powder drying operations at their Greensburg Plant in **Westmoreland County.**

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35**

**P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.*

**46-322-007: Waste Management Disposal Service of PA** (1425 Sell Road, Pottstown, PA 19464) on October 2, 2002, for operation of a municipal solid waste landfill in West Pottsgrove Township, **Montgomery County**.

**09-0009B: Webcraft, LLC** (4371 County Line Road, Chalfont, PA 18914) on October 4, 2002, for operation of a web offset press in New Britain Township, **Bucks County**.

**23-0058: Haverford College** (370 Lancaster Avenue, Haverford, PA 19041) on October 4, 2002, for operation of three 1,000 kW peak generators in Haverford Township, **Delaware County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.*

**36-05067G: C and D Technologies, Inc.** (82 East Main Street, Leola, PA 17540) on October 1, 2002, for modification of a lead acid battery manufacturing plant in Upper Leacock Township, **Lancaster County**. This source is subject to 40 CFR Part 60, Subpart KK—Standards of Performance for Lead Acid Battery Manufacturing Plants. The plan approval was extended.

**38-05025: Lancaster Aluminum Co., Inc.** (24 Keystone Drive, Lebanon, PA 17042) on September 30, 2002, for construction of a secondary aluminum production facility in South Lebanon Township, **Lebanon County**. This source is subject to 40 CFR Part 63, Subpart RRR—Standards of Performance for Hazardous Air Pollutants for Secondary Aluminum Production. This plan approval was extended.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Edward Brown, Facilities Permitting Chief, (610) 832-6242.*

**46-00149: Armstrong-Americas-I, LLC** (250 Hansen Access Road, King of Prussia, PA 19406) on October 3, 2002, for operation of a Natural Minor Operating Permit in Upper Merion Township, **Montgomery County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: David Aldenderfer, Program Manager, (570) 327-3637.*

**17-399-021: Wickett and Craig of America, Inc.** (120 Cooper Road, Curwensville, PA 16833) on September 24, 2002, for operation of a fertilizer manufacturing facility and associated air cleaning devices (a fabric collector and a packed bed scrubber) in Curwensville Borough, **Clearfield County**.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Edward Braun, Chief, (215) 685-9476.*

**S96-002: Tenet HealthSystem—Medical College of Pennsylvania Hospital Main Campus and Eastern Pennsylvania Psychiatric Institute** (3300 Henry Avenue, Philadelphia, PA 19129) administratively amended a second time on October 4, 2002, to change the permit contact mailing address. The Synthetic Minor operating permit was originally issued October 20, 2000, and administratively amended a first time on July 3, 2001.

**N96-003: Tenet HealthSystem, Medical College of Pennsylvania—Queen Lane Campus** (2900 West Queen Lane, Philadelphia, PA 19129) administratively amended on October 4, 2002, to identify a change of facility contact, permit contact and responsible official and to correct the renewal application fee specified under the general conditions for permit renewal. The Natural Minor operating permit was originally issued October 20, 2000.

**N98-001: Consolidated Drake Press** (5050 Parkside Avenue, Philadelphia, PA 19131) administratively amended on October 2, 2002, to change the permit contact and responsible official. The Natural Minor operating permit was originally issued on January 31, 2000.

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application 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).**

*Coal Permits Actions*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.*

**54920202R and NPDES Permit PA0223581. Drenzo Coal Company** (1389 Bunting Street, Pottsville, PA 17901), renewal of an existing anthracite surface mine and NPDES Permit in Branch Township, **Schuylkill County** affecting 18.9 acres, receiving stream: Carp Creek. Application received May 31, 2002. Renewal issued October 1, 2002.

**54713002R3 and NPDES Permit PA0123293. Reading Anthracite Company** (P. O. Box 1200, 200 Mahantongo Street, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation in New Castle Township, **Schuylkill County** affecting 218.0 acres, receiving stream: East Branch Norwegian Creek. Application received February 29, 2000. Renewal issued October 2, 2002.



**54773006R3. Reading Anthracite Company** (P. O. Box 1200, 200 Mahantongo Street, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation in New Castle, Cass and Foster Townships, **Schuylkill County** affecting 3500 acres, receiving stream: none. Application received June 23, 2000. Renewal issued October 2, 2002.

*McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317, (724) 941-7100.*

**30841316. NPDES Permit PA0213535, Consol PA Coal Co.** (P. O. Box 355, 172 Route 519, Eighty Four, PA 15330), to revise the permit for the Bailey Mine in Richhill Township, **Greene County** to add air shaft 1-I, Surface Acres Proposed 6.7, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, Kent Run, classified for WWF. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued September 17, 2002.

**30841313. NPDES Permit PA0022594, Consolidation Coal Co.** (P. O. Box 100, Osage, WV 26543), to renew the permit for the Dilworth Mine in Cumberland Township, **Greene County**, renewal, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for N/A. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued September 25, 2002.

**03851601. NPDES Permit PA0215449, McVile Mining Co.** (R. D. 9, Box 379A, Kittanning, PA 16201), to revise the permit for the McVile Coal Prep Plant in South Buffalo Township, **Armstrong County** to add 1.3 acres and NPDES discharge point, Surface Acres Proposed 1.3, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, unnamed tributary to the Allegheny River, classified for CWF. The first downstream potable water supply intake from the point of discharge is Buffalo Township Municipal Authority at Freeport. Permit issued September 26, 2002.

**03981301. NPDES Permit PA0215198, Parkwood Resources, Inc.** (P. O. Box 552, Somerset, PA 15501), to revise the permit for the Parkwood Mine in Plumcreek Township, **Armstrong County** to add 886 permit and subsidence control plan acres, Surface Acres Proposed N/A, Underground Acres Proposed 886, SCP Acres Proposed 886, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for N/A. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued September 30, 2002.

#### *Noncoal Permits Actions*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.*

**35022801. Stafursky Paving Company, Inc.** (502 Main Street, Archbald, PA 18403), commencement, operation and restoration of a quarry operation in Jefferson Township, **Lackawanna County** affecting 4.0 acres, receiving stream: none. Application received March 18, 2002. Permit issued October 1, 2002.

**58020813. Russell M. Carpenter** (R. R. 2 Box 110, New Milford, PA 18834), commencement, operation and restoration of a quarry operation in New Milford Township, **Susquehanna County** affecting 3.0 acres, receiv-

ing stream: none. Application received April 1, 2002. Permit issued October 1, 2002.

**58020827. K. Millard, Inc.** (R. R. 1 Box 1, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Jessup Township, **Susquehanna County** affecting 3.0 acres, receiving stream: none. Application received May 16, 2002. Permit issued October 1, 2002.

#### **ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151–161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.*

**06024042. Schlouch, Inc.** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting in Exeter Township, **Berks County** with an expiration date of October 16, 2003. Permit issued October 1, 2002.

**360240105. Keystone Blasting Service** (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting in Paradise Township, **Lancaster County** with an expiration date of September 29, 2003. Permit issued October 1, 2002.

**52024021. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Delaware Township, **Pike County** with an expiration date of August 21, 2003. Permit issued October 1, 2002.

**45024065. Explosives Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Price Township, **Monroe County** with an expiration date of August 17, 2003. Permit issued October 1, 2002.

**52024022. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Delaware Township, **Pike County** with an expiration date of August 22, 2003. Permit issued October 1, 2002.

**35024024. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Covington Township, **Lackawanna County** with an expiration date of August 22, 2003. Permit issued October 1, 2002.

**21024049. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013-0608), construction blasting in South Middleton Township, **Cumberland County** with an expiration date of September 9, 2007. Permit issued October 2, 2002.

**23024010. Explo-Service, Inc.** (P. O. Box 164, 1315 Sheep Hill Road, East Earl, PA 17519), construction blasting in Thornbury Township, **Delaware County** with an expiration date of October 5, 2004. Permit issued October 2, 2002.

**35024023. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Covington Township, **Lackawanna County** with an expiration date of August 22, 2003. Permit issued October 2, 2002.

**360240106. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Mount Joy Township, **Lancaster County** with an expiration date of April 9, 2003. Permit issued October 2, 2002.

**45024066. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Smithfield Township, **Monroe County** with an expiration date of August 22, 2003. Permit issued October 2, 2002.

**48024025. Labrador Construction** (P. O. Box 1379, Marshalls Creek, PA 18335), construction blasting in Lower Nazareth Township, **Northampton County** with an expiration date of October 5, 2003.

**360240107. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Ephrata Borough, **Lancaster County** with an expiration date of January 9, 2003. Permit issued October 3, 2002.

**45024068. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Smithfield Township, **Monroe County** with an expiration date of August 24, 2003. Permit issued October 3, 2002.

**45024067. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Smithfield Township, **Monroe County** with an expiration date of August 24, 2003. Permit issued October 3, 2002.

**46024055. Horst Drilling & Blasting, Inc.** (141 Ranck's Church Road, New Holland, PA 17557), construction blasting in Pottstown Borough, **Montgomery County** with an expiration date of October 8, 2003. Permit issued October 3, 2002.

**52024023. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Lehman Township, **Pike County** with an expiration date of August 27, 2003. Permit issued October 3, 2002.

**67024033. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Fairview Township, **York County** with an expiration date of October 9, 2003. Permit issued October 3, 2002.

**360240108. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in West Lampeter Township, **Lancaster County** with an expiration date of January 10, 2003. Permit issued October 3, 2002.

**360240109. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Millersville Borough, **Lancaster County** with an expiration date of January 10, 2003. Permit issued October 3, 2002.

**45024069. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Middle Smithfield Township, **Monroe County** with an expiration date of August 28, 2003. Permit issued October 3, 2002.

**21024050. John W. Gleim, Jr., Inc.** (90 Stover Drive, Carlisle, PA 17013), construction blasting in North Middleton Township, **Cumberland County** with an expiration date of April 9, 2003. Permit issued October 3, 2002.

**22024012. Miller Warner Construction, Inc.** (265 Plane Tree Drive, Lancaster, PA 17603), construction blasting in Lower Paxton Township, **Dauphin County** with an expiration date of December 10, 2002. Permit issued October 3, 2002.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O.

Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, 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 decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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 (FWPCA) (33 U.S.C.A. § 1341(a)).

Except as otherwise noted, the Department certifies that the construction and operation herein described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State Water Quality Standards.

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

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) 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: Water Obstruction and Encroachment Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description).

*Permits Issued and Actions on 401 Certifications*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**E40-602. William J. and Denise M. Karlotski**, 124 Pavlick Road, Hunlock Creek, PA 18621. Harveys Lake Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To modify and maintain an existing boathouse and dock in Harveys Lake, with work including the addition of a 30-foot by 4-foot area of dock, supported on existing piers, to connect the existing boathouse and dock. The structure (as existing and proposed) extends a maximum distance of approximately 41 feet from the shoreline. The project is located at Pole No. 8, along Lakeside Drive (Harveys Lake, PA Quadrangle N: 19.0 inches; W: 4.5 inches).

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**E47-076. Department of General Services**, 18th and Herr Street, Harrisburg, PA 17125. Danville Levee Project, in Danville Borough, **Montour County**, ACOE Baltimore District (Danville, PA Quadrangle N: 15.9 inches; W: 16.6 inches).

To construct, operate and maintain a flood protection project (DGS No 181-5) consisting of 495 linear feet of concrete floodwall, 3,113 linear feet of an earthen levee and aluminum stoplog structures along the left and right banks of the Mahoning Creek. The project begins 550 feet upstream of the intersection of Northumberland Street and Mahoning Creek and extends downstream for a distance of 3,700 linear feet.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E10-346, Southern Valley Commons, L. P.**, 3468 Brodhead Road, Monaca, PA 15061. Southern Valley Commons Residential Development, in Adams and Cranberry Townships, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 9.5 inches; W: 8.0 inches).

To fill a total of 1.41 acres of wetland (including a 0.3 acre wetland replacement area associated with Permit No. E10-225) and impacting a total of 1,344 feet of a tributary to Kaufman Run including culverts, realignment and utility crossings for the development of 180 townhouse units on a 46.3 acre tract on Norwegian Spruce Drive approximately 0.3 mile west of Adams Ridge Boulevard (formerly Hesperheide Road) 1 mile south of SR 228. Project includes the creation of 2.58 acres of replacement wetlands onsite, including 0.3 acre for the relocation of the replacement area associated with Permit No. E10-225 and contribution to the Pennsylvania Wetland Replacement Fund for replacement of an additional 0.24 acre of wetland.

**E61-253, Pennsylvania Department of Transportation, District 1-0**, 255 Elm Street, P. O. Box 398, Oil City, PA 16301. SR 0008, Segment A-02 in Cherrytree Township, **Venango County**, ACOE Pittsburgh District.

To conduct the following activities associated with the realignment of 1,400 linear feet of SR 0008, Section A-02 in Cherrytree Township:

1. To construct and maintain an 80-foot long, 36-inch diameter reinforced concrete culvert in a tributary of Cherrytree Run (Titusville South, PA Quadrangle N: 12.7 inches; W: 9.1 inches).

2. To construct two temporary 82-foot long, 36-inch diameter corrugated metal culverts in a tributary of Cherrytree Run (Titusville South, PA Quadrangle N: 12.9 inches; W: 9.1 inches).

3. To construct and maintain a 108-foot long, 60-inch diameter reinforced concrete culvert in a tributary of Cherrytree Run (Titusville South, PA Quadrangle N: 12.9 inches; W: 9.1 inches).

4. To construct a temporary 135-ft. long, 48-inch diameter corrugated metal culvert in a tributary of Cherrytree Run (Titusville South, PA Quadrangle N: 12.9 inches; W: 9.1 inches).

5. To construct and maintain an 80-foot long, 60-inch diameter reinforced concrete culvert in a tributary of Cherrytree Run (Titusville South, PA Quadrangle N: 12.9 inches; W: 9.1 inches).

6. To relocate 400 feet of the channel of a tributary to Cherrytree Run (Titusville South, PA Quadrangle N: 12.8 inches; W: 9.1 inches).

7. To impact a total of 2.45 acres of wetland.

Project includes construction of 2.5 acres of replacement wetland at the Polk Wetlands Replacement Area (Polk, PA Quadrangle N: 19.9 inches; W: 3.6 inches) adjacent to SR 3024 in Sandycreek Township, Venango County on State Game Lands No. 39 approximately 1.5 miles southeast of the intersection of SR 62 and SR 3024.

**E61-254, Sugarcreek Borough**, 212 Fox Street, Franklin, PA 16323. Sugarcreek Borough Sanitary Sewer Siphon across French Creek, in Franklin, **Venango County**, ACOE Pittsburgh District (Franklin, PA Quadrangle N: 3.6 inches; W: 9.9 inches).

