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Volume 32 (2002)

Pennsylvania Bulletin  
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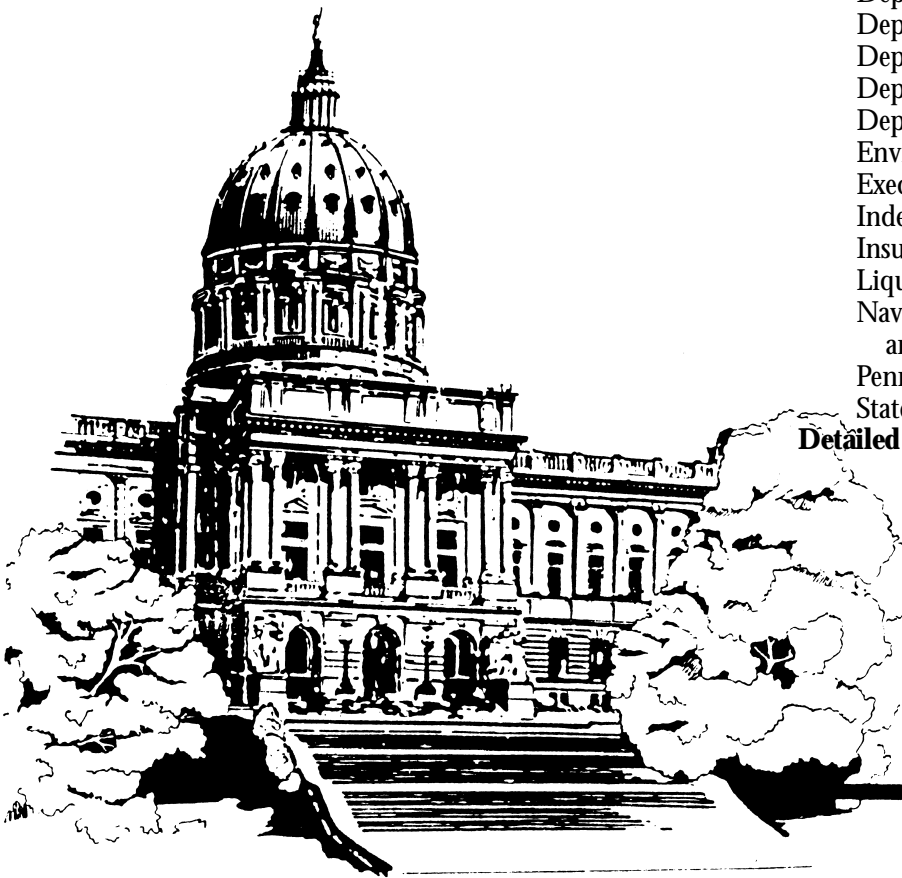
# PENNSYLVANIA BULLETIN

Volume 32  
Saturday, January 12, 2002 • Harrisburg, Pa.  
Number 2  
Pages 237—302

**Agencies in this issue:**

The General Assembly  
The Courts  
Department of Agriculture  
Department of Banking  
Department of Conservation and Natural Resources  
Department of Education  
Department of Environmental Protection  
Department of General Services  
Department of Health  
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Independent Regulatory Review Commission  
Insurance Department  
Liquor Control Board  
Navigation Commission for the Delaware River and Its Navigable Tributaries  
Pennsylvania Public Utility Commission  
State Board of Medicine

**Detailed list of contents appears inside.**



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**No. 326, January 2002**

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**BULLETIN**

(ISSN 0162-2137)

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Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

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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.

<b>4 Pa. Code (Administration)</b>		<b>61 Pa. Code (Revenue)</b>	
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# GENERAL ASSEMBLY

## Recent Actions during the 2001 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2001 Regular Session

### 2001 GENERAL ACTS ENACTED—ACT 114 through 116

<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>
114	Dec 18	HB0003	PN3060	immediately*	Workforce Development Act—enactment
115	Dec 20	HB1633	PN3033	immediately	Workers' Compensation Act—occupational disease
116	Dec 20	HB0209	PN1872	immediately	Dormitory Sprinkler System Act—enactment

\* with exceptions

### Effective Dates of Statutes

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

### Advance Copies of Statutes

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

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore-PHMC, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0053, 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. 02-33. Filed for public inspection January 11, 2002, 9:00 a.m.]

# THE COURTS

## Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 19]

## Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 200]

### Proposed Recommendation No. 177; Proposed New Rule 230.2 Governing Termination of Inactive Cases

The Civil Procedural Rules Committee proposes that new Rule of Civil Procedure 230.2 governing termination of inactive cases be promulgated as set forth herein. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent not later than March 1, 2002 to:

Harold K. Don, Jr., Esquire  
Counsel  
Civil Procedural Rules Committee  
5035 Ritter Road, Suite 700  
Mechanicsburg, Pennsylvania 17055

or E-Mail to  
civil.rules@supreme.court.state.pa.us

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure or be officially adopted or promulgated by the Court.

*(Editor's Note: The following section is new and is printed in regular type to enhance readability.)*

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 200. BUSINESS OF COURTS

#### Rule 230.2. Termination of Inactive Cases.

(a) The court may initiate proceedings to terminate a case in which there has been no activity of record for two years or more by serving a notice of proposed dismissal of court case.

**Official Note:** This rule provides an administrative method for the termination of inactive cases.

(b)(1) The court shall serve the notice on counsel of record, and on the parties if not represented, sixty days prior to the date of the proposed termination. The notice shall contain the date of the proposed termination, a brief identification of the matter to be terminated and the procedure to avoid termination.

(2) The notice shall be served by mail pursuant to Rule 440. If the mailed notice is returned, the notice shall be

served by advertising it in the legal publication, if any, designated by the court for the publication of legal notices or in one newspaper of general circulation within the county.

**Official Note:** If the notice mailed to an attorney is returned by the postal service, the prothonotary should check a legal directory or contact the Administrative Office of Pennsylvania Courts for a current address. Otherwise, publication in the legal newspaper or a newspaper of general circulation within the county is required under this rule if the mailed notice is returned.

See subdivision (e) for the form of notice.

(c) If no statement of intention to proceed is filed prior to the entry of the order of termination on the docket, the prothonotary shall enter an order as of course terminating the matter with prejudice for failure to prosecute.

**Official Note:** A court officer may certify to the prothonotary those matters which have been inactive and in which no statement of intention to proceed has been filed.

(d)(1) If an action has been terminated pursuant to this rule, an aggrieved party may petition the court to reinstate the action.

(2) If the petition is filed within thirty days after the entry of the order of termination on the docket, the court shall grant the petition and reinstate the action.

**Official Note:** The provision under subdivision (d)(2) for filing a petition within thirty days is not intended to set a standard for timeliness in proceedings outside this rule.

(3) If the petition is filed more than thirty days after the entry of the order of termination on the docket, the court shall grant the petition and reinstate the action upon a showing that

(i) the petition was timely filed following the entry of the order for termination and

(ii) there is a reasonable explanation or a legitimate excuse for the failure to file both

(A) the statement of intention to proceed prior to the entry of the order of termination on the docket and,

(B) the petition to reinstate the action within thirty days after the entry of the order of termination on the docket.

**Official Note:** The provision under subdivision (d)(2) for filing a petition within thirty days of the entry of the order of termination on the docket is not a standard of timeliness. Rather, the filing of the petition during that time period eliminates the need to make the showing otherwise required by subdivision (d)(3).

(e) The notice required by subdivision (b) shall be in the following form:

(Caption)

#### NOTICE OF PROPOSED TERMINATION OF COURT CASE

The court intends to terminate this case without further notice because the docket shows no activity in the case for at least two years.

You may stop the court from terminating the case by filing a Statement of Intention to Proceed. The Statement

of Intention to Proceed should be filed with the Prothonotary of the Court at \_\_\_\_\_ Address

on or before \_\_\_\_\_ Date

IF YOU FAIL TO FILE THE REQUIRED STATEMENT OF INTENTION TO PROCEED, THE CASE WILL BE TERMINATED.

BY THE COURT;

\_\_\_\_\_  
Date of this Notice Officer

(f) The Statement of Intention to Proceed shall be in the following form:

(Caption)

Statement of Intention to Proceed

To the Court:

\_\_\_\_\_ intends to proceed with the above captioned matter.

Date: \_\_\_\_\_ Attorney for \_\_\_\_\_

TITLE 201. RULES OF JUDICIAL ADMINISTRATION

CHAPTER 19. MISCELLANEOUS ADMINISTRATIVE PROVISIONS

MISCELLANEOUS ADMINISTRATIVE PROVISIONS

Rule 1901. Prompt disposition of matters; termination of inactive cases.

\* \* \* \* \*

(b) Primary responsibility for implementation of policy.—

(1) [ Each ] Except as provided by paragraph (3), each court of common pleas is primarily responsible for the implementation of the policy expressed in subdivision (a) of this rule and is directed to make local rules of court for such purposes applicable to the court and to the community court or district justices of the peace of the judicial district.

\* \* \* \* \*

(3) The policy set forth in subdivision (a) of this rule shall be implemented in the civil trial division of the courts of common pleas pursuant to Rule of Civil Procedure 230.2.

\* \* \* \* \*

Explanatory Comment

Recommendation No. 177 proposes the promulgation of new Rule of Civil Procedure 230.2 governing the termination of inactive cases. Two aspects of the recommendation merit comment.

I. Rule of Civil Procedure

The termination of inactive cases is presently the subject of Rule of Judicial Administration 1901. It is proposed that there be a rule of civil procedure to govern matters within the scope of the civil trial division of the courts of common pleas. Proposed Rule 230.2 is tailored to the needs of the civil trial division.

Rule of Judicial Administration 1901 is not self-executing but rather calls upon the courts of common pleas to promulgate local rules. In contrast, proposed Rule 230.2 provides a complete procedure and a uniform

statewide practice. Local rules should not be required to implement the statewide rule.

A conforming amendment to Pa.R.J.A. 1901(b) is proposed to accommodate the new rule of civil procedure.

II. Inactive Cases

The purpose of the rule is to eliminate inactive cases from the judicial system. The process is initiated by the court. After giving notice of intent to terminate an action for inactivity, the course of the procedure is with the parties. If the parties do not wish to pursue the case, they will take no action and "the prothonotary shall enter an order as of course terminating the matter with prejudice for failure to prosecute." If a party wishes to pursue the matter, he or she will file a notice of intention to proceed and the action shall continue. If no notice of intention to proceed is filed, the court on its own will eventually terminate the action.

The procedure is one that does not involve legal issues, briefs or hearings. The matter is perfunctory. If a party files a statement of intention to proceed, the matter will proceed.

a. Where the action has been terminated

If the action is terminated when a party believes that it should not have been terminated, that party may proceed under Rule 230(d) for relief from the order of termination. An example of such an occurrence might be the termination of a viable action when the aggrieved party did not receive the notice of intent to terminate and thus did not timely file the notice of intention to proceed.

The timing of the filing of the petition to reinstate the action is important. If the petition is filed within thirty days of the entry of the order of termination on the docket, subdivision (d)(2) provides that the court must grant the petition and reinstate the action. If the petition is filed later than the thirty-day period, subdivision (d)(3) requires that the plaintiff must make a showing to the court that the petition was promptly filed and that there is a reasonable explanation or legitimate excuse both for the failure to file the notice of intention to proceed prior to the entry of the order of termination on the docket and for the failure to file the petition within the thirty-day period under subdivision (d)(2).

Subdivision (d)(2) eases the burden of a party against whom an order of termination has been entered and who moves promptly for relief from that order. However, as stated in the note, the thirty-day period specified in that subdivision is not intended to set a standard for timeliness in circumstances outside that rule.

b. Where the action has not been terminated

An action which has not been terminated but which continues upon the filing of a notice of intention to proceed may have been the subject of inordinate delay. In such an instance, the aggrieved party may pursue the remedy of a common law non pros which exists independently of termination under proposed Rule 230.2. In contrast to Rule 230.2, the procedure for a common law non pros is subject to the stringent requirements imposed by case law.

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr., Chair

[Pa.B. Doc. No. 02-34. Filed for public inspection January 11, 2002, 9:00 a.m.]

**PART I. GENERAL**  
**[231 PA. CODE CH. 200]**

**Proposed Recommendation No. 175; Proposed  
Amendment to Rule 230 Governing Voluntary  
Nonsuit**

The Civil Procedural Rules Committee proposes that new Rule of Civil Procedure 230 governing involuntary nonsuit be promulgated as set forth herein. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent not later than March 1, 2002 to:

Harold K. Don, Jr., Esquire  
Counsel  
Civil Procedural Rules Committee  
5035 Ritter Road, Suite 700  
Mechanicsburg, Pennsylvania 17055

or E-Mail to  
civil.rules@supreme.court.state.pa.us

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure or be officially adopted or promulgated by the Court.

**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**

Rule 230 presently permits a plaintiff to "suffer" a nonsuit at his or her whim. It is suggested that the exercise of this right for no good reason, e.g., simply because the plaintiff is not satisfied with the progress of the trial, is unfair to other parties to the action and a waste of judicial time and resources. It is proposed,

therefore, that the right of a plaintiff to "obtain" a voluntary nonsuit be made 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. 02-35. Filed for public inspection January 11, 2002, 9:00 a.m.]

**PART I. GENERAL**  
**[231 PA. CODE CH. 200]**

**Proposed Recommendation No. 176; Proposed  
New Rule 212.4 Governing Pre-Trial Procedure in  
Appeals Pursuant to the Eminent Domain Code**

The Civil Procedural Rules Committee proposes that new Rule of Civil Procedure 212.4 governing pretrial procedure in appeals pursuant to the Eminent Domain Code be promulgated as set forth herein. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court.

All communications in reference to the proposed recommendation should be sent not later than March 1, 2002 to:

Harold K. Don, Jr., Esquire  
Counsel  
Civil Procedural Rules Committee  
5035 Ritter Road, Suite 700  
Mechanicsburg, Pennsylvania 17055

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civil.rules@supreme.court.state.pa.us

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure or be officially adopted or promulgated by the Court.

*(Editor's Note:* The following section is new and is printed in regular type to enhance readability.)

**Annex A**

**TITLE 231. RULES OF CIVIL PROCEDURE**

**PART I. GENERAL**

**CHAPTER 200. BUSINESS OF COURTS**

**Rule 212.4. Applicability of Rules. Eminent Domain.**

(a) The name of a valuation expert and his or her statement of valuation required to be served on the opposing party by Section 703(2) of the Eminent Domain Code shall be served within the time provided for the filing of a pre-trial statement by Rule 212.1. A party failing to comply with this rule shall be subject to the sanctions set forth in Rule 212.2(c).

(b) Section 703(2) of the Eminent Domain Code, 26 P. S. § 1-703(2), is suspended only insofar as it provides for the name and report of the valuation expert to be served at least ten days before the commencement of the trial.

### Explanatory Comment

Section 1-703(2) of the Eminent Domain Code, 26 P. S. § 1-703(2),<sup>1</sup> requires that an expert report be filed at least 10 days prior to the commencement of the trial. At the time this requirement was enacted, very few courts required the filing of an expert report prior to trial. The ten-day requirement for exchanging reports now provides less notice of the proposed expert testimony than is provided in other civil actions.

Pa.R.C.P. 212.1<sup>2</sup> requires the filing of a pre-trial statement

(1) by the plaintiff not later than sixty days prior to the earliest trial date,

(2) by the defendant not later than thirty days prior to the earliest trial date, and

(3) by an additional defendant not later than fifteen days prior to the earliest trial date.

The pretrial statement pursuant to Rule 212.2(a)<sup>3</sup> is required to contain "a list of the names and addresses of all person who may be called as witnesses by the party filing the statement" and "a copy of the written report . . . containing the opinion and the basis for the opinion of any person who may be called as an expert witness"

<sup>1</sup> § 1-703. Trial in the court of common pleas on appeal  
At the trial in court on appeal:

(1) \* \* \*  
(2) If any valuation expert who has not previously testified before the viewers is to testify, the party calling him must disclose his name and serve a statement of his valuation of the property before and after the condemnation and his opinion of the highest and best use of the property before the condemnation and of any part thereof remaining after the condemnation, on the opposing party at least ten days before the commencement of the trial.

(3) \* \* \*  
<sup>2</sup> Rule 212.1. Civil Actions to be Tried by Jury. Notice of Earliest Trial Date. Time for Completing Discovery and Filing Pre-Trial Statement

(a) In a civil action in which the damages sought exceed the jurisdictional limit for compulsory arbitration and which is to be tried by a jury, notice shall be given by the court of the earliest date on which the case may be tried. The notice should be given at least thirty days before the plaintiff's pre-trial statement is due to be filed. The notice may include a date by which discovery shall be completed.

Note: It is not intended by this rule to change the form and manner of notice of trial.

(b) A pre-trial statement shall be filed  
(1) by the plaintiff not later than sixty days prior to the earliest trial date,  
(2) by the defendant not later than thirty days prior to the earliest trial date, and  
(3) by an additional defendant not later than fifteen days prior to the earliest trial date.

Note: A copy of the pre-trial statement must be served upon every other party to the action. See Rule 440(a).

(c)(1) The times set forth in subdivision (b) may be made earlier by published local rule or by special order or as set forth in a trial list published in the county law journal or otherwise made available to the parties.

(2) The times set forth in subdivision (b) may be made later by published local rule or by special order in a particular case.

Note: In a county which requires that discovery be complete and expert reports be exchanged prior to listing a case for trial, the court by local rule may provide for the simultaneous filing of pre-trial statements.

The court by local rule may extend Rules 212.1 and 212.2 to apply to actions to be tried non-jury as well as by jury and to other forms of action in addition to civil actions.

<sup>3</sup> Rule 212.2. Civil Actions to be Tried by Jury. Pre-Trial Statement. Content. Sanctions

(a) A pre-trial statement shall contain  
(1) a brief narrative statement of the case;  
(2) a list of the types and amounts of all damages claimed;  
(3) a list of the names and addresses of all persons who may be called as witnesses by the party filing the statement, classifying them as liability or damage witnesses. A reference which does not state the name of the witness shall be permitted when the witness is described by title or representative capacity;

Note: A listing of "anyone named in discovery" is insufficient under this rule. A listing of a "records custodian" of a specific entity is a sufficient listing.

This rule does not contemplate that the pre-trial statement include a list of witnesses for use in rebuttal or for impeachment. These matters are governed by case law.

(4) a list of all exhibits which a party intends to use at trial;  
Note: This rule does not contemplate that the pre-trial statement include a list of exhibits for use in rebuttal or for impeachment. These matters are governed by case law.

(5) a copy of the written report, or answer to written interrogatory consistent with Rule 4003.5, containing the opinion and the basis for the opinion of any person who may be called as an expert witness;

Note: The notes or records of a physician may be supplied in lieu of written reports.

(6) stipulations of the parties, if any; and  
(7) such additional information as the court by local rule or special order may require.

\* \* \*

It is proposed that new Rule 212.4 be added to the rules of civil procedure to conform the time for serving the name of a valuation expert and his or her statement of valuation to that of Rule 212.1. This proposal will place eminent domain cases on a footing which corresponds to jury trials generally and fosters the salutary principles underlying the pre-trial rules.

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,  
Chair

[Pa.B. Doc. No. 02-36. Filed for public inspection January 11, 2002, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### CARBON COUNTY

#### Urine Screens for Controlled Substances—Confirmation Testing; No. 120 MI 01

##### Administrative Order 28-2001

And Now, this 21st day of December, 2001, in order to access the costs of confirmation testing for urine screens of defendants who test positive, it is hereby

Ordered and Decreed that, effective thirty (30) days after publication in the *Pennsylvania Bulletin*, the Carbon County Court of Common Pleas *Establishes* the following procedure:

1. If a defendant tests positive for a controlled substance, the defendant *Shall* report to the Carbon-Monroe-Pike Drug & Alcohol Commission for a Gas Chromatography/Mass Spectrometry (GCMS) Confirmation Test.

2. If the GCMS Confirmation Test is positive, the cost of the test *Shall* be added to the record costs by the Clerk of Courts Office.

3. The Adult Probation Office *Shall* notify the Clerk of Courts Office of all positive GCMS Confirmation Tests.

The Carbon County District Court Administrator is *Ordered* and *Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Criminal Procedural Rules Committee.

4. Forward one (1) copy for publication in the Carbon County Law Journal.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Order in the Clerk of Court's Office.

By the Court

RICHARD W. WEBB,  
President Judge

[Pa.B. Doc. No. 02-37. Filed for public inspection January 11, 2002, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND OCCUPATIONAL AFFAIRS

### STATE BOARD OF MEDICINE

#### [49 PA. CODE CHS. 16 AND 18]

#### Licensure, Certification, Examination and Registration Fees

The State Board of Medicine (Board) amends §§ 16.13, 16.13a, 16.17 and 18.303 by revising certain application fees to read as set forth at 31 Pa.B. 2181 (April 21, 2001).

##### A. *Effective Date*

The amendments will be effective upon publication of the final-form regulations in the *Pennsylvania Bulletin*.

##### B. *Statutory Authority*

The final-form amendments are authorized under section 6 of the Medical Practice Act (act) (63 P. S. § 422.6), which directs the Board to establish fees by regulation. That same provision requires the Board to increase fees to meet or exceed projected expenditures if the revenues are not sufficient to meet expenditures over a 2-year period.

##### C. *Background and Purpose*

Section 6 of the act requires the Board to set fees by regulation so that revenues meet or exceed expenditures over a biennial period. General operating expenses of the Board are funded through biennial license renewal fees. Expenses related to applications or services which are provided directly to individual licensees or applicants are excluded from general operating revenues and are funded through fees in which the cost of providing the service forms the basis for the fee.

A recent systems audit of the operations of the Board within the Bureau of Professional and Occupational Affairs determined that current application and service fees do not accurately reflect the actual cost of processing applications and providing other services.

In final-form amendments, fees for the services identified would be adjusted to allocate costs to those who use the service or submit an application. The Board would continue to apportion its enforcement and operating costs to the general licensing population when the Board makes its biennial reconciliation of revenues and expenditures.

The final-form amendments also consolidate all fees under one section and eliminate references to Nationally established examination fees over which the Board has no control or involvement.

##### D. *Summary of Comments and Responses to Proposed Rulemaking*

Proposed rulemaking was published at 31 Pa.B. 2181 followed by a 30-day public comment period. The Board did not receive comments from the general public or the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC). However, the Board received a report from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC).

The HPLC and IRRC noted that, according to Annex A, the fee for biennial renewal as a drugless therapist appeared to increase from \$25 to \$35 and the fee for annual renewal of a graduate license appeared to increase from \$10 to \$15, although these increases were not shown in the description of proposed amendments in the proposed rulemaking.

The final-form amendments do not increase these fees. Rather, the amendments proposed at 31 Pa.B. 2181 contained typographical errors in the portion of the section being deleted by the proposed amendment. Currently, the fee for biennial renewal as a drugless therapist is \$35 and the fee for annual renewal of a graduate license is \$15.

