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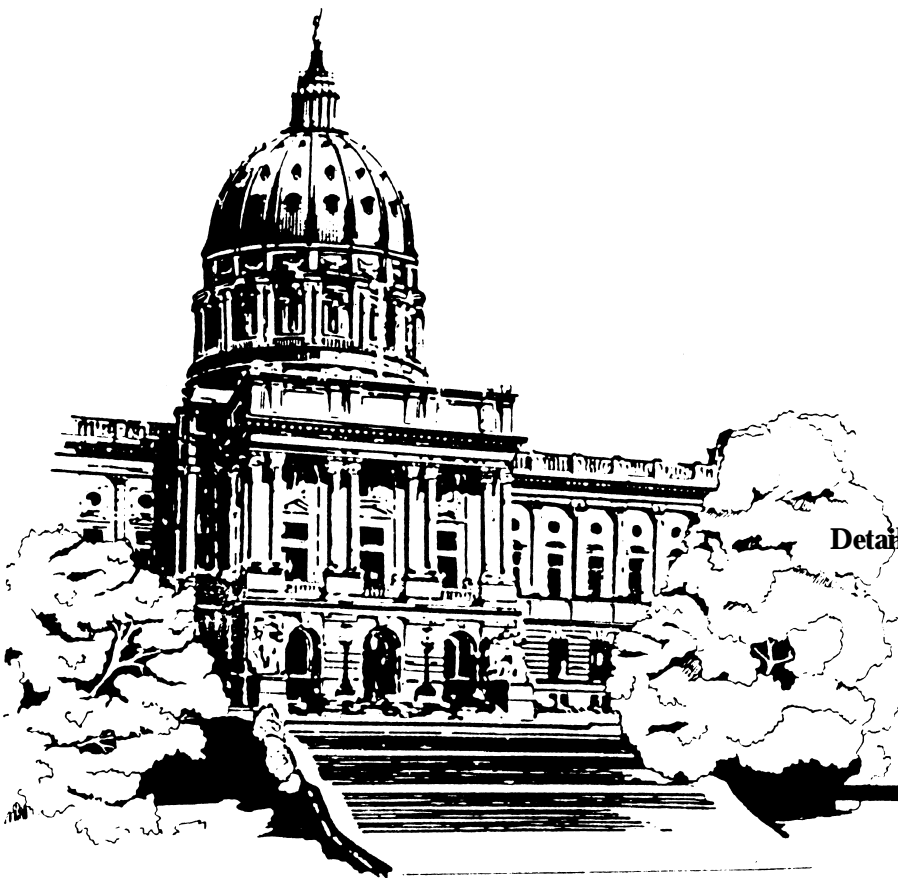
PENNSYLVANIA BULLETIN

Volume 34
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Number 3
Pages 359—468

Agencies in this issue:

The Governor
The General Assembly
The Courts
Delaware River Basin Commission
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Department of Conservation and Natural Resources
Department of Education
Department of Environmental Protection
Department of General Services
Department of Health
Department of Labor and Industry
Department of Public Welfare
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Department of Transportation
Environmental Hearing Board
Fish and Boat Commission
Health Care Cost Containment Council
Housing Finance Agency
Independent Regulatory Review Commission
Insurance Department
Legislative Reference Bureau
Pennsylvania Public Utility Commission
State Board of Nursing
State Board of Veterinary Medicine

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(Master Transmittal Sheet):**

No. 350, January 2004

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Pennsylvania Bulletin

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

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

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

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

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 2004.

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THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CHS. 5 AND 6]

[EXECUTIVE ORDER NO. 2003-13]

Governor's Advisor for Hunting, Fishing and Conservation; Governor's Advisory Council for Hunting, Fishing and Conservation; Governor's Youth Council for Hunting, Fishing and Conservation

September 22, 2003

Whereas, the Constitution of this Commonwealth proclaims that Pennsylvania's public natural resources are the common property of all people, including generations yet to come, and commands the Commonwealth to conserve and maintain our natural resources for the benefit of all the people; and

Whereas, Pennsylvania has been blessed with abundant natural resources, which have created widespread recreational opportunities; and

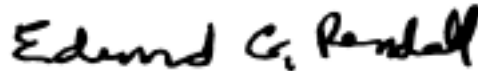
Whereas, Pennsylvania's rich outdoor heritage, including activities such as hunting, fishing, trapping, nature photography, bird and wildlife watching, and hiking, are enjoyed by more than half of Pennsylvania's population—almost six million people; and

Whereas, these recreational activities annually generate incomes totaling more than \$5 billion and support more than 100,000 jobs in this Commonwealth; and

Whereas, watchable wildlife generates \$70 million per year in sales tax revenue for this Commonwealth and another \$86.8 million per year in federal taxes; and

Whereas, I have determined that the Governor and other Commonwealth officials and agencies would benefit from the advice and counsel of an official representative body created from a broad range of dedicated hunters, anglers, trappers, and other conservationists.

Now, Therefore, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby establish the position of the Governor's Advisor for Hunting, Fishing and Conservation; the Governor's Advisory Council for Hunting, Fishing and Conservation; and the Governor's Youth Council for Hunting, Fishing and Conservation, as hereinafter set forth.



Governor

Fiscal Note: GOV 03-14. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 5. COUNCILS AND COMMITTEES

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GOVERNOR'S ADVISORY COUNCIL FOR HUNTING, FISHING AND CONSERVATION

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- 6.151. Purpose.
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- 6.157. Youth mentors.
- 6.158. Reports.

EFFECTIVENESS OF SUBCHAPTER

- 6.161. Effective date.
- 6.162. Termination date.
- 6.163. Rescission.

GOVERNOR'S ADVISOR FOR HUNTING, FISHING AND CONSERVATION

§ 6.131. Appointment.

There is hereby created within the Office of the Governor the position of Governor's Advisor for Hunting, Fishing and Conservation (Advisor). The Advisor will be appointed by the Governor and will be responsible for advising the Governor on matters pertaining to the conservation of the natural resources of this Commonwealth, for both consumptive and nonconsumptive uses, and on ways to protect, promote and enhance this Commonwealth's outdoor heritage.

§ 6.132. Powers and duties.

The powers and duties of the Governor's Advisor for Hunting, Fishing and Conservation (Advisor) are as follows:

(1) The Advisor functions as the Governor's principal advocate for hunters, anglers, trappers and other conservationists, and reviews both pending and existing laws, policies and programs affecting wildlife conservation and outdoors recreation. As the Governor's advocate, the Advisor acts as liaison between the Governor's Advisory Council for Hunting, Fishing and Conservation (Council) and the Governor, making recommendations based on a consensus of opinion from Council members and presenting the Governor with the Council's policy recommendations.

(2) The Governor will assign to the Advisor other related tasks and responsibilities that the Governor might deem appropriate, including: working to improve outdoor tourism opportunities; working on Federal and State initiatives that benefit hunters, anglers, trappers and other conservationists; and working on issues related to hunter, trapper, and angler recruitment and retention. The Governor also will direct the Advisor to represent him at meetings, events and other activities, as appropriate.

(3) The Advisor will help to promote the Governor's conservation agenda. In addition to working with other State agencies, the Advisor will develop and maintain a strong working relationship with the General Assembly, especially the members of the House and Senate Game and Fisheries Committees.

(4) The Advisor will direct the activities and agenda of the Council and conduct its meetings. In his sole discretion, the Advisor may delegate defined responsibilities to individual Council members, as necessary, and

may create committees within Council to accomplish specific goals or tasks, as deemed appropriate. With the approval of the Governor, the Advisor may remove and replace Council members.