To conduct the following work in/along French Creek approximately 800 feet upstream of the confluence of French Creek and the Allegheny River to repair, protect and maintain the existing sanitary sewer siphon lines: 1) install concrete block/poured concrete underpinning/encasement and scour protection around the exposed portion of the siphon lines extending approximately 30 feet from the east bank and measuring approximately 12 feet in length upstream to downstream with placed boulders extending approximately 6 feet downstream; and 2) install concrete block bank protection along approximately 30 feet of the east bank adjacent to the siphon intake structure.

**SPECIAL NOTICES**

**Public Hearing for NPDES Permit No. PAS10Q246  
Weisenberg Township, Lehigh County**

The Department of Environmental Protection (Department) will hold a public hearing to accept comment on an individual NPDES Permit No. PAS10Q246 for the discharge of stormwater from construction activities at the proposed concrete mixing plant site in Weisenberg Township, Lehigh County.

The hearing is in response to an application submitted by Dale R. and Carolyn L. Koller, 1870 Waldheim Road, Bethlehem, PA 18015 and was published at 32 Pa.B. 4176 (August 24, 2002). The NPDES permit application proposes the discharge of stormwater from construction activities to tributaries to the Jordan Creek.

The hearing will be held on November 21, 2002, at 7 p.m. in the meeting room of the Seipstown Grange Hall in Fogelsville, PA by the Department's Water Management Program, Soils and Waterways Section.

The Department requests that individuals wishing to testify at the hearing submit a written notice of intent to Dale R. and Carolyn L. Koller Hearing, Department of Environmental Protection, Water Management Program, 2 Public Square, Wilkes-Barre, PA 18711. The Department will accept notices up to the day of the hearing. The Department requests that individuals limit their testimony to 10 minutes so that all individuals have the opportunity to testify. The Department can only review comments made with regard to the NPDES Permit No. PAS107421. Written copies of oral testimony are requested. Relinquishing time to others will not be allowed. Individuals attending the hearing will have the opportunity to testify if they so desire. However, individuals who preregister to testify will be given priority on the agenda.

Persons with a disability who wish to testify and require an auxiliary aid, service or other accommodation should contact Richard Shudak at (570) 826-2511 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department can meet their needs.

The NPDES permit application is available for review at the Lehigh County Conservation District Office, 4184 Dorney Park Road, Allentown, PA, 18104, (610) 391-9583. For further information, contact Mark Carmon of the Department's Northeast Regional Office at (570) 826-2511.

[Pa.B. Doc. No. 02-1827. Filed for public inspection October 18, 2002, 9:00 a.m.]

### **Draft General Permits for Beneficial Use of Biosolids or Residential Septage by Land Application (PAG-7, PAG-8, PAG-9) Published for Additional Comment**

In accordance with the provisions of the Federal Clean Water Act, The Clean Streams Law (35 P. S. §§ 691.1—691.1001), sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20), the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904), the Department of Environmental Protection (Department) issues these general permits for use by eligible persons for the beneficial use of exceptional quality biosolids, biosolids or residential septage that will be land applied, who are required in 25 Pa. Code Chapters 91, 92 or 271 (relating to general provisions; National Pollutant Discharge Elimination System permitting, monitoring and compliance; and municipal waste management—general provisions), as applicable, to obtain a permit for the beneficial use of biosolids in this Commonwealth.

Notice of proposed revisions to PAG-7, PAG-8 and PAG-9 were originally published at 32 Pa.B. 376 and 377

(January 19, 2002), with a 30-day public comment period that closed on February 19, 2002. The Department then extended the public comment period until March 25, 2002. The Department has considered the comments received on the proposed revisions, prepared a draft comment/response document and made corresponding changes to the proposed revisions.

The Department is concerned with public anxiety and odor complaints associated with the land application of biosolids. To address this concern, the Department is proposing a comprehensive approach to odor management, which includes the requirement for an odor control plan.

The Department is proposing to further amend PAG-7, PAG-8 and PAG-9 to incorporate a requirement for the person who prepares biosolids (permittee) to develop and implement a Biosolids Odor Control Plan (Plan). The Department has also prepared a draft Plan guidance document that is available for review and comment. The Department proposes that persons applying for general permit coverage submit the Plan with the Notice of Intent and that current biosolids permittees submit their Plan within 90 days of the effective date of the revised general permits.

At 32 Pa.B. 2039 (April 20, 2002), a notice was published extending the terms of the current general permits until December 23, 2002. The existing general permit document packages will continue to be available from the Department's regional and central offices until they are replaced or updated. Existing permit coverage will be valid until December 23, 2002, or until notice of the expiration of the current permit and notice of availability of the new PAG-7, PAG-8 and PAG-9 is published subsequent to this public comment period. The Plan guidance will be finalized at the same time.

Copies of the new draft revised general permits, draft comment response document and draft Plan guidance are available from the Department's Bureau of Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 783-3795, e-mail [trutrutma@state.pa.us](mailto:trutrutma@state.pa.us) and on the Department's website at [www.dep.state.pa.us](http://www.dep.state.pa.us). To access the document, type in directLINK "participate"; scroll down to "Proposals Open for Comment"; then choose "Regulations and Other Proposals."

The Department invites public comments on the proposed revisions. Comments must be received by November 18, 2002. If there is significant public interest in the proposed revisions to the general permits, or if formally requested, the comment period may be extended at the discretion of the Department for an additional 15-day period. Only comments received within the specified period will be considered in the formulation of the final general permits. Persons wishing to comment should submit their name, address, telephone number and a concise comment and the relevant facts upon which it is based. A public meeting or hearing may be held if the Department considers the public interest and/or comments significant. Written comments should be submitted to the previous address. Comments will not be accepted by facsimile or on voice mail. Comments will also be accepted by e-mail to [jafrika@state.pa.us](mailto:jafrika@state.pa.us) by November 18, 2002.

Persons with a disability may use the AT&T Relay Service (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Following the specified comment period, the Department will review all submitted comments, prepare a written comment and response document and prepare

final document packages for these permits. An availability of the final permit documents will be announced in the *Pennsylvania Bulletin*.

DAVID E. HESS,  
*Secretary*

[Pa.B. Doc. No. 02-1828. Filed for public inspection October 18, 2002, 9:00 a.m.]

### Mining and Reclamation Advisory Board Special Committee Meetings

The Mineral Resources Advisory Board (MRAB), Department of Environmental Protection (Department), will hold its third quarter meeting on Thursday, October 24, 2002, from 10 a.m. to 2:30 p.m. in the Delaware Room, 16th Floor, Rachel Carson State Office Building, Harrisburg, PA. Two committee meetings will be held prior to the full Board meeting.

The Regulation, Legislation and Technical Committee will meet at 8:30 a.m. in the Delaware Room, 16th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The purpose of the meeting is to discuss revisions to insurance requirements for surface coal mines and large noncoal mines.

The Ad Hoc Committee for Review of the MRAB's mission and by-laws will meet at 9 a.m. in the Susquehanna Room, 16th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The purpose of the meeting is to discuss the mission and by-laws.

Questions concerning these meetings or agenda items should be directed to Linda Smith at (717) 783-5338 or e-mail lindasmi@state.pa.us. The schedule, an agenda for the meetings and notices of meeting changes will be available through the Public Participation Center on the Department's website at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Linda Smith at (717) 783-5338 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

DAVID E. HESS,  
*Secretary*

[Pa.B. Doc. No. 02-1829. Filed for public inspection October 18, 2002, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Canonsburg General Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Canonsburg General Hospital has requested an exception to the requirements of 28 Pa. Code § 51.3(g)(4) (relating to notification).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute

and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163 or e-mail at [ra-paexcept@state.pa.us](mailto:ra-paexcept@state.pa.us).

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-1830. Filed for public inspection October 18, 2002, 9:00 a.m.]

### Application of Ephrata Community Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Ephrata Community Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1(c) (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: NFPA Life Safety Code.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163 or e-mail at [ra-paexcept@state.pa.us](mailto:ra-paexcept@state.pa.us).

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-1831. Filed for public inspection October 18, 2002, 9:00 a.m.]

### Application of Forbes Regional Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Forbes Regional Hospital has requested an exception to the requirements of 28 Pa. Code § 51.3(g)(4) (relating to notification).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163 or e-mail at ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-1832. Filed for public inspection October 18, 2002, 9:00 a.m.]

### Application of Geisinger Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Geisinger Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.7.C6 and 7.7.C7 (relating to soiled workroom; and clean workroom).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163 or e-mail at ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and

Ambulatory Care at (717) 783-8980, for Speech and/or Hearing Impaired Persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-1833. Filed for public inspection October 18, 2002, 9:00 a.m.]

### Application of Gettysburg Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Gettysburg Hospital has requested an exception to the requirements of 28 Pa. Code §§ 553.2—553.4, 553.31, 555.1, 559.2, 563.2 and 563.12.

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163 or e-mail at ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, for Speech and/or Hearing Impaired Persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-1834. Filed for public inspection October 18, 2002, 9:00 a.m.]

### Application of Gnadon Huetten Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Gnadon Huetten Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission technology).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163 or e-mail at ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, for Speech and/or Hearing Impaired Persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-1835. Filed for public inspection October 18, 2002, 9:00 a.m.]

### **Application of Good Shepherd Rehab Hospital—Allentown for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Good Shepherd Rehab Hospital—Allentown has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163 or e-mail at ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, for Speech and/or Hearing Impaired Persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-1836. Filed for public inspection October 18, 2002, 9:00 a.m.]

### **Application of Good Shepherd Rehab Hospital—Bethlehem for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Good Shepherd Rehab Hospital—Bethlehem has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163 or e-mail at ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, for Speech and/or Hearing Impaired Persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-1837. Filed for public inspection October 18, 2002, 9:00 a.m.]

### **Application of Good Shepherd Specialty Hospital—Allentown for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Good Shepherd Specialty Hospital—Allentown has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163 or e-mail at ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, for Speech and/or Hearing Impaired Persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-1838. Filed for public inspection October 18, 2002, 9:00 a.m.]

### **Application of Kane Community Hospital for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Kane Community Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compli-

ance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: Table 7.5 (relating to outlets for oxygen, vacuum medical air).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163 or e-mail at ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, for Speech and/or Hearing Impaired Persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
Secretary

[Pa.B. Doc. No. 02-1839. Filed for public inspection October 18, 2002, 9:00 a.m.]

### Application of Latrobe Area Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Latrobe Area Hospital has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163 or e-mail at ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, for Speech and/or Hearing Impaired Persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
Secretary

[Pa.B. Doc. No. 02-1840. Filed for public inspection October 18, 2002, 9:00 a.m.]

### Application of Marian Community Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Marian Community Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1(c) (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: NFPA Life Safety Code.

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163 or e-mail at ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, for Speech and/or Hearing Impaired Persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
Secretary

[Pa.B. Doc. No. 02-1841. Filed for public inspection October 18, 2002, 9:00 a.m.]

### Application of The Pain and Rehabilitation Institute for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Pain and Rehabilitation Institute has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 9.5.F2.c (relating to class B or size).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163 or e-mail at ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.



Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, for Speech and/or Hearing Impaired Persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-1842. Filed for public inspection October 18, 2002, 9:00 a.m.]

### Application of Pennsylvania Eye Surgery Center, Inc. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pennsylvania Eye Surgery Center, Inc. has requested an exception to the requirements of 28 Pa. Code § 563.12(2) (relating to form and content of record).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163 or e-mail at ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, for Speech and/or Hearing Impaired Persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-1843. Filed for public inspection October 18, 2002, 9:00 a.m.]

### Application of Shamokin Area Community Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Shamokin Area Community Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and*

*Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.2.A3 and 7.28.A10 (relating to windows in patient rooms).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163 or e-mail at ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, for Speech and/or Hearing Impaired Persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-1844. Filed for public inspection October 18, 2002, 9:00 a.m.]

### Application of UPMC Passavant Cranberry for Exceptions

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Passavant Cranberry has requested an exception to the requirements of 28 Pa. Code §§ 103.1, 103.3, 103.31 and 107.1.

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163 or e-mail at ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, for Speech and/or Hearing Impaired Persons V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-1845. Filed for public inspection October 18, 2002, 9:00 a.m.]

### Request for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.25(a) (relating to kitchen):

Peter Becker Community  
800 Maple Avenue  
Harleysville, PA 19438

The request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, e-mail [paexcept@health.state.pa.us](mailto:paexcept@health.state.pa.us).

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Department at the address previously listed.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Department at the previously listed address or numbers or V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-1846. Filed for public inspection October 18, 2002, 9:00 a.m.]

### Surcharge for Establishment of the Patient Safety Trust Fund Under the Medical Care Accountability and Reduction of Error Act

On March 20, 2002, Governor Schweiker signed the Medical Care Accountability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.5108). Among other provisions, the MCARE Act established the Patient Safety Authority (Authority) to collect, analyze and evaluate data regarding reports of serious events and incidents occurring in certain medical facilities and to make recommendations to those facilities regarding changes, trends and improvements in health care practices and procedures for the purpose of reducing the number and severity of serious events and incidents.

Section 305(a) of the MCARE Act (40 P. S. § 1303.305(a)) authorizes the establishment of a Patient Safety Trust Fund (Fund) for the operations of the Authority. Section 305(c) of the MCARE Act states that commencing July 1, 2002, and for every fiscal year thereafter, each medical facility covered by the MCARE Act shall pay the Department of Health (Department) a surcharge on its licensing fee as necessary to provide sufficient revenues to operate the Authority. Section 305(c) of the MCARE Act also states that the total

assessment amount for Fiscal Year 2002-2003 may not exceed \$5 million and that the Department will transfer the total assessment amount to the Fund within 30 days of receipt. Section 305(d) of the MCARE Act provides that for each succeeding calendar year, the Department will determine and assess each medical facility the proportionate share of the Authority's budget. The base amount of \$5 million provided for in Fiscal Year 2002-2003 shall be increased no more than the Consumer Price Index in each succeeding fiscal year.

This notice sets forth the procedure that the Department will follow in assessing and collecting the surcharge. The MCARE Act states that the surcharge shall be collected from medical facilities, which are defined as ambulatory surgical facilities (ASFs), birth centers and hospitals licensed under either the Health Care Facilities Act (35 P. S. §§ 448.101—448.904) or Article X of the Public Welfare Code (62 P. S. §§ 1001—1087).

To assess the surcharge in an equitable manner, the Department decided to choose a common denominator in these facilities. For ASFs and birth centers, the Department has chosen the number of operating and procedure rooms; for hospitals, the Department has chosen the number of beds contained on the license of each hospital, whether by the Department (general and special acute care hospitals) or the Department of Public Welfare (privately owned psychiatric hospitals). It was also necessary to pick a point in time to make this assessment; the Department has chosen January 1, 2002.