The HPLC and IRRC also noted that the \$5 fee for registration of additional physician assistant supervisors appeared to be a new fee, but was not listed in the description of proposed amendments in the proposed amendments. This was an error; it should have been listed as a new fee. As noted in the fee report form, the current fee for registration of physician assistant supervisors will be reduced from \$55 to \$35, and the fee for additional physician assistant supervisors (beyond the one substitute included on the application form), will be \$5 each. The \$5 charge will cover the cost of staff time necessary to verify the licensure status of the proposed supervisor, verify the fee, enter the information into the computer system and issue an approval letter.

##### E. *Compliance with Executive Order 1996-1*

In accordance with Executive Order 1996-1, "Regulatory Review and Promulgation," in drafting and promulgating the amendments, the Board considered the least restrictive alternative to regulate costs for services requested by licensees and applicants.

##### F. *Fiscal Impact and Paperwork Requirements*

The final-form amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The fees will have a modest fiscal impact on those members of the private sector who apply for services from the Board. The final-form amendments will impose no additional paperwork requirements upon the Commonwealth, its political subdivisions or the private sector.

##### G. *Sunset Date*

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

##### H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 27, 2001, the Board submitted a copy of the notice of proposed rulemaking published at 31 Pa.B. 2181, to IRRC and to the Chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing this final-form rulemaking, the Board has considered the comments received from IRRC, the Committees and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on November 20, 2001, this final-form rulemaking was approved by the HPLC and deemed

approved by the SCP/PLC on November 27, 2001. Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 6, 2001, and approved the final-form rule-making.

#### I. Contact Person

Further information may be obtained by contacting Joanne Troutman, Board Administrator, State Board of Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-1400.

#### J. Findings

The Board finds that:

(1) Public notice of the proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.

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

(3) These amendments do not enlarge the purpose of the proposed rulemaking published at 31 Pa.B. 2181.

(4) These amendments are necessary and appropriate for administration and enforcement of the authorizing act identified in Part B of this Preamble.

#### K. Order

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 16, are amended by amending §§ 16.13 and 16.17 and by deleting §§ 16.13a and 18.303 to read as set forth at 31 Pa.B. 2181.

(b) The Board shall submit this order and 31 Pa.B. 2181 to the Office of General Counsel and to the Office of the Attorney General as required by law.

(c) The Board shall certify this order and 31 Pa.B. 2181 and deposit them with the Legislative Reference Bureau as required by law.

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

CHARLES D. HUMMER, Jr., M.D.  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 31 Pa.B. 6998 (December 22, 2001).)*

**Fiscal Note:** Fiscal Note 16A-4910 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 02-38. Filed for public inspection January 11, 2002, 9:00 a.m.]

## Title 61—REVENUE

### DEPARTMENT OF REVENUE

#### [61 PA. CODE CH. 101]

#### Supplemental Unemployment Benefit Plan

The Department of Revenue (Department), under the authority contained in section 354 of the Tax Reform Code of 1971 (TRC) (72 P. S. § 7354), amends §§ 101.1 and 101.6 (relating to definitions; and compensation) to read as set forth in Annex A.

#### *Purpose of Regulation*

The final-form amendments provide an explanation of the meaning and scope of the exclusion from compensation in the Pennsylvania Income Tax Law section 301(d)(vi) of the TRC (72 P. S. § 7301(d)(vi)) for employer or labor union payments for supplemental unemployment programs. The final-form amendments also address the tax treatment of programs offered to provide supplemental benefits to employees terminated from service as a result of layoff, workforce reduction, plant closings or other involuntary terminations.

#### *Explanation of Regulatory Requirements*

Section 101.1 is amended by adding the definition of "supplemental unemployment benefit plan." Section 101.6 is amended by adding a new paragraph (14) relating to benefits payable under a supplemental unemployment benefit plan, under subsection (c) which enumerates what compensation does not mean or include. The numbering of this new paragraph was changed from the proposed rulemaking because of the Department's adoption of Regulation 15-402 at 30 Pa.B. 3938 (August 5, 2000), relating to payments for employee welfare benefit plans and cafeteria plans and because of the pending adoption of Regulation 15-413, relating to termination pay, severance pay and early retirement incentive programs.

#### *Affected Parties*

Persons receiving employer or labor union payments for supplemental unemployment programs may be affected by the final-form amendments.

#### *Comment and Response Summary*

Notice of proposed rulemaking was published at 30 Pa. B. 2236 (May 6, 2000). The proposed rulemaking is being adopted with changes as set forth to read in Annex A.

No comments were received from the public during the public comment period. No comments were received from the House and Senate Finance Committees. The Department did receive comments from the Independent Regulatory Review Commission (IRRC).

Amendments to the proposed rulemaking in response to comments are as follows:

(1) In its comments, IRRC questioned the use of the phrase "established or maintained by an employer or by an employee organization, or by both" in the definition of "supplemental unemployment benefit plan" and requested an explanation of how the phrase is consistent with section 301 of the TRC.

Labor unions are employee organizations; however, not all employee organizations are labor unions—for example, voluntary employees' beneficiary associations or employee representation committees. Section 301(d)(vi) of the TRC does not deal with payments made by employee organizations other than labor unions. To clarify the proposed rulemaking, the Department added the phrase "by an employer or labor union" to § 101.6(c)(14).

(2) IRRC also questioned the necessity of the phrase "under the plan" in subparagraphs (i) and (ii) of the definition of "supplemental unemployment benefit plan" as well as the use of the term "permanent" in subparagraph (i)(A). The Department reviewed these areas of the definition and determined that the language was not necessary and deleted it from the definition.

(3) In subparagraphs (i) and (ii) of the definition of "supplemental unemployment benefit plan," IRRC questioned what was meant by the phrase "or subject in any

manner to anticipation, assignment or pledge by." To clarify its intent, the Department amended the subparagraphs by deleting the phrase IRRC found unclear and adding language that more clearly explains the provision.

Amendments initiated during the Department's internal review of the final-form amendments are as follows:

(1) For clarity and to respond to questions raised by the public since the publication of the proposed rulemaking, the Department has revised the definition of "supplemental unemployment benefit plan" by adding a third necessary attribute that employer payments to provide benefits are paid to an independently controlled trust or pooled fund established or maintained for the purpose of funding or providing benefits under the plan.

(2) As referenced in the proposed rulemaking preamble, certain proposed amendments to § 101.6 would need to be reclassified with the adoption of Regulation 15-402. Because Regulation 15-402 was adopted at 30 Pa.B. 3938 and because of the pending adoption of Regulation 15-413, relating to termination pay, severance pay and early retirement incentive programs, proposed § 101.6(c)(9) was moved to paragraph (14). See 32 Pa.B. 253 (January 12, 2002).

Explanations to questions raised by IRRC:

(1) In subparagraph (i) of the definition of "supplemental unemployment benefit plan," IRRC questioned why the parenthetical phrase "(whether or not such separation is temporary)" was needed. The purpose of the parenthetical phrase is to make sure that it is clear that no distinction is to be drawn between a temporary layoff and a permanent termination of employment.

(2) In subparagraphs (i)(E) and (ii)(B)(III) within the definition of "supplemental unemployment benefit plan," the Department uses the phrases "similar circumstances" and "similar acts." In its comments, IRRC asked the Department to explain what criteria it will use to determine similarity. The determining factor in subparagraph (i)(E) is that the circumstance be beyond the control of the participant and in subparagraph (ii)(B)(III) it is that the act be within the control of the participant.

(3) In its comments, IRRC noted that § 101.6(c)(6) references supplemental unemployment benefits; however, the Department's proposal provides that supplemental unemployment benefits also be listed in a new paragraph (9). For clarity, IRRC suggested that the Department incorporate the provisions for supplemental unemployment benefits under one paragraph.

Section 101.6(c)(6) deals with the funding for supplemental unemployment benefit pay plans, not the actual supplemental unemployment benefit plan distributions. Conversely, proposed paragraph (9) (now paragraph (14)), deals with the actual distribution of benefits; therefore, the two paragraphs should remain separate.

(4) Given the definition of "supplemental unemployment benefit plan" in § 101.1, IRRC questioned why the qualifying phrase "whether payable on a periodic basis or in the form of cash, services or property" is needed in § 101.6(c).

The qualifying phrase questioned by IRRC is needed only if there might be some question whether aperiodic cash payments and benefits payable in the form of services or property are taxable. As the Department's position was previously that aperiodic cash payments and benefits payable in the form of services or property were taxable, the possibility for questions seems quite likely.

*Fiscal Impact*

The Department has determined that the final-form amendments will have no fiscal impact on the Commonwealth.

*Paperwork*

The final-form amendments will not require additional paperwork for the public or the Commonwealth.

*Effectiveness/Sunset Date*

The amendments will become effective upon final-form publication in the *Pennsylvania Bulletin*. The final-form amendments are scheduled for review within 5 years of publication. No sunset date has been assigned.

*Contact Person*

The contact person for an explanation of the final-form amendments is Anita M. Doucette, Office of Chief Counsel, Department of Revenue, Dept. 281061, Harrisburg, PA 17128-1061.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 26, 2000, the Department submitted a copy of the notice of proposed rulemaking published at 30 Pa.B. 2236 to IRRC and to the Chairpersons of the House Committee on Finance and the Senate Committee on Finance for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing this final-form rulemaking, the Department has considered the comments received from IRRC, the Committees and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on November 20, 2001, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 6, 2001, and approved the final-form rulemaking.

*Findings*

The Department finds that:

(1) Public notice of intention to amend the regulations has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The amendments are necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Department, acting under the authorizing statute, orders that:

(a) The regulations of the Department, 61 Pa. Code Chapter 101, are amended by amending §§ 101.1 and 101.6 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(c) The Secretary of the Department shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.



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

LARRY P. WILLIAMS,  
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 31 Pa.B. 6998 (December 22, 2001).)

**Fiscal Note:** Fiscal Note 15-414 remains valid for the final adoption of the subject regulations.

(Editor's Note: The amendments adopted by the rule-making at 32 Pa.B. 253, have been consolidated into this Annex.)

## Annex A

### TITLE 61. REVENUE

#### PART I. DEPARTMENT OF REVENUE

#### Subpart B. GENERAL FUND REVENUES

#### ARTICLE V. PERSONAL INCOME TAX

#### CHAPTER 101. GENERAL PROVISIONS

##### § 101.1. Definitions.

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

\* \* \* \* \*

*Limited plan of termination*—A plan that has one or more of the following attributes:

(i) The plan, when begun, is scheduled to be complete on a certain date or upon the occurrence of one or more specified events.

(ii) The number, percentage or class of employees whose services are to be terminated are specified in advance of the employees' terminations of service.

(iii) The plan is otherwise temporary or limited.

\* \* \* \* \*

*Qualified annuity*—An arrangement under which the payee is entitled to equal, or substantially equal, periodic payments, paid at least annually, for any of the following periods:

(i) The life of the participant, or, if applicable, the joint lives of the recipient and recipient's designated beneficiary.

(ii) The life expectancy of the participant, or, if applicable, the joint life expectancies of the recipient and recipient's designated beneficiary.

(iii) A period of at least 10 years.

\* \* \* \* \*

*Severance pay*—A payment made upon separation from employment under:

(i) A plan which has both of the following attributes:

(A) Payments are not contingent solely upon an employee's retirement from service or being the same age as, or older than, the earliest retirement age under a qualifying retirement benefit plan or qualifying retirement income plan sponsored by the employer.

(B) Total payments cannot exceed twice the employee's annual compensation accruing during the year preceding the employee's termination.

(ii) A plan under which all payments to any plan participant are completed within 120 months of the participant's termination.

(iii) A plan under which no benefit is, or only reduced benefits are payable to, or can be taken, assigned, pledged or otherwise charged or dealt with by, any plan participant after the participant reaches normal retirement age or service.

(iv) A plan, including a stock bonus or profit-sharing plan formed by a trust that meets the requirements for qualification described in section 401 of the IRC (26 U.S.C.A. § 401) or employee stock ownership plan, with one or more of the following attributes:

(A) The amount of earnings on contributions (or allocations of contributions or earnings) and the amount of benefits are determined with regard to the current or accumulated profits or losses of the employer.

(B) The employer can contribute only in those years when it has current or accumulated profits.

(C) The employer's contributions can fluctuate depending on the level of its profits.

(D) The employer's contributions are made out of current or accumulated profits.

(E) Distributions are paid with respect to stock of a corporation which is held by an employee stock ownership plan.

(v) A plan under which the accrued benefit payable to each vested participant who does not die before the payment starting date is neither paid nor payable in the form of a qualified annuity.

(vi) A limited plan of termination.

\* \* \* \* \*

*Supplemental unemployment benefit plan*—A plan established or maintained by an employer or by an employee organization, or by both, that has all of the following attributes:

(i) No benefit is payable to, or can be taken, assigned, pledged or otherwise charged or dealt with by, any plan participant except upon lay-off or involuntary separation from the employment of the employer (whether or not the separation is temporary) resulting directly from:

(A) A reduction in force.

(B) Plant closing.

(C) Change in organizational structure.

(D) Discontinuance of an operation.

(E) The participant's failure to meet or maintain standards of performance for the position due to inability to carry out the responsibilities of the position, health, obsolescence, failure to meet the changed responsibilities of the position or similar circumstance beyond the control of the participant.

(ii) No benefit is payable to, or can be taken, assigned, pledged or otherwise charged or dealt with by, any plan participant if the participant either:

(A) Voluntarily separates from service.

(B) Is separated or discharged from service for any of the following reasons:

(I) Refusal to accept another position with reasonably comparable compensation.

(II) The commission of illegal acts.

(III) Insubordination, failure or refusal to comply with rules or regulations or similar acts within the control of the participant.

(III) Employer payments to provide benefits are paid to an independently controlled trust or pooled fund established or maintained for the purpose of funding or providing benefits under the plan.

\* \* \* \* \*

**§ 101.6. Compensation.**

(a) Compensation includes items of remuneration received, directly or through an agent, in cash or in property, based on payroll periods or piecework, for services rendered as an employee or casual employee, agent or officer of an individual, partnership, business or nonprofit corporation, or government agency. These items include salaries, wages, commissions, bonuses, stock options, incentive payments, fees, tips, dismissal, termination or severance payments, early retirement incentive payments and other additional compensation contingent upon retirement, including payments in excess of the scheduled or customary salaries provided for those who are not terminating service, rewards, vacation and holiday pay, paid leaves of absence, payments for unused vacation or sick leave, tax assumed by the employer, or casual employer signing bonuses, amounts received under employee benefit plans and deferred compensation arrangements, and other remuneration received for services rendered.

\* \* \* \* \*

(c) Compensation does not mean or include any of the following:

\* \* \* \* \*

(3) Federal old age insurance benefits payable under 42 U.S.C.A. § 401, Railroad Retirement Act benefits payable under 45 U.S.C.A. § 228 or § 231 or any retired or retainer pay of a member or former member of a uniformed service computed under 10 U.S.C.A. § 1401.

\* \* \* \* \*

(13) Guaranteed payments to a partner for services rendered to the partnership.

(14) Benefits payable by an employer or labor union under a supplemental unemployment benefit plan, whether payable on a periodic basis or in the form of cash, services or property.

\* \* \* \* \*

(m) For purposes of this section:

(1) A person who separated from service before satisfying superannuation requirements shall be deemed to be retired from service upon reaching retirement age, regardless of whether he has permanently and wholly withdrawn from active working life or not.

(2) The voluntary discontinuance of a plan within 3 years after it has taken effect, for any reason other than business necessity, will be evidence that the plan was temporary and limited.

[Pa.B. Doc. No. 02-39. Filed for public inspection January 11, 2002, 9:00 a.m.]

**DEPARTMENT OF REVENUE**

**[61 PA. CODE CH. 101]**

**Termination Pay, Severance Pay and Early Retirement Incentive Programs**

The Department of Revenue (Department), under the authority contained in section 354 of the Tax Reform Code of 1971 (TRC) (72 P. S. § 7354), amends §§ 101.1 and 101.6 (relating to definitions; and compensation) to read as set forth in Annex A at 32 Pa.B. 252 (January 12, 2002).

*Purpose of Regulation*

The final-form regulations clarify the taxation of termination pay, severance pay, early retirement incentive programs and programs offered by employers to provide benefits to employees in addition to those in qualifying retirement plans upon separation from service.

The final-form regulations also interpret section 301(d) of the TRC (72 P. S. § 7301(d)) to mean that Federal insurance benefits paid under the Railroad Retirement Act and guaranteed payments to a partner of a partnership for services to the partnership are excluded from compensation.

*Explanation of Regulatory Requirements*

Section 101.1 is amended by adding the definitions of "limited plan of termination," "qualified annuity" and "severance pay" for use in the regulation. Section 101.6(a) is amended by updating the list of examples of compensation. Section 101.6(c)(3) is amended to reflect the Department's interpretation of the Pennsylvania Income Tax Law with regard to Federal insurance benefits paid under the Railroad Retirement Act. Text from § 101.6(a) is deleted and moved to § 101.6(c)(13). Section 101.6(c)(13) reflects the Department's interpretation of the Pennsylvania Income Tax Law with regard to guaranteed payments to a partner of a partnership for services to the partnership. The numbering of this new paragraph was changed from the proposed rulemaking because of the Department's adoption of Regulation 15-402 at 30 Pa.B. 3938 (August 5, 2002), relating to payments for employee welfare benefit plans and cafeteria plans.

Finally, subsection (m) is added to § 101.6 to explain superannuation requirements and the voluntary discontinuance of a plan. The lettering of this new subsection was changed from the proposed rulemaking because of the Department's adoption of Regulation 15-402.

*Affected Parties*

The final-form amendments could affect employers with early-out incentive programs and employees receiving severance pay.

*Comment and Response Summary*

Notice of proposed rulemaking was published at 30 Pa.B. 2371 (May 13, 2000). The proposed rulemaking is being adopted with changes as set forth in Annex A.

No comments were received from the public during the public comment period. No comments were received from the House and Senate Finance Committees. The Department did receive comments from the Independent Regulatory Review Commission (IRRC).

Amendments to the proposed rulemaking in response to comments are as follows:

(1) IRRC indicated that the phrase "in advance" in subparagraph (ii) of the definition of "limited plan of termination" was unclear and requested that the Department be more specific. In response to IRRC's request, the Department has amended the provision by adding an explanatory phrase that modifies "in advance" and provides the necessary clarity.

(2) In its comments, IRRC was unsure what was meant by the phrase "or subject in any manner to anticipation, assignment or pledge by" as it was used in subparagraph (iii) of the definition of "severance pay" in § 101.1 and asked the Department to explain its necessity. To clarify its intent, the Department amended the subparagraph by deleting the phrase IRRC found unclear and adding language that more clearly explains the provision.

Amendments initiated during the Department's internal review of the regulation are as follows:

(1) For clarity, the definition of "qualified annuity" was amended by adding the phrase "any of the following periods."

(2) The definition of "severance pay" was amended by adding the word "accruing" to clarify that the provision is referring to compensation accruing during the year.

(3) As referenced in the proposed rulemaking preamble, certain proposed amendments to § 101.6 would need to be reclassified with the adoption of Regulation 15-402. Regulation 15-402 was adopted at 30 Pa.B. 3938; therefore, proposed § 101.6(c)(10) has been moved to paragraph (13) and proposed § 101.6(e) has been moved to subsection (m).

#### *Fiscal Impact*

The Department has determined that the amendments will have no fiscal impact on the Commonwealth.

#### *Paperwork*

The final-form regulations will not require additional paperwork for the public or the Commonwealth.

#### *Effectiveness/Sunset Date*

The final-form regulations will become effective upon publication in the *Pennsylvania Bulletin*. The final-form amendments are scheduled for review within 5 years of publication. No sunset date has been assigned.

#### *Contact Person*

The contact person for an explanation of the final-form amendments is Anita M. Doucette, Office of Chief Counsel, Department of Revenue, Dept. 281061, Harrisburg, PA 17128-1061.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 3, 2000, the Department submitted a copy of the notice of proposed rulemaking published at 30 Pa.B. 2371, to IRRC and to the Chairpersons of the House Committee on Finance and the Senate Committee on Finance for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing this final-form rulemaking, the Department has considered the comments received from IRRC, the Committees and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on November 20, 2001, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 6, 2001, and approved the final-form rulemaking.

#### *Findings*

The Department finds that:

(1) Public notice of intention to amend the regulations has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The amendments are necessary and appropriate for the administration and enforcement of the authorizing statute.

#### *Order*

The Department, acting under the authorizing statute, orders that:

(a) The regulations of the Department, 61 Pa. Code Chapter 101, are amended by amending §§ 101.1 and 101.6 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(c) The Secretary of the Department shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

LARRY P. WILLIAMS

*Secretary*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 31 Pa.B. 6998 (December 22, 2001).)*

**Fiscal Note:** Fiscal Note 15-413 remains valid for the final adoption of the subject regulation.

*(Editor's Note: For the text of the amended regulation, see 32 Pa.B. 252.)*

[Pa.B. Doc. No. 02-40. Filed for public inspection January 11, 2002, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

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

#### Reorganization of the Department of Labor and Industry

The Executive Board approved a reorganization of the Department of Labor and Industry effective December 28, 2001.

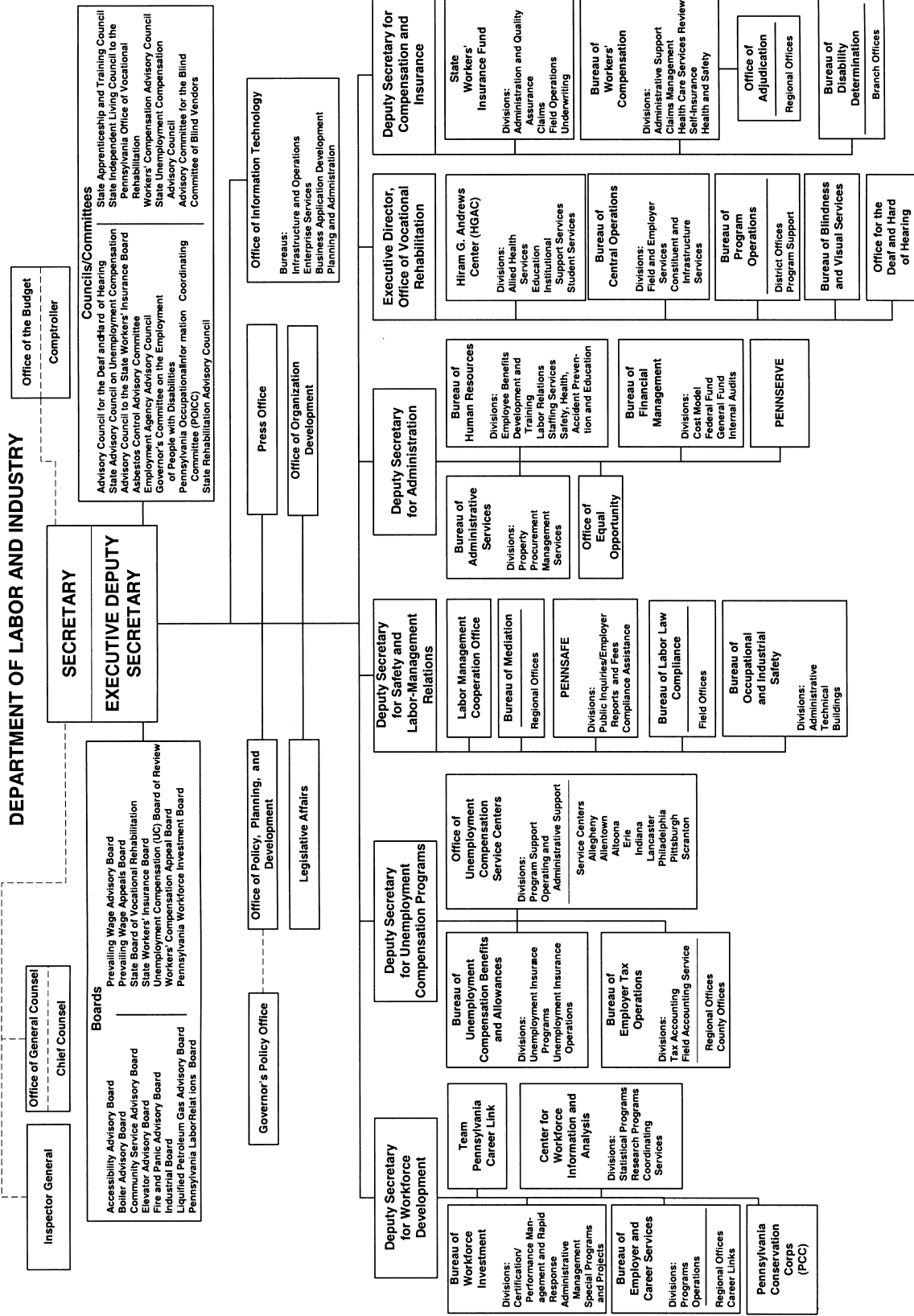
The following organization chart at 32 Pa.B. 256 (January 12, 2002) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 02-41. Filed for public inspection January 11, 2002, 9:00 a.m.]