(5) The Advisor, with the approval of the Governor, may employ other persons as needed for the proper administration of the program.

GOVERNOR'S ADVISORY COUNCIL FOR HUNTING, FISHING AND CONSERVATION

§ 6.141. Purpose.

The purpose of the Governor's Advisory Council on Hunting, Fishing and Conservation is to provide a forum through which an open and forthright dialog might be fostered among a diverse group of conservation minded individuals, to provide the Governor with sound advice on matters pertaining to the conservation of the natural resources of this Commonwealth for both consumptive and nonconsumptive uses, and on ways to protect, promote and enhance the outdoor heritage of this Commonwealth.

§ 6.142. Responsibilities.

The powers and duties of the Governor's Advisory Council for Hunting, Fishing and Conservation will be to:

(1) Review and make written recommendations to the Governor's Advisor for Hunting, Fishing and Conservation (Advisor) regarding any issue that might affect the recreational use of this Commonwealth's natural resources.

(2) Review and make written recommendations to the Advisor regarding policies adopted or regulations promulgated by the Pennsylvania Fish and Boat Commission, the Pennsylvania Game Commission, the Department of Conservation and Natural Resources or the Department of Environmental Protection, that might affect the recreational uses of this Commonwealth's natural resources.

(3) Review and make written recommendations to the Advisor regarding pending legislation and proposed regulations that might affect the recreational uses of this Commonwealth's natural resources.

(4) Review with the Advisor, at the direction of the Governor, the qualifications of candidates for appointment to the Pennsylvania Fish and Boat Commission and the Pennsylvania Game Commission and to assist the Advisor in making recommendations to the Governor.

(5) Convene at least four times per year and at the call of the Advisor.

(6) Adopt rules of procedure consistent with this subchapter.

§ 6.143. Composition of the Governor's Advisory Council for Hunting, Fishing and Conservation.

(a) The Governor's Advisory Council for Hunting, Fishing and Conservation (Council) will consist of at least 12, but no more than 21, residents of this Commonwealth appointed by the Governor to serve at the pleasure of the Governor.

(b) Elected state officials and employees of the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Pennsylvania Fish and Boat Commission, the Pennsylvania Game Commission and members of their immediate families are not eligible for membership on the Council.

(c) The Council shall represent a broad-based group of stakeholders, all of whom have an intrinsic interest in the wildlife resources of this Commonwealth. The members shall support hunting, trapping and angling as a valuable and accepted method of wildlife management.

§ 6.144. Terms of membership.

(1) Members of Governor's Advisory Council for Hunting, Fishing and Conservation will be appointed for a term of 1 year and will continue to serve thereafter until their successors have been appointed and qualified.

All members serve at the pleasure of the Governor and will be expected to contribute in a meaningful manner and attend meetings regularly.

(2) Members who compile more than two unexcused absences within the calendar year are subject to immediate removal by the Governor.

§ 6.145. Compensation.

Members of the Governor's Advisory Council for Hunting, Fishing and Conservation (Council) will receive no compensation for their services. Members will be reimbursed in accordance with established Commonwealth policy for expenses incurred in serving the Council.

§ 6.146. Cooperation by State agencies.

State agencies shall cooperate fully with the Governor's Advisor for Hunting, Fishing and Conservation and the Governor's Advisory Council for Hunting, Fishing and Conservation and, upon request, provide staff assistance and information, as appropriate.

§ 6.147. Reports.

The Governor's Advisory Council for Hunting, Fishing and Conservation (Council) and the Governor's Advisor for Hunting, Fishing and Conservation shall submit an annual report to the Governor outlining the Council's activities and accomplishments for the year.

GOVERNOR'S YOUTH COUNCIL FOR HUNTING, FISHING AND CONSERVATION

§ 6.151. Purpose.

The purpose of the Governor's Youth Council for Hunting, Fishing and Conservation (Youth Council) is to provide a forum through which an open and forthright dialog might be fostered among a diverse group of conservation minded youth, so that the Governor's Advisory Council for Hunting, Fishing and Conservation might receive the Youth Council's best advice regarding the conservation of the natural resources of this Commonwealth for both consumptive and nonconsumptive use, and on ways to protect, promote and enhance the outdoor heritage of this Commonwealth.

§ 6.152. Mission.

The mission of the Governor's Youth Council for Hunting, Fishing and Conservation will be to help enlist a new generation of individuals committed to protecting, promoting and enhancing the outdoor heritage of this Commonwealth.

§ 6.153. Responsibilities.

Subject to the direction of the Governor's Advisor for Hunting, Fishing and Conservation (Advisor) and the Governor's Advisory Council for Hunting, Fishing and Conservation (Council), the Governor's Youth Council for Hunting, Fishing and Conservation shall endeavor to:

(1) Advise the Council on wildlife conservation and outdoor recreation issues that pertain directly to the youth of this Commonwealth.

(2) Identify barriers and obstacles preventing youth participation in wildlife conservation and recreation.

(3) Recommend new strategies to interest youth in wildlife conservation and recreation to retain their interests and involvement.

(4) Assist the natural resource agencies within this Commonwealth with youth programs and issues relating to wildlife conservation and recreation.

(5) Convene at least four times per year and at the call of the Advisor.

(6) Adopt rules of procedure consistent with this subchapter.

§ 6.154. Composition.

The members of the Governor's Youth Council for Hunting, Fishing and Conservation (Youth Council) will be appointed by the Governor and serve at the pleasure of the Governor. The membership of the Youth Council will consist of the following:

(1) At least 20 residents of this Commonwealth between the ages of 14 and 18.

(2) Appointees who are active in outdoor activities, such as hunting, fishing or trapping, or who are active in an outdoor or conservation-related organization or club.

§ 6.155. Officers.

(a) One member will be elected by the Governor's Youth Council for Hunting, Fishing and Conservation (Youth Council) to serve as chairperson for 1 academic year (September 1—August 31). Other officers may be elected by the members of the Youth Council and will serve for 1 academic year.

(b) The Governor's Advisor for Hunting, Fishing and Conservation (Advisor) may appoint one member of the Governor's Advisory Council for Hunting, Fishing and Conservation (Council) to serve as a Special Liaison for Youth. The Advisor may appoint other special liaisons from Council, as deemed appropriate.

§ 6.156. Terms of membership.

(a) Members of the Governor's Youth Council for Hunting, Fishing and Conservation will be appointed for a term of 1 year and will continue to serve thereafter until successors have been appointed and qualified. Members will serve at the pleasure of the Governor and will be expected to contribute in a meaningful manner and attend meetings regularly.

(b) Members who compile more than two unexcused absences within the academic year will be subject to immediate removal by the Governor.

§ 6.157. Youth mentors.

The Governor's Advisor for Hunting, Fishing and Conservation (Advisor) may appoint to the Governor's Youth Council for Hunting, Fishing and Conservation (Youth Council) any number of non-youth members (Mentors), but Mentors will not be counted as part of the Youth Council's total complement. Mentors will be responsible for helping the Youth Council fulfill the requirements of this subchapter, and will serve for 1 year or until a successor has been appointed and qualified. The Advisor may appoint no more than two former Youth Council members as Mentors.

§ 6.158. Reports.

By August 31, the Governor's Youth Council for Hunting, Fishing and Conservation shall submit an annual report to the Governor's Advisor for Hunting, Fishing and Conservation, outlining its activities and accomplishments for the year.