The amount of operating/procedure rooms (for ASFs and birth centers) and the amount of licensed beds (for hospitals) was totaled and that amount was divided into \$5 million to arrive at a charge per unit. The total number of units (operating rooms, procedure rooms and licensed beds) is 47,226. Dividing this number into \$5 million results in a per unit assessment of approximately \$105.87.

In future years, the Department will continue to use the total number of operating rooms, procedure rooms and licensed beds as of January 1 of that year. This number will then be divided into the total assessment amount, as adjusted according to the Consumer Price Index. The surcharge will be due by June 30.

Since this first surcharge is occurring in October, the Department will permit medical facilities to make payments on or before December 31, 2002. Each facility will receive notification from the Department of the surcharge amount due.

To expedite this process, the Department is listing the name of each medical facility and the number of operating rooms, procedure rooms or licensed beds at each of these facilities as of January 1, 2002. The list also includes the amount of the surcharge due from each medical facility. These facilities will also be sent individual notices by the Department setting forth the amount due, date due and the name and address to which the payment should be sent.

If a medical facility has any questions concerning this notice or the information contained in the list, a representative from that facility should contact Sandra Knoble, Director, Department of Health, Division of Acute and Ambulatory Care, P. O. Box 90, Harrisburg, PA 17108-0090, (717) 783-8980.

## Acute Beds as of January 1, 2002

<i>Type of Facility</i>	<i>Facility Name</i>	<i>Licensed Beds</i>	<i>Count</i>	<i>Surcharge Amount Due</i>
<b>Critical Access Hospitals</b>	Bucktail Medical Center	9		\$952.83
	Fulton County Medical Ctr	25		\$2,646.75
	Jersey Shore Hospital	49		\$5,187.63
	Meyersdale Community Hosp	20		\$2,117.40
	Muncy Valley Hospital	45		\$4,764.15
	Troy Community Hospital	32		\$3,387.84
	<b>Critical Access Hospital Total Beds</b>	<b>180</b>	<b>6</b>	<b>\$19,056.60</b>
<b>Acute Care Hospitals</b>	Abington Memorial Hospital	508		\$53,781.96
	Albert Einstein Medical Center	667		\$70,615.29
	Aliquippa Community Hospital	102		\$10,798.74
	Allegheny General Hospital	698		\$73,897.26
	Alle-Kiski Medical Center	258		\$27,314.46
	Altoona Hospital	348		\$36,842.76
	Armstrong County Memorial	185		\$19,585.95
	Ashland Regional Medical Ctr	86		\$9,104.82
	Barnes-Kasson County Hospital	49		\$5,187.63
	Berwick Hospital Center	144		\$15,245.28
	Bloomsburg Hospital	78		\$8,257.86
	Bon Secours Reg Health Sys	165		\$17,468.55
	Bradford Regional Medical Ctr	150		\$15,880.50
	Brandywine Hospital	168		\$17,786.16
	Brookville Hospital	63		\$6,669.81
	Brownsville General Hospital	109		\$11,539.83
	Butler Memorial Hospital	234		\$24,773.58
	Canonsburg General Hospital	102		\$10,798.74
	Carlisle Regional Medical Center	200		\$21,174.00
	Central Montgomery Medical Center	99		\$10,481.13
	Centre Community Hospital	184		\$19,480.08
	Chambersburg Hospital	214		\$22,656.18
	Charles Cole Memorial Hospital	80		\$8,469.60
	Chester County Hospital	207		\$21,915.09
	Chestnut Hill Hospital	183		\$19,374.21
	Clarion Hospital	86		\$9,104.82
	Clearfield Hospital	92		\$9,740.04
	Community Hospital Of Lancaster	154		\$16,303.98
	Community Medical Center	310		\$32,819.70
	Conemaugh Valley Memorial Hosp	566		\$59,922.42
	Corry Memorial Hospital	82		\$8,681.34
	Crozer Chester Medical Center	905		\$95,812.35
	Delaware Co Memorial Hospital	288		\$30,490.56
Divine Providence Hosp	31		\$3,281.97	
Doylestown Hospital	178		\$18,844.86	

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<i>Type of Facility</i>	<i>Facility Name</i>	<i>Licensed Beds</i>	<i>Count</i>	<i>Surcharge Amount Due</i>
	Dubois Regional Medical Ctr	230		\$24,350.10
	Easton Hospital	369		\$39,066.03
	Elk Regional Health Center	98		\$10,375.26
	Elkins Park Hospital	280		\$29,643.60
	Ellwood City Hospital	74		\$7,834.38
	Ephrata Community Hosp	114		\$12,069.18
	Evangelical Community Hosp	121		\$12,810.27
	Forbes Regional Hosp	329		\$34,831.23
	Frankford Hospital	544		\$57,593.28
	Frick Hospital	153		\$16,198.11
	Geisinger Medical Ctr	437		\$46,265.19
	Geisinger Wyoming Valley	151		\$15,986.37
	Gettysburg Hospital	76		\$8,046.12
	Girard Medical Center	168		\$17,786.16
	Gnaden Huetten Mem Hosp	111		\$11,751.57
	Good Samaritan Hospital Lebanon	188		\$19,903.56
	Good Samaritan Regional Med Ctr	221		\$23,397.27
	Graduate Hospital	279		\$29,537.73
	Grand View Hospital	225		\$23,820.75
	Greene County Memorial Hospital	43		\$4,552.41
	Hahnemann University Hospital	618		\$65,427.66
	Hamot Medical Center	336		\$35,572.32
	Hanover Hospital	165		\$17,468.55
	Hazleton General Hospital	160		\$16,939.20
	Hazleton St. Joseph Medical Center	122		\$12,916.14
	Healthsouth—Nittany Valley	85		\$8,998.95
	Highlands Hospital	87		\$9,210.69
	Holy Redeemer Hosp & Med Ctr	272		\$28,796.64
	Holy Spirit Hospital	288		\$30,490.56
	Hosp Of Fox Chase Cancer Ctr	100		\$10,587.00
	Hosp Of The Univ Of Pa	672		\$71,144.64
	Indiana Regional Medical Center	129		\$13,657.23
	J C Blair Memorial Hosp	104		\$11,010.48
	Jameson Memorial Hospital	175		\$18,527.25
	Jeanes Hospital	197		\$20,856.39
	Jeannette District Mem Hosp	148		\$15,668.76
	Jefferson Regional Medical Center	359		\$38,007.33
	Jennersville Regional Hospital	59		\$6,246.33
	Kane Community Hospital	47		\$4,975.89
	Kensington Hospital	35		\$3,705.45
	Lancaster General Hosp	463		\$49,017.81
	Lancaster General Hosp Susquehanna Div	62		\$6,563.94
	Lancaster Regional Medical Ctr	247		\$26,149.89
	Latrobe Area Hospital	221		\$23,397.27
	Lehigh Valley Hospital—Allentown	644		\$68,180.28
	Lehigh Valley Hospital—Muhlenberg	148		\$15,668.76
	Lewistown Hospital	190		\$20,115.30

<i>Type of Facility</i>	<i>Facility Name</i>	<i>Licensed Beds</i>	<i>Count</i>	<i>Surcharge Amount Due</i>
	Lifecare Hospitals Of Pittsburgh	155		\$16,409.85
	Lock Haven Hospital	77		\$8,151.99
	Magee Womens Hospital Of UPMC Health System	341		\$36,101.67
	Main Line Hospital Bryn Mawr	283		\$29,961.21
	Main Line Hospital Lankenau	351		\$37,160.37
	Main Line Hospital, Inc—Paoli	171		\$18,103.77
	Marian Community Hosp	112		\$11,857.44
	Meadville Medical Center	245		\$25,938.15
	Medical Center Beaver Pa	358		\$37,901.46
	Medical College Of Pennsylvania	379		\$40,124.73
	Memorial Hospital York	150		\$15,880.50
	Memorial Hospital, Inc. Towanda	43		\$4,552.41
	Mercy Fitzgerald Hospital	391		\$41,395.17
	Mercy Hospital Of Phila	266		\$28,161.42
	Mercy Hospital Of Pittsburgh	460		\$48,700.20
	Mercy Hospital Scranton	274		\$29,008.38
	Mercy Hospital Wilkes Barre	215		\$22,762.05
	Mercy Providence Hosp	145		\$15,351.15
	Mercy Suburban Hosp Norristown	131		\$13,868.97
	Metro Health Center	102		\$10,798.74
	Mid-Valley Hospital	40		\$4,234.80
	Millcreek Community Hosp	135		\$14,292.45
	Milton S Hershey Medical Ctr	504		\$53,358.48
	Miners Hospital	30		\$3,176.10
	Monongahela Valley Hosp	238		\$25,197.06
	Monsour Medical Center	139		\$14,715.93
	Montgomery Hospital	265		\$28,055.55
	Montrose General Hospital	32		\$3,387.84
	Moses Taylor	182		\$19,268.34
	Nason Hospital	42		\$4,446.54
	Nazareth Hospital	225		\$23,820.75
	Ohio Valley General Hosp	119		\$12,598.53
	Palmerton Hospital	70		\$7,410.90
	Parkview Hospital	181		\$19,162.47
	Pennsylvania Hosp Of The Univ Of Pa Health Sys	505		\$53,464.35
	Philipsburg Area Hospital	50		\$5,293.50
	Phoenixville Hospital Of The Uni Of Pa Hlth System	143		\$15,139.41
	Pinnacle Health System	613		\$64,898.31
	Pocono Medical Center	192		\$20,327.04
	Pottstown Memorial Medical Ctr	299		\$31,655.13
	Pottsville Hosp & Warne Clinic	246		\$26,044.02
	Presbyterian Medical Center Of The Univ Of Pa Health System	318		\$33,666.66
	Punxsutawney Area Hosp	49		\$5,187.63
	Reading Hosp And Medical Ctr	594		\$62,886.78

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<i>Type of Facility</i>	<i>Facility Name</i>	<i>Licensed Beds</i>	<i>Count</i>	<i>Surcharge Amount Due</i>
	Riddle Memorial Hosp	229		\$24,244.23
	Robert Packer Hospital	258		\$27,314.46
	Roxborough Memorial Hosp	115		\$12,175.05
	Sacred Heart Hospital	241		\$25,514.67
	Saint Vincent Health Center	413		\$43,724.31
	Sewickley Valley Hospital	191		\$20,221.17
	Shamokin Area Community Hosp	46		\$4,870.02
	Sharon Regional Health System	203		\$21,491.61
	Soldiers & Sailors Mem Hosp	83		\$8,787.21
	Somerset Hosp Ctr For Health	135		\$14,292.45
	St Agnes Medical Center	153		\$16,198.11
	St Clair Memorial Hosp	305		\$32,290.35
	St Francis Hosp Cranberry	35		\$3,705.45
	St Francis Medical Center	450		\$47,641.50
	St. Francis New Castle	142		\$15,033.54
	St Joseph Medical Ctr	309		\$32,713.83
	St Joseph's Hospital	146		\$15,457.02
	St Luke's Hospital Bethlehem	531		\$56,216.97
	St Luke's Quakertown Hosp	78		\$8,257.86
	St Mary Medical Ctr	287		\$30,384.69
	St. Luke's Miners Memorial Hospital	61		\$6,458.07
	Suburban General Hospital	154		\$16,303.98
	Sunbury Community Hosp	76		\$8,046.12
	Temple East	431		\$45,629.97
	Temple Lower Bucks Hosp	266		\$28,161.42
	Temple University Hospital	663		\$70,191.81
	Thomas Jefferson Univ Hosp	927		\$98,141.49
	Titusville Area Hospital	95		\$10,057.65
	Tyler Memorial Hospital	60		\$6,352.20
	Tyrone Hospital	59		\$6,246.33
	Uniontown Hospital	195		\$20,644.65
	United Community Hospital	95		\$10,057.65
	UPMC Bedford	59		\$6,246.33
	UPMC Braddock	163		\$17,256.81
	UPMC Horizon	313		\$33,137.31
	UPMC Lee Regional Hosp	244		\$25,832.28
	UPMC Mckeesport	187		\$19,797.69
	UPMC Northwest	255		\$26,996.85
	UPMC Passavant	270		\$28,584.90
	UPMC Presbyterian	1,047		\$110,845.89
	UPMC Shadyside	473		\$50,076.51
	UPMC South Side	181		\$19,162.47
	UPMC St Margaret	224		\$23,714.88
	Warminster Hospital	145		\$15,351.15
	Warren Dental Arts Hosp	6		\$635.22
	Warren General Hospital	89		\$9,422.43
	Washington Hospital	239		\$25,302.93

<i>Type of Facility</i>	<i>Facility Name</i>	<i>Licensed Beds</i>	<i>Count</i>	<i>Surcharge Amount Due</i>
	Wayne Memorial Hospital	98		\$10,375.26
	Waynesboro Hospital	62		\$6,563.94
	Western Pennsylvania Hospital	524		\$55,475.88
	Westmoreland Regional Hosp	302		\$31,972.74
	Williamsport Hospital & Med Ctr	241		\$25,514.67
	Wills Eye Hospital	115		\$12,175.05
	Windber Hospital	102		\$10,798.74
	WVHCS Hospital	415		\$43,936.05
	York Hospital	458		\$48,488.46
	<b>Acute Care Hospital Total Beds</b>	<b>41,821</b>	<b>182</b>	<b>\$4,427,589.27</b>
<b>Pediatric Hospitals</b>				
	Children's Home Of Pittsburgh	11		\$1,164.57
	Childrens Hospital Of Philadelphia	381		\$40,336.47
	Childrens Hospital Of Pittsburgh	235		\$24,879.45
	Children's Institute Of Pittsburgh	35		\$3,705.45
	Shriners Hospital For Children	59		\$6,246.33
	Shriners Hospitals For Children Erie	30		\$3,176.10
	St Christophers Hosp For Children	162		\$17,150.94
	Temple University Childrens Med Ctr	68		\$7,199.16
	<b>Pediatric Hospital Total Beds</b>	<b>981</b>	<b>8</b>	<b>\$103,858.47</b>
<b>Long-Term Acute Care Hospitals</b>				
	Allentown Specialty Hospital	32		\$3,387.84
	Healthsouth Rehab Hospital For Special Services	46		\$4,870.02
	Kindred Hospital—Delaware County	43		\$4,552.41
	Kindred Hospital—Philadelphia	52		\$5,505.24
	Kindred Hospital—Pittsburgh	63		\$6,669.81
	Mercy Special Care Hosp	94		\$9,951.78
	SCCI Hospital—Harrisburg	38		\$4,023.06
	SCCI Hospital Easton	31		\$3,281.97
	Select Specialty Hospital—Central Pennsylvania (Camp Hill)	31		\$3,281.97
	Select Specialty Hospital Of Greensburg	31		\$3,281.97
	Select Specialty Hospital Johnstown	39		\$4,128.93
	Select Specialty Hospital Philadelphia/Aemc	36		\$3,811.32
	Select Specialty Hospital Pittsburgh	41		\$4,340.67
	Select Specialty Hospital—Erie	35		\$3,705.45
	Sempercare Hospital Of Lancaster	30		\$3,176.10
	<b>Long-Term Acute Care Total Beds</b>	<b>642</b>	<b>15</b>	<b>\$67,968.54</b>
<b>Rehabilitation Hospitals</b>				
	Allied Svcs Institute Of Rehab	117		\$12,386.79
	Bryn Mawr Rehab Hospital	151		\$15,986.37
	Chestnut Hill Rehab Hospital	74		\$7,834.38
	Eagleville Hospital	100		\$10,587.00
	Geisinger Healthsouth Rehabilitation Hospital	40		\$4,234.80