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DEPARTMENT OF LABOR AND INDUSTRY



# NOTICES

## DEPARTMENT OF AGRICULTURE

### Pennsylvania Wine Marketing and Research Program

Under the applicable provisions of the Agricultural Commodities Marketing Act, a referendum was held from November 26 to December 10, 2001, to determine if the producers affected by the proposed Pennsylvania Wine Marketing and Research Program (Program) desired to have the Program established. In order to pass, a majority of eligible producers voting, both by number of producers and by number of gallons of wine produced between January 1 and December 31, 2000, had to vote in favor of the Program's establishment. An impartial Teller Committee met on December 18, 2001, to count the ballots. The following results were submitted to the Secretary by the Teller Committee: a total of 45 eligible votes were cast with 39 producers voting in favor of and six voting against the establishment of the program by

number of producers. Producers voted 410,676 gallons production in favor of 17,094 gallons production against the establishment of the program, based on year-2000 production. Votes favoring establishment of the Program by number of producers represented 87% of eligible votes and votes against establishment of the program represented 13% of eligible votes. Eligible votes favoring establishment of the Program by number of gallons produced in 2000 represented 96% of eligible votes and those against establishment of the Program by number of gallons produced in 2000 represented 4% of eligible votes. There were five ineligible ballots due to incomplete information or postmarks dated after the designated voting deadline. Because a majority of the votes were cast in favor of the Program, the Program shall be established, effective immediately.

SAMUEL E. HAYES, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-42. Filed for public inspection January 11, 2002, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending December 25, 2001.

#### BANKING INSTITUTIONS

##### Holding Company Conversion

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
12-20-01	PHS Bancorp, M.H.C. Beaver Falls Beaver County	Beaver Falls	Effective

*To:*

PHSB Financial Corporation  
Beaver Falls  
Beaver County

Represents the reorganization/conversion of the mutual holding company into a new Pennsylvania stock holding company, and parent holding company of Peoples Home Savings Bank, Beaver Falls.

##### New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-21-01	LeTort Management & Trust Company Camp Hill Cumberland County	3130 Morningside Dr. Camp Hill Cumberland County	Approved

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-17-01	Northwest Savings Bank Warren Warren County	Warren	Effective

Purchase of assets/assumption of liabilities of two branch offices of Sun Bank, Selinsgrove, located at:

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
	2 East Fourth Street Emporium Cameron County	Johnsonburg Plaza Route 219 Johnsonburg Elk County	
12-19-01	The Peoples State Bank, East Berlin, and Community Banks, N.A., Millersburg Surviving Institution— The Peoples State Bank, East Berlin, with a change in corporate name and principal place of business to "Community Banks," Millersburg	East Berlin	Approved

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-11-01	Firsttrust Savings Bank Conshohocken Montgomery County	Cathedral Village 600 Cathedral Road Philadelphia Philadelphia County (Limited Service Facility)	Opened
12-17-01	Firsttrust Savings Bank Conshohocken Montgomery County	Greentree Mews 600 North Route 73 Marlton Burlington County NJ	Opened

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-14-01	Sun Bank Selinsgrove Snyder County	Johnsonburg Plaza Route 219 Johnsonburg Elk County	Effective
12-14-01	Sun Bank Selinsgrove Snyder County	2 East Fourth St. Emporium Cameron County	Effective
12-14-01	Firsttrust Savings Bank Conshohocken Montgomery County	Cherry Tree Corporate Center 535 Route 38 Cherry Hill Camden County NJ	Effective
12-17-01	First Commonwealth Bank Indiana Indiana County	110 Rolling Ridge Dr. State College Centre County	Filed
12-21-01	Wilmington Trust of Pennsylvania Villanova Delaware County	402 Lancaster Ave. Haverford Montgomery County	Approved

**Articles of Amendment**

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
12-21-01	United Bank of Philadelphia Philadelphia Philadelphia County	Amendment to Article II provides for a change in the principal place of business from 714 Market Street, Philadelphia, to 300 North Third Street, Philadelphia	Approved and Effective

*Note:* The former main office at 714 Market Street, Philadelphia, has been discontinued as an office of the bank.

**SAVINGS INSTITUTIONS**

No activity.

## CREDIT UNIONS

No activity.

JAMES B. KAUFFMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-43. Filed for public inspection January 11, 2002, 9:00 a.m.]

## Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending January 1, 2002.

## BANKING INSTITUTIONS

## Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-31-01	The Peoples State Bank, East Berlin, and Community Banks, N.A., Millersburg Surviving Institution— The Peoples State Bank, East Berlin	East Berlin	Effective
	<i>Note: See Articles of Amendment</i>		
	<i>Branches Acquired Via Merger:</i>		
	100 East King Street East Berlin Adams County	Church and Mine Streets Hazleton Luzerne County	
	201 St. John's Church Road Camp Hill Cumberland County	One South Arch Street Milton Northumberland County	
	390 East Penn Drive Enola Cumberland County	300 Independence Street Shamokin Northumberland County	
	800 Peters Mountain Road Dauphin Dauphin County	1 West Side Drive Shamokin Northumberland County	
	13 South Market Street Elizabethville Dauphin County	735 Center Street Ashland Schuylkill County	
	3679 Peters Mountain Road Halifax Dauphin County	300 Hobart Street Gordon Schuylkill County	
	5060 Jonestown Road Harrisburg Dauphin County	339 Main Street Lavelle Schuylkill County	
	2796 Old Post Road Harrisburg Dauphin County	Port Carbon Highway St. Clair Schuylkill County	
	Main and Market Streets Lykens Dauphin County	1251 Centre Turnpike Orwigsburg Schuylkill County	
	Main Street Pillow Dauphin County	9 North Centre Street Pottsville Schuylkill County	
	6700 Derry Street Harrisburg Dauphin County	2 North Second Street St. Clair Schuylkill County	



<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
	77 Airport Road Hazelton Luzerne County	Route 209 Tower City Schuylkill County	
	Valley Plaza Route 93 Conyngham Luzerne County	29 East Main Street Tremont Schuylkill County	
1-1-02	Mauch Chunk Interim Trust Company, Jim Thorpe, and Mauch Chunk Trust Company, Jim Thorpe Surviving Institution— Mauch Chunk Interim Trust Company, Jim Thorpe, with a change in corporate title to "Mauch Chunk Trust Company"	702 West Main Street Valley View Schuylkill County  Mauch Chunk	Effective
	Merger is being effected solely to facilitate the acquisition of Mauch Chunk Trust Company by Mauch Chunk Trust Financial Corp., Jim Thorpe, a new Pennsylvania bank holding company.		

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-19-01	Firsttrust Savings Bank Conshohocken Montgomery County	385 Oxford Valley Rd. Yardley Bucks County	Opened
12-26-01	Smithfield State Bank Smithfield Fayette County	81 W. Main Street Uniontown Fayette County	Filed
12-27-01	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Giant Eagle 41 Allegheny Towne Center Drive Leechburg Westmoreland County	Filed

#### Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-19-01	Promistar Bank Johnstown Cambria County	<i>Into:</i> Ligonier and 13th Sts. New Florence Westmoreland County  <i>From:</i> 622 Washington St. Bolivar Westmoreland County	Effective

#### Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
12-31-01	The Peoples State Bank East Berlin Adams County	As a result of the merger of the subject bank with Community Banks, N.A., Millersburg, Article I was amended to reflect a change in corporate title to "Community Banks;" Article II provides for a change in the principal place of business to 150 Market Square, Millersburg, Dauphin County, PA 17061; and amendment to Article III changes the purpose clause to include the exercise of trust powers.	Approved and Effective

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
12-31-01	The Main Line Trust Company Devon Chester County	Amendment to Article I provides for a change in corporate title to "Davidson Trust Company."	Approved Effective 1-1-02

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

JAMES B. KAUFFMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-44. Filed for public inspection January 11, 2002, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council; Meeting Notice

A meeting of the Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will be held on Wednesday, January 23, 2002. The meeting will be held at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Claire Guisewite directly at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

PAULETTE JOHNSON,  
*Chairperson*

[Pa.B. Doc. No. 02-45. Filed for public inspection January 11, 2002, 9:00 a.m.]

### Snowmobile and ATV Advisory Committee; Meeting Notice

A meeting of the Snowmobile and ATV Advisory Committee of the Department of Conservation and Natural Resources (Department) will be held on Tuesday, January 22, 2002. The meeting will be held at 9:30 a.m. in Room 105, First Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to GERALYN UMSTEAD at (717) 772-9087.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact GERALYN UMSTEAD directly at (717) 772-9087 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. 02-46. Filed for public inspection January 11, 2002, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Availability of Workforce Investment Act of 1998 Section 231 Funds for Adult Basic Education, Including English as a Second Language/Civics Funds and Adult Secondary Education Programs, for Program Year 2002-03

Title II of The Workforce Investment Act of 1998, The Adult Education and Family Literacy Act, provides funds to local eligible provider agencies through the Department of Education (Department) for the establishment of adult education and family literacy programs that will:

1. Assist adults to become literate and obtain the knowledge and skills necessary for employment and self-sufficiency;
2. Assist adults who are parents to obtain the educational skills necessary to become full partners in the educational development of their children; and
3. Assist adults in the completion of a secondary school education.

Additional funding has recently been released by the United States Department of Education for the sole purpose of integrating "English literacy and civics education services to immigrants and other limited English proficient populations." The Commonwealth has been awarded approximately \$1 million of the \$70 million allocated funds. Funding for English as a Second Language (ESL) will not be awarded without a civics curriculum component. Instruction is intended for, but not limited to, those immigrants seeking permanent legal residence in the United States.

Eligible applicants include local education agencies and public or private nonprofit agencies, organizations and institutions. A for-profit agency is eligible to participate in the program only if it is part of a consortium with a local

education agency or other eligible sponsor, with the nonprofit agency acting as the fiscal agent. A for-profit organization must also have the capability and capacity to augment significantly the adult education services of a consortium.

Consistent with the purpose of the Adult Education and Family Literacy Act and the intent of the earmarked funding for ESL/Civics, for Program Year 2002-03, the Department will give consideration to programs for immigrants seeking permanent legal residence in the United States as follows:

A. *Primary Consideration:* Applications for the continuation or expansion of existing ESL/Civics programs that have demonstrated an ability to produce results consistent with the objectives of the Adult Education and Family Literacy Act and the requirements of the ESL/Civics earmarked funding and/or

B. *Secondary Consideration:* Applications for other ESL/Civics programs that demonstrate evidence of an ability to produce results consistent with the objectives of the Adult Education and Family Literacy Act and the requirements of the Federal ESL/Civics earmarked funding language.

In applying for ESL/Civics program funding agencies will determine appropriate funding levels (grant amounts) by ensuring that the cost per student does not exceed \$450. Call Jeff Bostic at (717) 787-6344 if assistance in this calculation is required.

When mailing in the Rider signature page, the applicant should also enclose documentation that provides evidence of the following:

1. A compelling need for the services, such as waiting lists;
2. The ability to integrate civics instruction into existing ESL programming;
3. A plan for integrating and delivering curriculum and evaluating the benefits of this instruction;
4. Proof of a viable curriculum that is used for ESL instruction that includes assessment; and
5. A history of having met or exceeded its enrollment obligations for the past several years in programs funded by the Bureau of Adult Basic and Literacy Education.

The "Grant Period" (or duration of a Section 231 ESL/Civics grant) will be for a term of 1 year—July 1, 2002, through June 30, 2003. All grants will be funded by Rider K to a Master Agreement executed between the Department and the funded agency. Current ESL/Civics grant recipients already have Master Agreements in effect that will expire June 30, 2003, provided that sufficient progress is made toward meeting program objectives. The agencies must execute a 2002-03 Program Year Rider K, to include a new budget and any changes to the application narrative in order to continue their funding. Agencies not currently funded will be given instructions on execution of the Master Agreement once grant applications are accepted for approval.

Section 231 ESL/Civics grants will comprise the 75% Federal share of total program costs. Grant recipients must fund the 25% local match share that may be in-kind. Other Federal funds may not be used for the local match unless specifically identified as eligible for use as matching funds.

Restrictions placed upon the Department by the United States Department of Education on the administration of the grant include:

1. Not less than 82.5% of the State's allotment must be used for adult education and/or family literacy programs;
2. Not more than 8.25% of the State's allotment may be used for corrections education programs; and
3. Not more than 5% of a local applicant's grant may be used for administrative costs, unless a higher percent is approved in advance by the Bureau of Adult Basic and Literacy Education.

Section 231 ESL/Civics applications must be completed online and submitted via the e-grant website at <http://www.egrants.ed.state.pa.us> to the Bureau of Adult Basic and Literacy Education, Department. Instructions and the application guidelines are available via the ABLEsite at [www.paadulted.org](http://www.paadulted.org) and via the e-grant website.

Application due date for ESL/Civics (an 061 project in the e-grant process) is April 19, 2002.

The Bureau of ABLE reserves the right to consider proposals received after these deadlines and, if appropriate, to approve them if and when funds become available.

Potential applicants are urged to attend the proposal development workshop to learn the latest changes to program guidelines and new requirements for submitting e-grant applications for adult education and family literacy programs funded through: (1) the Federal Workforce Investment Act, Section 231; (2) State Adult Literacy Program, Act 143 of 1986; and (3) the Federal Even Start Family Literacy Program. This workshop will be conducted by teleconference on January 30, 2002, 1 p.m. to 3:30 p.m. For the nearest downlink site and to ensure that space, materials and handouts are available, attendees must register to attend by contacting the Distance Learning Center at (800) 236-5293. For individuals who are deaf or hard of hearing, the Pennsylvania Relay Service, (800) 654-5984 TTY, can be used to call the Distance Learning Center. In order to ensure timely administration and processing of e-grant applications, both the grant writer and the fiscal officer should attend the workshop.

ESL/Civics funding is not to be considered permanent, as its continued availability is not something that is guaranteed. For information on existing civics materials, contact the state literacy resource center, ADVANCE at (800) 992-2283.

CHARLES B. ZOGBY,  
*Secretary*

[Pa.B. Doc. No. 02-47. Filed for public inspection January 11, 2002, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

## 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

*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>
PA0114685 (Sewerage)	Harvest Moon Plaza, Inc. 7468 S. Route 220 Highway Linden, PA 17744	Lycoming County Linden Township	Unnamed tributary to Pine Run (SWP #10A)	Y

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

**PA0238546**, Industrial Waste. **Ellwood City Forge**, P. O. Box 31, Ellwood City, PA 16117. This proposed facility is located in Ellwood City, **Lawrence County**.

Description of proposed discharge of noncontact cooling water and stormwater, is in watershed 20-C and classified for: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub> - NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Beaver Falls Municipal Authority on the Beaver River located at Eastvale, approximately 8 miles below point of discharge.

The proposed effluent limits for Outfall 001, 002, 003, 004 and 005 are based on a design flow of n/a MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>

This discharge shall consist of uncontaminated stormwater only.

The proposed effluent limits for Outfall 006 are based on a design flow of 0.01 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	XX		XX		
Temperature	XX				
pH	Within limits of 6.0 to 9.0 standard units at all times.				

XX—Monitor and report.

The EPA Waiver is in effect.

**PA0034738**, Sewage. **Howard Johnson Motor Lodge**, McClelland Jervis, Inc., 835 Perry Highway, Mercer, PA 16137. This proposed facility is located in East Lackawannock Township, **Mercer County**.

Description of Proposed Activity: renewal of a treated minor discharge from a privately owned sewage treatment works.

The receiving stream, unnamed tributary to Neshannock Creek, is in watershed 20-A and classified for: trout stocked fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and Public Water Supplier) considered during the evaluation is the Beaver River and Municipal Authority of the Township of North Sewickley located at River Mile 7.56, 39 miles below point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0196 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
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 2,000/100 ml as a geometric average	
Total Residual Chlorine	1.4		3.3
Dissolved Oxygen		minimum of 3 mg/l at all times	
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

**PA0091189**, Sewage. **Slippery Rock Campground Association**, Slippery Rock Campground Association Wastewater Treatment Plan, 1150 West Park Road, Slippery Rock, PA 16507. This proposed facility is located in Worth Township, **Butler County**.

Description of Proposed Activity: renewal of a treated minor discharge from a privately owned treatment works.

The receiving stream, Slippery Rock Creek, is in watershed 20-C and classified for: cold water fishery, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and Public Water Supplier) considered during the evaluation is the Slippery Rock Creek and Salvation Army Camp Allegheny located at River Mile 3.24, 15.09 miles below point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.1 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
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 100,000/100 ml as a geometric average	
Total Residual Chlorine	1.4		4.6
pH		6.0 to 9.0 standard units at all times	

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)**

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

**WQM Permit No. 1301407, Kidder Township**, P. O. Box 576, Lake Harmony, PA 18624. This proposed facility is located in Kidder Township, **Carbon County**.

Description of Proposed Action/Activity: To expand the Split Rock WWTP and to construct a sewer system in the Split Rock/Lake Harmony area of Kidder Township. The sewer system will consist of approximately 65,400 linear feet of gravity and low pressure sewers. Gravity lines will be 8" diameter pipes, low pressure lines will consist of 1.2", 1.5", 2", 2.5", 3", 4" and 5" pipe diameters. The Split Rock Wastewater Treatment Plant and collection system will be owned and operated by Kidder Township.

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

**WQM Permit No. 1901403, Sewerage, Columbia-Montour Area Vocational Technical School**, 5050 Sweppenheiser Drive, Bloomsburg, PA 17815. This proposed facility is located in South Centre Township, **Columbia County**.

Description of Proposed Action/Activity: The applicant proposes to construct a new 15,000 gpd package extended aeration wastewater treatment plant to replace an exist-

ing 34 year old package plant. Discharge will be at the same location as the existing WWTP into Campbell's Run Creek.

**WQM Permit No. 5501404, Sewerage, McClure Municipal Authority**, P. O. Box 138, McClure, PA 17841. This proposed facility is located in McClure Borough, **Snyder County**.

Description of Proposed Action/Activity: The applicant proposes to construct a 550,000-gallon surge tank at the wastewater treatment plant site to improve the overall efficiency of the treatment plant.

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

**WQM Permit No. 2001423, Sewerage, University of Pittsburgh—Pymatuning Laboratory of Ecology**, 3400 Forbes Avenue, Pittsburgh, PA 15260. This proposed facility is located in North Shenango Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for the replacement of an existing facility with a new sewage treatment facility to serve a laboratory of ecology.

**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 (BMPs) 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 DEP 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 that 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.

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

**NPDES Permit PAS10 G501**, Stormwater. **Columbia Gas Transmission Corporation**, P. O. Box 1273, 1700 MacCorkle Avenue, Charlestown, WV 25325-1273, has applied to discharge stormwater associated with a construction activity located in West Vincent and West

Bradford Townships, **Chester County** to Pickering Creek and Beaver Creek (HQ-TSF).

**NPDES Permit PAS10 G502**, Stormwater. **Constance Biddle**, 520 North Newtown Road, Newtown Square, PA, has applied to discharge stormwater associated with a construction activity located in Upper Oxford Township, **Chester County** to Elk Creek (HQ).

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

*Carbon County Conservation District: 5664 Interchange Road, Lehighton, PA 18235-5114, (610) 377-4894.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS101325	Lake Hauto Club 140 Maple Terrace Nesquehoning, PA 18240	Carbon County Nesquehoning Borough	Nesquehoning Creek HQ

*Northampton County Conservation District: Greystone Building, Gracedale Complex, Nazareth, PA 18064-9211, (610) 746-1971.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10U163	Stephen Selvaggio T & S Development Corp. 623 Selvaggio Drive Suite 200 Nazareth, PA 18064	Northampton County Palmer and Bethlehem Townships	Bushkill Creek HQ-CWF
PAS10U164	George Gemmel Forks Township Manager 1606 Sullivan Trail Easton, PA 18040	Northampton County Forks Township	Bushkill Creek HQ-CWF

*Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6860.*

**NPDES Permit PAS104113**, Stormwater. **DL Resources, Inc.**, 1066 Hoover Road, Smicksburg, PA 16256 has applied to discharge stormwater associated with a construction activity located in Hamilton Township, **McKean County** to Whiting Run (HQ-CWF), Markham Run (HQ-CWF) and Kinzua Creek (CWF).

## 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 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 that 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.

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

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

**Permit No. 5201502**, Public Water Supply.

Applicant **Escape Property Owners Association**  
 Township or Borough Greene and Palmyra Townships, **Pike County**  
 Responsible Official Mary Tate, President, POA  
 Type of Facility Existing Public Water System  
 Consulting Engineer Brick T. Linder, P.E.  
 Linder Engineering, Inc.  
 R. R. 1, Box 408D  
 Canadensis, PA 18325  
 Application Received Date December 10, 2001  
 Description of Action System improvements: storage tanks, booster pumps and new well houses.

**Application No. 4801504**, Public Water Supply.

Applicant **City of Easton**  
 Township or Borough City of Easton  
 Responsible Official Michael P. McFadden  
 Business Administrator  
 City of Easton  
 1 South Third Street  
 Easton, PA 18042  
 Type of Facility Public Water Supply  
 Consulting Engineer Gene C. Koontz, P.E.  
 Gannett Fleming, Inc.  
 P. O. Box 67100  
 Harrisburg, PA 17106  
 Application Received Date December 19, 2001  
 Description of Action For approval to install containment curb around two existing bulk aluminum sulfate storage tanks; modify existing filter rinse piping to eliminate possible cross connection and allow metering of filter rinse flow; install new coagulant aid polymer feed system, including drum storage, day tanks and scales and liquid polymer blending units; modify flow path through clear wells (by installing approximately 100 feet of 36-inch new clear well influent piping) and install membrane type clear well baffling to increase disinfection CT.