EFFECTIVENESS OF SUBCHAPTER

§ 6.161. Effective date.

This subchapter will take effect immediately.

§ 6.162. Termination date.

This subchapter will remain in effect until revised or rescinded by the Governor.

§ 6.163. Rescission.

Executive Order 2001-5 is rescinded.

[Pa.B. Doc. No. 04-82. Filed for public inspection January 16, 2004, 9:00 a.m.]

GOVERNOR'S OFFICE

Notice of Veto

December 31, 2003

To the Honorable House of Representatives
of the Commonwealth of Pennsylvania

I am returning herewith, without my approval, House Bill 1222, Printer's No. 3127, entitled "AN ACT" amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for identification of incorrect debtor; further defining "other specified offense" for purposes of DNA data and testing; and further providing for summary offenses involving vehicles, for law enforcement records, for duration of commitment and review; ESTABLISHING A CAUSE OF ACTION FOR UNAUTHORIZED ENACTMENT OR ENFORCEMENT OF LOCAL ORDINANCES GOVERNING AGRICULTURAL OPERATIONS; PROVIDING FOR CERTAIN ATTORNEY FEES AND COSTS; AND FURTHER PROVIDING for sentence of intermediate punishment and for assessments.

During my campaign for Governor the Pennsylvania Farm Bureau posed a question to me in a written questionnaire.

Do you believe municipalities and municipal officials should be penalized for passing ordinances against agriculture that they know state law prohibits them from passing? If so, what penalties should be assessed?

This was my response:

There has been a harmful lack of leadership in Harrisburg resulting in penalties for farmers, township officials and local taxpayers. Pennsylvania's Right to Farm Law has been ignored all too frequently. Farm organizations like the Farm Bureau have been in court to fight unlawful ordinances from townships . . . the Nutrient Management Law provides for statewide preemption of local ordinances and the Right to Farm Law is supposed to protect farmers from local nuisance ordinances. But who protects farmers when those laws are ignored? I will direct members of my administration to address this issue in a comprehensive and progressive way. We will work to solve, not run from this issue and we will do so at the state level.

I am today vetoing HB 1222 because I do not believe it addresses this very complex issue in a "comprehensive and progressive" way.

No industry is more important to this state's heritage and tradition and to the vitality of our economy than agriculture. It is our state's single largest employer and generates \$45 billion in revenue each year for our state's economy, over 70% of which is related to livestock operations. We have over 59,000 farm families in Pennsylvania. The Legislature and several Governors have recognized these facts in creating and implementing Pennsylvania's landmark Farmland Preservation Program in which we have now invested over \$500 million. My proposed economic stimulus program recognizes emerging technologies and the diversification of agriculture and includes a new loan fund dedicated to assisting Pennsylvania farmers to become more productive and more profitable.

It is also undeniably true that agriculture in our state is changing. For many reasons, we are losing family farms and we have seen a significant increase in larger farming operations (often corporate) known as CAFOs (Concentrated Animal Feeding Organizations) or CAOs (Concentrated Animal Operations).

The Legislature has taken steps to balance the changing nature of agriculture and legitimate concerns about how these operations impact on our environment through both the "Right to Farm" Act and the Nutrient Management Act (the "NMA"). Section 1717 of the latter preempts the right of local governments to pass ordinances in contravention of the NMA.

Under adoption of the regulation authorized by section 4, no ordinance or regulation of any political subdivision or home rule municipality may prohibit or in any way regulate practices related to the storage, handling or land application of animal manure or nutrients or to the construction, location or operation of facilities used for storage of animal manure or nutrients or practices otherwise regulated by this act if the municipal ordinance or regulation is in conflict with this act and the regulations promulgated thereunder. Nothing in this act shall prevent a political subdivision or home rule municipality from adopting and enforcing ordinances or regulations which are consistent with and no more stringent than the requirements of this act and the regulations promulgated under this act, provided, however, that no penalty shall be assessed under any such local ordinance or regulation for any violation for which a penalty has been assessed under this act.

Notwithstanding this express prohibition and the overall rationale of the "Right to Farm" Act, there have been significant instances of local governments enacting nuisance ordinances that directly violate state law.

Consider the case of Douglas Graybill and his daughter and son-in-law. They own a farm in Granville Township and operated a dairy farm exclusively until 1996 when they decided to erect two hog finisher barns. They built and populated these finishers in 1997. A small number of residents went to the Township seeking an ordinance prohibiting any manure storage within 1500 feet of any public road, property line, drilled well or body of water. This ordinance would have stopped any future expansion of any animal agriculture in the Township. In contrast, the NMA specifies 200 feet as the required setback for CAOs or CAFOs and, as stated above, bars any local government from passing any ordinances that are more restrictive than state law.

Mr. Graybill took a copy of the relevant sections of the NMA and the applicable regulations published in the PA Bulletin to the township supervisors and their attorney. Their response was "I hope we don't get sued." The Bradford County Planning Commission and the State Conservation Committee warned the supervisors that the ordinance was most likely in violation of the NMA. Despite this, the ordinance was passed. Mr. Graybill contacted the State Agriculture Department and the Attorney General asking for the Commonwealth to step in and enforce the NMA by telling the township that the ordinance was illegal. He was told the Commonwealth did not have the power and that he, the aggrieved citizen, had to sue the Township. He sued and won, but the cost was \$80,000 in legal fees.

Mr. Graybill wrote me about this experience and said that if municipalities prevail in implementing restrictive agricultural ordinances that farmers can challenge only through costly legal proceedings, then "we can kiss animal agriculture goodbye and the rural infrastructure of Pennsylvania will collapse." Mr. Graybill is correct. Unfortunately, his case is not an isolated one.

HB 1222 seeks to address the situation that confronted Mr. Graybill:

If the Court determines that the local agency enacted or enforced an unauthorized local ordinance governing normal agricultural operations willfully or with wanton disregard of the limitation of authority established under state law, the court may order the local agency to pay the plaintiff reasonable attorney fees and other litigation costs incurred by the plaintiff in connection with the action.

The standard of "willfully or with wanton disregard of the limitations of authority established under state law" is a difficult one to establish in a legal proceeding, so I do not believe it will chill township supervisors from enacting reasonable efforts to regulate agriculture operations not covered by state law. HB 1222 also allows local government to sue farmers and recover

costs when the farmers file a “frivolous” lawsuit. Therefore, I believe that the goal of that part of HB 1222 that allows farmers to recover court costs is a legitimate one that addresses a need to protect not just agribusiness but small farms as well.

So why am I today vetoing HB 1222? Because if we are to succeed in striking a balance between legitimate business interests of the agriculture community and the quality of life concerns of our municipalities, I believe we should and must take a comprehensive approach. Unfortunately, while meritorious as far as it goes, HB 1222 only addresses one aspect of the nutrient management problem the Commonwealth faces—it does not address the legitimate environmental concerns that have been fostered by a flawed and deficient system. In short, it does not deal with these problems in a “comprehensive and progressive way.”

Recently, we have seen some striking examples of the significant problems that can occur under our prevailing nutrient management system. For example, one of the larger hog farms in Pennsylvania, owned and managed by one of the larger swine producers in the state, was permitted to house 7,200 sows, piglets, gilts, and nursery pigs, severely polluting a drinking water source. (These animals produce 3.6 million gallons of hog manure each year.)