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<i>Type of Facility</i>	<i>Facility Name</i>	<i>Licensed Beds</i>	<i>Count</i>	<i>Surcharge Amount Due</i>
	Good Shepherd Rehab Hosp	75		\$7,940.25
	Healthsouth Harmarville Rehab	202		\$21,385.74
	Healthsouth Rehab Hosp Of Altoona	70		\$7,410.90
	Healthsouth Rehab Hosp Of Erie Inc	108		\$11,433.96
	Healthsouth Rehab Hosp Of Greater Pitt	89		\$9,422.43
	Healthsouth Rehab Hosp Of Mechanicsburg	103		\$10,904.61
	Healthsouth Rehab Hosp Of Reading	76		\$8,046.12
	Healthsouth Rehab Hosp Of York	102		\$10,798.74
	Healthsouth Rehabilitation Hospital Of Sewickley	44		\$4,658.28
	John Heinz Institute Of Rehab	112		\$11,857.44
	Magee Rehab Hospital	96		\$10,163.52
	UPMC Rehabilitation Hosp	85		\$8,998.95
	Valley Forge Med Ctr & Hosp	50		\$5,293.50
	<b>Rehabilitation Hospital Total Beds</b>	<b>1,694</b>	<b>18</b>	<b>\$179,343.78</b>
<b>Total All Beds</b>		<b>45,318</b>	<b>229</b>	<b>\$4,797,816.66</b>

## ASF Procedure Rooms as of January 1, 2002

<i>Facility Name</i>	<i>Procedure Rooms</i>	<i>Count</i>	<i>Surcharge Amount Due</i>
Abington Surgical Center	7		\$741.09
Aestique Ambulatory	2		\$211.74
Amb. Surg. Ctr. At Bucks Co. (CHOP)	2		\$211.74
Ambulatory Surgery Center, New Kensington	2		\$211.74
Apple Hill	12		\$1,270.44
Berks Center for Digestive Health	3		\$317.61
Bucci Laser and Cataract Surgery Center	2		\$211.74
Carlisle Endoscopy	3		\$317.61
Carlisle Regional Surg Ctr	3		\$317.61
Center for Reproductive Surgery	2		\$211.74
Center for Same Day Surgery	4		\$423.48
Centre Community	4		\$423.48
Children's Hospital of Pittsburgh Outpatient Surg. Serv	3		\$317.61
CHOP ASF in Exton	2		\$211.74
CHS Ambulatory Surgery Center	4		\$423.48
Cumberland Surgery Center	1		\$105.87
Delaware Valley Laser Surgery Institute	2		\$211.74
Dermatologic Surgi Center of Drexel Hill	3		\$317.61
Dermatologic Surgi Center of Philadelphia	2		\$211.74
Dermatology and Cosmetic	1		\$105.87
Digestive Disease Institute	4		\$423.48
Digestive Health and Endoscopy	2		\$211.74
Doylestown Surgery Center	4		\$423.48
Einstein Surgery Center	4		\$423.48
Endoscopic Associates	3		\$317.61
Endoscopy Center of PA	4		\$423.48
Endoscopy USA York	3		\$317.61
Evangelical Ambulatory Surgery Center	5		\$529.35



<i>Facility Name</i>	<i>Procedure Rooms</i>	<i>Count</i>	<i>Surcharge Amount Due</i>
Exeter Surgery Center	4		\$423.48
Eye Surgery Center of Chester County	1		\$105.87
Fairgrounds Surgical Center	6		\$635.22
Foundation Surgery Center	2		\$211.74
Four Seasons Endoscopy Center	2		\$211.74
Gastrointestinal Specialists	2		\$211.74
Grandview Surgery and Laser	6		\$635.22
Grandview Surgery Center	2		\$211.74
Guthrie Clinic Ltd	4		\$423.48
Hamot Surgery Center	8		\$846.96
Hanover SurgiCenter	2		\$211.74
Harrisburg Endoscopy	4		\$423.48
Hazleton Ambulatory Surgical Center	2		\$211.74
Hazleton Endoscopy Center	1		\$105.87
Healthsouth Mount Pleasant	3		\$317.61
Healthsouth Surgery and Laser Center	3		\$317.61
Healthsouth Surgery Center Of Lancaster	6		\$635.22
Hillmont Endoscopy Center	2		\$211.74
Holy Redeemer Health System ASC	3		\$317.61
Indiana Surgical Associates	4		\$423.48
John A. Zitelli, M.D., P.C.	1		\$105.87
Kingston Surgery Center	2		\$211.74
Laurel Laser and Surgery Center	2		\$211.74
Leader Surgery Center	3		\$317.61
Lebanon Outpatient Surgery Ctr	4		\$423.48
Lehigh Plastic Surgery Center	1		\$105.87
Lowery Surgicenter	3		\$317.61
Main Line Surgery Center	2		\$211.74
Mercy Surgery Center	4		\$423.48
Mifflin County CommunitySurgery Center	2		\$211.74
Mt. Lebanon Surgery Center	1		\$105.87
NEI Surgery Center	2		\$211.74
North Shore Surgi-Center	2		\$211.74
Northeast Surgery Center (Lackawanna Physicians)	3		\$317.61
Northwood Surgery Center	3		\$317.61
Ophthalmology Surgery Center	3		\$317.61
Paoli ASF	4		\$423.48
Penn Surgery Institute	3		\$317.61
Pennsylvania Eye Surgery Ctr	2		\$211.74
Philadelphia Surgi-Center	2		\$211.74
Pocono Ambulatory Surgery Center	2		\$211.74
Progressive Surgery Institute	2		\$211.74
Reading Surgery Center	3		\$317.61
Riverview Surgery Center	4		\$423.48
Scranton Endoscopy Center	2		\$211.74
Sewickley Valley Hospital S.C.	4		\$423.48
Shadyside Surgery Center	1		\$105.87

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<i>Facility Name</i>	<i>Procedure Rooms</i>	<i>Count</i>	<i>Surcharge Amount Due</i>
Southwestern Ambulatory	4		\$423.48
Southwestern PA Eye Center	2		\$211.74
St. Vincent Surgery Center	5		\$529.35
Summit Surgery Center	6		\$635.22
Surgery and Laser Center LLC	4		\$423.48
Surgery Center of Bucks County	2		\$211.74
Surgery Center of Chester County	3		\$317.61
Surgery Center of York	5		\$529.35
Surgical Specialty Center of NEPA	3		\$317.61
Susquehanna Surgery Center	2		\$211.74
Susquehanna Valley Surgery Ctr	7		\$741.09
The Eye Surgery Center	2		\$211.74
The Sally Balin	2		\$211.74
The Surgi-Center at Ligonier	1		\$105.87
Three Rivers Endoscopy Center	3		\$317.61
Tri-County Outpatient	2		\$211.74
Twin Rivers Endoscopy	1		\$105.87
UPMC Monroeville	3		\$317.61
Valley Surgery Center	4		\$423.48
Valley View	2		\$211.74
Village Surgicenter	6		\$635.22
Western Pennsylvania	5		\$529.35
West Shore Endoscopy	4		\$423.48
West Shore Surgery Center	8		\$846.96
Westfield Surgery Center	2		\$211.74
Wills Surgery Center—South Philadelphia	2		\$211.74
Wills Surgery Center of Plymouth Meeting	2		\$211.74
Wills Surgery Center of the Northeast	3		\$317.61
York Endoscopy	2		\$211.74
Zitelli South Ambulatory	1		\$105.87
<b>Total All ASF</b>	<b>325</b>	<b>105</b>	<b>\$34,407.75</b>

**Private Psychiatric Beds as of January 1, 2002**

<i>Name of Facility</i>	<i>Licensed Beds</i>	<i>Count</i>	<i>Surcharge Amount Due</i>
Belmont Center for Comprehensive Treatment	147		\$15,562.89
Clarion Psychiatric Center	52		\$5,505.24
Devereux Mapleton Psychiatric Institute	33		\$3,493.71
Eugenia Hospital	126		\$13,339.62
Fairmount Behavioral Health System	140		\$14,821.80
First Hospital Wyoming Valley	96		\$10,163.52
Foundations Behavioral Health	54		\$5,716.98
Friends Hospital	192		\$20,327.04
Kidspace Hospital	80		\$8,469.60
Kirkbride Center	74		\$7,834.38
Montgomery County MH/MR Emergency Service	63		\$6,669.81
Northwestern Institute of Psychiatry	146		\$15,457.02
Philhaven Hospital	83		\$8,787.21

<i>Name of Facility</i>	<i>Licensed Beds</i>	<i>Count</i>	<i>Surcharge Amount Due</i>
Southwood Psychiatric Hospital	21		\$2,223.27
St John Vianney Hospital	54		\$5,716.98
The Horsham Clinic	146		\$15,457.02
The Meadows Psychiatric Center	69		\$7,305.03
<b>Total All ASF</b>	<b>1,576</b>	<b>17</b>	<b>\$166,851.12</b>

#### Birth Centers as of January 1, 2002

<i>Facility Name</i>	<i>Birth Rooms</i>	<i>Count</i>	<i>Surcharge Amount Due</i>
Birth Care & Family Health Services	2		\$211.74
The Birth Center	2		\$211.74
Reading Birth & Women's Center	2		\$211.74
The Birth Place	1		\$105.87
Valley Birthplace	1		\$105.87
<b>Total All Birth Centers</b>	<b>8</b>	<b>5</b>	<b>\$846.96</b>

Persons with a disability who require an alternative format of this document (for example, large print, audiotape or Braille) should contact the Division of Acute and Ambulatory Care at the previously listed address or phone number, or V/TT (717) 783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Services at (800) 654-5984.

ROBERT S. ZIMMERMAN, Jr.,  
Secretary

[Pa.B. Doc. No. 02-1847. Filed for public inspection October 18, 2002, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Blizzard Bingo Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Blizzard Bingo.

2. *Price:* The price of a Pennsylvania Blizzard Bingo instant lottery game ticket is \$3.00.

3. *Play Symbols:* Each Pennsylvania Blizzard Bingo instant lottery game ticket will contain six play areas designated as "Card 1," "Card 2," "Card 3," "Card 4," "Card 5" and "Card 6." The 77 play symbols located in the six play areas are: The numbers 1 through 75, FREE and a Snowflake Symbol. Each ticket will also contain a "Caller's Card" area. The "Caller's Card" area will consist of 30 squares in a 3 x 10 grid. The play symbols that may be located in each square are: The letter B with a number 1 through 15; the letter I with a number 16 through 30; the letter N with a number 31 through 45; the letter G with a number 46 through 60; and the letter O with a number 61 through 75.

4. *Prizes:* The prizes that can be won in this game are \$3, \$5, \$9, \$15, \$30, \$45, \$60, \$90, \$120, \$150, \$300, \$1,000, \$3,000 and \$30,000. The player can win up to six times on a ticket.

5. *Approximate Number of Tickets Printed for the Game:* Approximately 2,400,000 tickets will be printed for the Pennsylvania Blizzard Bingo instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets matching the "Caller's Card" play symbols in an "X" extending through the "FREE" space and through to each of the four corners on "Card 6," shall be entitled to a prize of \$30,000.

(b) Holders of tickets matching the "Caller's Card" play symbols in an "X" extending through the "FREE" space and through to each of the four corners with one of the spaces in the "X" pattern containing a "Snowflake Symbol," on "Card 4" or "Card 5," shall be entitled to a prize of \$3,000.

(c) Holders of tickets matching the "Caller's Card" play symbols in an "X" extending through the "FREE" space and through to each of the four corners on "Card 4" or "Card 5," shall be entitled to a prize of \$1,000.

(d) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 6," shall be entitled to a prize of \$300.

(e) Holders of tickets matching the "Caller's Card" play symbols in an "X" extending through the "FREE" space and through to each of the four corners on "Card 2" or "Card 3," shall be entitled to a prize of \$300.

(f) Holders of tickets matching the "Caller's Card" play symbols in an "X" extending through the "FREE" space and through to each of the four corners on "Card 1," shall be entitled to a prize of \$150.

(g) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 4" or "Card 5," shall be entitled to a prize of \$120.

(h) Holders of tickets matching the "Caller's Card" play symbols in the four corners with one of the four corners

containing a "Snowflake Symbol," on "Card 2," "Card 3" or "Card 4," shall be entitled to a prize of \$90.

(i) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns with one of the spaces in the diamond pattern containing a "Snowflake Symbol," on "Card 1," shall be entitled to a prize of \$90.

(j) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 5" or "Card 6," shall be entitled to a prize of \$60.

(k) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 2" or "Card 3," shall be entitled to a prize of \$60.

(l) Holders of tickets matching the "Caller's Card" play symbols in the four corners with one of the four corners containing a "Snowflake Symbol," on "Card 1," shall be entitled to a prize of \$45.

(m) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 2," "Card 3" or "Card 4," shall be entitled to a prize of \$30.

(n) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 1," shall be entitled to a prize of \$30.

(o) Holders of tickets matching the "Caller's Card" play

symbols in a five space horizontal, vertical or diagonal line with one of the five spaces in the line containing a "Snowflake Symbol," on "Card 4," "Card 5" or "Card 6," shall be entitled to a prize of \$15.

(p) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 1," shall be entitled to a prize of \$15.

(q) Holders of tickets matching the "Caller's Card" play symbols in a five space horizontal, vertical or diagonal line with one of the five spaces in the line containing a "Snowflake Symbol," on "Card 1," "Card 2" or "Card 3," shall be entitled to a prize of \$9.