*Central Office: Bureau Director, Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467.*

**Permit No. 9996507**, Public Water Supply.

Applicant **Misty Mountain Spring Water Company, LLC**

Township Abingdon, VA  
 Responsible Official Linda G. Olinger  
 Type of Facility Out-of-State Bottled Water System  
 Application Received Date December 19, 2001  
 Description of Action Applicant requesting Department approval to sell bottled water in this Commonwealth under the brand name; Misty Mountain Spring Water.

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

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

**Application No. Minor Amendment.**

Applicant **Green Waltz Water Company**  
 Township or Borough Washington Township  
 Responsible Official Ted Williams, President  
 Green Waltz Water Company  
 2521 Delabole Road  
 Bangor, PA 18013  
 Type of Facility Bulk Water Hauling Facility  
 Consulting Engineer Edward E. Davis, Sr., P.E.  
 WJP Engineers  
 1406 Laurel Blvd.  
 Pottsville, PA 17901  
 Application Received Date December 21, 2001  
 Description of Action Replacement of existing disinfection equipment.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION****UNDER ACT 2, 1995****PREAMBLE 1****Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of The



Cleanup standards or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

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

**Orleans Corporation**, Warwick Township, **Bucks County**. Darryl D. Borrelli, Manko, Gold & Katcher, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Orleans Corp., 3333 Street Rd., Suite 101, Bensalem, PA 19020, has submitted a Notice of Intent to Remediate site soil contaminated with pesticides. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Inquirer* on December 7, 2001.

**Upper Chichester Former Shooting Range**, Upper Chichester Township, **Delaware County**. William F. Schmidt, P.E., Pennoni Associates, Inc., 3001 Market St., Suite 200, Philadelphia, PA 19104, on behalf of Upper Chichester Township, P. O. Box 2187, Furey Rd., Boothwyn, PA 19016, has submitted a Notice of Intent to Remediate site soil contaminated with lead. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Delaware County Daily Times* on December 10, 2001.

**PECO Ardmore Service Building—Ardmore, PA**, Lower Merion Township, **Montgomery County**. Allan Fernandes, PECO Energy Co., 300 Front St., Bldg. #1, Conshohocken, PA 19428, on behalf of PECO Energy Co., 2301 Market St., Philadelphia, PA, has submitted a Notice of Intent to Remediate site groundwater contami-

nated with BTEX, polycyclic aromatic hydrocarbons, PCE and MTBE. The applicant proposes to remediate the site to meet Statewide Health and Background Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Main Line Times* on December 13, 2001.

**Boulevard Plaza**, City of Philadelphia, **Philadelphia County**. David J. Russell, P.E., Earth Tech, Four Neshaminy Interplex, Suite 300, Trevoise, PA 19053, on behalf of Lebanon Pad, L.P., 442 Park Ave., Suite 302, New York, NY 10016, has submitted a Notice of Intent to Remediate site soil contaminated with lead and groundwater contaminated with lead and solvents. The applicant proposes to remediate the site to meet Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on October 15, 2001.

**Former Modern Laundry Facility**, City of Philadelphia, **Philadelphia County**. Charlene R. Drake, React Environmental Services, Inc., 6901 Kingsessing Ave., Philadelphia, PA 19142, on behalf of 41st and Market Sts., LLC, 654A Mount Rd., Aston, PA 19014, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with lead, polycyclic aromatic hydrocarbons and solvents. The site is located in a special industrial area. The applicant's proposed remediation will address any immediate, direct or imminent threat to the public health and the environment and will be based on the results of the Baseline Remedial Investigation Report. A summary of the Notice of Intent to Remediate was reported to have been published in the *Daily Local News* on October 12, 2001.

**Philadelphia Business & Technology Center**, City of Philadelphia, **Philadelphia County**. David J. Arber, American Resource Consultants, Inc., P. O. Box 1809, Doylestown, PA 18901, on behalf of Philadelphia Business & Technical Center, 5070 Parkside Ave., Philadelphia, PA 19131, has submitted a Notice of Intent to Remediate site soil contaminated with BTEX and groundwater contaminated with BTEX and petroleum hydrocarbons. The site is located in a special industrial area. The applicant's proposed remediation will address any immediate, direct or imminent threat to the public health and the environment and will be based on the results of the Baseline Remedial Investigation Report. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on December 5, 2001.

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

**Jones Property (former Serafin's Service Station)**, City of Wilkes-Barre, **Luzerne County**. James V. Strickland, P.G., West Mountain Road, Plymouth, PA 18651 has submitted a Notice of Intent to Remediate (on behalf of his client, Donald Jones, P. O. Box 197, Gunderland, NY 12084) concerning the remediation of soils found or suspected to have been contaminated with gasoline constituents. The applicant proposes to remediate the site to meet the Special Industrial Area standard. A summary of the Notice of Intent to Remediate was published in *The Citizens' Voice* on December 19, 2001.

**Former Cseh Residence—Pocono Township, Monroe County**. David A. Everitt III, Senior Environmental Scientist, MEA, Inc., 201 Center Street, Stockertown, PA 18083 has submitted a Notice of Intent to Remediate (on

behalf of his client, Barbara Holland, E. Thunder River Drive, Tucson, AZ) concerning the remediation of soils found or suspected to have been contaminated with kerosene fuel oil constituents. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was published in *The Pocono Record* on October 22, 2001. A Final Report was simultaneously submitted.

**Crown America—Wyoming Valley Mall**, Wilkes-Barre Township and Wilkes-Barre City, **Luzerne County**. Jo Hinish, P.G., Chief Hydrogeologist, Mountain Research, Inc., 825 25th Street, Altoona, PA 16601 has submitted a revised Notice of Intent to Remediate (on behalf of her client, Crown America Properties, L.P., Pasquerilla Plaza, Johnstown, PA 15907) concerning the remediation of soils and groundwater found or suspected to have been contaminated with lead and other metals, solvents, benzene and other volatile organic compounds and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reportedly published in *The Citizens' Voice* on December 17, 2001.

**Former Horwath Property**, Chestnuthill Township, **Monroe County**. Kevin P. Van Kuren, P.G., President, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103 submitted a Notice of Intent to Remediate concerning the remediation of groundwater found to have been contaminated with no. 2 fuel oil constituents. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was published in *The Pocono Record* on February 28, 2000. A Final Report was simultaneously submitted.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Lancaster Laundry**, City of Lancaster, **Lancaster County**. Alternative Environmental Solutions, 930 Pointview Avenue, Suite B, Ephrata, PA 17522 (on behalf of Eugene McCune, 2110 Lancaster Road, Manheim, PA 17545) has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with BTEX and PHCs. The applicant proposes to remediate the site to meet the Site-Specific standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Intelligencer Journal/New Era* on November 29, 2001.

**Louise Jones Residence**, West Cornwall Township, **Lebanon County**. Groundwater & Environmental Services, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341 (on behalf of John Bittner, 830 E. Main Street, Larksville, PA 18651 and CRL Holdings, LP, c/o Earth Tech, 2 Market Plaza Way, Mechanicsburg, PA 17055) has submitted a Notice of Intent to Remediate site soils contaminated with BTEX and PHCs. The applicant proposes to remediate the site to meet the Statewide Health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lebanon Daily News*.

**Good Residence**, Manheim Township, **Lancaster County**. GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602 (on behalf of Dr. and Mrs. Daniel Good, 260 Eshelman Road, Lancaster, PA 17601) has submitted a Notice of Intent to Remediate site soils contaminated with BTEX. The applicant proposes to remediate the site to meet the Statewide Health standard requirements. A summary of the Notice of Intent to

Remediate was reported to have been published in the *Lancaster Intelligencer Journal/New Era* on January 7, 2002.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**DuBois Bulk Plant (Petrolec)**, City of DuBois, **Clearfield County**. Environmental Remediation & Recovery, Inc. (ER&R), on behalf of its client Russell Real Estate, R. D. 1, Box 179, Curwensville, PA 16833, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with BTEX and PAHs. The applicant proposes to remediate the site to meet the Special Industrial Area requirements. A summary of the Notice of Intent to Remediate was reported to have been published in *The DuBois Courier Express* November 19, 2001.

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

**Greenleaf Corporation**, 18695 Greenleaf Drive, Saegertown, PA 16433, Saegertown Borough, **Crawford County** and Burt A. Waite of Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16335, has submitted a Notice of Intent to Remediate soil contaminated with Heavy Metals. The applicant proposes to remediate the site to meet the Statewide Health Standard.

## 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

**Verity Medical, Inc.**, P. O. Box 7722, Warren, OH 44483. Received on December 12, 2001.

### RENEWAL APPLICATIONS RECEIVED

**Health Care Waste Services Corp.**, 8 Slater Street, Port Chester, NY 10573. License No. **PA-HC 0184**. Received on December 17, 2001.

**Ephrata Community Hospital**, P. O. Box 1002, 169 Martin Avenue, Ephrata, PA 17522. License No. **PA-HC 0204**. Received on December 17, 2001.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Applications Received 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.**

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

**Permit Application No. 100549. Pottstown Landfill and Recycling Center**, 1425 Sell Road, Pottstown, PA 19464-3512. West Pottsgrove and Douglass Township,

**Montgomery and Berks Counties.** The application received is for a radiation action protection plan. Application was received in the Southeast Regional Office on December 21, 2001.

**Permit Application No. 101168. Bethayres Reclamation Corporation,** 2310 Terwood Drive, Huntington Valley, PA 19006. The application for approval of a radiation monitoring and detection plan for the construction and demolition waste landfill located in Lower Moreland Township, **Montgomery County.** Application was received in the Southeast Regional Office on December 20, 2001.

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

**Permit Application No. 100281. Greenridge Reclamation, LLC,** R. D. 1 East Huntingdon Landfill Road, Scottdale, PA, 15683. An application for a major permit modification for changes made to the regulations December 23, 2000, and a Radiological Monitoring Plan at a municipal waste landfill in East Huntingdon Township, **Westmoreland County** was received in the Regional Office on December 20, 2001.

**Permit Application No. 100620. BFI Waste Systems of North America, Inc.,** 11 Boggs Road, Imperial, PA 15126-0047. Imperial Landfill, 11 Boggs Road, Imperial, PA 15126-0047. An application for a major permit modification for changes made to the regulations December 23, 2000, and a Radiological Monitoring Plan at a municipal waste landfill in Findlay Township, **Allegheny County** was received in the Regional Office on December 21, 2001.

**Permit Application No. 100594. Chambers Development Company, Inc.,** 1550 Coraopolis Heights Road, Moon Township, PA 15108. Monroeville Landfill, 600 Thomas Street Extension, Monroeville, PA 15146. An application for a major permit modification for changes made to the regulations December 23, 2000, and a Radiological Monitoring Plan at a municipal waste landfill in the Municipality of Monroeville, **Allegheny County** was received in the Regional Office on December 21, 2001.

**Permit Application No. 101571. Waste Systems International, Inc.,** 4 Mount Royal Road, Suite 250, Marlborough, MA 01752. Mostoller Landfill, Inc., State Route 31, Somerset, PA 15501. An application for a major permit modification for changes made to the regulations December 23, 2000, and a Radiological Monitoring Plan at a municipal waste landfill in the Somerset and Brothersvalley Townships, **Somerset County** was received in the Regional Office on December 21, 2001.

**Permit Application No. 100419. CBF, Inc.,** Route 21, P. O. Box 266, McClellandtown, PA 15458. J & J Landfill, Route 21, P. O. Box 266, McClellandtown, PA 15458. An application for a major permit modification Radiological Monitoring Plan at a municipal waste landfill in the German Township, **Fayette County** was received in the Regional Office on December 21, 2001.

**Permit Application No. 101176A. Deep Valley Landfill, Inc.,** Westpointe Corporate Center 1, Suite 200, 1550 Coraopolis Heights Road, Moon Township, PA 15108. Deep Valley Landfill, 7111 Old Steubenville Pike, Oakdale, PA 15071. An application for a major permit modification for changes made to the regulations December 23, 2000, and a Radiological Monitoring Plan at a municipal waste landfill in North Fayette Township, **Allegheny County** was received in the Regional Office on December 26, 2001.

**Permit Application No. 100277. Westmoreland Waste, LLC,** 1428 Delberts Drive, Unit 2, Monongahela, PA 15063. Sanitary Landfill, 900 Tyrol Blvd., Belle Vernon, PA 15012. An application for a major permit modification for changes made to the regulations December 23, 2000 and a Radiological Monitoring Plan at a municipal waste landfill in Rostraver Township, **Westmoreland County** was received in the Regional Office on December 28, 2001.

**Permit Application No. 101439. Joseph J. Brunner, Inc.,** 211 Brunner Road, Zelenople, PA 16063. Joseph J. Brunner Landfill, 211 Brunner Road, Zelenople, PA 16063. An application for a major permit modification which includes changes to the subgrade elevations, liner system, protective cover and the Radiation Protection Plan at a municipal waste landfill in New Sewickley Township, **Beaver County** was received in the Regional Office on December 28, 2001.

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

**Application for Determination of Applicability Received 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 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**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17101-2301.*

**General Permit Application No. WMGR002D005. Garden State Paper Company, LLC,** 950 River Drive, Garfield, NJ 07026-3580. The beneficial use of wastewater treatment sludge generated by paper mills as a soil additive to establish or reestablish agricultural productivity on disturbed land; establish herbaceous wildlife habitat; facilitate revegetation on disturbed land at permitted and abandoned mine sites. The application for determination of applicability was deemed administratively complete by the Division of Municipal and Residual Waste on November 20, 2001.

Persons interested in obtaining more information about the general permit application may contact the Division of Municipal and Residual Waste, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

#### 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 Envi-

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

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

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

**40940203C2. Hudson Anthracite, Inc.** (202 Main Street, Laflin, PA 18702), correction to an existing anthracite coal refuse reprocessing operation to add coal refuse disposal and an incidental boundary correction in Jenkins Township, **Luzerne County** affecting 165.28 acres, receiving stream—none (no discharge). Application received December 10, 2001.

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

**03000104. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Revision to add acreage for a bituminous surface mine located in Valley and Kittanning Townships, **Armstrong County** affecting 272 acres. Receiving streams: unnamed tributaries to Mill Run and

Cowanshannock Creek and Mill Run and Cowanshannock Creek, classified for the following use: warm water fishery. The first downstream potable water supply intake from the point of discharge is Manor Township Water Authority. Revision application received: December 26, 2001.

**63910103. Robinson Coal Company** (200 Neville Road, Neville Island, PA 15225). Renewal application for reclamation only of a bituminous surface mine located in Robinson Township, **Washington County**, affecting 113.5 acres. Receiving streams: unnamed tributaries to Robinson Run and Little Raccoon Creek, classified for the following use: warm water fishery. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: December 28, 2001.

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

**56990103 and NPDES Permit No. PA0235172. Future Industries, Inc.**, P. O. Box 157, Meyersdale, PA 15552, permit revision for a variance to conduct surface mining activities within 100 feet of two unnamed tributaries to Millers Run along the western SMP boundary for mining of 1 acre of Lower Bakerstown coal for maximum resource recover, sedimentation pond and collection ditch construction in Brothersvalley Township, **Somerset County**, affecting 222.0 acres. Receiving streams: Miller's Run, unnamed tributaries to Miller's Run classified for the following uses: cold water fishery. There is no potable water supply intakes within 10 miles downstream. Application received December 18, 2001.

**32980115 and NPDES Permit No. PA0234982. Amerikohl Mining, Inc.**, 202 Sunset Drive, Butler, PA 16001. Permit Revision to add 6.5 acres to the permit area with 2.7 of that extracting coal and for existing discharge of treated mine drainage in Rayne Township and Ernest Borough, **Indiana County**. Total SMP acres goes from 27.5 to 34.0. Receiving streams: McKee Run classified for the following uses: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received December 17, 2001.

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

**30841307. RAG Emerald Resources, L.P.** (P. O. Box 1020, 158 Portal Road, Waynesburg, PA 15370), to revise the permit for the Emerald Mine No. 1 in Franklin Township, **Greene County**, ACOE Pittsburgh District. (Oak Forest, PA Quadrangle N: 19.8 inches; W: 4.9 inches)

This is a Chapter 105 Water Obstruction and Encroachment permit application and 401 Water Quality Certification request, if applicable, submitted as part of the mining permit renewal application to authorize impacts to approximately 5,160 feet of Laurel Run and approximately 2.0 acres of temporary impacts to adjacent wetlands from underground mining activity and the mitigation of those impacts.

Written comments or objections on the request for Section 401 Water Quality Certification or to the issuance of the Water Obstruction and Encroachment Permit may be submitted to the Department within 30 days of the date of this notice to the District Mining Office identified. Comments should contain the name, address and telephone number of the person commenting, identification of the request for 401 Water Quality Certification and Chapter 105 permit application 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.

A public hearing on this application will take place on Tuesday January 29, 2002, at 7 p.m. at the 4-H Building, Upper Floor, Greene County Fairgrounds, 250 Jefferson Road, Waynesburg, PA (Intersection of I-79 and Route 21 West). Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Betsy Mallison, CRC, SWRO at (412) 442-4182 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how DEP may accommodate their needs.

The Water Obstruction and Encroachment permit application is available for review at the McMurray District Mining Office at the address listed.

Application received December 21, 2001.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.*

**33860107. Terry Coal Sales, Inc.** (P. O. Box 58, Distant, PA 16223). Renewal of an existing bituminous surface strip operation in Perry and Oliver Townships, **Jefferson County** affecting 67.0 acres. Receiving streams: Big Run, classified for the following uses: Statewide water uses: CWF. No public water supplies are within 10 miles downstream of this proposed operation. Application for reclamation only. Application received: December 17, 2001.

**33950107. R & L Coal Corp.** (P. O. Box 26, Punxsutawney, PA 15767). Renewal of an existing bituminous surface strip operation in Warsaw Township, **Jefferson County** affecting 39.5 acres. Receiving streams: Two unnamed tributaries of Mill Creek, classified for the following uses: Statewide water uses: CWF. No public water supplies are within 10 miles downstream of this proposed operation. Application received December 20, 2001.

#### *Noncoal Applications Received*

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.*

**37960303. B & P Slag Corp.** (133 East Wallace Avenue, New Castle, PA 16101). Renewal of NPDES Permit No. PA0227293, Union Township, **Lawrence County**. Receiving streams: Mahoning River, classified for the following uses: Statewide water uses: WWF. No public water supplies are within 10 miles downstream of this proposed operation. NPDES Renewal application received December 18, 2001.

#### **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. In order for landowners and persons to qualify for immunity, the projects must be approved by the Department.

The following project proposals have been received by the Department of Environmental Protection. 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*

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

**EGS No. 56003, Southern Alleghenies Conservancy**, 702 West Pitt Street, Fairlawn Court Suite 8, Bedford, PA 15522. A water pollution abatement project to construct a passive treatment system (Metro Project) for two abandoned deep mine discharges on 8 acres of the Edward Hay, et. al. and Albert and Martha Hertzler properties located approximately 1/2 mile northeast of the Village of Coal Run on the east side of Township Road T-363 in Elk Lick Township, **Somerset County**. The receiving stream is an unnamed tributary to the Casselman River (known locally as Coal Run). The proposal was received December 17, 2001.

#### **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. 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 should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) 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)).**

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E09-831. Camp Men-O-Lan**, 1415 Doerr Road, Quakertown, PA 18951, Milford Township, **Bucks County**, ACOE Philadelphia District.

1. To replace and maintain an existing one span pedestrian bridge with a two span wooden pedestrian bridge spanning Hazelback Creek (HQ, TSF) and associated wetland. The bridge is situated in the Men-O-Lan Camp, located approximately 100 feet southwest of the intersection of Doerr Road and Canary Road (Milford, PA Quadrangle N: 4.5 inches; W: 6.5 inches).

**E09-832. The Home Depot**, 3096 Hamilton Boulevard, South Plainfield, NJ 07080, Hilltown Township, **Bucks County**, ACOE Philadelphia District.

To perform the following activities associated with the proposed construction of The Home Depot and other various retail outlets. The site is bounded by Central Avenue to the north, Souderton Road to the south, SR 309 to the east and Bethlehem Pike to the West (Telford, PA Quadrangle—13.0 inches north and 7.9 inches west) in Hilltown Township, Bucks County.

1. To place and maintain fill in 1,173 linear feet of an intermittent unnamed tributary of Mill Creek (TSF) and 0.17 acre of adjacent wetland. The flows will be routed through 985 linear feet of 60-inch RCP stream enclosure. The relocated channel will rejoin Mill Creek approximately 650-feet upstream from its original confluence.

2. To construct and maintain 58 linear feet of an 8-foot by 8-foot box culvert and associated wing walls serving as a road crossing Mill Creek.

3. To place and maintain 70 linear feet of 36-inch RCP culvert and associated fill material serving as a road crossing in an unnamed, intermittent tributary of Mill Creek to provide access from Central Avenue.

4. To place and maintain an 8-inch sanitary sewer line and -inch DIP water line crossing Mill Creek.

5. To place and maintain a stormwater outfall in an unnamed tributary of Mill Creek.

The applicant proposes to replace 0.17 acre of wetland in accordance with submitted plans.

**E46-901. County of Montgomery**, Board of County Commissioners Courthouse, P. O. Box 311, Norristown, PA 19404-0311, West Norriton, Lower Providence Townships and Collegeville Borough, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain 2,840 linear feet of 12-foot wide, paved recreational trail within the 100-year floodplain of Perkiomen Creek (WWF, MF) and across Lamb Run (WWF), Doe Run (TSF) and Norma Run (TSF), associated with the construction of the 7.5 mile long Perkiomen Trail/Schuylkill River trail extension. The trail will begin at the existing terminus at Valley Forge National Historical site and reach its northern terminus at PA SR 29—2nd Avenue, USGS Quadrangle (Starting

point Valley Forge, PA N: 20 inches; W: 5.4 inches; Ending point Collegeville, PA N: 9.75 inches; W: 11.5 inches, respectively).

**E46-903. Heritage Building Group**, 3326 Old York Road, Suite B, Furlong, PA 18925, Limerick and Lower Pottsgrove Townships, **Montgomery County**, ACOE Philadelphia District.

To perform the following activities associated with the proposed Heritage Hills Golf Course and Residential Community.

1. To construct and maintain a 102-foot long by 53-foot 7-inch span and 14.0-foot rise arch stream enclosure and associated retaining walls and wing walls along 325 linear feet of Hartenstine Creek (WWF) and an unnamed intermittent tributary. The work is associated with Road A at station 16+00 of the proposed residential development. The crossing will include two golf cart crossings and utility line crossings for 12-inch DIP water main, gas, electric, telephone and cable television.

2. To relocate and fill 350 linear feet of unnamed intermittent tributary of Hartenstine Creek associated with the construction of a stormwater collection system, yards associated with Lots 187 and 188m Road B at station 11+60, 12 inch DIP water main, an 8 inch PVC sanitary sewer line, associated with the residential development. The stream flow will be routed through 1,211 linear feet of stormwater enclosure pipes ranging from 15-inch SLCPP to 36 inch SLCCP. The relocated flow is also routed through a proposed stormwater basin, which includes a nonjurisdictional dam for which the applicant has requested an environmental assessment approval.