Currently, the only state law that addresses disposal of this type of sewage is the NMA. But the NMA is only concerned with the plant nutrient, or fertilizer, content of the manure, not other ancillary issues such as antibiotics and odor. Nor does the NMA prohibit animal sewage from being disposed of in late fall and winter when nothing is growing, and it allows livestock operations to send the manure to other farms that do not have nutrient management plans.

In the case of this particular hog farm, 11 farmers agreed to take some of the sewage. But even with those options, the manager still needed to dispose of some sewage in mid-November and hired an independent manure hauler to spread it on the fields of one of the farmers. The manure ultimately washed into the water supply, contaminating it with fecal coliform, which can cause illness. The residents of the Township then had to boil their water or use bottled water. The local elementary school had to bring in water and hand-washing stations to prevent the children from getting sick. So far, it has cost the municipality—which has an annual budget of \$54,750—at least \$3,000 to provide bottled water. Because the farm followed its nutrient management plan, however, no state laws were violated. Nothing in the law requires Pennsylvania’s largest hog corporation to reimburse the municipality or the school district’s expenses.

We simply cannot address the nutrient management issues in a piecemeal fashion, an unfortunate unintended effect of HB 1222. I am convinced that our Administration and the Legislature should work as quickly and thoroughly as possible to develop a comprehensive plan to upgrade our nutrient management system and to strike the proper balance between the right of farmers to conduct their business with a clear understanding of applicable legal restrictions and their ability to operate in a profitable manner that takes into account real and genuine environmental concerns about our current system. Let me be clear—such legislation should include the relevant language from HB 1222.

Accordingly, I have directed Secretary of Agriculture Dennis Wolff and Secretary of Environmental Protection Kathleen McGinty to contact the heads of the House and Senate Agriculture Committees to begin work on this comprehensive approach as soon as possible.

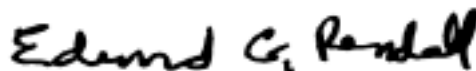
To that end, I will sign legislation that includes:

- the provisions of HB 1222 discussed above;
- provisions to close the manure export loophole by requiring farms importing manure from CAFO’s and CAO’s to have signed agreements, nutrient balances sheets documenting allowable application rates, accurate recordkeeping and the same manure application set backs and buffers as the farm that produced the manure;

- provisions that extend the type of farms that are required to submit nutrient management plans detailing their manure management procedures and application locations to the local conservation district;
- provisions to require minimum buffer areas where no manure can be applied for all CAFOs and CAOs. Farms that import manure must meet the same buffer requirements as the farm that produces the manure;
- provisions that create new or improved financial incentives for farmers who need help in creating buffer areas or in obtaining new technology such as manure digesters; and
- provisions giving tax credits to any farmer for the costs of installing the technology necessary to convert manure to energy thus avoiding the need to apply manure to the soil when it is not being used for fertilizer. This technology is being used in Europe and we have already been contacted by an agribusiness that wants to install it in a new operation here in Pennsylvania.

Legislation including these provisions will provide a “comprehensive and progressive” solution to the balancing test before us while at the same time giving farmers the relief provided in HB 1222. I look forward to signing such legislation.

For the reasons set forth above, I must withhold my signature from House Bill 1222, Printer’s Number 3127.



Governor

[Pa.B. Doc. No. 04-83. Filed for public inspection January 16, 2004, 9:00 a.m.]

THE GENERAL ASSEMBLY

Recent Actions during the 2003 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2003 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2003 GENERAL ACTS ENACTED—ACT 044 through 053					
044	Dec 23	HB0044	PN3148	immediately*	Public Welfare Code—exempting certain persons from Federal law relating to public assistance and establishing the Health Care Provider Retention Account and the Health Care Provider Retention Program
045	Dec 23	HB1133	PN3159	immediately*	Fiscal Code—omnibus amendments
046	Dec 23	HB0200	PN3160	immediately*	Tax Reform Code of 1971—omnibus amendments
047	Dec 23	HB0172	PN3158	immediately*	Administrative Code of 1929—omnibus amendments
048	Dec 23	SB0080	PN1341	immediately	Public School Code of 1949—omnibus amendments
049	Dec 23	SB0870	PN1312	immediately	Capital Facilities Debt Enabling Act—increasing limitation on redevelopment assistance capital projects
050	Dec 23	SB0483	PN1319	immediately*	Insurance Company Law of 1929—providing for life insurance applications and extending expiration date of provisions relating to health care insurance individual accessibility
051	Dec 23	HB0521	PN3062	immediately	Keystone Opportunity Zone and Keystone Opportunity Expansion Zone Act—omnibus amendments
052	Dec 23	SB0850	PN1315	immediately	Project 70 lands—Commonwealth property in Lackawanna County
053	Dec 23	HB0088	PN3082	60 days	Workers' Compensation Act—schedule of compensation
2003 APPROPRIATION ACTS ENACTED—ACT 009A through 040A					
009A	Dec 23	HB1589	PN3161	immediately	First Supplemental General Appropriation Act of 2003—enactment
010A	Dec 23	HB1374	PN3142	immediately	Pennsylvania State University—operation, medical education, children's hospital, agricultural research and extension services, debt service, etc.
011A	Dec 23	HB1375	PN3143	immediately	University of Pittsburgh—operation, doctor of medicine instruction, education, dental and psychiatric clinics, rural education outreach, etc.
012A	Dec 23	HB1376	PN3149	immediately	Temple University—operation, instruction, dental clinics, podiatric medicine, etc.
013A	Dec 23	HB1377	PN3144	immediately	Lincoln University—education and general expenses
014A	Dec 23	HB1378	PN3150	immediately	Drexel University—instruction and student aid
015A	Dec 23	HB1379	PN3151	immediately	University of Pennsylvania—dental clinics, doctor of medicine instruction, veterinary activities, cardiovascular studies and University of Pennsylvania Museum maintenance and purchases

<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>
016A	Dec 23	HB1380	PN3145	immediately	Philadelphia Health and Education Corporation—colleges of medicine, public health, nursing and health professions instruction, maintenance and student aid and pediatric services
017A	Dec 23	HB1381	PN3146	immediately	Thomas Jefferson University—doctor of medicine instruction, maintenance, student aid, Children's Heart Hospital, Tay-Sachs disease program and College of Allied Health Sciences
018A	Dec 23	HB1382	PN3152	immediately	Philadelphia College of Osteopathic Medicine—instruction
019A	Dec 23	HB1383	PN3153	immediately	Pennsylvania College of Optometry—instruction
020A	Dec 23	HB1384	PN3154	immediately	University of the Arts—instruction and student aid
021A	Dec 23	HB1385	PN3155	immediately	Berean Training and Industrial School—operation, maintenance and payment of debt services
022A	Dec 23	HB1386	PN3156	immediately	Johnson Technical Institute of Scranton—operation and maintenance
023A	Dec 23	HB1387	PN3157	immediately	Williamson Free School of Mechanical Trades—operation and maintenance
024A	Dec 23	HB1388	PN1716	immediately	Fox Chase Institute for Cancer Research—cancer research program operation and maintenance
025A	Dec 23	HB1389	PN1717	immediately	Wistar Institute—operation, maintenance and Aids research
026A	Dec 23	HB1390	PN1718	immediately	Central Penn Oncology Group—operation
027A	Dec 23	HB1391	PN1719	immediately	Lancaster Cleft Palate—outpatient-inpatient treatment
028A	Dec 23	HB1392	PN1720	immediately	Pittsburgh Cleft Palate—outpatient-inpatient treatment
029A	Dec 23	HB1393	PN1721	immediately	Burn Foundation—outpatient and inpatient treatment
030A	Dec 23	HB1394	PN1722	immediately	Children's Institute—treatment and rehabilitation of children and young adults with disabling diseases
031A	Dec 23	HB1395	PN1723	immediately	Children's Hospital of Philadelphia—comprehensive patient care and hospital maintenance and operation
032A	Dec 23	HB1396	PN1724	immediately	Beacon Lodge Camp—services to the blind
033A	Dec 23	HB1397	PN1725	immediately	Arsenal Family and Children's Center—operation
034A	Dec 23	HB1398	PN1726	immediately	Carnegie Museums of Pittsburgh—Carnegie Museum of Natural History maintenance and purchases and Carnegie Science Center and planetarium operation
035A	Dec 23	HB1399	PN3147	immediately	Franklin Institute Science Museum—maintenance
036A	Dec 23	HB1401	PN1728	immediately	Academy of Natural Sciences—maintenance
037A	Dec 23	HB1402	PN1729	immediately	African-American Museum—operation, maintenance and purchases
038A	Dec 23	HB1403	PN1730	immediately	Everhart Museum—operation, maintenance and purchases