(r) Holders of tickets matching the "Caller's Card" play symbols in a five space horizontal, vertical or diagonal line on "Card 4," "Card 5" or "Card 6," shall be entitled to a prize of \$5.

(s) Holders of tickets matching the "Caller's Card" play symbols in a five space horizontal, vertical or diagonal line on "Card 1," "Card 2" or "Card 3," shall be entitled to a prize of \$3.

(t) A player may win more than one prize on a ticket; however, the player cannot win more than one prize on each "Card."

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 2,400,000 Tickets</i>
Line Card 1	\$3	1:16.95	141,600
Line Card 2	\$3	1:17.24	139,200
Line Card 3	\$3	1:17.24	139,200
Line Card 4	\$5	1:100	24,000
Line Card 5	\$5	1:100	24,000
Line Card 6	\$5	1:100	24,000
Line Card 1 + Line Card 4	\$8	1:250	9,600
Line Card 2 + Line Card 6	\$8	1:333.33	7,200
Line Card 3 + Line Card 5	\$8	1:333.33	7,200
Line Card 1 (Snowflake Symbol)	\$9	1:58.82	40,800
Line Card 2 (Snowflake Symbol)	\$9	1:58.82	40,800
Line Card 3 (Snowflake Symbol)	\$9	1:62.50	38,400
Line Card 4 + Line Card 5	\$10	1:500	4,800
Line Card 4 + Line Card 6	\$10	1:1,000	2,400
Line Card 5 + Line Card 6	\$10	1:1,000	2,400
4 Corners Card 1	\$15	1:1,000	2,400
Line Card 4 + Line Card 5 + Line Card 6	\$15	1:1,000	2,400
Line Card 4 (Snowflake Symbol)	\$15	1:1,000	2,400
Line Card 5 (Snowflake Symbol)	\$15	1:1,000	2,400
Line Card 6 (Snowflake Symbol)	\$15	1:1,000	2,400
4 Corners Card 1 + Line Card 3	\$18	1:500	4,800
Line Card 1 + Line Card 2 + Line Card 3 + Line Card 4 + Line Card 5 + Line Card 6	\$24	1:1,000	2,400
4 Corners Card 1 + Line Card 4 + Line Card 6	\$25	1:500	4,800
Diamond Card 1	\$30	1:2,400	1,000
4 Corners Card 2	\$30	1:2,400	1,000
4 Corners Card 3	\$30	1:2,400	1,000
4 Corners Card 4	\$30	1:2,400	1,000
4 Corners Card 1 + Line Card 4 + Line Card 5 + Line Card 6	\$30	1:2,400	1,000
Line Card 5 (Snowflake Symbol) + Line Card 6 (Snowflake Symbol)	\$30	1:300	8,000
4 Corners Card 1 + 4 Corners Card 4	\$45	1:4,800	500
4 Corners Card 1 (Snowflake Symbol)	\$45	1:1,600	1,500

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 2,400,000 Tickets</i>
4 Corners Card 2 + Line Card 4 + Line Card 5 + Line Card 6	\$45	1:4,800	500
Diamond Card 2	\$60	1:10,000	240
Diamond Card 3	\$60	1:10,000	240
4 Corners Card 5	\$60	1:10,000	240
4 Corners Card 6	\$60	1:10,000	240
Diamond Card 1 + 4 Corners Card 4	\$60	1:10,000	240
4 Corners Card 1 + 4 Corners Card 2 + Line Card 4 + Line Card 5 + Line Card 6	\$60	1:8,000	300
4 Corners Card 4 + 4 Corners Card 6	\$90	1:40,000	60
Diamond Card 2 + 4 Corners Card 4	\$90	1:40,000	60
Diamond Card 1 (Snowflake Symbol)	\$90	1:15,000	160
4 Corners Card 2 (Snowflake Symbol)	\$90	1:15,000	160
4 Corners Card 3 (Snowflake Symbol)	\$90	1:15,000	160
4 Corners Card 4 (Snowflake Symbol)	\$90	1:15,000	160
Diamond Card 4	\$120	1:30,000	80
Diamond Card 5	\$120	1:30,000	80
Diamond Card 2 + 4 Corners Card 6	\$120	1:15,000	160
Diamond Card 1 + 4 Corners Card 2 + 4 Corners Card 3 + 4 Corners Card 4	\$120	1:8,571	280
X Card 1	\$150	1:60,000	40
4 Corners Card 3 + Diamond Card 5	\$150	1:20,000	120
X Card 2	\$300	1:120,000	20
X Card 3	\$300	1:120,000	20
Diamond Card 6	\$300	1:120,000	20
X Card 1 + 4 Corners Card 3 + Diamond Card 5	\$300	1:60,000	40
X Card 1 + X Card 2	\$450	1:60,000	40
X Card 3 + Diamond Card 5 + 4 Corners Card 4	\$450	1:60,000	40
X Card 4	\$1,000	1:120,000	20
X Card 5	\$1,000	1:120,000	20
X Card 4 (Snowflake Symbol)	\$3,000	1:240,000	10
X Card 5 (Snowflake Symbol)	\$3,000	1:240,000	10
X Card 6	\$30,000	1:400,000	6

Snowflake = Triples the prize

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Blizzard Bingo instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Blizzard Bingo, prize money from winning Pennsylvania Blizzard Bingo instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Blizzard Bingo instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote

Pennsylvania Blizzard Bingo or through normal communications methods.

LARRY P. WILLIAMS,  
*Secretary*

[Pa.B. Doc. No. 02-1848. Filed for public inspection October 18, 2002, 9:00 a.m.]

### Pennsylvania Merry Money Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Merry Money.

2. *Price:* The price of a Pennsylvania Merry Money instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Merry Money instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: \$1.<sup>00</sup> (ONE DOL), \$2.<sup>00</sup> (TWO DOL), \$3.<sup>00</sup> (THR DOL), \$5.<sup>00</sup> (FIV DOL), \$10.<sup>00</sup> (TEN DOL), \$15\$ (FIFTN), \$30\$ (THIRTY), \$50\$ (FIFTY), \$100 (ONE HUN) and \$500 (FIV HUN).

4. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$5, \$10, \$15, \$30, \$50, \$100 and \$500.

5. *Approximate Number of Tickets Printed for the Game:* Approximately 16,080,000 tickets will be printed for the Pennsylvania Merry Money instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols of \$500 (FIV HUN) in the play area on a single ticket, shall be entitled to a prize of \$500.

(b) Holders of tickets with three matching play symbols of \$100 (ONE HUN) in the play area on a single ticket, shall be entitled to a prize of \$100.

(c) Holders of tickets with three matching play symbols of \$50\$ (FIFTY) in the play area on a single ticket, shall be entitled to a prize of \$50.

(d) Holders of tickets with three matching play symbols of \$30\$ (THIRTY) in the play area on a single ticket, shall be entitled to a prize of \$30.

(e) Holders of tickets with three matching play symbols of \$15\$ (FIFTN) in the play area on a single ticket, shall be entitled to a prize of \$15.

(f) Holders of tickets with three matching play symbols of \$10<sup>.00</sup> (TEN DOL) in the play area on a single ticket, shall be entitled to a prize of \$10.

(g) Holders of tickets with three matching play symbols of \$5<sup>.00</sup> (FIV DOL) in the play area on a single ticket, shall be entitled to a prize of \$5.

(h) Holders of tickets with three matching play symbols of \$3<sup>.00</sup> (THR DOL) in the play area on a single ticket, shall be entitled to a prize of \$3.

(i) Holders of tickets with three matching play symbols of \$2<sup>.00</sup> (TWO DOL) in the play area on a single ticket, shall be entitled to a prize of \$2.

(j) Holders of tickets with three matching play symbols of \$1<sup>.00</sup> (ONE DOL) in the play area on a single ticket, shall be entitled to a prize of \$1.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 16,080,000 Tickets</i>
3-\$1	\$1	1:6.19	2,599,600
3-\$2	\$2	1:20	804,000
3-\$3	\$3	1:60	268,000
3-\$5	\$5	1:60	268,000
3-\$10	\$10	1:71.43	255,120
3-\$15	\$15	1:600	26,800
3-\$30	\$30	1:1,778	9,045
3-\$50	\$50	1:3,200	5,025
3-\$100	\$100	1:30,000	536
3-\$500	\$500	1:120,000	134

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Merry Money instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Merry Money, prize money from winning Pennsylvania Merry Money instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Merry Money instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote

Pennsylvania Merry Money or through normal communications methods.

LARRY P. WILLIAMS,  
*Secretary*

[Pa.B. Doc. No. 02-1849. Filed for public inspection October 18, 2002, 9:00 a.m.]

**Pennsylvania Treasures Under the Tree Instant Lottery Game**

Under the State Lottery Law (72 P. S. §§ 3761—101-3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Treasures Under the Tree.

2. *Price:* The price of a Pennsylvania Treasures Under the Tree instant lottery game ticket is \$3.00.

3. *Play Symbols:* Each Pennsylvania Treasures Under the Tree instant lottery game ticket will contain one play area featuring a “Tree Numbers” area and a “Gift Numbers” area. The play symbols and their captions located in the “Tree Numbers” area and the “Gift Numbers” area

are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THR TN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Gift Numbers" area are: \$1.<sup>00</sup> (ONE DOL), \$3.<sup>00</sup> (THR DOL), \$6.<sup>00</sup> (SIX DOL), \$9.<sup>00</sup> (NIN DOL), \$12\$ (TWELV), \$15\$ (FIFTN), \$18\$ (EGHTN), \$24\$ (TWY FOR), \$30\$ (THIRTY), \$36\$ (TRY SIX), \$60\$ (SIXTY), \$300 (THR HUN) and \$30,000 (TRY THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$3, \$6, \$9, \$12, \$15, \$18, \$24, \$30, \$36, \$60, \$300 and \$30,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 4,320,000 tickets will be printed for the Pennsylvania Treasures Under the Tree instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Gift Numbers" play symbols matches any of the "Tree Numbers" play symbols and a prize play symbol of \$30,000 (TRY THO) appears under the matching "Gift Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$30,000.

(b) Holders of tickets upon which any one of the "Gift Numbers" play symbols matches any of the "Tree Numbers" play symbols and a prize play symbol of \$300 (THR HUN) appears under the matching "Gift Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$300.

(c) Holders of tickets upon which any one of the "Gift Numbers" play symbols matches any of the "Tree Numbers" play symbols and a prize play symbol of \$60\$ (SIXTY) appears under the matching "Gift Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$60.

(d) Holders of tickets upon which any one of the "Gift Numbers" play symbols matches any of the "Tree Numbers" play symbols and a prize play symbol of \$36\$ (TRY SIX) appears under the matching "Gift Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$36.

(e) Holders of tickets upon which any one of the "Gift Numbers" play symbols matches any of the "Tree Numbers" play symbols and a prize play symbol of \$30\$ (THIRTY) appears under the matching "Gift Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(f) Holders of tickets upon which any one of the "Gift

Numbers" play symbols matches any of the "Tree Numbers" play symbols and a prize play symbol of \$24\$ (TWY FOR) appears under the matching "Gift Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$24.

(g) Holders of tickets upon which any one of the "Gift Numbers" play symbols matches any of the "Tree Numbers" play symbols and a prize play symbol of \$18\$ (EGHTN) appears under the matching "Gift Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$18.

(h) Holders of tickets upon which any one of the "Gift Numbers" play symbols matches any of the "Tree Numbers" play symbols and a prize play symbol of \$15\$ (FIFTN) appears under the matching "Gift Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(i) Holders of tickets upon which any one of the "Gift Numbers" play symbols matches any of the "Tree Numbers" play symbols and a prize play symbol of \$12\$ (TWELV) appears under the matching "Gift Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$12.

(j) Holders of tickets upon which any one of the "Gift Numbers" play symbols matches any of the "Tree Numbers" play symbols and a prize play symbol of \$9.<sup>00</sup> (NIN DOL) appears under the matching "Gift Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$9.

(k) Holders of tickets upon which any one of the "Gift Numbers" play symbols matches any of the "Tree Numbers" play symbols and a prize play symbol of \$6.<sup>00</sup> (SIX DOL) appears under the matching "Gift Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(l) Holders of tickets upon which any one of the "Gift Numbers" play symbols matches any of the "Tree Numbers" play symbols and a prize play symbol of \$3.<sup>00</sup> (THR DOL) appears under the matching "Gift Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(m) Holders of tickets upon which any one of the "Gift Numbers" play symbols matches any of the "Tree Numbers" play symbols and a prize play symbol of \$1.<sup>00</sup> (ONE DOL) appears under the matching "Gift Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

*When Any Of The Gift Numbers Match Any Of The Tree Numbers Win With Prize(s) Of:*

<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 4,320,000 Tickets</i>
\$1 × 3	1:11.11	388,800
\$3	1:11.76	367,200
\$1 × 6	1:33.33	129,600
\$3 × 2	1:33.33	129,600
\$6	1:50	86,400
\$1 × 9	1:500	8,640
\$3 × 3	1:500	8,640
\$9	1:1,000	4,320

*When Any Of The Gift Numbers Match Any Of The Tree Numbers Win With Prize(s) Of:*

<i>Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 4,320,000 Tickets</i>
\$3 × 4	\$12	1:500	8,640
\$6 × 2	\$12	1:1,000	4,320
\$12	\$12	1:500	8,640
\$3 × 5	\$15	1:250	17,280
\$12 + \$3	\$15	1:500	8,640
\$15	\$15	1:250	17,280
\$3 × 10	\$30	1:125	34,560
\$6 × 5	\$30	1:333.33	12,960
\$15 × 2	\$30	1:1,000	4,320
\$18 + \$12	\$30	1:1,000	4,320
\$24 + \$6	\$30	1:1,000	4,320
\$30	\$30	1:166.67	25,920
\$6 × 6	\$36	1:30,000	144
\$9 × 4	\$36	1:30,000	144
\$12 × 3	\$36	1:40,000	108
\$18 × 2	\$36	1:40,000	108
\$36	\$36	1:40,000	108
\$6 × 10	\$60	1:120,000	36
\$12 × 5	\$60	1:120,000	36
\$15 × 4	\$60	1:120,000	36
\$30 × 2	\$60	1:120,000	36
\$60	\$60	1:120,000	36
\$30 × 10	\$300	1:480,000	9
\$60 × 5	\$300	1:720,000	6
\$300	\$300	1:720,000	6
\$30,000	\$30,000	1:1,440,000	3

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Treasures Under the Tree instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Treasures Under the Tree, prize money from winning Pennsylvania Treasures Under the Tree instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Treasures Under the Tree instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Treasures Under the Tree or through normal communications methods.