3. To construct 194 linear feet of 48-inch RCP stream enclosure along an unnamed tributary to Hartenstine Creek associated with Road B at station 6+40. The crossing will include a 12-inch DIP water main and an 8-inch PVC sanitary sewer line and a golf cart crossing. A temporary road crossing is proposed at this location to facilitate construction of the road and residential development.

4. To construct and maintain ten 8-inch sanitary sewer line crossings of Hartenstine Creek, an unnamed tributary to Hartenstine Creek and 0.05 acre of adjacent wetlands.

5. To construct 210 linear feet of 30-inch SLCPP stream enclosure and place and maintain fill in 0.02 acre of wetland (PEM) adjacent to an unnamed intermittent tributary of Hartenstine Creek to establish a yard associated with Lot 199 and 200 of the proposed residential development.

6. To place and maintain fill in 142 linear feet of intermittent unnamed tributary to Hartenstine Creek at Road B Station 21+20 associated with the proposed residential development.

7. To construct 143 linear feet of 24-inch stream enclosure in and along an unnamed intermittent tributary of Hartenstine Creek associated with Road B at Station 18+60 and Lot 208 of the proposed residential development. The crossing will include a 12-inch DIP water main, an 8-inch PVC sanitary sewer line and an 18-inch SLCPP stormwater utility line crossing under the proposed enclosure.

8. To construct and maintain 80 linear feet of 18-inch SLCPP and 0.04 acre of fill in wetland (PEM) adjacent to an unnamed tributary of Hartenstine Creek and associated utility line crossings. This work is associated with a

minor road crossing which will serve as access to the proposed golf course clubhouse.

9. To construct ten 10-foot wide complete span golf cart bridge crossings across Hartenstine Creek and unnamed intermittent tributaries with attached irrigation crossings. Four temporary stream crossings will be constructed along with the cart bridges to provide access for construction equipment during golf course construction.

10. To construct and maintain 85 linear feet of 18-inch SLCPP along an unnamed tributary of Hartenstine Creek associated with Fairway 18 of the proposed golf course.

11. To place and maintain fill in 265 linear feet of unnamed intermittent tributary of Hartenstine Creek associated with the construction of a golf course practice tee.

12. To enclose 169 linear feet of an unnamed intermittent tributary to Hartenstine Creek associated with Hole 9 of the proposed golf course.

The site is located approximately 1,500 feet northeast of the intersection of Ridge Pike and Rupert Road (Phoenixville, PA USGS Quadrangle N: 21.2 inches; W: 9.5 inches).

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

**E40-584. Earth Conservancy**, 101 South Main Street, Ashley, PA 18706-1506, in Newport Township, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To modify and maintain approximately 150 linear feet of channel of a tributary to South Branch Newport Creek (CWF), locally known as Wanamie Run, at the outlet of the Wanamie Lake Dam. The project includes widening and riprap lining of the channel section, to eliminate the dam's potential to impound water and will impact a de minimus area of wetlands equal to 0.02 acre through excavation within the impoundment area. The project is located approximately 4,500 feet southeast of the intersection of S.R. 3004 and S.R. 3002 (Nanticoke, Quadrangle N: 7.7 inches; W: 3.2 inches).

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

**E08-383. Borough of Wyalusing**, P. O. Box 131, 102 Senate Street, Wyalusing, PA 18853. Wyalusing Restoration, in the Borough of Wyalusing, **Bradford County**, ACOE Baltimore District (Wyalusing, PA Quadrangle N: 8 inches; W: .5 inch).

The permit proposes to stabilize 7,500 linear feet of Wyalusing Creek by method of natural channel design. The restoration activities intend to utilize 9 cross vane structures and 13 J-hook structures along with associated pools and natural stream features. The permit also proposes to create 3,000 linear feet of wetland from the abandoned existing channel. This project proposes to impact 7,500 linear feet of Wyalusing Creek which has a Water Quality designation of Warm Water Fishery and does not intend to impact any wetlands.

**E14-412. Pinnacle Development, LLC**, 501 Rolling Ridge Drive, State College, PA 16801. Toftrees Ave Ext., in Patton Township, **Centre County**, ACOE Baltimore District (Julian, PA Quadrangle N: 13.8 inches; W: 0.4 inch).

To construct and maintain a 200-foot long 11-foot 5-inch by 7-foot 3-inch Corrugated Metal Arch Pipe with the associated concrete endwalls and 14-foot of cover/

approach fill in unnamed tributary to Big Hollow Run for a public road crossing to proposed developments. The client proposes to permanently impact 200 feet of unnamed tributary of Big Hollow Run, which is a Cold Water Fishery.

**E41-494. Mifflin Township Supervisors**, P. O. Box 435, Salladasburg, PA, 17740. Culvert Pipe, in Mifflin Township, **Lycoming County**, ACOE Baltimore District (Salladasburg, PA Quadrangle N: 3.2 inches; W: 16.5 inches).

Under Emergency Permit EP 4101501 a 53 inch by 41 inch corrugated metal pipe arch measuring 98 feet in length was installed to correct a safety problem. The permit application is submitted to establish maintenance responsibility for the Township. The culvert was installed in an unnamed tributary to Mud Run, which has a water quality designation of Warm Water Fishery.

**E55-184. Jay B. Martin**, R. R. 3 Box 214, Selinsgrove, PA 17870. Water Obstruction and Encroachment Permit Application, in Washington Township, **Snyder County**, ACOE Susquehanna River Basin District (Freeburg, PA Quadrangle N: 0.3 inch; W: 6.3 inches).

To construct and maintain a masonry, wooden structure having a span of 20-feet over an unnamed tributary to Middle Creek and maintain 280-feet of two stream bed gravel removal sites of unnamed tributaries to Middle Creek which will be stabilized with conservation mix grass, all of which is located 6 miles east of the intersection of S.R. 0104 and Neitz Valley Road along Neitz Valley Road.

**E59-421. Pennsylvania Department of Transportation**, 715 Jordan Ave, Montoursville, PA 17754. SR328 Bridge Over unnamed tributary to Mutton Lane Creek, in Lawrence, **Tioga County**, ACOE Baltimore District (Jackson Summit, PA Quadrangle N: 13.1 inches; W: 7.25 inches).

The permit application proposes to remove the existing bridge structure and replace it with a reinforced concrete box culvert with a hydraulic opening of 20 feet by 3.1 feet. This structure is located in an unnamed tributary to Mutton Lane Creek and will impact 70 linear feet of stream and does not propose to impact any wetlands.

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

**E63-524. W.C.W. Inc.**, 300 Weyman Plaza, Suite 210, Pittsburgh, PA 15236. South Strabane Township, **Washington County**, ACOE Pittsburgh District.

To construct and maintain twin 48-inch diameter culverts, 72 feet in length, in an unnamed tributary to Chartiers Creek (WWF) and associated wetlands, to construct and maintain a 96-inch diameter culvert 120 feet in length in an unnamed tributary to Chartiers Creek (WWF) and associated wetlands, to construct and maintain a detention pond in an unnamed tributary to Chartiers Creek and associated wetlands and to construct and maintain a 42-inch diameter CMP stream enclosure in an unnamed tributary to Chartiers Creek (WWF) for the purpose of constructing the Cameron Estates Plan of Lots. The project is located on the south side of Cameron Road, approximately 2,600 feet south from the intersection of Cameron Road and Washington Road (S.R. 19) (Washington East, PA Quadrangle N: 10.8 inches; W: 12.0 inches).



**E65-792. Duke Energy Yukon, LLC,** 5400 Westheimer Court 8H-41, Houston, TX 77056. Sewickley Township, **Westmoreland County**, ACOE Pittsburgh District.

To construct and maintain a power generating station consisting of eight turbine generators along Sewickley Creek (WWF). The project will impact 0.55 acre of wetlands. The project is located approximately 3 miles east of West Newton and 2 miles west of Yukon (Smithton, PA Quadrangle N: 16.22 inches; W: 12.93 inches).

**E65-793. City of Arnold,** 1829 Fifth Avenue, Arnold, PA 15068. City of Arnold, **Westmoreland County**, ACOE Pittsburgh District.

To construct and maintain a floating fishing pier having a length of 96 feet and a width of 8 feet along the left bank of the Allegheny River at approximately River Mile 20.2 for the purpose of providing recreational opportunities to area residents. The project is located at the Kennedy Riverside Park. (New Kensington West, PA Quadrangle N: 14.43 inches; W: 3.08 inches).

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## ACTIONS

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### FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA 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 (Department) has taken the following actions on previously received permit applications and requests for plan approval. The actions are listed in two categories. Section I lists all municipal and industrial permits and Section II lists oil and gas related permits.

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

#### **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. PA-0070394,** Industrial Waste, **Herceg Landfill**, 539 Roundtable Drive, Nazareth, PA

18064. This proposed facility is located in Bushkill Township, **Northampton County**.

Description of Proposed Action/Activity: to renew permit to discharge treated wastewater into unnamed tributary to East Branch Monocacy Creek.

**NPDES Permit No. PA-0012751,** Industrial Waste, **Zinc Corporation of America**, 900 Delaware Avenue, Palmerton, PA 18701. This proposed facility is located in Palmerton Borough, **Carbon County**.

Description of Proposed Action/Activity: to renew permit to discharge treated wastewater into Aquashicola Creek and Lehigh River.

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

**NPDES #New,** Agriculture, **Lewisburg Area Joint Sewer Authority**, P. O. Box 305, Lewisburg, PA 17837-0305. This proposed facility is located in Delaware Township, **Northumberland County**.

Description of Action: Site Suitability 30-Day Notice Issued October 26, 2001.

**WQM #1401405 New,** Sewage, Publicly Owned-Municipal, **Spring Benner Walker Joint Authority**, 170 Irish Hollow Road, Bellefonte, PA 16823-8600. This proposed facility is located in Spring Township, **Centre County**.

Description of Action: Water Quality Mgmt (Part II) Permit Sewerage Extension/Pumping Station Issued October 22, 2001.

**WQM #1701408 New,** Sewage, Nonpublicly Owned-Nonmunicipal, **Earl Snyder**, R. R. 1 Box 92, Frenchville, PA 16836. This proposed facility is located in Covington Township, **Clearfield County**.

Description of Action: Water Quality Mgmt (Part II) Permit Sewerage Treatment Plant Issued October 22, 2001.

**WQM #4101401 New,** Sewage, Publicly Owned-Municipal, **Brady Township**, 1986 Elimsport Road, Montgomery, PA 17752. This proposed facility is located in Brady Township, **Lycoming County**.

Description of Action: Water Quality Mgmt. (Part II) Permit Sewerage Treatment Plant Issued October 29, 2001.

**WQM #4197405 Transfer,** Sewage, Nonpublicly Owned-Nonmunicipal, **Raymond Hartman**, 112 Thunder Road, Linden, PA 17744. This existing facility is located in Woodward Township, **Lycoming County**.

Description of Action: Water Quality Mgmt. (Part II) Permit Sewerage Treatment Plant Issued October 22, 2001.

**WQM #5901403 New,** Sewage, Publicly Owned-Municipal, **Mansfield Borough**, 19 E. Wellsboro Street, Mansfield, PA 16933-1132. This proposed facility is located in Mansfield Borough, **Tioga County**.

Description of Action: Water Quality Mgmt (Part II) Permit Sewerage Treatment Plant Issued October 22, 2001.

**NPDES #PA0008443 Amendment,** Industrial Waste, **Montour LLC**, Two North Ninth Street, Allentown, PA 18101-1179. This existing facility is located in Derry Township, **Montour County**.

Description of Action: NPDES Permit Industrial Wastewater Discharge Major Issued October 25, 2001.



**NPDES #PA0008800 Amendment**, Industrial Waste, **Westfield Tanning Company**, 360 Church Street, Westfield, PA 16950-1524. This existing facility is located in Westfield Borough, **Tioga County**.

Description of Action: NPDES Permit Industrial Waste-water Discharge Minor Issued November 13, 2001.

**NPDES #PA0030601 Renewal**, Sewage, Nonpublicly Owned-Nonmunicipal, **Clearfield Area School District**, 438 River Road, Clearfield, PA 16830-2649. This existing facility is located in Goshen Township, **Clearfield County**.

Description of Action: NPDES Permit Sewage Discharges Nonmunicipal-Minor Issued October 22, 2001.

**NPDES #PA0111741 New**, Sewage, Nonpublicly Owned-Nonmunicipal, **Warrior Run School District**, R. R. 2 Box 151A, Turbotville, PA 17772. This proposed facility is located in Lewis Township, **Northumberland County**.

Description of Action: NPDES Permit Sewage Discharges Nonmunicipal-Minor Issued October 11, 2001.

**NPDES #PA0112704 Renewal**, Sewage, Nonpublicly Owned-Nonmunicipal, **Clyde Yohey**, 560 Montour Boulevard, Bloomsburg, PA 17815-8587. This existing facility is located in Montour Township, **Columbia County**.

Description of Action: NPDES Permit Sewage Discharges Nonmunicipal-Minor Issued October 29, 2001.

**NPDES #PA0114898 Renewal**, Sewage, Publicly Owned-Municipal, **Madison Township Supervisors**, R. R. 9 Box 315, Bloomsburg, PA 17815-9752. This existing facility is located in Madison Township, **Columbia County**.

Description of Action: NPDES Permit Sewage Discharges Municipal-Minor Issued October 11, 2001.

**NPDES #PA0114936 Renewal**, Sewage, Publicly Owned-Municipal, **BCI Municipal Authority**, P. O. Box 388, Coalport, PA 16627-0398. This existing facility is located in Irvona Borough, **Clearfield County**.

Description of Action: NPDES Permit Sewage Discharges Municipal-Minor Issued November 19, 2001.

**NPDES #PA0208647 Transfer**, Sewage, Publicly Owned-Municipal, **Kratzer Run Sewer Authority**, P. O. Box 53, Grampian, PA 16838. This existing facility is located in Grampian Borough, **Clearfield County**.

Description of Action: NPDES Permit Sewage Discharges Municipal-Minor Issued October 11, 2001.

**NPDES #PA0209074 Renewal**, Sewage, Nonpublicly Owned-Nonmunicipal, **Vernon Pettengill**, R. R. 2 Box 856, Lock Haven, PA 17745-9706. This existing facility is located in Woodward Township, **Lycoming County**.

Description of Action: NPDES Permit Sewage Discharges Nonmunicipal-Minor Issued November 13, 2001.

**NPDES #PA0209406 Renewal**, Sewage, Nonpublicly Owned-Nonmunicipal, **Eutaw House**, R. D. 1 Box 1076, Spring Mills, PA 16875. This existing facility is located in Potter Township, **Centre County**.

Description of Action: NPDES Permit Sewage Discharges Nonmunicipal-Minor Issued October 11, 2001.

**NPDES #PA0228451 New**, Concentrated Animal Feed Operation, **Barry Parthemer**, R. R. 2 Box 1025, McClure, PA 17841. This proposed facility is located in West Beaver Township, **Snyder County**.

Description of Action: NPDES Concentrated Animal Feed Operations Indiv Permit Issued November 21, 2001.

**NPDES #PA0229460 New**, Sewage, Publicly Owned-Municipal, **Abbott Township**, 1431 Germania Road, Galeton, PA 16922. This proposed facility is located in Abbott Township, **Potter County**.

Description of Action: NPDES Permit Sewage Discharges Municipal-Minor Issued October 9, 2001.

**NPDES #PAS224802 New**, Stormwater-Industrial, **Bruce Charles Sawmill**, R. R. 1 Box 565, Unityville, PA 17774-9541. This proposed facility is located in Jordan Township, **Lycoming County**.

Description of Action: NPDES Stormwater-Industrial Activities General Permit (GP-3) Issued October 22, 2001.

**WQM #WQM5501403 New**, Sewage, Nonpublicly Owned-Nonmunicipal, **Paul Arbogast**, R. R. 1, Mt. Pleasant Mills, PA 17853. This proposed facility is located in Union Township, **Snyder County**.

Description of Action: Water Quality Mgmt. (Part II) Permit Sewerage Treatment Plant Issued November 5, 2001.

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

**NPDES Permit No. PA0209945**, Sewage, **Widad Baz-zoui**, 565 Minard Run Road, Bradford, PA 16701-3764. This proposed facility is located in Bradford Township, **McKean County**.

Description of Proposed Action/Activity: This project is to discharge to unnamed tributary to Minard Run.

**WQM Permit No. 2001418**, Sewerage, **James Hodson**, 18733 Williams Street, Meadville, PA 16335. This proposed facility is located in Summerhill Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for a Single Residence.

**WQM Permit No. 2001425**, Sewerage, **Ronald J. King**, 1213 Fir Drive, Latrobe, PA 15650-2715. This proposed facility is located in Vernon Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for a Single Residence.

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

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

These actions of the Department of Environmental Protection (Department) may be appealed to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483, by any aggrieved person under the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10-G472	Gen Terra Corporation 666 Exton Commons Exton, PA 19341	Chester	East Whiteland Township	Little Valley Creek (EV)
PAS10-G477	Heritage Building Group, Inc. 3326 Old York Road, Suite A100 Furlong, PA 18925	Chester	East Coventry Township	Bickels Run (HQ-TSF)
PAS10-G478	Wilkinson Heritage, LLC 1020 Broad Run Road Landenberg, PA 19350	Chester	Franklin Township	Branch of Big Elk Creek (HQ-TSF-MF)
PAS10-G481	Pennsylvania Army National Guards 119 Utility Road Annville, PA 17003-5002	Chester	East Vincent Township	Schuylkill River (HQ-TSF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10R040	NBC Seventh Realty Corp. 770 Cochituate Rd. Framingham, MA 01701	Luzerne	Pittstown Township	Spring Brook HQ-CWF
PAS10Q228	Gateway Farms, LLC 135 Bird Neck Rd. Barto, PA	Lehigh	Weisenberg Township	Little Lehigh Creek HQ-CWF
PAS10S009-1-R	Resorts USA P. O. Box 447 Bushkill, PA 18324	Monroe	Middle Smithfield Township	Sand Hill Creek HQ-CWF

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

The following parties have submitted: (1) Notices of Intent (NOIs) for Coverage under (1) General NPDES Permits to Discharge Wastewater into the Waters of the 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 Pennsylvania; (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 of Environmental Protection 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>
Upper Chichester Township Delaware County	PAR10 J229	John Donald P. O. Box 333 Lima, PA 19037	Naamans Creek (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Towamencin Township Montgomery County	PAR10 T806	Christopher Dock Mennonite HS 1000 Forty Foot Road Lansdale, PA 19446	Skippack Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Providence Township Montgomery County	PAR10 T797	Spring Ford Area School District 199 Bechtel Road Collegeville, PA 19426	Mingo Creek (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Franconia Township Montgomery County	PAR10 T781	Wayne Marcho 176 Orchard Lane Harleysville, PA 19438	Tributary of Indian Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lackawanna County Scott Township	PAR10N129	George Schlasta 1563 Lakeland Dr. Jermyn, PA 18433	UNT to S. Branch Tunkhannock Creek CWF	Lackawanna County Conservation District (570) 281-9495
Luzerne County Kingston Township	PAR10R236	William Cave 400 West Center Hill Rd. Dallas, PA 18612	Toby's Creek CWF	Luzerne County Conservation District (570) 674-7991
Adams Township Butler County	PAR10E169	Donald Rodgers 215 Executive Dr. Cranberry Township	Kaufman Run (WWF)	Butler County Conservation District 122 McCune Dr. Butler, PA 16001-6501 (724) 284-5270 (724) 284-5271

*General Permit Type—PAG-3*

<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>
Lehigh County Upper Macungie Township	PAR122212	Coca-Cola Company One Coca-Cola Plaza P. O. Drawer 1734 Atlanta, GA 30301	Iron Run Tribu- tary	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
Schuylkill County Rush Township	PAR232201	Air Products & Chemicals, Inc. P. O. Box 351 Tamaqua, PA 18252	Neiferts Creek CWF	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
Mount Carmel Borough Northumberland County	PAR144804	Intl. Paper Co. P. O. Box 268 Lock Haven, PA 17745- 0268	Shamokin Creek (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

## NOTICES

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<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>
Lock Haven City Clinton County	PAR214818	Centre Concrete Co. P. O. Box 27 Montoursville, PA 17754-0027	Bald Eagle Creek (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Fairfield Township Lycoming County	PAR214819	Centre Concrete Co. P. O. Box 27 Montoursville, PA 17754-0027	Bennetts Run (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Muncy Creek Township Lycoming County	PAR214821	Keystone Filler & Mfg. Co. 214 Railroad St. Muncy, PA 17756-1422	UNT to West Branch Susquehanna River (WWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
East Buffalo Township Union County	PAR224845	Pennsylvania House Inc. 137 N. 10th St. Lewisburg, PA 17837-1356	Limestone Run (WWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Derry Township Montour County	PAR704802	Montour LLC Two North Ninth St. Allentown, PA 18101-1179	Mud Creek Chillisquaque Creek (WWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Adams Township Butler County	PAR808316	Vogel Disposal Service, Inc. P. O. Box 847 Mars, PA 16046-0847	Breakneck Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*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>
Union Township Centre County	PAG044894	Roxanne Sheils 1151 Eqypt Hollow Rd. Julian, PA 16844	UNT to Brower Hollow Run (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

<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>
North Centre Township Columbia County	PAG044898	Antoine Obas R. R. 2 Box 2482 Berwick, PA 18603	UNT to Fester Hollow (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Pine Township Columbia County	PAG044906	Stanley W. Bardo R. R. 2 Box 35 Millville, PA 17846-9614	Little Fishing Creek (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Limestone Township Union County	PAG044910	Kim Oberdorf 133 N. Second St. Lewisburg, PA 17837	Penns Creek (WWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Sugarloaf Township Columbia County	PAG044931	Ray Dreisbach R. R. 3 Box 3867 Berwick, PA 18603-9803	UNT to Raven Creek (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Woodward Township Lycoming County	PAG044951	Raymond Hartman 112 Thunder Rd. Linden, PA 17744	UNT to Pine Run (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Covington Township Clearfield County	PAG045128	Earl Snyder R. R. 1 Box 92 Frenchville, PA 16836	UNT to Rock Run (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Smithfield Township Bradford County	PAG045130	Christopher Mosier R. R. 2 Ulster, PA 18850	Browns Creek (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Union Township Snyder County	PAG045131	Paul Arbogast R. R. 1 Mt. Pleasant Mills, PA 17853	Silver Creek (WWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

<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>
Summerhill Township Crawford County	PAG048770	James Hodson 18733 Williams Street Meadville, PA 16335	Unnamed tributary to Conneaut Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Vernon Township Crawford County	PAG048772	Ronald J. King 1213 Fir Drive Latrobe, PA 15650-2715	Unnamed tributary to French Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-10*

<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>
Wyalusing Borough Bradford County	PAG104805	Tennessee Gas Pipeline Co. 1001 Louisiana St. Houston, TX 77002	Wyalusing Creek (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

*General Permit Type—PAG-12*

<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>
Terry Township Bradford County	PAG124809	Patrick Blow R. R. 2 Towanda, PA 18848	UNT to Susquehanna River (WWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

**PUBLIC WATER SUPPLY PERMITS**

The Department of Environmental Protection (Department) 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 this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days from the date of issue of 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 of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

**SAFE DRINKING WATER**

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

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

**Operations Permit** issued to: **Jean Corson, d/b/a Laurel Woods Mobile Home Park**, 5 Wild Way, Lake Hopatcong, NJ 07849, Lackawaxen Township, **Pike County** on December 17, 2001.