<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>
039A	Dec 23	HB1404	PN1731	immediately	Mercer Museum—operation, maintenance and purchases
040A	Dec 23	HB1405	PN1732	immediately	Whitaker Center for Science and the Arts—operation, maintenance and purchases

* denotes an effective date 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."

ROBERT W. ZECH, Jr.,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 04-84. Filed for public inspection January 16, 2004, 9:00 a.m.]

Recent Actions during the 2003 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2003 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2003 GENERAL ACTS ENACTED—ACT 054 through 067					
054	Dec 30	HB0066	PN2958	immediately	Conveyance—Commonwealth property in Warren County and release and imposition of restrictions
055	Dec 30	HB1718	PN3116	immediately	Tobacco Settlement Act—limits on supersedeas bond requirements
056	Dec 30	HB1018	PN3140	90 days*	Public Safety Emergency Telephone Act—Statewide integrated wireless E-911 State plan, Wireless E-911 Emergency Services Fund, collection of E-911 surcharge from wireless customers and annual reporting, etc.
057	Dec 30	HB0051	PN3049	immediately*	General Local Government Code (53 Pa.C.S.)—powers and duties of authorities
058	Dec 30	HB1000	PN3114	60 days	Real Estate Licensing and Registration Act—licensing requirements and penalties
059	Dec 30	HB1279	PN3115	immediately	Liquor Code—powers and duties of Pennsylvania Liquor Control Board, wine marketing, sales on Saint Patrick's Day and wine purchased for consumption at a restaurant
060	Dec 30	HB1674	PN2949	immediately	Conveyance—Commonwealth property in City and County of Philadelphia

<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>
061	Dec 30	HB0485	PN2706	60 days	Judicial Code (42 Pa.C.S.)—municipal corporation portion of fines and immunity of State parole officers and county probation officers
062	Dec 30	HB0999	PN1172	60 days	Reflex Sympathetic Dystrophy Syndrome Education Act—enactment
063	Dec 30	SB0586	PN1203	60 days*	Game Code (34 Pa.C.S.)—jurisdiction and penalties, suspension of licenses, unlawful taking or possession of game or wildlife, denial or revocation of license and license costs and fees
064	Dec 30	SB0924	PN1244	immediately*	Tobacco Product Manufacturer Directory Act—enactment
065	Dec 30	SB0145	PN1320	immediately*	General Local Government Code (53 Pa.C.S.)—municipal police education and training and reimbursement
066	Dec 30	SB0271	PN0273	immediately*	Greater Hazleton Chamber of Commerce Beltway—designation
067	Dec 30	SB0970	PN1308	immediately	General Local Government Code (53 Pa.C.S.)—revival of expired authority

* denotes an effective date with exceptions

Effective Dates of Statutes

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

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ROBERT W. ZECH, Jr.,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 04-85. Filed for public inspection January 16, 2004, 9:00 a.m.]

THE COURTS

Title 210—APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

[210 PA. CODE CH. 65]

Amendments to the Superior Court Internal Operating Procedures

The Superior Court of Pennsylvania has adopted amendments to its Internal Operating Procedures. These amendments are reflected in the Superior Court Internal Operating Procedures with amendments to 210 Pa. Code 65.1 et seq.

These changes were approved on December 24, 2003, effective immediately.

ERNEST GENNACCARO,
*Chief Staff Attorney to the
Superior Court of Pennsylvania*

Annex A

TITLE 210. APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

CHAPTER 65. INTERNAL OPERATING PROCEDURES OF THE SUPERIOR COURT

ADMINISTRATIVE OFFICES AND STAFF

§ 65.5. Panels.

* * * * *

B. [A panel shall ordinarily consist of two commissioned judges and one senior judge or specially assigned judge who has been designated to serve on the Superior Court. The President Judge, in his discretion, may in unusual or extraordinary circumstances designate two senior judges or specially assigned judges to serve on a panel. As a member of the panel, a senior judge or specially assigned judge is vested with the same power and authority as that possessed by a commissioned Superior Court Judge.

C.] The President Judge shall appoint the panels, assign cases to the panels, and designate the time, date, and place in which the panels shall sit.

[D.] C. * * *

[E.] D. * * *

[F.] E. * * *

* * * * *

MOTIONS PRACTICE

§ 65.21. Motions Subject to Single Judge Disposition.

A. Except as otherwise provided in § 65.22, a single judge of this Court, whether commissioned or specially assigned, may entertain and may grant or deny any request for relief which under the Rules of Appellate Procedure may properly be sought. **A party may file an answer to an application, Pa. R.A.P. 123(b); a speaking application shall be verified unless the interest of justice requires action without it, Pa. R.A.P. 123(c); oral argument will not be permitted unless**

otherwise ordered by the Court, Pa. R.A.P. 123(d). The action of a single judge may be reviewed by the Court.

* * * * *

B. All petitions for extension of time shall be referred by the Prothonotary to the motions judge. Such petitions should be acted upon as soon as possible unless the motion judge feels an answer is necessary. Petitions for extension shall be granted only on cause shown and in any event the filing of the brief is required, particularly in criminal cases, even though the right to argue is lost. Central Legal Staff shall be notified of the filing of the motion and the disposition. However, if the petition for extension is accompanied by a substantive motion, such as a motion to quash, remand, or withdraw, Central Legal Staff shall review the motion in an expeditious manner pursuant to the procedures set forth in Section 65.21(C) herein. Notwithstanding any contrary procedure set forth above, all petitions for extension in cases which have been identified as family law fast track cases, upon receipt by the Prothonotary, shall be sent to Central Legal Staff for processing. All such petitions for extension in family law fast track cases shall be presented to a motions judge for disposition within three days of receipt of the petition by Central Legal Staff. **Whenever an order is entered granting a petition for extension of time, and the order provides that no further extensions will be granted, any subsequent petition for extension of time shall be referred by the Prothonotary to the judge who issued the original order.**

* * * * *

[Pa.B. Doc. No. 04-86. Filed for public inspection January 16, 2004, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CARBON COUNTY

Adoption of Preparole Investigations and Parole Policy; No. 139 MI 03

Administrative Order No. 23-2003

And Now, this 31st day of December, 2003, it is hereby *Ordered* and *Decreed* that, effective thirty (30) days after publication in the *Pennsylvania Bulletin*, that the Carbon County Court of Common Pleas hereby *Adopts* a Preparole Investigations and Parole Policy applicable to the Court of Common Pleas and all members of the Carbon County Adult Probation Department and Carbon County Correctional Facility.