LARRY P. WILLIAMS,  
*Secretary*

[Pa.B. Doc. No. 02-1850. Filed for public inspection October 18, 2002, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Finding Bucks County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Secretary of Transportation makes the following written finding:

The Department of Transportation (Department) plans to reconstruct the intersection of Woodbourne Road (SR 2033) and Langhorne-Yardley Road (SR 2049) in the Village of Maple Point, Middletown Township, Bucks County, PA.

The intersection consists of east-west route, Langhorne-Yardley Road, and north-south route, Woodbourne Road. This project is an upgrading of the currently signalized intersection and widening of all four approaches to accommodate new left-turn lanes in each of the approaches.

This project will use portions of three Section 4(f) resources located within the limits of work of the project. They are: 1) Maple Point School, using a crescent-shaped sliver parcel at the northeast quadrant of the intersection and containing approximately 0.08 ha (0.196 acre); 2) Hammock Villa, known historically as the James Wildman House, occupying a lot at 1780 Langhorne-Yardley Road, approximately 300 feet southwest of the intersection, using a sliver parcel parallel to Langhorne-Yardley Road and containing approximately 0.01 ha (0.020 acre); and 3) Core Creek County Park located in the northwest quadrant of the intersection, using a sliver parcel parallel to Woodbourne Road from the intersection to approximately 300 feet north of the intersection containing approximately 0.09 ha (0.220 acre).



The Pennsylvania Historical and Museum Commission has stated in a letter dated November 3, 1995, that this project will have an adverse effect on the Maple Point School and that this project will have no adverse effect on Hammock Villa, known historically as the James Wildman House.

Impacts to the resources will be mitigated by protecting the Maple Point School frontage and the intact foundation walls of the octagonal school by placing a 32 inch high concrete barrier at the corner radius of the property. Hammock Villa will receive concrete curbing along Langhorne-Yardley Road to preclude intrusion of motorists. Areas of disturbance on Hammock Villa will be graded, and grass will be planted after construction. Core Creek County Park, located parallel to Woodbourne Road, will involve three mitigation measures.

- Heavy equipment and construction staging will be restricted from the site.
- Landscaping will be used to minimize visual impacts.
- The Department, the National Park Service and the Bucks County Department of Parks and Recreation will coordinate the replacement of park property.

The project is being designed to be aesthetically compatible with the surrounding Maple Point Historic District, and it will not substantially impair protected attributes or contributing elements of these adjacent cultural resources.

The Secretary has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 and has concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize the effect. No adverse environmental effect is likely to result from the construction of this project.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 02-1851. Filed for public inspection October 18, 2002, 9:00 a.m.]

## GOVERNOR'S OFFICE

### Governor's Commission on Abandoned Mine Voids and Mine Safety Public Hearing

The Governor's Commission on Abandoned Mine Voids and Mine Safety (Commission) has scheduled two public hearings to assist the Commission in gathering information to develop recommendations on improvements to underground mining practices and miner safety within this Commonwealth. The Commission's mission, as established by Executive Order No. 2002-10, is "to investigate and document the hazards posed by abandoned mine voids, in particular the flooding of adjacent operating mines, and to make recommendations regarding the accurate location of voids and avoidance of other hazards associated with mining."

The hearings will be held at the Ramada Inn, 215 Ramada Dr., Somerset, PA. The first hearing will be held Tuesday, October 22, 2002, from 7 p.m. to 9 p.m. and the second hearing will be held Wednesday, October 23, 2002, at 9 a.m. Members of the public may present relevant testimony at either hearing. To guarantee a place on the agenda, interested parties are requested to preregister by

submitting their names and affiliation, if applicable, to Thomas Callaghan by fax at (717) 783-4675 or e-mail [tcallaghan@state.pa.us](mailto:tcallaghan@state.pa.us). Interested parties may also register at the hearing. However, persons who pre-register will be permitted to testify first. The time allotted for testimony will be limited based on the number of persons registering to testify.

The agenda and meeting materials will be available through the Department of Environmental Protection's (Department) Public Participation Center on the Department's website at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Heather Dwilet at (717) 783-8727 or through the Pennsylvania AT&T Relay Service (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

RAJA V. RAMANI, PhD., P.E., CMSP,  
*Chairperson*

[Pa.B. Doc. No. 02-1852. Filed for public inspection October 18, 2002, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). To obtain a copy of the regulation, contact the promulgating agency.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
57-225	Pennsylvania Public Utility Commission Street Railway Transportation	10/3/02
16A-424	State Board of Barber Examiners Standards for Disinfection and Sanitation	10/3/02
16A-695	State Board of Social Workers, Marriage and Family Therapists and Professional Counselors Fees	10/3/02
16A-6310	State Board of Psychology Computerized Examinations	10/3/02
7-375	Environmental Quality Board Water Quality Standards Implementation—Chloride and Sulfate	10/8/02
7-364	Environmental Quality Board Hazardous Waste Management	10/8/02
7-374	Environmental Quality Board Great Lakes Initiative	10/8/02
6-274	Professional Standards and Practices Commission Definitions of Statutory Terms	10/8/02

<i>Final-Omit Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
54-58	Liquor Control Board Chapter 9, Transportation, Importation, Disposition and Storage	10/3/02

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 02-1853. Filed for public inspection October 18, 2002, 9:00 a.m.]

## INSURANCE DEPARTMENT

Nancy Best; Prehearing

### Appeal of Nancy Best under 40 P. S. §§ 991.2101— 991.2193; Doc. No. HC02-09-020

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

A prehearing telephone conference initiated by this office is scheduled for November 12, 2002, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before October 18, 2002. A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference.

At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

No prehearing memoranda or other written submissions are required for the prehearing telephone/settlement conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

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

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-1854. Filed for public inspection October 18, 2002, 9:00 a.m.]

### Disclosure of Departures from Statutory Accounting Principles; Notice No. 2002-11

This document supersedes the notice published at 31 Pa.B. 6588 (December 1, 2001) and shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

The National Association of Insurance Commissioners (NAIC) adopted codified statutory accounting principles in March 1998. By Insurance Department Notice Nos. 1998-04 and 2000-02, all types of domestic insurers were advised of the requirement to adhere to the NAIC's codified *Accounting Practices and Procedures Manual* (Manual) in preparing financial statements to be filed with the Insurance Department (Department) beginning with quarterly financial statements filed as of March 31, 2001. The Manual is not intended to preempt the legislative and regulatory authority of the states. It is intended to establish a comprehensive basis of accounting to be recognized and adhered to if not in conflict with the statutes or regulations of an insurer's domiciliary state (for example, state laws relating to permissible investments) or when the domiciliary state's statutes and regulations are silent.

This notice is to advise all domestic insurers that the Department has identified the following Commonwealth laws and regulations relating to statutory financial statement presentation that may require disclosure as a departure from the Manual in the notes to financial statements and certified public accountant (CPA) audit reports<sup>1</sup>:

#### *Commonwealth Laws and Regulations*

31 Pa. Code Chapter 116 (relating to discounting of workers' compensation loss reserves)

31 Pa. Code Chapter 118 (relating to discounting of medical malpractice loss reserves)

31 Pa. Code Chapter 84a (relating to minimum reserve standards for individual and group health and accident insurance contracts)

31 Pa. Code § 73.138 (relating to financial statement reserves)

Sections 322.1 and 809 of The Insurance Company Law of 1921 (40 P. S. §§ 445.1 and 919) and 31 Pa. Code Chapter 105 (relating to advances made to companies (other than Mutual Life))

#### *NAIC Statements of Statutory Accounting Principles (SSAP) and Appendices*

SSAP No. 55 Unpaid Claims, Losses and Loss Adjustment Expenses and SSAP No. 65 Property and Casualty Contracts

SSAP No. 55 Unpaid Claims, Losses and Loss Adjustment Expenses and SSAP No. 65 Property and Casualty Contracts

SSAP No. 54 Individual and Group Accident and Health Contracts and Appendix A-010 Minimum Reserve Standards for Individual and Group Health Insurance Contracts

SSAP No. 59 Credit Life and Accident and Health Insurance Contracts

SSAP No. 41 Surplus Notes

<sup>1</sup> See SSAP No. 1, Disclosure of Accounting Policies, Risks & Uncertainties, and Other Disclosures in the NAIC Manual.

*Commonwealth Laws and Regulations*

Section 1405 of The Insurance Company Law of 1921 (40 P. S. § 991.1405)

31 Pa. Code §§ 89.901—89.921

Sections 714—716 of The Insurance Company Law of 1921 (40 P. S. §§ 910-14—910-16)

Section 661 of The Insurance Company Law of 1921 (40 P. S. § 832)

Section 1008 of The Insurance Company Law of 1921 (40 P. S. § 968)

31 Pa. Code § 161.8 (relating to credit for reinsurance ceded to alien nonaffiliated insurers which write no primary coverages in the United States)

Department Notice No. 94-14—Separate Account Modified Guaranteed Life Insurance

31 Pa. Code § 161.6 (relating to revocation of reinsurer qualification)

31 Pa. Code Chapter 84c (relating to valuation of life insurance policies)

The laws and regulations referenced in this notice are not intended to be an all-inclusive list. This notice is intended only to provide general guidance in the review of Commonwealth laws and regulations for purposes of required disclosures in financial statements and CPA audit reports. Questions concerning this notice may be directed to Stephen J. Johnson, CPA, Deputy Insurance Commissioner, Office of Regulation of Companies, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 783-2142, fax: (717) 787-8557, e-mail: stjohanson@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-1855. Filed for public inspection October 18, 2002, 9:00 a.m.]

**Pamela Eileen Garrett; Hearing****License Denial; Doc. No. AG02-08-025**

A hearing shall occur on November 6, 2002, at 10 a.m. in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North 7th Street, Harrisburg, PA 17102.

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

If either the petitioner or Insurance Department desires to introduce any witness or document in addition to those identified during the prehearing telephone conference, any witness or document must be identified in writing and the information supplied to the opposing party no later than October 30, 2002. Failure to supply this information in writing to the opposing party by this date may result in the preclusion of the unidentified witness or document at the hearing.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodations to

*NAIC Statements of Statutory Accounting Principles (SSAP) and Appendices*

Appendix A-440 Insurance Holding Companies

Appendix A-641 Long-Term Care Insurance

SSAP No. 57 Title Insurance and Appendix A-628 Title Insurance

SSAP No. 55 Unpaid Claims, Losses and Loss Adjustment Expenses and SSAP No. 65 Property and Casualty Contracts

SSAP No. 53 Property Casualty Contracts—Premiums

SSAP No. 62 Property and Casualty Reinsurance

Appendix A—588 Modified Guaranteed Life Insurance

Appendix A—785 Credit for Reinsurance (9.e.)

Appendix A—822 Asset Adequacy Analysis Requirements (effective September 11, 2002)

participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-1856. Filed for public inspection October 18, 2002, 9:00 a.m.]

**Pennsylvania National Mutual Casualty Insurance Company; Homeowners Insurance Rate and Rule Revision**

On October 1, 2002, the Insurance Department (Department) received from Pennsylvania National Mutual Casualty Insurance Company a filing for a proposed rate level and rule change for homeowners insurance.

The company requests an overall 6.5% increase amounting to \$937,000 annually, to be effective January 1, 2003.

Unless formal administrative action is taken prior to November 30, 2002, 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 Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie, PA.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, e-mail: xlu@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 02-1857. Filed for public inspection October 18, 2002, 9:00 a.m.]

### **Pennsylvania National Mutual Casualty Insurance Company; Private Passenger Auto Insurance Rate and Rule Revision**

On October 1, 2002, the Insurance Department (Department) received from Pennsylvania National Mutual Casualty Insurance Company a filing for a proposed rate level and rule change for private passenger auto insurance.

The company requests an overall 6.0% increase amounting to \$3.05 million annually, to be effective January 1, 2003.

Unless formal administrative action is taken prior to November 30, 2002, 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 Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie, PA.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, e-mail: xlu@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 02-1858. Filed for public inspection October 18, 2002, 9:00 a.m.]

### **Proper Reporting of Uncovered Medical Liabilities and Expenses (Uncovered Claims); Notice No. 2002-10**

The Insurance Department (Department) has reviewed how Commonwealth health maintenance organizations (HMO) report covered versus uncovered claims in financial statements filed with the Department. This notice is being issued to emphasize the importance of proper reporting of liabilities and expenses for uncovered claims and to highlight certain reporting and regulatory requirements relating to those liabilities and expenses.

Generally, covered claims are liabilities and expenses associated with services provided within an HMO's provider network and uncovered claims are liabilities and expenses for care provided by nonparticipating or out-of-network providers. For example, an uncovered claim can occur when a subscriber requires emergency care for an injury suffered when on vacation outside of this Common-

wealth. Proper reporting of covered versus uncovered claims is particularly significant for the following reasons:

1. Amounts reported as uncovered claims are used to determine whether an HMO is in compliance with minimum net worth requirements. Specifically, HMOs are required to have minimum net worth equal to the greater of \$1 million<sup>1</sup> or 3 months uncovered health care expenditures for Commonwealth enrollees as reported in the HMO's most recent financial statement filed with the Department. See 31 Pa. Code §§ 301.121 and 301.202 (relating to protections against insolvency; and financial requirements—point-of-service products).

2. Subscribers may be held responsible for payment of services provided by nonparticipating or out-of-network providers (uncovered claims) if an HMO becomes insolvent. Only participating or network providers are required to enter into "hold harmless" agreements whereby the providers agree not to bill or hold subscribers responsible if the HMO does not pay for contracted services. See 31 Pa. Code § 301.122 (relating to hold harmless).

Additionally, section 11 of the Health Maintenance Organization Act (40 P. S. § 1561) requires HMOs to prepare and file financial statements as prescribed by the Department. The Department requires HMOs to adhere to the financial statement instructions and accounting practices and procedures adopted by the National Association of Insurance Commissioners (NAIC). The NAIC's *Health Annual Statement Instructions* define liabilities for uncovered claims as follows:

*Include:* The liabilities for the costs to the reporting entity for health care services that are the obligation of the reporting entity, for which an enrollee may also be liable in the event of the reporting entity's insolvency and for which no alternative arrangements have been made that are acceptable to the commissioner (director). These costs will vary in type and amount, depending on the arrangements of the reporting entity. They may include out-of-area services, referral services and hospital services.

*Exclude:* Services when a provider has agreed not to bill the enrollee even though the provider is not paid by the reporting entity. Services that are guaranteed, insured or assumed by a person or organization other than the reported entity.