**Operations Permit** issued to: **David Riegel**, Authority Secretary, Hellertown Borough Authority, 501 Durham Street, Hellertown, PA 18055, Hellertown Borough, **Northampton County** on December 18, 2001.

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

**Permit No. 3899501**, Public Water Supply.

Applicant	<b>Fredericksburg Sewer &amp; Water Authority</b>
Municipality	Bethel Township
County	<b>Lebanon</b>

Type of Facility	Installation of equipment for addition to sodium fluoride to water supply.
Consulting Engineer	Jeffrey D. Steckbeck Steckbeck Engineering Assoc. 43 N. Cornwall Rd. Lebanon, PA 17042
Permit to Operate Issued:	December 18, 2001
<b>Permit No. 2201506 MA</b> , Minor Amendment, Public Water Supply.	
Applicant	<b>United Water Pennsylvania</b>
Municipality	Hummelstown Borough
County	<b>Dauphin</b>
Type of Facility	Operation of a 615-gallon bulk storage tank for liquid caustic soda at the Hummelstown Water Treatment Plant.
Consulting Engineer	R. Michael Gephart, P.E. United Water Pennsylvania 4211 East Park Circle Harrisburg, PA 17111
Permit to Operate Issued:	December 14, 2001
<b>Permit No. 2296502 T1</b> , Public Water Supply.	
Applicant	<b>Richard E. and Gwendolyn H. Wright</b>
Municipality	Londonderry Township
County	<b>Dauphin</b>
Type of Facility	Reissuance of an operation permit for the operation of treatment for lead and copper corrosion control utilizing orthophosphate. This also permits an existing softening and UV light disinfection system.
Consulting Engineer	Richard E Wright, P.E. 13 Para Avenue Hershey, PA 17033
Permit to Operate Issued:	December 18, 2001
<i>Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.</i>	
<b>Permit No. 2583502-T1-MA1</b> , Minor Amendment. Public Water Supply.	
Applicant	<b>Fairview Township Water Authority</b> 7485 McCray Road P. O. Box U Fairview, PA 16415-0821.
Borough or Township	Fairview Township
County	<b>Erie</b>
Type of Facility	PWS
Consulting Engineer	Consoer Townsend, 155 West 8th Street, Erie, PA 16501.
Permit to Construct Issued	December 27, 2001

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 2

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

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

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

The Department has received the following final reports:

*Southeast Region: Environmental Cleanup Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**Orleans Corporation**, Warwick Township, **Bucks County**. Darryl D. Borrelli, Manko, Gold & Katcher, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Orleans Corp., 333 Street Rd., Suite 101, Bensalem, PA 19020, has submitted a Final Report concerning remediation of site soil contaminated with pesticides. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Septa Parking Lot Site**, Perkasio Borough, **Bucks County**. Michael S. Kozar, P.G., O'Brien & Gere, 1777 Sentry Parkway West, Gwynedd Hall, Suite 302, Blue Bell, PA, on behalf of SEPTA, Leased by Borough of Perkasio, 311 S. 9th St., Perkasio, PA 18944, has submitted a Final Report concerning remediation of site soil contaminated with lead, metals, polycyclic aromatic hydrocarbons and TPH. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Former Fermtec Facility Areas F—M**, West Chester Borough, **Chester County**. Richard P. Almquist, Jr., Oxford Engineers & Consultants, Inc., 2621 Van Buren Ave., Suite 500, Norristown, PA 19403, on behalf of Robert M. Casciato and Senya Simeon D. Isayeff Real Estate Partnership, 882 S. Matlack St., West Chester, PA 19382, has submitted an Addendum Final Report for Areas F through M, concerning remediation of site soil contaminated with lead, heavy metals, solvents, BTEX,

petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Former Modern Laundry Facility**, City of Philadelphia, **Philadelphia County**. David J. Arber, American Resource Consultants, Inc., P. O. Box 1809, Doylestown, PA 18901, on behalf of 41st and Market Sts., LLC, 654A Mount Rd., Aston, PA 19014, has submitted a Baseline Remedial Report concerning remediation of site soil and groundwater contaminated with lead, solvents and polycyclic aromatic hydrocarbons. The report is intended to document special industrial area requirements.

**Riverfront Towers**, City of Philadelphia, **Philadelphia County**. Bruce W. Pringle, S. T. Hudson Engineers, Inc., 800 Hudson Square, P. O. Box 9106, Camden, NJ, 08101, on behalf of Isle of Capri Associates, LP, 242 S. 17th St., Philadelphia, PA, has submitted a Remedial Investigation Report concerning remediation of site soil contaminated with lead, heavy metals and polycyclic aromatic hydrocarbons. The remediation planned is intended to meet Site-Specific Standards.

**Kurz-Hastings, Inc.**, City of Philadelphia, **Philadelphia County**, J. Anthony Sauder, P.E., P.G., Pennonni Associates, Inc., 3001 Market St., Suite 200, Philadelphia, PA 19104-2897, on behalf of Kurz-Hastings, Inc., 10901 Dutton Rd., Philadelphia, PA 19154, has submitted Remedial Investigation and Risk Assessment Reports concerning remediation of site soil and groundwater contaminated with volatiles. The remediation planned is intended to meet Statewide Health and Site-Specific Standards.

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

**Former Horwath Property**, Chestnuthill Township, **Monroe County**. Kevin P. Van Kuren, P.G., President, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103 submitted a Final Report concerning the remediation of groundwater found to have been contaminated with no. 2 fuel oil constituents. The report was submitted to document remediation of the site to meet the Statewide health standard. A Notice of Intent to Remediate was simultaneously submitted.

**Former Cseh Residence—Pocono Township, Monroe County**. David A. Everitt III, Senior Environmental Scientist, MEA, Inc., 201 Center Street, Stockertown, PA 18083 submitted a Final Report (on behalf of his client, Barbara Holland, E. Thunder River Drive, Tucson, AZ) concerning the remediation of soils found or suspected to have been contaminated with kerosene fuel oil constituents. The report was submitted to document remediation of the site to meet the Statewide health standard. A Notice of Intent to Remediate was simultaneously submitted.

**Former ExxonMobil Allentown Terminal**, City of Allentown, **Lehigh County**. Frank J. Messina, Project Manager, ExxonMobil Refining & Supply Company, 1900 East Linden Avenue, P. O. Box 728, Linden, NJ 07036 has submitted a both a Remedial Investigation Report and a Cleanup Plan concerning the remediation of site soils and groundwater found or suspected to have been contaminated with BTEX compounds. The reports were submitted in partial fulfillment of the site-specific standard.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Louise Jones Residence**, West Cornwall Township, **Lebanon County**. Groundwater & Environmental Services, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341 (on behalf of John Bittner, 830 E. Main Street, Larksville, PA 18651 and CRL Holdings, LP, c/o Earth Tech, 2 Market Plaza Way, Mechanicsburg, PA 17055) has submitted a final report concerning remediation of site soils contaminated with BTEX and PHCs. The report is intended to document remediation of the site to the Statewide Health standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

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

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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 Land Recycling and Environmental Remediation Standards 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 of Environmental Protection 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.*

**ICI Explosives USA Inc.—Wakefield Property**, Walker Township, **Schuylkill County**. RBR Consulting, Inc., 650 Shady Drive, Beaver Falls, PA 15010 submitted a Risk Assessment Report (on behalf of their client, ICI Explosives USA Inc.) concerning the residual risk related to soil, groundwater, surface water and sediment found or suspected to have been contaminated with lead and other metals, polycyclic aromatic hydrocarbons, polychlorinated biphenyls and volatile organic compounds. The report was submitted in partial fulfillment of a combination of the Statewide health and site-specific standards and was approved on December 21, 2001.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Aaron Rubin & Sons Company**, Susquehanna Township, **Dauphin County**. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109 (on behalf of Aaron Rubin & Sons Company, 3401 North Sixth Street, Harrisburg, PA 17110) submitted a final report concerning the remediation of site soils contaminated with BTEX, PHCs and PAHs. The final report demonstrated attainment of the Statewide Health standard and was approved by the Department on December 21, 2001.

**Conrail South Altoona Material Distribution Center, Lot 1 of Parcel 1**, City of Altoona, **Blair County**. Mountain Research Inc., 825 25TH Street, Altoona, PA 16601 (on behalf of Altoona-Blair County Development Corporation, 4500 Sixth Avenue, Altoona, PA 16602) submitted a Baseline Environmental Report concerning the remediation of site soils and groundwater contaminated with PCBs, lead, heavy metals, solvents, BTEX and PAHs. The report was approved by the Department on December 28, 2001.

**Washington Square Phase II, Parcel 2**, City of Harrisburg, **Dauphin County**. EPSYS Corporation, 1414 North Cameron Street, Suite 1, Harrisburg, PA 17103 (on behalf of UGI Utilities, Inc., 100 Kachel Blvd., Reading, PA 19612-2677 and Harristown Realty Improvement, P. O. Box 1224, Harrisburg, PA 17108,) submitted a remedial investigation report and cleanup plan concerning the remediation of site soils and groundwater contaminated with BTEX, PAHs. The report and plan were approved by the Department on December 28, 2001.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (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 RENEWED

**Casie Ecology Oil Salvage, Inc.**, P. O. Box 92, Franklinville, NJ 08322. License No. **PA-AH 0307**. Effective December 17, 2001.

**Chemical Analytics, Inc.**, 29959 Beverly, Romulus, MI 48174. License No. **PA-AH 0584**. Effective December 18, 2001.

**Environmental Products & Services, Inc.**, P. O. Box 315, Syracuse, NY 13209. License No. **PA-AH 0327**. Effective December 17, 2001.

**Heritage Transport, LLC.**, 7901 W. Morris Street, Indianapolis, IN 46231. License No. **PA-AH 0200**. Effective December 12, 2001.

**Republic Services of South Carolina, LLC**, P. O. Box 62679, N. Charleston, SC 29419. License No. **PA-AH 0542**. Effective December 20, 2001.

#### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

**Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received 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.*

#### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE RENEWED

**Health Care Waste Services Corp.**, 1370 Viele Avenue, Bronx, NY 10474. License No. **PA-HC 0184**. Effective December 19, 2001.

**Ephrata Community Hospital**, P. O. Box 1002, Ephrata, PA 17522. License No. **PA-HC 0204**. Effective December 19, 2001.

### AIR QUALITY

**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.**

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

**07-05025A: Atlantic Refining and Marketing Corp.** (1801 Market Street 15/10 PC, Philadelphia, PA 19103) on December 21, 2001, for construction of a truck loading rack controlled by an enclosed vapor combustion unit at its Sugar Run Road facility in Allegheny Township, **Blair County**.

**36-03076C: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506) on December 20, 2001, for construction of limestone storage bins controlled by fabric filters at the Weaverland Quarry in East Earl Township, **Lancaster County**. The source is subject to 40 CFR Part 60—Standards of Performance for Nonmetallic Mineral Processing Plants.

**67-03108: York Building Products Co., Inc.** (P. O. Box 1708, York, PA 17405) on December 27, 2001, for construction of a tumbler operation controlled by a bargehouse in Jackson Township, **York 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.**

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

**67-03063: Advanced Recycling Technology, Inc.** (340 South Broad Street, Hallam, PA 17406) on December 4, 2001, for construction of an industrial dryer controlled by a wet scrubber in Hallam Borough, **York County**. 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.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Leif Ericson, Program Manager, (717) 705-4702.*

**21-03035: Hempt Brothers, Inc.** (205 Creek Road, Camp Hill, PA 17011) on December 21, 2001, for operation of a limestone crushing plant located in Silver Spring Township, **Cumberland County**.

**22-03022: Wengers Feed Mill, Inc.** (101 West Harrisburg Avenue, Rheems, PA 17570) on December 20, 2001, for operation of an animal feed mill in Lykens Township, **Dauphin County**.

**22-05024: Milton S. Hershey Medical Center** (P. O. Box 850, Hershey, PA 17033) on December 21, 2001, for operation of a healthcare facility in Derry Township, **Dauphin County**.

**36-03029: Wengers Feed Mill, Inc.** (101 West Harrisburg Avenue, Rheems, PA 17570) on December 20, 2001, for operation of an animal feed mill in Mount Joy Borough, **Lancaster County**.

**36-03040: Wengers Feed Mill, Inc.** (101 West Harrisburg Avenue, Rheems, PA 17570) on December 20, 2001, for operation of an animal feed mill in Mount Joy Township, **Lancaster County**.

**36-03042: Haines & Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474) on December 20, 2001, for operation of a limestone crushing plant in Fulton Township, **Lancaster County**.

**38-03017: Keystone Spikes Corp.** (255 North Lincoln Avenue, Lebanon, PA 17046) on December 26, 2001, for operation of an iron forging operation in the City of Lebanon, **Lebanon County**.

**67-03037: Hard Chrome Specialists** (41 Leigh Street, York, PA 17402) on December 21, 2001, for operation of a chrome plating and a nickel plating line located in Manchester Township, **York County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification 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

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.*

**1465-24970102-E-1. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824) Application for a stream encroachment to conduct mining activities within 100 feet and construct and maintain a haul road crossing over McCauley Run in Fox Township, **Elk County** affecting 230.5 acres. Receiving streams: Two unnamed tributaries to Brandy Camp Creek, one unnamed tributary to McCauley Run and McCauley Run. Application received: August 30, 2001. Permit Issued: December 18, 2001.

**33980110. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767) Renewal of an existing bituminous strip operation in Perry Township, **Jefferson County** affecting 122.3 acres. Receiving streams: unnamed tributaries to Mahoning Creek. Application received: October 22, 2001. Permit Issued: December 18, 2001.

**5616-33000103-E-1. Falls Creek Energy Co., Inc.** (R. D. 6, Box 231, Kittanning, PA 16201) Application for a stream encroachment to conduct mining activities within 100 feet but no closer than 50 feet of Big Run in McCalmont Township, **Jefferson County**. No mineral extraction may be conducted closer than 100 feet of the stream. Receiving streams: Big Run. Application received: October 5, 2001. Permit Issued: December 17, 2001.

**33000103. Falls Creek Energy Co., Inc.** (R. D. 6, Box 231, Kittanning, PA 16201) Revision to an existing bituminous strip and auger operation to add 1.1 acres in McCalmont Township, **Jefferson County**. Total SMP acreage is now 57.1 acres. Receiving streams: Big Run. Application received October 5, 2001. Permit Issued: December 17, 2001.

**16980102. TDK Coal Sales, Incorporated.** (P. O. Box 259, Brockway, PA 15824) Renewal of an existing bituminous strip operation in Highland Township, **Clarion County** affecting 38.3 acres. Receiving streams: McGourvey Run. Application received: August 31, 2001. Permit Issued: December 17, 2001.

**33890105. John R. Yenzi, Jr.** (P. O. Box 287, Anita, PA 15711) Renewal of an existing bituminous strip and auger operation in Bell and McCalmont Townships, **Jefferson County** affecting 122.0 acres. This renewal is issued for

reclamation only. Receiving streams: unnamed tributary to Elk Run. Application received: September 14, 2001. Permit Issued: December 14, 2001.

*Noncoal Permits Actions*

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

**26840402 and NPDES Permit PA0588075. Better Materials Corp.** (2200 Springfield Pike, Connellsville, PA 15425-9503). Transfer of permit originally issued to Commercial Stone Co., Inc., for a large noncoal surface mine located in Connellsville Township, **Fayette County**, affecting 234.7 acres. Receiving streams: Connell Run and unnamed tributaries to Connell Run. Transfer application received: August 10, 2001. Transfer permit issued: December 21, 2001.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.*

**33880304. North Star Aggregates, Inc.** (P. O. Box R, Ridgway, PA 15853) Renewal of an existing sand and gravel operation in Snyder Township, **Jefferson County** affecting 57.0 acres. Receiving streams: N/A. Application received: October 5, 2001. Permit Issued: December 12, 2001.

**42950301. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16804) Transfer of an existing sand and gravel operation from Culver Construction in Ceres Township, **McKean County** affecting 39.1 acres. Receiving streams: Raub Hollow and Horse Run. Application received: September 10, 2001. Permit Issued: December 12, 2001.

**37900303. Atlantic States Materials of PA, Inc.** (P. O. Box 146, Slippery Rock, PA 16049) Transfer of an existing sand and gravel operation from Russell Minerals (Pennsylvania), Inc. in Taylor Township, **Lawrence County** affecting 53.5 acres. Receiving streams: N/A. Application received: September 24, 2001. Permit Issued: December 14, 2001.

**37930307. Atlantic States Materials of PA, Inc.** (P. O. Box 146, Slippery Rock, PA 16049) Transfer of an existing sand and gravel operation from Russell Minerals (Pennsylvania), Inc. in North Beaver Township, **Lawrence County** affecting 44.5 acres. Receiving streams: N/A. Application received: September 24, 2001. Permit Issued: December 14, 2001.

**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.**

*Blasting Permits Actions*

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

**21014029. Douglas Explosives, Inc.** (P. O. Box 77, Philipsburg, PA 16866), construction blasting in Lower Allen Township, **Cumberland County** (for Leon E. Wintermyer, Inc.) with an expiration date of March 15, 2002. Permit issued December 17, 2001.

**23014005. Brubacher Excavating, Inc.** (P. O. Box 528, Bowmansville, PA 17507), construction blasting in Bethel Township, **Delaware County** with an expiration date of January 31, 2003. Permit issued December 17, 2001.

**28014024. G. L. Marks Contracting, Inc.** (1718 Grace Avenue, Lebanon, PA 17046), construction blasting in Chambersburg Borough and Guilford Township, **Franklin County** with an expiration date of June 30, 2002. Permit issued December 17, 2001.

**36014060. B. R. Kreider & Son, Inc.** (63 Kreider Lane, Manheim, PA 17545), construction blasting in the City of Lancaster, **Lancaster County** with an expiration date of January 31, 2002. Permit issued December 17, 2001.

**38014024. Miller-Warner Construction, Inc.** (265 Plane Tree Drive, Lancaster, PA 17603), construction blasting in North Cornwall Township, **Lebanon County** with an expiration date of February 28, 2002. Permit issued December 17, 2001.

**45014018. Holbert Explosives, Inc.** (237 Masthope Plank Road, Lackawaxen, PA 18435), construction blasting in Stroudsburg Borough, **Monroe County** with an expiration date of April 30, 2002. Permit issued December 17, 2001.

**45014019. Hayduk Enterprises, Inc.** (P. O. Box 554, Dalton, PA 18414), construction blasting in Hamilton Township, **Monroe County** with an expiration date of December 31, 2002. Permit issued December 17, 2001.

**46014025. Brubacher Excavating, Inc.** (P. O. Box 528, Bowmansville, PA 17507), construction blasting in Whitpain Township, **Montgomery County** with an expiration date of December 31, 2002. Permit issued December 17, 2001.

**46014027. AMROC, Inc.** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting in Upper Providence Township, **Montgomery County** with an expiration date of March 31, 2002. Permit issued December 17, 2001.

**46014028. AMROC, Inc.** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting in Lower Providence Township, **Montgomery County** with an expiration date of January 17, 2003. Permit issued December 17, 2001.

**52014007. Holbert Explosives, Inc.** (237 Masthope Plank Road, Lackawaxen, PA 18435), quarry blasting in Blooming Grove Township, **Pike County** with an expiration date of January 24, 2002. Permit issued December 17, 2001.

**58014003. Explosive Services, Inc.** (R. R. 3 Box 749, Honesdale, PA 18431), demolition blasting for PennDOT SR 11 Project in Hallstead Township and Great Bend Borough, **Susquehanna County** with an expiration date of December 6, 2002. Permit issued December 17, 2001.

**66014002. Hayduk Enterprises, Inc.** (P. O. Box 554, Dalton, PA 18414), construction blasting in Lemon Township, **Wyoming County** with an expiration date of December 31, 2003. Permit issued December 17, 2001.

**67014016. D. C. Guelich Explosives, Inc.** (P. O. Box 245, Thomasville, PA 17364), construction blasting in Hopewell Township, **York County** (for Stewart & Tate, Inc.) with an expiration date of January 15, 2002. Permit issued December 17, 2001.

**48014014. Schlouch, Incorporated** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction

blasting in Palmer Township, **Northampton County** with an expiration date of August 31, 2002. Permit issued December 17, 2001.

**48014015. Rock Work, Inc.** (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting in Allen Township, **Northampton County** with an expiration date of July 31, 2002. Permit issued December 17, 2001.

**15014016. Explo-Craft, Inc.** (P. O. Box 1332, West Chester, PA 19380), construction blasting in Tredyffrin Township, **Chester County** with an expiration date of April 15, 2002. Permit issued December 17, 2001.

**67014015. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Springettsbury Township, **York County** with an expiration date of April 15, 2002. Permit issued December 17, 2001.

**64014005. Explosive Services, Inc.** (R. R. 3 Box 749, Honesdale, PA 18431), construction blasting in Honesdale Borough and Texas Township, **Wayne County** with an expiration date of December 7, 2002. Permit issued December 18, 2001.

**64014004. Explosive Services, Inc.** (R. R. 3 Box 749, Honesdale, PA 18431), construction blasting in Texas Township, **Wayne County** with an expiration date of December 6, 2002. Permit issued December 18, 2001.

**39014005. J. Roy's, Inc.** (P. O. Box 125, Bowmansville, PA 17507), construction blasting in the City of Allentown, **Lehigh County** with an expiration date of June 30, 2002. Permit issued December 18, 2001.

**35014006. EJW Corp.** (Emmett J. Wilkinson) (R. R. 2 Box 189, Kingsley, PA 18826), construction blasting in Moosic Borough, **Lackawanna County** with an expiration date of February 22, 2002. Permit issued December 18, 2001.

**45014021. Labrador Construction** (P. O. Box 1379, Marshalls Creek, PA 18335), construction blasting in Smithfield Township, **Monroe County** with an expiration date of January 31, 2002. Permit issued December 18, 2001.

#### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)).

Except as otherwise noted, the Department of Environmental Protection 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.

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

**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 P. S. §§ 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

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

**E09-825. Pennsylvania Department of Transportation District 6**, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, Solebury Township, **Bucks County**, ACOE Philadelphia District.

To maintain an existing simple span adjacent prestressed concrete box beam bridge carrying river Road across Paunacussing Creek (HQ-CWF). This structure has a clear span of approximately 11.6 feet. This work also includes the maintenance of an 18-inch CMP outfall structure. The site is located approximately 50-feet southeast of the intersection of River Road (S.R. 0032) and Dale Road (Lumberville, PA USGS Quadrangle N: 5.9 inches; W: 5.8 inches).

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

**E26-288. Consolidated Rail Corporation**, 1000 Howard Boulevard, 4th Floor, Mt. Laurel, NJ 08054. Brownsville Borough and Brownsville Township, **Fayette County**, ACOE Pittsburgh District.