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 Pennsylvania 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 and Policy in the Clerk of Court's Office.

By the Court

RICHARD W. WEBB,
President Judge

Purpose:

To establish policy and procedure governing the release of prisoners from a correctional facility after attaining their minimum sentence to an approved parole plan, which plan addresses the safety and security of the public and the rehabilitative needs of the offender.

Applicability:

To the Carbon County Court of Common Pleas, the Carbon County Adult Probation/Parole Department and the Carbon County Correctional Facility.

Definitions:

As utilized in this document, the following definitions shall apply:

1. *Constructive Parole:* A grant of parole whereby an offender is released from confinement on one sentence, but remains confined while serving another sentence.

2. *County Parole:* A parole granted by a common pleas court under 61 P.S. § 314 and 61 P.S. § 331.26 on a sentence with a maximum term of less than two years.

3. *County Sentence:* A sentence of imprisonment for a maximum term of less than two years where the sentencing court retains parole jurisdiction (See 61 P.S. § 331.26).

4. *Firearm:* Any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive, or the frame or receiver of any such weapon (See 18 Pa.C.S.A. § 908). Any pistol or revolver with a barrel length less than fifteen inches, any shotgun with a barrel length less than sixteen inches, or any pistol, revolver, rifle or shotgun with an overall length of less than twenty-six inches. The barrel length of the firearm shall be determined by measuring from the muzzle of the barrel to the face of the closed action, bolt or cylinder; whichever is applicable (See 18 Pa.C.S.A. § 6102).

5. *Furlough:* The partial release of incarcerated inmates to the community for a legitimate purpose and for a specified time period.

6. *General Conditions of Release:* Standard terms and requirements of release established by the Carbon County Court of Common Pleas that are applicable to all offenders under the jurisdiction of the court.

7. *Good Time Credits:* A program within the correctional setting which allows prisoners who are sentenced to a maximum sentence of less than two years to earn credits towards their minimum sentence.

8. *Good Time Minimum Release Date:* The earliest date that an inmate is eligible for parole. This date is the minimum release date minus all good time credits earned by the defendant.

9. *Parole:* A penological measure for the disciplinary treatment of offenders who seem capable of rehabilitation outside of prison walls that allows the offender to be released from prison, under supervision and conditions imposed by the court, prior to completion of service of the maximum term of the offender's sentence.

10. *Parolee:* An offender who has been granted parole either by the common pleas court or by the Parole Board and who has been actually released from confinement on the sentence from which parole was granted.

11. *Partial Confinement:* In light of all circumstances, and when facilities are available, probation would be inappropriate, but it further appears that a sentence of total confinement would not be required, an inmate may spend his sentence of incarceration on weekends or in a work release program.

12. *Pre-Parole Investigator:* An adult probation/parole officer responsible for the gathering, verification and submission of all pre-parole materials to the court.

13. *Pre-parole Investigation/Plan:* A concise, investigative report that is provided to the sentencing court which details and verifies significant information concerning the offender's parole program.

14. *Prohibitive Offensive Weapons:* Any bomb, grenade, machine gun, sawed off shotgun with a barrel less than eighteen inches, firearm specifically made or specially adapted for concealment or silent discharge, any black-jack, sandbag, metal knuckles, dagger, knife, razor or cutting instrument, the blade of which is exposed in an automatic way by switch, push-button, spring mechanism, or otherwise, or other implement for the infliction of serious bodily injury which serves no common lawful purpose (See 18 Pa.C.S.A. § 908).

15. *Rescission:* The revocation of a grant of parole based upon an offender's conduct occurring prior to release on parole, which conduct is unknown to the sentencing court at the time parole was granted; the revocation of a grant of parole before it is executed by the offender's actual release from incarceration.

16. *Setback:* A period of time beyond the original minimum release date that an offender's actual release from confinement on parole is delayed.

17. *Special Parole:* A parole granted by the sentencing court that is supervised by the Pennsylvania Board of Probation and Parole.

18. *Special Condition of Parole:* A specific and individualized term of parole imposed upon an offender by the sentencing authority, which is in addition to the general conditions of release.

19. *Victim:* A person against whom a crime has been committed, other than an alleged offender, who, as a direct result of the crime, suffers physical or mental injury, death or the loss of earnings. The term also includes the parent or legal guardian of a minor who has been victimized by crime, except where the parent or legal guardian is the alleged offender (See 71 P.S. § 180-7 and 71 P.S. § 180-9.1).

20. *Weapon:* An instrument of offensive or defensive combat; something to fight with.

21. *Work Release:* A community-based program whereby incarcerated inmates work in the community and return to the correctional facility during off work hours.

Authority:

This policy statement has been developed pursuant to and in accordance with statutory requirements, local rules established by the Carbon County Adult Probation/Parole Department and the formal adoption by the Carbon County Court of Common Pleas through administrative court order.

The granting, denying and revocation of parole for county offenders rests under the jurisdiction of the Carbon County Court of Common Pleas when the maximum sentence imposed is less than two years. The Carbon County Adult Probation/Parole Department operates as an instrument between the correctional facility and the judiciary and is responsible for investigating, verifying and recommending all pre-parole plans.

Policy Statement:

The parole system provides several benefits to the criminal justice system, including the provision of adequate supervision of the offender to become a useful member of society and the diversion of appropriate offenders from prison.

In providing these benefits to the criminal justice system, the Carbon County Adult Probation/Parole Department shall first and foremost seek to protect the safety of the public. In addition, the department shall assist released offenders in their successful reintegration into society.

Pre-Parole Investigations:

County Parole: Paroles granted by the common pleas courts under the authority of 61 P.S. § 314 on sentences with maximum terms of less than two years. Prisoners serving county parole remain under the direct custody of the common pleas court.

Parole Release Decision-Making Process: In Pennsylvania, the sole determining factor as to which entity will be making that parole decision is the length of the offender's maximum sentence (See *Commonwealth v. Phillips*, 258 Pa.Super. 109, 392 A.2d 708 (1978)).

Timing of the Pre-Parole Plan: The Carbon County Adult Probation/Parole Department shall initiate a pre-parole investigation within thirty to sixty days of the offender reaching their good time minimum release date.

Calculation of Minimum Release Date and Maximum Sentences: When the court imposes a sentence of partial confinement (See 42 Pa.C.S.A. § 9724 and 42 Pa.C.S.A. § 9755) or total confinement (See 42 Pa.C.S.A. § 9725 and 42 Pa.C.S.A. § 9756), the Chief Adult Probation/Parole Officer in conjunction with the prison administration, shall calculate a good time minimum release date and a maximum expiration date (See 42 Pa.C.S.A. § 9757, relating to consecutive sentences of total confinement for multiple offenses and 42 Pa.C.S.A. § 9761, relating to computation and order of service of sentences).

Roster of Defendants Sentenced to Partial or Total Confinement: The Carbon County Adult Probation/Parole Department shall maintain a current roster of all defendants sentenced to a term of imprisonment, when the paroling jurisdiction rests with the Carbon County Court of Common Pleas. This report shall include the defendant's name, maximum expiration date, classification status, docket number, minimum release date and the criminal charge. A copy of the report shall be provided to the Carbon County Correctional Facility.