Therefore, chief financial officers and other persons determining how to calculate and report uncovered claims in compliance with financial statement reporting and regulatory requirements should note the following:

1. Claims for which the HMO is liable for payment of services under the terms of a subscriber's "policy" must be further identified as covered or uncovered based on the provider used, not the service performed.

2. The method of calculating uncovered claims should be based on the insurer's own paid claims files, which should be segregated or identified as covered or uncovered.

3. Guarantees used to exclude claims from being reported as uncovered are subject to specific financial statement reporting requirements. In addition, HMOs that are members of insurance holding company systems are required to comply with statutory reporting and prior approval requirements in the use of guarantees. See 40 P. S. §§ 991.1404 and 991.1405.

<sup>1</sup> HMOs offering point-of-service products are subject to higher minimum dollar amount net worth requirements.

Once a determination has been made regarding the reporting of uncovered claims, this information should be communicated to the Department in two ways:

1. The uncovered columns in the balance sheet and income statement should reflect the liability and expense for uncovered claims using management's best estimate in accordance with Statement of Statutory Accounting Principles No. 55 in the NAIC's *Accounting Practices and Procedures Manual*.

2. The narrative response to the annual statement general interrogatory relating to arrangements to protect subscribers and their dependents against the risk of insolvency (Part 2, No. 5) should state whether or not the HMO has reported liabilities and expenses as uncovered claims and then go on to explain the basis for reporting or not reporting uncovered claims.

Questions concerning this notice and the proper reporting of uncovered claims should be directed to Kaushik K. Patel, Chief, Financial Analysis Division, Bureau of Company Licensing and Financial Analysis, Office of Regulation of Companies, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-5890, fax: (717) 787-8557, e-mail: ra-in-analysis@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-1859. Filed for public inspection October 18, 2002, 9:00 a.m.]

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

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

The following hearings will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Alvin and Ruth Freiberg; file no. 02-210-04454; Vigilant Insurance Company (Chubb Insurance Company); doc no. PH02-10-001; November 6, 2002, at 1:30 p.m.

Appeal of David Troup; file no. 02-210-04390; American Independent Insurance Company; doc. no. PH02-10-005; November 7, 2002, at 9 a.m.

Appeal of Preandre Watson; file no. 02-280-04561; American Independent Insurance Company; doc. no. PH02-10-002; November 7, 2002, at 11 a.m.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Ronald and Lyisha J. Alexander; file no. 02-181-07990; Blue Ridge Insurance Company; doc. no. P02-09-023; November 13, 2002, at 10 a.m.

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

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

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

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

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-1860. Filed for public inspection October 18, 2002, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insureds' policies. The administrative hearing will be held in the Insurance Department's regional offices in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Joseph and Regina Markley; file no. 02-182-007806; Nationwide Mutual Fire Insurance Company; doc. no. P02-10-003; November 14, 2002, at 1:30 p.m.

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

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues

presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

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

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-1861. Filed for public inspection October 18, 2002, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insurer has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insureds' policies. The administrative hearing will be held in the Insurance Department's regional offices in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Balboa Insurance Company; file no. 02-182-07261; Maritza and Herbert Dolich; doc. no. P02-10-004; November 14, 2002, at 10:30 a.m.

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

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

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

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-1862. Filed for public inspection October 18, 2002, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Executive Board*

Resolution #CB-02-246, Dated September 9, 2002. This resolution authorizes the August 29, 2002, side letter with AFSCME that provides for clothing allowance of \$300 per year for employees who directly supervise rank and file Corrections Officers bargaining unit (H1) employees.

Resolution #CB-02-247, Dated September 9, 2002. Authorizes the August 16, 2002, side letter with AFSCME that provides for \$50 monthly stipends for certain employees in the Department of Labor and Industry who are required to maintain an office in their homes. The side letter covers labor law investigators in the Bureau of Labor Law Compliance and Distributed Systems Specialists 1 and 2 in the Office of Information Technology.

Resolution #CB-02-260, Dated September 25, 2002. Authorizes the side letter between the Commonwealth and AFSCME concerning a monthly home office expense of \$50 to be provided to employees in certain classifications in the Bureau of Occupational and Industrial Safety in the Department of Labor and Industry for using their homes to conduct Commonwealth business.

#### *Governor's Office*

Management Directive No. 210.5—Records Management, Amended September 16, 2002.

Management Directive No. 210.6—Selection, Acquisition and Use of Filing Equipment, Amended September 16, 2002.

Management Directive No. 505.26—HIV/AIDS in the Workplace, Amended September 9, 2002.

Management Directive No. 625.10—Card Reader Access to Certain Capitol Complex Buildings and Other State Office Buildings, Dated August 28, 2002.

Administrative Circular No. 02-24—Individuals Authorized to Direct and Transfer Surplus State Property, Dated August 26, 2002.

Administrative Circular No. 02-25—2003-04 Program Policy Guidelines, Dated August 29, 2002.

Administrative Circular No. 02-26—Transitioning Fixed Asset Information to SAP, Dated September 12, 2002.

Administrative Circular No. 02-27—File-Interfaced Interagency Billings for Agencies Converted to SAP, Dated September 12, 2002.

MARY JANE PHELPS,  
*Acting Director*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 02-1863. Filed for public inspection October 18, 2002, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Generic Investigation Regarding Virtual NXX Codes

Public Meeting held  
August 8, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice Chairperson; Aaron Wilson, Jr.;  
Terrance J. Fitzpatrick; Kim Pizzingrilli

*Generic Investigation Regarding Virtual NXX Codes;*  
*Doc. No. I-00020093*

### Investigation Order

*By the Commission:*

The proceeding of *Level 3 Communications, LLC v. Marianna Scenery Hill Telephone Co.* at Docket No. C-20028114 has raised the broader issue of Virtual NXX codes<sup>1</sup> and the impact that this numbering assignment practice may have on numbering conservation measures across this Commonwealth. Virtual NXX code arrangements are a relatively recent phenomena that have impacted many states across the country.

Traditionally, customers are assigned telephone numbers based on their physical location. When a telephone company receives a group of telephone numbers (NXX codes) to operate, those numbers are associated to a particular switch residing in a rate center<sup>2</sup>. Consequently, when the telephone company assigns a telephone number to its customer, it assigns the customer a telephone number associated with the particular switch serving the rate center where the customer is physically located. This assignment procedure ensures the integrity of the rating structure so that calls between customers located in different rate centers may be properly billed by the telephone company as local flat rate, local measured rate or toll.

On the contrary, Virtual NXX codes allow a customer to obtain a telephone number in a local calling area in which the customer is not physically located. As far as the person calling the number is concerned, the call is a local call, but the party answering the call is actually located somewhere else within the local access and transport area (LATA)<sup>3</sup>, usually outside of the local calling area of the caller. This type of arrangement is referred to as "virtual" because the customer assigned to the telephone number has a virtual presence in the associated local calling area, not a physical one.

Virtual NXX codes are primarily used by competitive local exchange carriers (CLECs) to give their customers a wider local calling area. Nevertheless, some telecommunications carriers, mostly incumbent local exchange carriers (ILECs), have asserted that use of Virtual NXX codes amounts to the improper use of finite numbering resources. We note that the Maine Public Utility Commission recently addressed the issue of Virtual NXX codes

<sup>1</sup> A NXX code represents the second set of three digits following the area code in a ten-digit telephone, that is NPA-NXX-XXXX. A NXX code contains 10,000 individual telephone numbers. Traditionally, telecommunication carriers received full NXX codes (or 10,000 individual numbers) to provide telecommunications service. In those areas in which thousand-block number pooling has been implemented, carriers receive telephone numbers in blocks of a thousand (or 1K portions of the full NXX code).

<sup>2</sup> A rate center is a telephone-company designated geographic area which is assigned a vertical and horizontal coordinate within an area code for the determination of toll rates.

<sup>3</sup> A LATA is the service area within which a local telephone company offers telecommunications services—local or long distance.

when it directed the North American Numbering Plan Administrator (NANPA)<sup>4</sup> to reclaim the codes that Brooks Fiber used to provide "unauthorized interexchange service" as opposed to "facilities-based local exchange service."<sup>5</sup> We also note that the Federal Communications Commission initiated a Notice of Proposed Rulemaking proceeding which requested comments on the use of Virtual NXX codes by telecommunications carriers. See *In the Matter of Developing a Unified Intercarrier Compensation Regime*, CC Docket 01-92, Notice of Proposed Rulemaking, 16 FCC Rcd 9610 (2001). In light of these developments, we will open an on-the-record proceeding to further investigate this relatively new numbering assignment practice.

Also, as part of this Commission's on-going initiative to ensure the efficient use of numbering resources, we believe that it is appropriate to open an on-the-record proceeding to further investigate the Virtual NXX code numbering assignment practice. We direct the Office of Administrative Law Judge (OALJ) to conduct this investigation. We expect this investigation to culminate with an Investigative Report regarding the use of Virtual NXX codes and direct the OALJ to allow interested parties to provide written comments so as to fully address this matter. We direct all interested parties to file comments which address the following issues related to Virtual NXX codes:

1. How many carriers in this Commonwealth are actively utilizing Virtual NXX arrangements?
2. In what exchanges in Pennsylvania are Virtual NXX codes being utilized?
3. What are the benefits of these arrangements to customers and the telephone companies using them?
4. Are there any detriments to customers and telephone companies in using Virtual NXX code arrangements?
5. What is the impact, if any, that Virtual NXX code arrangements have on number conservation?
6. How many customers utilize this service to provide in-coming local calling from exchanges outside of the customers' local calling areas?
7. What is the impact that Virtual NXX code arrangements have on the deployment of local number portability in Pennsylvania?
8. What are the compensation arrangements among carriers for the use of Virtual NXX codes?
9. What are the billing and technical issues that are present when attempting to rate calls by their geographical starting and ending points?
10. Any other issues that are deemed necessary and relevant to the investigation.

After the submission of the parties' substantive comments on the issues listed, the OALJ may conduct hearings as it may deem appropriate to further develop the record to ensure that the Commission receives a comprehensive report on Virtual NXX codes; *Therefore, It Is Ordered That:*

1. The Commission hereby commences a generic investigation regarding the use of virtual NXX code arrangements in this Commonwealth.

<sup>4</sup> The NANPA is the entity responsible for allocating numbering resources to telecommunications carriers and monitoring the life span of area codes. The NANPA works under contract with the Federal Communications Commission.

<sup>5</sup> *Maine Public Utilities Commission, Investigation into Use of Central Office Codes (NXXs) by New England Fiber Communications LLC d/b/a Brooks Fiber Communications*. Docket No. 98-758, Order entered June 30, 2000.

2. The OALJ shall conduct the generic investigation.

3. A copy of this Order, which gives notice of this generic investigation, shall be published in the *Pennsylvania Bulletin* and interested parties shall file comments within 30 days of publication of this notice. Interested parties shall file substantive comments to the nine issues listed in the Commission's Order instituting this investigation, as well as any other additional issues the Commission or the parties consider relevant to this investigation.

4. The parties shall file their substantive comments at the I-00020093 Docket Number and their comments should be addressed to James J. McNulty, Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

5. After the submission of the substantive comments, the OALJ shall institute the hearings as may be necessary to further develop the record to ensure that the investigation fully addresses all relevant and material issues regarding Virtual NXX codes.

6. The presiding Administrative Law Judge assigned to this investigation may subsequently limit, or otherwise restrict or eliminate, any additional issues submitted by interested parties if those issues are deemed not to be relevant to this investigation.

7. Upon conclusion of hearings, the presiding Administrative Law Judge shall issue an Investigative Report which shall be served on all parties and submitted to the Commission for its consideration at public meeting.

8. A copy of this Order shall be served on all jurisdictional telecommunications carriers and the Pennsylvania Telephone Association, Office of Consumer Advocate, OSBA and OTS.

JAMES J. MCNULTY,  
*Secretary*

October 8, 2002

To All Parties of Record:

Pursuant to Procedural Rule 402(G), and Ordering paragraph number 3 of the Order, Commissioner Terrance J. Fitzpatrick would like to have the following additional questions addressed in the investigation proceeding:

1. Is the current use of virtual NXX codes contrary to, or authorized by existing statutes, or regulations?

2. If the current use of virtual NXX codes is not contrary to, or authorized by existing statutes or regulations, what policy should the Commission establish?

3. How does the current utilization of virtual NXX codes compare—legally and from a policy standpoint—to the utilization of foreign exchange service offered by the Incumbent Local Exchange Carriers?

Very truly yours,  
James J. McNulty  
*Secretary*

[Pa.B. Doc. No. 02-1864. Filed for public inspection October 18, 2002, 9:00 a.m.]

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**Railroad  
With Hearing**

**A-00118928. Springettsbury Township.** Application of Springettsbury Township for approval of the construc-

tion of the crossing where Concord Road crosses at grade the tracks of Norfolk Southern Railroad and a siding serving the former Caterpillar site located in Springettsbury Township, York County.

An initial hearing on this matter will be held on Tuesday, November 26, 2002, at 10 a.m. in Hearing Room 2, Plaza Level, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-1865. Filed for public inspection October 18, 2002, 9:00 a.m.]

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**PHILADELPHIA REGIONAL  
PORT AUTHORITY**

**Request for Bids**

The Philadelphia Regional Port Authority (PRPA) will accept bids for Project #0296.P, Purchase of Printer and Fax Cartridges, until 2 p.m. on October 31, 2002. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Fl., Philadelphia, PA 19134, (215) 426-2600 and will be available October 22, 2002. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 02-1866. Filed for public inspection October 18, 2002, 9:00 a.m.]

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**STATE BOARD FOR  
CERTIFICATION OF WATER  
AND WASTEWATER  
SYSTEMS OPERATORS**

**2002 Meeting Schedule Additions**

The State Board for Certification of Water and Wastewater System Operators (Board) has made the following additions to its 2002 meeting schedule to discuss issues and the resulting changes in the certification program in the Sewage Treatment Plant and Waterworks Operators' Certification Act (63 P. S. §§ 1001—1015.1).

The first additional meeting of the Board will be held on October 25, 2002, in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, 17105-8454.

The second additional meeting of the Board will be held on November 22, 2002, in the 16th Floor Delaware Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, 17105-8454.

Questions concerning these meetings should be directed to Lynn Rice at (717) 787-5236 or e-mail mlrice@state.pa.us.



Persons with a disability who require accommodation to attend this meeting should contact Lynn Rice at (717) 787-5236, e-mail [mlrice@state.pa.us](mailto:mlrice@state.pa.us) or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to

discuss how the Department may accommodate their needs.

KATHY W. KEYES,  
*Secretary*

[Pa.B. Doc. No. 02-1867. Filed for public inspection October 18, 2002, 9:00 a.m.]