To remove an existing abandoned four span stone arch railroad bridge across Dunlap Creek (WWF) due to excessive deterioration and a Court Order issued by the Public Utility Commission. The project is located off of T.R. 652, approximately 0.75 mile south of its intersection with S.R. 4003 (California, PA Quadrangle N: 2.82 inches; W: 1.52 inches).

[Pa.B. Doc. No. 02-48. Filed for public inspection January 11, 2002, 9:00 a.m.]

#### Availability of Technical Guidance

Technical guidance documents are on DEP's website ([www.dep.state.pa.us](http://www.dep.state.pa.us)) at the Public Participation Center page. The "December 2001 Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

### Ordering Paper Copies of DEP Technical Guidance

DEP encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

### Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### Final Technical Guidance

DEP ID: 550-3000-001 Title: Compliance Monitoring of Oil and Gas Wells and Related Facilities and Activities Description: DEP's Oil and Gas Management program will conduct inspections and compliance monitoring activities according to strategies and guidelines stated herein. The purpose of this guidance is to provide DEP staff interpretation of applicable laws and regulations, and to provide instructional guidance to oil and gas operators as well as DEP staff. Effective Date: January 12, 2002 Contact: Frank Bialas at (717) 772-2199 or email: fbialas@state.pa.us.

DEP ID: 550-4000-001 Title: Enforcement Actions by DEP's Oil and Gas Management Program Description: The purpose of this document is to provide guidance to DEP's Oil and Gas Management staff in determining what courses of enforcement to pursue to resolve violations and bring about compliance, and to provide advisory information to the regulated industry. Effective Date: January 12, 2002 Contact: Frank Bialas at (717) 772-2199 or email: fbialas@state.pa.us.

DEP ID: 550-4180-001 Title: Civil Penalty Assessments in the Oil and Gas Management Program Description: In assessing civil penalties in unilateral penalty actions, and in calculating appropriate penalties in negotiated settlements, DEP's Oil and Gas Management Program will follow the policies stated and referenced herein when pursuing a settlement of complaints for violations or a penalty action. The purpose of this document is provide procedural guidance to DEP staff in calculating civil penalty amounts to seek in settlements or to assess in penalty actions for violations, and to provide advisory information to the regulated industry. Effective Date: January 12, 2002 Contact: Frank Bialas at (717) 772-2199 or email: fbialas@state.pa.us.

DAVID E. HESS,  
Secretary

[Pa.B. Doc. No. 02-49. Filed for public inspection January 11, 2002, 9:00 a.m.]

### 2002 Sunset Review Schedule

This schedule lists the Department of Environmental Protection's (Department) regulations, by chapter, that are anticipated to be reviewed in 2002. The sunset schedule is published annually and includes Title 25 *Pennsylvania Code* chapters that the Department plans to review. Review includes determining whether the regulations effectively fulfill the goals for which they were intended and whether they remain consistent with the

following principles contained in Executive Order 1996-1 (Regulatory Review and Promulgation):

1. Regulations shall address a compelling public interest.
2. Costs of regulations shall not outweigh their benefits.
3. Regulations shall be written in clear, concise and, when possible, nontechnical language.
4. Regulations shall address definable public health, safety or environmental risks.
5. Where Federal regulations exist, Pennsylvania's regulations shall not exceed Federal standards unless justified by a compelling and articulable Pennsylvania interest or required by State law.
6. Compliance shall be the goal of all regulations.
7. Where viable nonregulatory alternatives exist, they shall be preferred over regulations.
8. Regulations shall be drafted and promulgated with early and meaningful input from the regulated community.
9. Regulations shall not hamper Pennsylvania's ability to compete effectively with other states.
10. All agency heads shall be held directly accountable for regulations promulgated by their respective agencies.

The chapters listed are anticipated to be reviewed by the Department in 2002. If regulatory amendments are proposed, those amendments will be reviewed by the appropriate advisory committees as outlined in the Department's Regulatory Agenda which is published semiannually in February and July.

Both the Sunset Review Schedule and the Regulatory Agenda are available on the Department's website at <http://www.dep.state.pa.us> (choose the Participate! tab).

### TITLE 25, PENNSYLVANIA CODE ENVIRONMENTAL PROTECTION

#### PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

##### Subpart C. Protection of Natural Resources

##### Article I. Land Resources

- Chapter 85. Bluff Recession and Setback
- Chapter 86. Surface and Underground Coal Mining; General
- Chapter 87. Surface Mining of Coal
- Chapter 88. Anthracite Coal
- Chapter 89. Underground Mining of Coal and Coal Preparation Facilities
- Chapter 90. Coal Refuse Disposal

##### Article II. Water Resources

- Chapter 93. Water Quality Standards
- Chapter 105. Dam Safety and Waterway Management
- Chapter 106. Flood Plain Management
- Chapter 109. Safe Drinking Water

##### Article III. Air Resources

- Chapter 121. General Provisions
- Chapter 123. Standards for Contaminants
- Chapter 126. Standards for Motor Fuels
- Chapter 127. Construction, Modification, Reactivation and Operation of Sources
- Chapter 129. Standards for Sources
- Chapter 135. Reporting of Sources
- Chapter 139. Sampling and Testing
- Chapter 145. Interstate Pollution Transport Reduction

- Subpart D. Environmental Health and Safety  
 Article II. Institutions and Housing  
 Chapter 171. Schools  
 Article IV. Occupational Health and Safety  
 Chapter 207. Noncoal Mines  
 Article VI. General Health and Safety  
 Chapter 245. Administration of the Storage Tank and Spill Prevention Program  
 Article VII. Hazardous Waste Management  
 Chapter 260a. Hazardous Waste Management System: General  
 Chapter 261a. Identification and Listing of Hazardous Waste  
 Chapter 262a. Standards Applicable to Generators of Hazardous Waste  
 Chapter 263a. Transporters of Hazardous Waste  
 Chapter 264a. Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities  
 Chapter 265a. Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities  
 Chapter 270a. Hazardous Waste Permit Program  
 Article VIII. Municipal Waste  
 Chapter 271. Municipal Waste Management—General Provisions  
 Article IX. Residual Waste Management  
 Chapter 287. Residual Waste Management—General Provisions

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

- Chapter 301. General Provisions  
 Chapter 303. Certification of Operators  
 Chapter 305. Plant Requirements

For additional information, contact Sharon Trostle, Department Regulatory Coordinator, P. O. Box 2063, Harrisburg, PA 17105-2063; (717) 783-1303; or e-mail [shstrostle@state.pa.us](mailto:shstrostle@state.pa.us).

DAVID E. HESS,  
*Secretary*

[Pa.B. Doc. No. 02-50. Filed for public inspection January 11, 2002, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Children's Hospital of Pittsburgh for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Children's Hospital of Pittsburgh has requested an exception to the requirements of 28 Pa. Code § 117.30 (relating to emergency paramedic services).

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, e-mail address: [DDITLOW@STATE.PA.US](mailto:DDITLOW@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 previously listed.

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

Persons with a disability who wish to obtain a copy of the request and 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. 02-51. Filed for public inspection January 11, 2002, 9:00 a.m.]

## DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

### Revised Income Restriction for Admission to a Pennsylvania State Veterans' Home

Effective immediately, the allowable income for a single domiciliary care applicant is \$25,956 per year plus \$1,488 per year per dependent, the maximum income paid to a 100% disabled veteran by the United States Department of Veterans Affairs. An income below \$25,956 will demonstrate the applicant may be incapable of self-support and demonstrate a financial need. An amount above \$25,956 may qualify an applicant for admission on his/her ability to pay the full per diem cost.

MAJOR GENERAL WILLIAM B. LYNCH,  
*Adjutant General*

[Pa.B. Doc. No. 02-52. Filed for public inspection January 11, 2002, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Implementation of the Medical Assistance for Workers with Disabilities Program

The purpose of this notice is to provide prior public notice of the Department of Public Welfare's (Department) intent to publish proposed regulations and implement the Medical Assistance Workers with Disabilities Program effective January 1, 2002. The proposed regulations will amend 55 Pa. Code Chapter 140 (relating to special MA eligibility provisions).

The Ticket to Work and Work Incentives Improvement Act of 1999 (P. L. 106-170) amended Title XIX of the Social Security Act, section 1902(a)(10)(A)(ii), 42 U.S.C.A. § 1396a(a)(10)(A)(ii). This amendment provides the option to expand the State's Medicaid program to allow working individuals with disabilities and working individuals with

medically improved disabilities who meet the income and resource requirements to receive Medicaid. Individuals who meet the eligibility criteria will pay a monthly premium of 5% of their monthly income after allowable deductions. The Commonwealth is implementing this option under Act 2001-77 of June 26, 2001 (P. L. 755) known as The Tobacco Settlement Act.

Public comments to this notice may be made by writing to Edward J. Zogby, Director, Bureau of Policy, Office of Income Maintenance, Room 431, Health and Welfare Building, Harrisburg, PA 17105.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-NOT-314. No fiscal impact; (8) recommends adoption. Program costs to be funded by the Tobacco Settlement Fund—Medical Care for Workers with Disabilities appropriation.

[Pa.B. Doc. No. 02-53. Filed for public inspection January 11, 2002, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**James Kleissler and Ryan D. Talbott v. DEP and Pennsylvania General Energy; EHB Doc. No. 2001-295-L**

James Kleissler and Ryan D. Talbott have appealed the issuance by the Department of Environmental Protection of three NPDES permits to Pennsylvania General Energy for a facility in Howe, Kingsley and Jenks Townships, Forest County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under to 25 Pa. Code § 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 02-54. Filed for public inspection January 11, 2002, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation on the date indicated. To obtain the date and time of the meeting at which the Commission will consider this regulation, 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.

*Final*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
1-17	Department of Aging Protective Services for Older Adults	12/27/01

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 02-55. Filed for public inspection January 11, 2002, 9:00 a.m.]

## INSURANCE DEPARTMENT

**Coal Mine Compensation Rating Bureau; Workers' Compensation Loss Cost Filing**

On December 21, 2001, the Insurance Department (Department) received from the Coal Mine Compensation Rating Bureau (CMCRB) a filing for a loss cost level change for Workers' Compensation insurance. This filing is made in accordance with section 705 of Act 44 of 1993. The CMCRB requests an overall 27.0% increase in collectible loss costs, effective April 1, 2002, on a new and renewal basis. Also, the CMCRB has calculated the Employer Assessment Factor effective April 1, 2002, to be 7.06%, compared to 6.06% presently in effect.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Ken Creighton, ACAS, Insurance Department, Bureau of Regulation of Rates and Policies, 1311 Strawberry Square, Harrisburg, PA 17120 (e-mail at [kcreighton@state.pa.us](mailto:kcreighton@state.pa.us)) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-56. Filed for public inspection January 11, 2002, 9:00 a.m.]

**Continental Life Insurance Company of  
Brentwood, Tennessee; Rate Filing**

*Requesting Authority to Increase Rates for Individual Standardized Medicare Supplement Plans A—E, Policy Form Numbers ATNC-1A—ATNC-1E*

Continental Life Insurance Company of Brentwood, Tennessee has filed for approval increased rates for its individual Medicare supplement plans. The filing requests an increase of 35% for each of the five plans. The rate increase will impact about 5,784 policyholders and will produce additional annual Pennsylvania premium income of approximately \$2.07 million. The company requests an effective date for the increase that is as soon as administratively possible after approval.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Michael Gurgiolo, Actuary, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of the publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-57. Filed for public inspection January 11, 2002, 9:00 a.m.]

**Hartford Life Insurance Company; Rate Filing**

*Requesting Authority to Increase Rates for Group Prestandard Medicare Supplement Policy Form Numbers 7297, 7310-5, 7318, SRP-1152, SRP-1261, SRP-1262 and SRP-1265*

Hartford Life Insurance Company has filed for approval increased rates for its group prestandard Medicare supplement plans. The filing requests an increase of 52.8% for each of the seven plans. The rate increase will impact about 1,695 policyholders, and will produce additional annual Pennsylvania premium income of approximately \$1.2 million. The company requests an effective date for the increase of February 15, 2002.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Michael Gurgiolo, Actuary, Insurance Department, Office of Rate and Policy Regulation, Bureau of Accident and Health Insurance, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of the publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-58. Filed for public inspection January 11, 2002, 9:00 a.m.]

**Keystone Health Plan West; Filing #4-RATPROC-01-KHPW**

On December 20, 2001, Keystone Health Plan West submitted filing # 4-RATPROC-01-KHPW requesting approval of an Experience Rating Formula for Employer Groups with 51 or more employees enrolled in all coverages with Keystone West and Highmark Blue Cross Blue Shield.

The proposed methodology will combine the group's most recent 12-months incurred claims experience from the Keystone West and Highmark Blue Cross Blue Shield products into a single risk pool for each group. The claims would be trended, using approved trends, to the rating period. The approved retention would then be added. This required income would be divided by the income at current rates, yielding the experience modifier. The Experience Modifier is multiplied by the credibility factor, while an Average Rate Adjustment factor is multiplied by (1-credibility). The weighted average of these two factors yields the Indicated Percent Change that is applied to current rates.

The method will be effective upon approval.

This filing is available for public inspection during normal working hours at the Insurance Department's regional offices in Pittsburgh and Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Actuary, Insurance Department, Bureau of Accident and Health Insurance, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-59. Filed for public inspection January 11, 2002, 9:00 a.m.]

**Limit on Cancellations, Refusals to Renew, Refusals to Write, Surcharges, Rate Penalties and Point Assignments; Notice No. 2002-01**

Section 1799.3(a) of Act 6 of 1990 states, "No insurer shall cancel or refuse to renew a policy or apply any surcharge, rate penalty or driver record point assignment where, during the preceding three-year period, the aggregate cost to the insurer for any person injured or property damaged is determined to be less than \$650 in excess of any self-insured retention or deductible applicable to the named insured."

Section 1799.3(e) further provides that the Insurance Department (Department), at least once every 3 years, shall adjust the \$650 cap or limit relative to changes in the seasonally adjusted medical care and automobile maintenance and repair costs components of the Consumer Price Index (Urban).

The Department has measured the changes and determined the cap shall be increased to \$1,050 effective July 1, 2002. The last adjustment to the cap was effective July 1, 1999, when the cap increased to \$950.

Each individual insurer, ISO and AIPSO should file the previous change for prior approval by April 1, 2002, and specify an effective date of no later than July 1, 2002.



Questions regarding this notice may be directed to Michael Burkett, Actuarial Review Division, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 787-3935, or e-mail at mburkett@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-60. Filed for public inspection January 11, 2002, 9:00 a.m.]

### **Nationwide Mutual Fire Insurance Company; Homeowners Rate Revision**

On December 18, 2001, the Insurance Department (Department) received from Nationwide Mutual Fire Insurance Company a filing to introduce the Safe Home Rating Plan.

The filing is revenue neutral with a requested effective date of June 22, 2002.

Unless formal administrative action is taken prior to February 16, 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.

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 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-61. Filed for public inspection January 11, 2002, 9:00 a.m.]

### **Nationwide Mutual Fire Insurance Company; Homeowners Rate Revision**

On December 18, 2001, the Insurance Department (Department) received from Nationwide Mutual Fire Insurance Company a filing for a proposed rate level changes for homeowners insurance.

The company requests an overall 7.6% increase amounting to \$13.300 million annually, to be effective June 22, 2002.

Unless formal administrative action is taken prior to February 16, 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.

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 Department*

[Pa.B. Doc. No. 02-62. Filed for public inspection January 11, 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 hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional offices in Philadelphia, PA. Failure by the appellants to appear at the 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 Kathryn and Ann Marie Dougherty; file no. 01-210-05526; State Farm Mutual Auto Insurance Company; doc. no. PH01-12-022; February 22, 2002, at 9:30 a.m.

Appeal of Steven S. Krall; file no. 01-215-05920; Erie Insurance Exchange; doc. no. PH01-12-017; April 2, 2002, at 1 p.m.

Appeal of Harold Burnside; file no. 01-222-05848; Personal Surplus Lines Agency; doc. no. PH01-12-016; April 2, 2002, at 3 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the 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 the above-referenced administrative hearing and require an

auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator, at (717) 787-4298.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 02-63. Filed for public inspection January 11, 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 office in Philadelphia, PA. Failure by the appellants to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Bernard and Sheila Bergman; file no. 01-280-05998; Chubb (Great Northern Insurance Company); doc. no. PH01-12-024; February 22, 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 the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, at (717) 787-4298.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 02-64. Filed for public inspection January 11, 2002, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board lease will expire:

Bucks County, Wine & Spirits Shoppe #0914, 713 Bustleton Pike, Feasterville, PA 19053.

*Lease Expiration Date:* April 30, 2003

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 6,000

net useable square feet of new or existing retail commercial space within a 1 mile radius of the intersection of Bustleton Pike and Street Road.

*Proposals due:* February 1, 2002, at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division,  
8305 Ridge Avenue,  
Philadelphia, PA 19128-2113  
**Contact:** Robert J. Jolly (215) 482-9673

Allegheny County, Wine & Spirits Shoppe #0249, 4140 Brownsville Road, Pittsburgh, PA 15227-3307.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,800 net useable square feet of new or existing retail commercial space in a shopping center environment serving the Brentwood-Whitehall area near the intersection of Route 51 and Brownsville Road.

*Proposals due:* February 1, 2002, at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

Allegheny County, Wine & Spirits Shoppe #0298, Chartiers Valley Shopping Center, 1025 Washington Pike, Bridgeville, PA 15017-2702.

*Lease Expiration Date:* June 30, 2004

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 7,000 net useable square feet of new or existing retail commercial space in a shopping center environment serving the Bridgeville area.

*Proposals due:* February 1, 2002, at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

JOHN E. JONES, III,  
Chairperson

[Pa.B. Doc. No. 02-65. Filed for public inspection January 11, 2002, 9:00 a.m.]

## NAVIGATION COMMISSION FOR THE DELAWARE RIVER AND ITS NAVIGABLE TRIBUTARIES

### Announcement of Apprentice Pilot Openings for 2002

The Navigation Commission for the Delaware River and its Navigable Tributaries (Commission) announces openings in its apprentice pilot program.

The Commission will accept apprentice pilot applications through March 31, 2002. At this time, the Commission anticipates appointing four apprentices in 2002.

Interested persons may obtain application forms by writing the Commission at 302 North Office Building, Harrisburg, PA 17120, by e-mailing Beth Barb, Board Administrator at bbarb@state.pa.us or by calling the Commission at (717) 705-5552. Any person who previously had an apprentice pilot application on file with the Commission must file a new application in order to be considered for appointment as an apprentice pilot.

#### *State Licensure of Pilots*

Every vessel transiting the Delaware River that is bound to or from a foreign port is required to use the services of a pilot licensed by either this Commonwealth or Delaware. A State-licensed Delaware River Pilot has the required "local knowledge" of tides, currents, channel depths, shoals and other conditions that are needed to safely navigate a vessel on the Delaware River.

The Commission issues the following classes of pilot licenses based on the maximum draft of the vessel that may be piloted: first-class license—unlimited draft; second-class license—maximum draft of 45 feet; third-class license—maximum draft of 40 feet; fourth-class license—maximum draft of 35 feet; fifth-class license—maximum draft of 32 feet; and sixth-class license—maximum draft of 27 feet. A pilot must serve at least 1 year in each of the five lower classes before being eligible for licensure as a first-class pilot.

The completion of an apprenticeship is a prerequisite to licensure as a sixth-class pilot.

#### *Apprentice Qualifications*

To be eligible for consideration for appointment as an apprentice pilot, an applicant must obtain by July 1, 2002, either: (a) a bachelor's degree from an accredited college, university or maritime academy; or (b) a United States Coast Guard-issued license to serve as third mate on all oceans aboard vessels of at least 1,600 tons, or a higher class of license.

Applicants will be judged on relevant education and experience, physical fitness and moral character. Prior maritime experience is desirable but not mandatory. The Commission may request a personal interview.

#### *Apprentice Program*

An apprentice who, at the time of appointment, possesses at least a third mate's license will serve a 3-year apprenticeship; an apprentice who does not possess at least a third mate's license will serve a 4-year apprenticeship.

The apprentice program, which will be administered by the Pilots' Association for the Bay and River Delaware, is mentally challenging and physical demanding. The program consists of a quarterly rotation of practical training and a regular schedule of seminars, testing and offsite training. The practical training is comprised of river trips, pilot launch duty, maritime tower duty and special duty. A 4-year apprentice will complete approximately 800 trips on the Delaware River and Bay under the supervision of a State-licensed pilot; a 3-year apprentice will complete approximately 650 trips.

Apprentices will receive health care coverage and will be paid stipends as follows; first year—\$15,000; second year—\$17,000; third year—\$19,000; and fourth year—\$19,000.

Apprentices will be subject to random drug testing.

BETH BARB,  
Board Administrator

[Pa.B. Doc. No. 02-66. Filed for public inspection January 11, 2002, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Customer Notification of Changes in Tariff Rates, Terms and Conditions of Competitive Services for Intrastate Interexchange and Local Exchange Carriers; M-00011587

Public Meeting held  
December 19, 2001

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice Chairperson; Aaron Wilson, Jr.;  
Terrance J. Fitzpatrick

#### **Order**

*By the Commission:*

In 1993, the General Assembly enacted Chapter 30 of the Public Utility Code, 66 Pa.C.S. §§ 3001—3009, authorizing an alternative form of regulation for telecommunications utilities. By Order entered April 24, 1997, at L-00940099, the Commission promulgated final regulations implementing Chapter 30 with regard to intrastate interexchange carriers (IXCs). The regulations were codified at 52 Pa. Code §§ 63.101—63.110, and became effective upon publication in the *Pennsylvania Bulletin* on July 5, 1997. See 27 Pa.B. 3217. Likewise, by Order entered December 1, 2000, at the same docket, the Commission promulgated "tariff parity" regulations for incumbent and competitive local exchange carriers (LECs). The regulations were codified at 52 Pa. Code §§ 53.57—53.60, and became effective upon publication in the *Pennsylvania Bulletin* on December 2, 2000. See 30 Pa.B. 6202.

When the Commission promulgated these final regulations, no reference was made to IXCs or LECs giving notice their customers regarding tariff changes for competitive services. The only "notice" expressly referenced is 1- and 16-day notice to the Commission for IXCs and 1-day notice to the Commission for LECs, with the filing of these tariff supplements to the Commission basically for informational purposes only. Nonetheless, it was never the Commission's intention that its regulations would preclude IXCs or LECs from giving notification to their existing customers of changes in tariff rates, terms and conditions for competitive services. In addition, the Commission did not intend, nor does it believe, that our regulations preempt the authority of the Attorney General to enforce the customer notification provisions of state law that inure to the benefit of Pennsylvania

citizen-ratepayers. Indeed, by letter dated August 8, 2001, the Attorney General expressly advised all long distance companies providing service in Pennsylvania that pursuant to the Commonwealth's Unfair Trade Practices and Consumer Protection Law, consumers must be afforded reasonable advance notice and an opportunity to reject any material change to their existing contractual relationship. See also 73 P.S. § 201-2(4)(xxi). This state law requirement is equally applicable to LECs regarding changes in the tariff rates, terms and conditions for their competitive services.