Interview and Verification Process:

Gathering of Pre-Parole Information: The pre-parole investigator shall interview the defendant and any other individuals identified as necessary in order to gather and verify the following information:

1. Obtain the defendant's proposed residence and telephone number and a list of all occupants within the household.
2. Field-visit the proposed residence and interview the head of household/owner, spouse or paramour to confirm that the defendant is permitted to reside at the residence. If the defendant resides out-of-the-area, then conduct a telephone interview with the head of household/owner, spouse or paramour of the residence to confirm that the defendant is permitted to reside at the residence.
3. Inspect the residence to ensure that no weapons or drug activity is apparent, which will ensure that the proposed residence is suitable for the offender.
4. If the head of household/owner is renting, then the pre-parole investigator shall interview the landlord to determine if the offender may reside at the residence.
5. When applicable, interview the employer to determine suitability of employment to ensure no third-party liability.
6. Interview prison officials to determine offender's adjustment while incarcerated or if any detainees or prison infractions are lodged against the offender.
7. Determine compliance with the order of sentence.
8. If the defendant lives alone and rents, interview the landlord.
9. If the defendant lives alone and owns the residence, then confirm with the Recorder of Deeds Office.

Approval of Proposed Plan by the Pre-Parole Investigator:

Approved Pre-Parole Plans: A parole plan outlines the offender's lifestyle upon release from prison. The pre-parole investigator shall be responsible for the verification and approval of all pre-parole plans before submission to the court. Upon verification of the pre-parole plan, the investigator shall recommend parole to the court under the following circumstances:

1. The offender possesses a suitable residence that would be conducive to the rehabilitative needs of the offender.
2. The offender has no prison misconducts.
3. Prison officials confirm that the offender made an adequate adjustment in the correctional setting.
4. The offender has complied with the order of sentence.
5. The offender is not considered a serious risk to engage in further criminal activity if released and would be a good candidate for parole.
6. There is no opposition expressed by the Commonwealth or the victim.
7. The defendant is not serving another sentence of partial or total confinement.

Intake Process: When the defendant has been recommended for parole, an intake shall be completed prior to the defendant's release from prison.

Relocation of Offender from Approved Parole Plan: Any offender who leaves an approved residence or treatment program without the prior consent and permission of his

parole officer or the court shall be subject to the immediate issuance of an arrest warrant for parole violations.

Disapproval of the Proposed Plan by the Pre-Parole Investigator:

Unacceptable Residences: The following shall be considered unacceptable residences:

1. Residence with suspected drug activity.
2. Residence with non-family members on supervision.
3. Residence with weapons in the household, which are prohibited, as described in this policy statement.
4. Residence with minor children, if the offender is convicted of a sex offense involving a minor, unless otherwise court ordered.
5. Residence with occupants that have a propensity to engage in criminal activity or who have extensive criminal records.
6. Any other factors as determined by the court or adult probation/parole department, which would compromise the safety and security of the public or would not contribute to the rehabilitative needs of the offender.

Responsibility of the Pre-Parole Investigator and Defendant:

Pre-Parole Information: Once the pre-parole investigator has verified all information then the following paperwork shall be submitted to the court:

1. An Order of Court granting or denying parole.
2. A memorandum signed by the pre-parole investigator with specific reasons for the parole recommendation.

Reporting Requirement of Offender: When an offender is released from confinement, the offender must report to the Carbon County Adult Probation/Parole Department and the Carbon County Bureau of Collections within seventy-two hours of release.

Reasonable Delays: During the pre-parole investigative phase, legitimate reasons for permitting an offender a delay enroute to an approved parole plan can develop, such as, visiting a family member, recovering clothing or tools or taking care of a legal matter. The pre-parole investigator is in the best position to assess and investigate all delays and advise the court with an appropriate recommendation.

Employment Requirements:

Lack of Employment: The rejection of a pre-parole plan for a prospective parolee shall not be based solely on a lack of employment. However, prisoners should provide the pre-parole investigator with a "reasonable assurance" that employment will be sought.

Special Condition of Employment: During the pre-parole investigative phase, the pre-parole investigator shall determine if an inmate is "employable" and consider a special condition to obtain employment within a specific time period after his release on parole. However, if the prisoner has limited job skills or a limited work history, then the pre-parole investigator shall consider a special condition, such as, a job search, job training or job readiness program.

Other Financial Assistance: When prisoners have other sources of income available, such as a pension, disability, etc., that will adequately support himself and his legal dependents, then the pre-parole investigator shall make a favorable recommendation to the court for a grant of

parole, absent any other factors which may preclude the offender's grant of parole by the court.

Rescission, Denial and Setback of Parole:

Rescission of Parole: The action by the Court of granting parole still does not vest the offender with any recognized liberty interest in the grant of parole. Until that grant of parole is executed by the defendant's actual release from confinement on parole, the grant of parole remains an expectancy and may be rescinded by the court without providing the offender with prior notice or a due process hearing (See *Jago v. Van Curren*, 454 U.S. 14, 70 L.Ed.2d 13 (1981)), a parole board need not provide an offender with the procedural due process rights of a hearing and counsel prior to rescinding a parole order where the offender had not yet been released from prison). A parole rescission differs from a revocation, in that a rescission is based upon information or facts, which arose prior to the offender's release on parole. Under certain circumstances, the pre-parole investigator shall recommend to the sentencing court that the Order of Court granting parole of the offender shall be rescinded or modified, when the pre-parole investigator or the sentencing court was unaware of any of the following:

1. The offender committed a prison infraction.
2. The previously approved parole plan is not conducive to the rehabilitative needs of the offender.
3. The offender has committed another criminal offense while incarcerated.
4. The offender has contacted, threatened or intimidated a witness or victim while incarcerated.
5. The offender has not made an adequate adjustment while incarcerated.
6. The offender has not complied with the Order of Sentence.
7. Any other factors as determined by the court or adult probation/parole department, which, would compromise the safety and security of the public or would not contribute to the rehabilitative needs of the offender.

Denial or Setback of Parole: Under the following circumstances, the pre-parole investigator shall not recommend parole to the sentencing authority:

1. The offender does not possess a suitable residence or is homeless.
2. The residence is not conducive to the rehabilitative needs of the offender.
3. The offender has prison misconducts.
4. Opposition has been expressed by the prosecution or the victim.
5. The offender has threatened or intimidated a witness or victim while incarcerated.
6. The offender has not adequately adjusted while in the correctional setting.
7. The offender poses a serious threat to the safety and security of the community.
8. The offender is most likely to engage in further criminal activity.
9. The offender has not complied with the order of sentence.
10. Prison officials do not recommend the offender for parole.

11. The offender appeared at prison to commence his sentence under the influence of alcohol or drugs.

12. See Administrative Court Order 14-2003 (Guidelines for Defendants Serving Weekend Sentences), which outlines the circumstances under which parole is denied.

13. Any other factors, as determined by the court or adult probation/parole department, which, would compromise public safety or interfere with the rehabilitative needs of the offender.

Petition for Parole: Anytime parole is not granted, regardless of the circumstances, the defendant must file a petition for parole with the court, whereupon a hearing will be scheduled. Once the original pre-parole plan is rejected, the pre-parole investigator shall not initiate another pre-parole investigation, unless otherwise directed by the court.