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# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The 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.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
PA Department of Community and Economic Development  
374 Forum Building  
Harrisburg, PA 17120  
800-280-3801 or (717) 783-5700

### Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division  
787-0000

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.

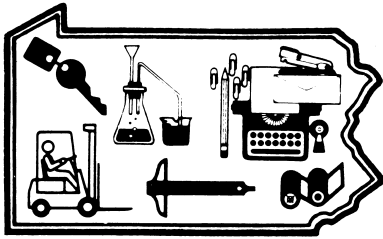
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room G13 Finance Building  
 Harrisburg, PA 17120  
 717-787-2990  
 1-800-252-4700

BARBARA HAFER,  
*State Treasurer*



### Commodities

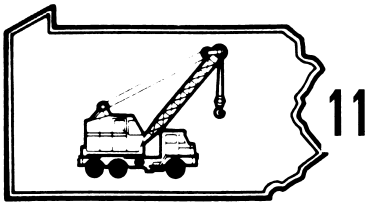
**0420** Grate Bar Keys, 1/2", 2C-4270-A. Send a fax to 570-587-7108 with your Company name, Address, Federal ID Number, Telephone and Fax numbers to request a bid package. Bid packages cannot be faxed.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505  
**Duration:** Nov. 1 - Dec. 31, 2002  
**Contact:** Stanley Rygelski, PA, 570-587-7291

**2358** Lift, Genie Aerial, Model TMZ 34/19, complete with all standard options as per bid proposal available from Warren State Hospital.

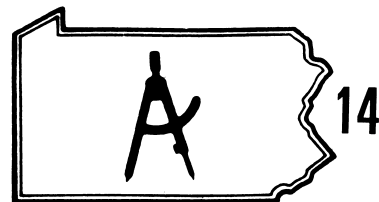
**Department:** Public Welfare  
**Location:** Warren State Hospital, 33 Main Dr., N. Warren, PA 16365-5099  
**Duration:** Bid award to be made prior to 12/31/02  
**Contact:** John D. Sample, PA I, (814) 726-4448

## SERVICES



### Demolition—Structural Only

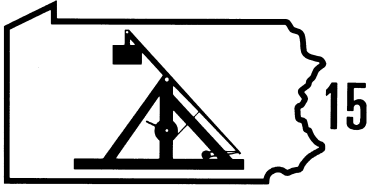
**061951** Demolition and removal of structures on one parcel (Arby's Restaurant).  
**Department:** Transportation  
**Location:** Falls/Middletown Township  
**Contact:** Linda Bunt, (610) 205-6784



### Engineering Services

**PennDOT-ECMS** The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at [www.dot2.state.pa.us](http://www.dot2.state.pa.us).

**Department:** Transportation  
**Location:** Various  
**Contact:** [www.dot2.state.pa.us](http://www.dot2.state.pa.us)

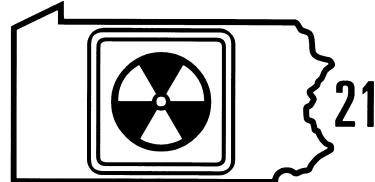


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**Environmental Maintenance Service**

**BF 275-102.1** Abandoned Mine Land Reclamation Project, Glenn Coal Company, Mining Permit No. 1403-08, 10. Principal items of work and approximate quantities are 70 c.y. ditch excavation; 85,300 c.y. grading; 33.5 acre minor grading and 42 acre seeding. This project issues October 18, 2002; payment in the amount of \$10.00 must be received before bid documents will be sent.

**Department:** Environmental Protection  
**Location:** Beaver Township, Jefferson County  
**Duration:** 210 calendar days after notice to proceed  
**Contact:** Construction Contracts Section, (717) 783-7994

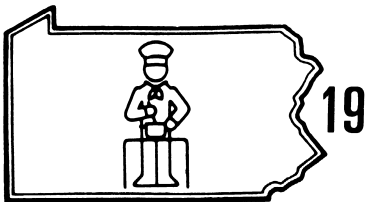


21

**Hazardous Material Services**

**20872008** Hazardous waste testing, pickup, transportation, and disposal.

**Department:** Public Welfare  
**Location:** Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821  
**Duration:** Anticipated to begin 01/01/03 through 12/31/05  
**Contact:** Doris Cavallini, (570) 271-4579



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**Food**

**#8395** Perishable Food Items as follows: Bread, Rolls & Doughnuts and Pies & Cakes. Commodities and quantities available from the Purchasing Office, Ebensburg Center (Dietary Building), Rt. 22 West, PO Box 600, Ebensburg, PA 15931. Awards will be made in the best interest of the Commonwealth.

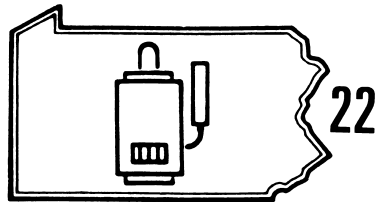
**Department:** Public Welfare  
**Location:** Ebensburg Center (Dietary Building), Department of Public Welfare, Rt. 22 W, P.O. Box 600, Ebensburg PA 15931.  
**Duration:** January 1, 2003 through June 31, 2003  
**Contact:** Nannette McCreary, Clerk Typist 3, (814) 472-0290

**#AC 8394 A-L** Perishable Food Items as follows: #AC 8394-A: Meat & Meat Products, #AC 8394-B: Poultry & Poultry Products, #AC 8394-C: Miscellaneous Foods, #AC 8394-D: Produce, #AC 8394-E: Prepared Salads-Fresh, #AC 8394-F: Fruits & Vegetables, Frozen, #AC 8394-G: Dairy Products, #AC 8394-H Cheese, #AC 8394-I: Fish & Fish Products, #AC 8394-J: Frozen Juices, #AC 8394-K: Ice Cream-Sherbert & Related Novelties and #AC 8394-L: Shell Eggs. Commodities and quantities available from the Purchasing Office, Ebensburg Center, Rt. 22 West, PO Box 600, Ebensburg, PA 15931. Awards will be made in the best interest of the Commonwealth.

**Department:** Public Welfare  
**Location:** Altoona Center (Storeroom), Department of Public Welfare, 1515 Fourth Street, Altoona PA 16601  
**Duration:** January 1, 2003 through March 31, 2003  
**Contact:** Nannette McCreary, Clerk Typist 3, (814) 472-0290

**#8393 A-K** Perishable Food Items as follows: #8393-A: Meat & Meat Products, #8393-B: Poultry & Poultry Products, #8393-C: Miscellaneous Foods, #8393-D: Produce, #8393-E: Prepared Salads-Fresh, #8393-F: Fruits & Vegetables, Frozen, #8393-G: Dairy Products, #8393-H Cheese, #8393-I: Fish & Fish Products, #8393-J: Frozen Juices, #8393-K: Ice Cream-Sherbert & Related Novelties. Commodities and quantities available from the Purchasing Office, Ebensburg Center, Rt. 22 West, PO Box 600, Ebensburg, PA 15931. Awards will be made in the best interest of the Commonwealth.

**Department:** Public Welfare  
**Location:** Ebensburg Center (Dietary Building), Department of Public Welfare, Rt. 22 W, PO Box 600, Ebensburg PA 15931  
**Duration:** January 1, 2003 through March 31, 2003  
**Contact:** Nannette McCreary, Clerk Typist 3, (814) 472-0290

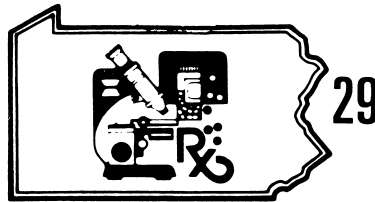


22

**HVAC Services**

**ME-20880010** Install air handling unit to provide air conditioning in dietary and recreation areas of the Youth Forestry Camp #3.

**Department:** Public Welfare  
**Location:** Youth Forestry Camp #3, R.D.#1, Box 175, James Creek, PA 16657.  
**Contact:** Dee Kuhn, Purchasing Agent, (717) 789-5509



29

**Medical Services**

**20974008** Contractor to provide, on grounds at Warren State Hospital, Physical Therapy Clinic Services for Warren State Hospital patients.

**Department:** Public Welfare  
**Location:** Warren State Hospital, 33 Main Dr., N. Warren, PA 16365-5099  
**Duration:** 01/01/03 - 06/30/05  
**Contact:** Ms. Bobbie Muntz, PA III, (814) 726-4496

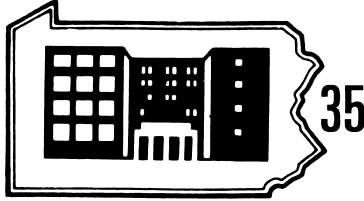


33

**Property Maintenance**

**ME-20880009** Provide and install thermopane vinyl replacement windows in the Administration Building at Youth Forestry Camp #3.

**Department:** Public Welfare  
**Location:** Youth Forestry Camp #3, R.D. #1, Box 175, James Creek, PA 16657.  
**Contact:** Dee Kuhn, Purchasing Agent, (717) 789-5509



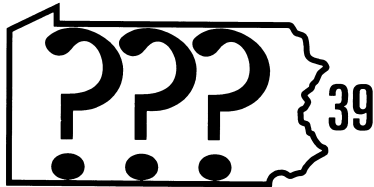
### Real Estate Services

**93505 LEASE MULTI-PURPOSE SPACE TO THE COMMONWEALTH OF PA.** Proposals are invited to provide the Department of Transportation with 7,095 useable square feet of Multi-Purpose space in either York, Cumberland or Dauphin County, PA, with a minimum parking for 39 vehicles. Downtown locations will be considered. For more information on SFP #93505 which is due on November 4, 2002 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call (717) 787-4394.

**Department:** Transportation  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Mr. Jennings K. Ward, (717) 787-7412

**93502 LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA.** Proposals are invited to provide the Department of Public Welfare with 21,645 useable square feet of Office space in Allegheny County with no parking requirement. The space is to be located within the following boundaries: North: Eleventh Street, South: Fort Pitt Blvd and Commonwealth Place, East: Grant Street, West: Fort Duquesne Blvd., Pittsburgh, Allegheny County, PA. Downtown locations will be considered. For more information on SFP #93502 which is due on November 25, 2002 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call (717) 787-4394.

**Department:** Public Welfare  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Mrs. Cynthia T. Lentz, (717) 787-0952



### Miscellaneous

**RFP# PBPP-25-02-03** The Board of Probation & Parole is soliciting proposals for consideration for Residential Substance Abuse Treatment (RSAT) Program services specifically pertaining to Phase III. Phase III consists of the RSAT candidate being returned to active, enhanced parole supervision after successful completion of the first two phases. The successful bidder shall provide drug and alcohol and other services for up to six months in a community based setting for outpatient care.

**Department:** Probation and Parole Board  
**Location:** Two Geographic Districts of the Eastern Region and Four Geographic Districts of the Western Region.  
**Duration:** Three years, with the option to renew for an additional two years at one-year intervals.  
**Contact:** Dawn Eshenour, (717) 787-1989

**32504 21st Century Community Learning Centers Grant to Provide After School Programming** The Pennsylvania Department of Education, Division of Student and Safe School Services announces the availability of funding for competitive applications to provide academic, artistic and cultural enhancement activities to students and their families before school, after school, and/or during holidays or summer recess. The primary goal of these Centers is to assist students to meet state and local standards for core subjects such as reading and mathematics, by providing students with academic enrichment opportunities. Contracts will be issued for a three-year period beginning January 1, 2003, with the possibility of continuation for an additional two-year period. The minimum grant award that will be given is \$50,000. Priority will be given to applicants proposing to serve students in empowerment districts and in schools on the federal Title I School Improvement list. Examples of agencies that are eligible to apply for these funds include, but are not limited to: local educational agencies (LEAs), non-profit community-based organizations (CBOs), city or county government agencies, faith-based organizations, higher education institutions, for-profit corporations and consortia of two or more of such agencies, organizations, or entities. Detailed information outlining grant terms and conditions, pertinent regulations and the application process is contained in the 21st Century Community Learning Centers Request-for-Application (RFA) document, which will be available on October 21, 2002. Interested parties may secure the RFA by these methods:

- Online at PDE's Website: [www.pde.state.pa.us](http://www.pde.state.pa.us)
- Email Request: [dzerby@state.pa.us](mailto:dzerby@state.pa.us)
- Voice Telephone Request: 717.772.2813
- Text Telephone TTY: (717) 783-8445.

Applications must be received by 4 p.m. on November 27, 2002, at the Division of Student and Safe School Services, 333 Market Street, 5th Floor, Harrisburg, PA 17126-0333. Applications submitted after this date and time will be ineligible for consideration, as will be faxed or emailed applications.

#### Preproposal Conference

A preproposal conference to address technical questions regarding the application process and related state and federal requirements will be held on Tuesday, October 29, 2002 in Harrisburg. Additional preproposal conference dates may be added if needed. Persons planning to attend the conference must preregister no later than October 22 by contacting: Deana Zerby at [dzerby@state.pa.us](mailto:dzerby@state.pa.us) or Kathleen Sinnig at (717) 772-2813, or by calling Text Telephone TTY: (717) 783-8445.

**Department:** Education  
**Duration:** Three years, beginning January 1, 2003  
**Contact:** Deana Zerby, (717) 772-2429

[Pa.B. Doc. No. 02-1868. Filed for public inspection October 18, 2002, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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KELLY POWELL LOGAN,  
*Secretary*

STATE CONTRACTS INFORMATION

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract No.</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
5810-03 sup#15	10/07/02	Imagetech Systems	\$5,000.00
5810-03 sup#15	10/07/02	Micromain	5,000.00
5810-03 sup#15	10/07/02	MDY Advanced Technologies	10,000.00
6350-03 sup#7	10/07/02	Anixter	80,000.00
6350-03 sup#7	10/07/02	Dominion Wireless	35,000.00
6350-03 sup#7	10/07/02	Grace Industries	50,000.00

<b>Requisition or Contract No.</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
6350-03 sup#7	10/07/02	Pen-Link Ltd	50,000.00
6350-03 sup#7	10/07/02	Ross Technology	150,000.00
4500006038	10/07/02	Faulkner Pontiac/Buick	31,625.93
4500005894	10/07/02	Hasco Tag	78,005.30
4500007152	10/07/02	Relizon	142,993.52
7314770-01	10/07/02	Continental Flooring	66,300.00
8254080-01	10/07/02	Crafco	46,738.00

KELLY POWELL LOGAN,  
*Secretary*

[Pa.B. Doc. No. 02-1869. Filed for public inspection October 18, 2002, 9:00 a.m.]