Making information regarding proposed changes in rates, terms and conditions available to the public is beneficial to competitive markets. Clearly, requiring customer notification in a competitive environment will help provide customers with information about services in order to help them shop effectively and to choose the particular rate plan that best suits their individual needs. Additionally, the Commission believes that customer access to information regarding changes in tariff rates, services and conditions of service will protect the public from marketplace abuses; *Therefore,*

*It Is Ordered That:*

1. Provisions of the Pennsylvania Unfair Trade Practices and Consumer Protection Law, 73 P.S. §§ 201-1, et seq., and common law contract principles which require intrastate interexchange carriers and local exchange carriers to provide prior written notification to existing customers of any change in the tariff rates, terms and conditions of competitive services have not been preempted by our regulations at 52 Pa. Code §§ 63.101—63.110 and 52 Pa. Code §§ 53.57—53.60

2. The failure of any interexchange carrier or local exchange carrier to provide customer notification as set forth in the Pennsylvania Unfair Trade Practices and Consumer Protection Statute shall be deemed a violation of section 1501 of the Public Utility Code, 66 Pa.C.S. § 1501, and referred to the Commission's Prosecutory Staff for the appropriate enforcement action.

3. This order shall be served on all local exchange and interexchange carriers providing telecommunications service in Pennsylvania, published in the *Pennsylvania Bulletin*, and placed on the Commission's website at <http://puc.paonline.com>.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-67. Filed for public inspection January 11, 2002, 9:00 a.m.]

**Merger  
Without Hearing**

**A-310850 F0004; A-310369 F0003; and A-310779 F0008. D&E Acquisition Corporation, a subsidiary of D&E Communications, Inc., and Conestoga Enterprises, Inc.** Joint Application for approval of the merger of D&E Acquisition Corporation, a subsidiary of D&E Communications, Inc., and Conestoga Enterprises, Inc. and the resulting transfer of control of the regulated

subsidiaries of Conestoga Enterprises, Inc., which are Conestoga Telephone and Telegraph Company, Buffalo Valley Telephone Company, and CEI Networks, Inc. to D&E Communications, Inc.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before January 28, 2002, under 52 Pa. Code (relating to public utilities).

*Applicants:* Denver & Ephrata Telephone and Telegraph Company; D&E Systems, Inc.; D&E Communications, Inc.; Conestoga Telephone and Telegraph Company; Buffalo Valley Telephone Company; CEI Networks, Inc.

*Through and By Counsel:* Patricia Armstrong, Esquire, Thomas T. Niesen, Esquire, Thomas, Thomas, Armstrong & Niesen, 212 Locust Street Suite 500, P. O. Box 9500, Harrisburg, PA 17108-9500.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-68. Filed for public inspection January 11, 2002, 9:00 a.m.]

**Railroad  
With Hearing**

**C-20016238. Borough of Canonsburg v. Pittsburgh and Ohio Central Railroad.** Complainant states the borough operates and maintains a public road known as Shupe Street sometime referred to as Iron Street. The borough of Canonsburg Street Department has maintained the approaches to said crossing for 50 years or more without any complaint by the respondent railroad company or its predecessors in title. Pittsburgh and Ohio Central Railroad is now threatening to barricade said crossing by placing "Jersey Barricades" across the street unless and until the various users of said crossing agree to a private agreement requiring fees to be paid each year forever. It is the information and belief of the complainant that respondent railroad company can no longer restrict the use of the crossing due to the continuous use by the general public. The complainant wants the Pennsylvania Public Utility Commission to issue an order: (1) stopping the respondent from its threatened shut down of said crossing by use of "Jersey Barricades"; (2) permitting the Borough of Canonsburg to continue maintaining the approaches to said Shupe Street (or Iron Street Extension); and (3) permitting the general public, industry and school district to use said crossing as in the past.

An initial hearing on this matter will be held Tuesday, February 26, 2002, at 10 a.m. in an 11th floor hearing room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, 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. 02-69. Filed for public inspection January 11, 2002, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before February 4, 2002, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

#### Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

**A-00118520. David H. Hughes, t/d/b/a Hughes Service Transit** (115 Knob-View Drive, Freedom, Beaver County, PA 15042)—persons in paratransit service, between points in the county of Beaver, and from points in said county, to points in Pennsylvania, and return.

**A-00118526. Edward B. Warner, t/d/b/a Endless Mountain Taxi** (P. O. Box 134, Montrose, Susquehanna County, PA 18801)—persons upon call or demand, in Susquehanna County.

#### Application of the following for *amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under the application.*

**A-00117072, F. 1, Am-A. Corry Cab Company** (127 Park Street, Corry, Erie County, PA 16407), a corporation of the Commonwealth of Pennsylvania—persons upon call or demand, in the city of Corry, Erie County, and within an airline distance of 12 statute miles of the limits of said city; subject to the following condition: That no right, power or privilege is granted to provide service to, from or between points in Crawford County: *So as to Permit* the removal of the following condition: That no right, power or privilege is granted to provide service to, from or between points in Crawford County.

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

**A-00108537, F.3. Imperial Limousine, Inc.** (460 Conchester Way, Route 322, 2nd Floor, Aston, Delaware County, PA 19335), a corporation of the Commonwealth of Pennsylvania—additional right—persons in group and party service, exclusively using vehicles with a seating capacity of 15 passengers or less, including the driver, between points in the counties of Chester, Delaware, Montgomery and Philadelphia, and from points in said counties, to points in Pennsylvania, and return.

**A-00103670, F. 4. S. & S. Taxi Co., t/d/b/a S. & S. Transit** (400 Eden Park Boulevard, McKeesport, Allegheny County, PA 15132), a corporation of the Commonwealth of Pennsylvania—persons in group and party service, in vehicles seating 15 passengers or less, including the driver, between points in the county of Westmoreland and from points in said county and the county of Allegheny, to points in Pennsylvania, and return. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219.

#### Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.*

**A-00118527. Houston H. Pincham, t/d/b/a H. H. Pincham Moving Company** (810 Mahoning Avenue, Youngstown, Mahoning County, OH 44502)—household goods in use, between points in the counties of Mercer, Lawrence and Beaver, and from points in said counties, to points in Pennsylvania, and vice versa.

#### NOTICE OF MOTOR CARRIER APPLICATIONS— PERSONS IN LIMOUSINE SERVICE

The following applications for authority to transport persons in *limousine service between points in Pennsylvania* have been filed with the Commission. The applications will be considered without hearing in the absence of substantive protests limited to the issue of applicant fitness. Protests to these applications are due on or before February 4, 2002.

A-00114319, F.11 Continental Transportation, Inc.  
45 Dorchester Way  
Phoenixville, PA 19460

A-00118524 Infinity Limousine, Inc.  
711 Spring Street  
Wyomissing, PA 19610

*Attorney:* Jay W. Waldman  
1105 Berkshire Boulevard  
Suite 320  
Wyomissing, PA 19610  
JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-70. Filed for public inspection January 11, 2002, 9:00 a.m.]

#### Transfer by Sale Without Hearing

**A-120700 F0004. Columbia Gas of Pennsylvania, Inc.** Application of Columbia Gas of Pennsylvania, Inc., for approval of the transfer by sale of its real property known as 111 North Carlisle Street, Greencastle, PA 17225, to Patrick Sean Guy and Alice J. Guy.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before January 28, 2002, under 52 Pa. Code (relating to public utilities).

*Applicant:* Columbia Gas of Pennsylvania, Inc.

*Through and By Counsel:* Mark R. Kempic, Esquire, Kenneth W. Christman, Esquire, 650 Washington Road, Pittsburgh, PA 15228.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-71. Filed for public inspection January 11, 2002, 9:00 a.m.]

**Water Service  
Without Hearing**

**A-210108. Ligonier Mountain Land Company d/b/a Ligonier Highlands Water and Sewer.** Application of Ligonier Mountain Land Company d/b/a Ligonier Highlands Water and Sewer for approval to offer, render, furnish or supply water service to the public in Laurel Mountain Village, Jenners Township, Somerset County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before January 28, 2002, under 52 Pa. Code (relating to public utilities).

*Applicant:* Ligonier Mountain Land Company d/b/a Ligonier Highlands Water and Sewer.

*Through and By Counsel:* Vincent J. Barbera, Barbera Clapper Beener Rullo and Melvin, 146 West Main Street, P. O. Box 775, Somerset, PA 15501-0775.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-72. Filed for public inspection January 11, 2002, 9:00 a.m.]

**Water Service  
Without Hearing**

**A-210109. Summit Management and Utilities, Inc.** Application of Summit Management and Utilities, Inc. for approval to begin to offer, render, furnish or supply water service to the public in a portion of Kidder Township, Carbon County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before January 28, 2002, under 52 Pa. Code (relating to public utilities).

*Applicant:* Summit Management and Utilities, Inc.

*Through and By Counsel:* J. Bruce Walter, Esquire, Rhoads and Sinon, LLP, P. O. Box 1146, Harrisburg, PA 17108-1146.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-73. Filed for public inspection January 11, 2002, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". 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.

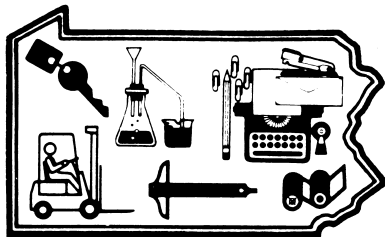
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## 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

**1204111** Software Licenses/Partition Magic Pro 7 License. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

**Department:** Corrections  
**Location:** Camp Hill, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**1235201** Furnish & Install Radio/Avionics Equipment. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

**Department:** State Police  
**Location:** New Cumberland, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**2420-01 RIP & Supp #1** Power Equipment (Agricultural/Industrial). For a copy of bid package fax request to (717) 787-0725.

**Department:** General Services  
**Location:** All Using Agencies of the Commonwealth  
**Duration:** Contract Period 9/01/01—8/31/02  
**Contact:** Vendor Services (717) 787-2199

**#120102** 1) LATERAL TURNING MATTRESS (2 each): Turns patient automatically up to a 30° bilaterally at preset intervals of 30, 60 or 90 minutes, for treatment of Stage I through Stage IV pressure ulcers. Features: Automatic turning and static flotation modes; power failure mode; easy to understand and user-friendly membrane control panel. Patient weight of 70 to 350 lbs. selectable, turning interval mode and auto-firm. Control unit easily attaches to top of footboard. CPR quick-deflate (30 seconds or less). Measurements: 35" W x 80" L x 11" H. Power Unit: 20 1/2" W x 10 3/4" L x 5 1/2" H; 115V AC, UL. Reference: Invacare #39945. 2) ELECTRIC BED (2 each): Fully electric w/full side rails. Must accommodate lateral turning mattress 35" W X 80" L x 11" H. No overhang. 3) THERAPEUTIC MATTRESS (5 each): Portable low air loss therapy mattress. Provides therapeutic benefit of pressure relief and skin moisture management and true low air loss for pressure ulcer therapy. Electrical Power: 1.15 vac. 50/60HZ, 2A; Dimensions: Standard mattress size, 84" L x 37" W x 9" H; Weight: 24 lbs., Weight Capacity: 350 lbs.; Safety Code Approval: UL544, CA106; Mattress cells: 200 Denier polyurethane coated nylon; Therapy Cover: 70 Denier nylon with a polyurethane, breathable membrane layer; Polyester quilted upper layer. CA#117 fire retardancy. Warranty. Must have user-friendly whisper quiet control unit for mattress and easy storage capability. 100 liters per minute of fresh, dry air circulation between patient and support surface and provide pressure relief below capillary closure. Ref: Invacare Model microAIR 35005 ONLY 4) FULL ELECTRIC BED (5 each): No Mattress, w/full Side Rails. Invacare Only. AWARDED VENDOR TO DELIVER, SET-UP AND TRAIN PERSONNEL IN OPERATING PROCEDURES

**Department:** Public Welfare  
**Location:** Ebensburg Center, Department of Public Welfare, Rt. 22 West, P. O. Box 600, Ebensburg, PA 15931  
**Contact:** Marilyn Cartwright, Purchasing Agent (814) 472-0259

**1213151** Lighting Equipment & Accessories. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

**Department:** State System of Higher Education  
**Location:** Cheyney University, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**8169510** Portland Cement Pasa Fast-Setting Cement. IFSCEM 115—No Substitute. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

**Department:** Transportation  
**Location:** Scranton, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**8251560** Sprayer, Herbicide, Special Purpose, Truck Mounted. For a copy of bid package fax request to (717) 787-0725.

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**8172050** Bituminous Material - Type ID 2, SRL=G. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

**Department:** Aging  
**Location:** Uniontown, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**1169111** Heat Sealing and Shrink Wrap Packaging Machine. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

**Department:** Corrections  
**Location:** Huntingdon, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199



**1196721** Furnish and Install UPS Systems & Remove Old System. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

**Department:** Public School Employees' Retirement System  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**0091-12** Envelopes: PennDot. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

**Department:** Transportation  
**Location:** Various, PA  
**Duration:** Contract Period 08/01/02 - 03/31/04  
**Contact:** Vendor Services (717) 787-2199

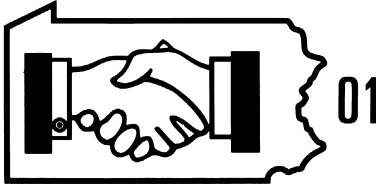
**1219151** Furnish & Install: Gear Box, Central Plant. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**1139221** Cab & Chassis w/Vacuum Tank, Sludge Truck. If you have problems downloading a bid, please call our Fax Back System at (717) 705-6001.

**Department:** Fish and Boat Commission  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

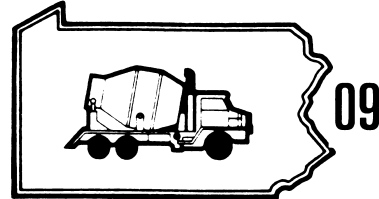
## SERVICES



### Advertising

**040S 01** Contractor shall purchase and monitor radio, newspaper and billboard advertisements through specific media in PENNDOT District 4. Please fax bid package request to Gerald Pronko at (570) 963-4245 or E-mail at gpronko@dot.state.pa.us and provide company name, address and contact person with phone no., fax no. and E-mail address. This is a re-bid of 040S 01 originally opened 10/30/01.

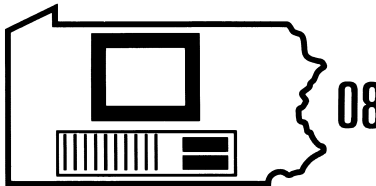
**Department:** Transportation  
**Location:** Lackawanna, Luzerne, Pike, Susquehanna, Wayne and Wyoming (Wilkes-Barre/Scranton Media Market) Counties.  
**Duration:** June 30, 2002  
**Contact:** Gerald Pronko (570) 963-4039



### Construction & Construction Maintenance

**CPC 01.036** The work of CPC Project 01.036, Conservation Maintenance of the Mexican War Monument includes but is not limited to the following initial work: Cleaning the marble and granite surface of the monument, raking and repointing mortar joints, executing crack repair, patching, dutchman repairs, re-setting granite steps, casting of new heads for marble eagles, and annual maintenance for a four-year period. The monument is in Capitol Park. We will issue the Bid Document January 8, 2002. Proposals are due by February 5, 2002 at 2 p.m. prevailing time. Mandatory Pre-proposal Conference and Detailed Site Review will be held January 17, 2002 at 10 a.m. in the offices of the Capitol Preservation Committee, Room 630, Main Capitol Building.

**Department:** PA Capitol Preservation Committee  
**Location:** Main Capitol Building, Room 630, Harrisburg, PA 17120  
**Contact:** Ruthann Hubbert-Kemper, Susan Ellison (717) 783-6484



### Computer Related Services

**01-133-2149** Request for proposals to provide the Pennsylvania Turnpike Commission with business recovery services including a recovery/back-up site that has the capability to restore critical PTC systems/functions in the event of a declaration of a disaster. Copies of the RFP can be obtained by calling (717) 939-9551, extension 4421. Written questions concerning the RFP must be received by January 28, 2002. Closing date for receipt of proposals is February 20, 2002.

**Department:** Turnpike Commission  
**Location:** PTC Central Office, Highspire, PA  
**Duration:** Executed contract will be for a term of five years.  
**Contact:** Deborah Lehan (717) 939-9551, X4421

**RFP 01-R-002** Design, development and implementation of a Statewide Uniform Registry of Electors. This project was originally advertised on 12/02/2001.

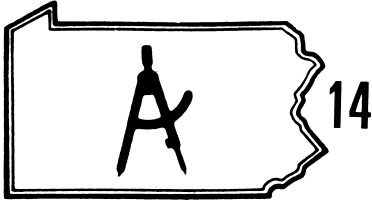
**Department:** State  
**Contact:** Judith Holjes (717) 787-3945



### Court Reporting

**CLDAGJ01-423** Provide court reporting services for the Nineteenth Statewide Investigating Grand Jury to be housed in Harrisburg (Downtown), Dauphin County, PA. Reporting Services are required for 4-5 days per month for 18 months with the possibility of the Grand Jury voting to extend the session up to an additional six months. Bid specifications detail reporting requirements.

**Department:** Attorney General  
**Location:** Harrisburg (Downtown), PA  
**Duration:** February 26, 2002 through August 26, 2003, with a possible extension up to six months, extending through February, 2004.  
**Contact:** Jean M. Kreiser (717) 783-2369



### 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).

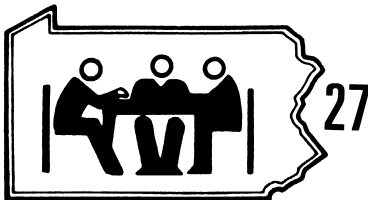
**Department:** Transportation  
**Location:** Various  
**Contact:** [www.dot2.state.pa.us](http://www.dot2.state.pa.us)



### Personnel, Temporary

**SU-01-08** SU-01-08 Shippensburg University is seeking proposals for a vendor to provide temporary personnel services for the Head Start Program for the period May 1, 2002 through April 30, 2003. The Contractor will employ and pay the staff for the University's Head Start Program. Duties include payment of salaries, mailing checks, withholding of all lawful deductions, provide worker's compensation, liability insurance, handle unemployment claims, prepare earnings records, tax reports, etc. Requests for bid package should be faxed to Deborah K. Martin at FAX: (717) 477-4004. Proposal are due NLT 4 p.m. on January 25, 2002. The University encourages responses from small, minority and women owned firms.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg, PA 17257  
**Duration:** May 1, 2002 through April 30, 2003  
**Contact:** Deborah K. Martin (717) 477-1121



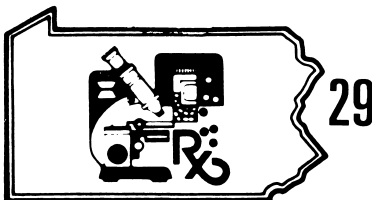
### Lodging/Meeting Facilities

**CLDAGJ01-422** Provide hotel accommodations for the Nineteenth Statewide Investigating Grand Jury to be housed in Harrisburg (Downtown), Dauphin County, PA. Housing will be required for approximately 45-50 rooms on February 25, 2002 for the Grand Jury empanelment session scheduled for February 26, 2002. One additional lodging night may be required if the empanelment session is not completed on February 26, 2002. After the empanelment session, housing for 30 selected Grand Jurors will be required beginning February 26, 2002 and each succeeding night for the remainder of the Contract through August, 2003 with a possible 6-month extension through February 26, 2004. Bid specifications detail lodging requirements.

**Department:** Attorney General  
**Location:** Harrisburg (Downtown), PA  
**Duration:** February 26, 2002—August 26, 2003, with a possible 6-month extension through February 26, 2004.  
**Contact:** Jean M. Kreiser (717) 783-2369

**BOOT-2001-21** The PA Emergency Management Agency (PEMA) is soliciting Bid Proposals to provide lodging, facilities, meals, etc. for PEMA to conduct a Chemistry of Hazardous Materials course within a 30 mile radius of the Lewistown area on March 10—21, 2002. To obtain a detailed bid package, please contact Gaila Duncan or Kim Wadsworth at [gduncan@state.pa.us](mailto:gduncan@state.pa.us) or [kwadsworth@state.pa.us](mailto:kwadsworth@state.pa.us) or (717) 651-2188.

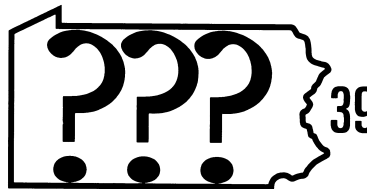
**Department:** PA Emergency Management Agency  
**Location:** PA Emergency Management Agency, State Fire Academy, 1150 Riverside Drive, Lewistown, PA 17044  
**Duration:** March 10, 2002 until March 21, 2002  
**Contact:** Gaila Duncan or Kim Wadsworth (717) 651-2188



### Medical Services

**20872001** Contractor shall provide three general psychiatrists and one Assistant Superintendent for Clinical Services to provide active inpatient psychiatric services and treatment at Danville State Hospital.

**Department:** Public Welfare  
**Location:** Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821  
**Duration:** Anticipated to begin July 1, 2002 and end June 30, 2006  
**Contact:** Doris Cavallini (570) 271-4578



### Miscellaneous

**040154** The Department of Transportation Engineering District 4-0 is requesting service for the complete operation, maintenance and testing of wastewater and drinking water systems at the Pike County Welcome Center located on Route 6 & 209, Matamoras. Prospective bidders must provide verification of having been actively engaged in the business of this service for a minimum of five years. Performance and Payment bonding is required. Specifications may be obtained from the District Office Roadside Unit by faxing your request to (570) 963-4245 or by phoning (570) 963-4048 between the hours of 8 am and 4 pm Monday thru Friday.

**Department:** Transportation  
**Location:** Pike County Welcome Center, Matamoras  
**Duration:** 5 year contract with no renewals  
**Contact:** Martha Spaide (570) 963-4048

**040152** The Department of Transportation Engineering District 4-0 is requesting service for the complete operation, maintenance, and testing of wastewater and drinking water systems at two safety rest areas on Interstate 81 in Lackawanna County, Tompkinsville, and Susquehanna County, Lenox. Prospective bidders must provide verification of having been actively engaged in the business of this service for at least five years. Performance and payment bonds are required upon award of the contract. Specifications may be obtained from the District Office Roadside Unit by faxing your request to (570) 963-4245 or by phoning (570) 963-4048 between the hours of 8 a.m. and 4 p.m. Monday thru Friday.

**Department:** Transportation  
**Location:** Interstate Safety rest area I-81 NB, Lackawanna County, between exits 202 and 206, and Interstate Safety rest area I-81 SB, Susquehanna County, between exits 211 and 206.  
**Duration:** Five years  
**Contact:** Martha Spaide (570) 963-4048

**040153** The Department of Transportation Engineering District 4-0 is requesting service for the monthly cleaning of approximately 300 square feet of overhead windows at the Pike County Welcome Center on Route 6 & 209 in Matamoras. Specifications may be obtained from the District Office Roadside Unit by faxing your request to (570) 963-4245 or by phoning (570) 963-4048 between the hours of 8 a.m. and 4 p.m. Monday thru Friday.

**Department:** Transportation  
**Location:** Pike County Welcome Center, Matamoras  
**Duration:** 5 year contract with no renewals  
**Contact:** Martha Spaide (570) 963-4048

[Pa.B. Doc. No. 02-74. Filed for public inspection January 11, 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 LOGAN,  
*Acting Secretary*