Opposition Process:

Parole Opposition Forms: The pre-parole investigator shall forward a parole opposition form to the District Attorney's Office, within a reasonable time frame, prior to the offender's good time minimum release date (See Page 15 of this policy statement). However, when an offender was committed to prison for probation, parole or intermediate punishment violations, then the pre-parole investigator is not required to forward a parole opposition form to the District Attorney's Office. Also, parole opposition forms are not required for offenders who qualify for automatic parole release.

Opposition Expressed by Prosecution: In those instances, when opposition is expressed by the prosecution, the pre-parole investigator shall examine the reasons outlined on the form and make an appropriate paroling recommendation to the court. If parole is denied based on the opposition expressed by the prosecution, then the offender must petition the court for a parole hearing. The prosecuting officer expressing opposition will be subpoenaed to testify.

Opposition Expressed by the Victim: In those instances, when opposition is expressed by the victim, the pre-parole investigator shall examine the reasons outlined on the form and make an appropriate paroling recommendation to the court. If parole is denied based on the opposition expressed by the victim, then the offender must petition the court for a parole hearing. The victim expressing the opposition will be subpoenaed to testify.

Automatic Parole:

Automatic Parole: Under certain circumstances, no pre-parole investigation will be required and the defendant shall be automatically released from prison after attaining his/her minimum release date, provided the defendant has complied with the order of court and has not received any prison misconducts.

Automatic Parole Guidelines: Under the following circumstances, when the court sentences a defendant to partial or total confinement, the Warden of the Carbon County Correctional Facility is hereby authorized to automatically release the defendant on parole upon reaching his/her minimum sentence, unless otherwise court ordered:

1. Any defendant serving a minimum sentence of ninety days or less pursuant to Driving Under the Influence of Alcohol or Controlled Substances (See Administrative Court Order 25-2001).
2. Any defendant serving a weekend sentence.

3. Any defendant serving a minimum sentence of ninety days or less for non-DUI offenses.

Prohibition of Parole for Summary Offenses:

Sentence of Total Confinement: The court may impose a sentence to imprisonment without the right to parole under 42 Pa.C.S.A. § 9756(c) when:

1. A summary offense is charged.
2. A sentence is imposed for nonpayment of fines or costs, or both, in which case the sentence shall specify the number of days to be served.
3. The maximum term or terms of imprisonment imposed on one or more indictments to run consecutively or concurrently total less than thirty days.

Good Time Credit Program:

Calculation of Good Time Credits: The Carbon County Correctional Facility shall administer the good time credit program. This program is designed for all inmates sentenced to the county facility and under the paroling jurisdiction of the court of common pleas. Prisoners earn credits off their minimum sentence for demonstrating good behavior during the service of their minimum sentence (See Page 16 of this policy statement).

Revocation of Good Time Credits: Prisoners may have their good time credits revoked by an administrative action of the prison disciplinary board for any prison infraction. In those instances, the prison administration will notify the pre-parole investigator that the inmate's good time credits have been revoked. At that time, the inmate's minimum release date shall be adjusted.

Ineligible Inmates: The following inmates are ineligible for the good time credit program:

1. Offenders sentenced to mandatory minimum sentences, such as DUI offenders.
2. Offenders serving flat sentences, such as summary offenses.
3. Offenders recommitted to prison for probation, intermediate punishment or parole violations.
4. Offenders serving state sentences in the county facility.
5. Offenders serving weekend sentences.

Firearms and Other Prohibitive Offensive Weapons:

Ownership and Possession of Firearms: Offenders under the supervision of the common pleas courts have restrictions placed upon their ownership or possession of firearms (See 18 Pa.C.S.A. § 6105).

Possession of a Firearm by Defendant: The general conditions of release adopted by the Carbon County Court of Common Pleas prohibit any offender under an order of probation, intermediate punishment, or parole to possess any firearm, rifle, deadly weapon or prohibitive offensive weapon, in their residence, on their person or in their vehicle (See 42 Pa.C.S.A. § 9754(c)(7), 42 Pa.C.S.A. § 9755(d) and 42 Pa.C.S.A. § 9763(b)(9)).

Constructive Possession: An offender does not have to be in actual possession of a firearm in order to violate parole or probation; constructive possession is sufficient to satisfy an order of revocation.

Other Prohibited Offensive Weapons: Other than firearms, offenders under an order of probation, intermediate punishment or parole supervision can be prohibited from possessing weapons generally. Such a prohibition could be imposed by the common pleas courts pursuant to 42

Pa.C.S.A. § 9754(c)(7), 42 Pa.C.S.A. § 9755(d) and 42 Pa.C.S.A. § 9763(b)(9) and upon probationers under 42 Pa.C.S.A. § 9754(c)(7). The Commonwealth Court has defined "weapon" in the context of probation and parole as being "an instrument of offensive or defensive combat; something to fight with" (See *Knuckles v. Pennsylvania Board of Probation and Parole*, 111 Pa.Cmwlth. 487, 491-492, 533 A.2d 1156, 1158 (9187); *Michael v. Pennsylvania Board of Probation and Parole*, 85 Pa.Cmwlth. 173, 175, 481 A.2d 711, 712 (1984)). Therefore, whether a specific object constitutes a weapon for purposes of a violation depends upon the circumstances in which the object is possessed. Where there exists some legitimate purpose for the object in question, it will not be considered as a weapon and cannot serve as a basis for revocation of probation or parole.

Prohibitive Offensive Weapons: See 18 Pa.C.S.A. § 908.

Appeal for Relief From Enforcement of the Firearm/Weapon Restriction: In order for a defendant to be exempt from the firearm or weapon restriction, a petition must be filed by the defendant with the court, seeking removal of the condition.

Firearms and/or Weapons Permitted in Household: The pre-parole investigator and all adult probation/parole officers shall use the following criteria to determine whether firearms and/or other weapons are permitted in the residence:

1. The defendant resides with his parents and the firearms/weapons are locked in a safe, gun cabinet or other secure area within the residence, where the defendant has no access. Gun cabinets with a glass front are not permitted, unless it is housed in a secure area, which the defendant has no access to.
2. The offense of conviction did not involve a weapon and was not an assaultive criminal offense.
3. The head of household/owner must sign an agreement with the department indicating that the offender will not be permitted to have any access to the firearms or weapons in the residence (See Page 17 of this policy statement).

Firearms and/or Weapons Not Permitted in Household: The pre-parole investigator shall use the following criteria to determine whether weapons are not permitted in the residence:

1. The defendant is the primary owner of the property.
2. The instant offense involved the use of a weapon and was an assaultive criminal offense.
3. The offender resides with their spouse or paramour.
4. All prohibitive offensive weapons as defined in 18 Pa.C.S.A. § 908.
5. See 18 Pa.C.S.A. § 6105.

Removal of Firearms/Weapons From Household: Prior to the release of the offender, any firearms or weapons not permitted in the household, as described in this policy statement, shall be removed immediately from the residence or any dwellings on the property. These firearms and/or weapons shall be moved to another location or given to a third party. If the firearms/weapons are not removed in accordance with this policy statement, then the firearms/weapons shall be confiscated and parole violations initiated against the parolee.

Antique or Replica Firearms: Any antique or replica firearm, even if inoperable is considered a firearm and shall be subject to compliance with this policy statement

(See 18 Pa.C.S.A. § 6118 and *Commonwealth v. Berta*, 356 Pa.Super. 403, 514 A.2d 921 (1986)).

Conditions of Release:

Authority to Impose Conditions Under an Order of Probation, Intermediate Punishment or Parole: The court shall attach such reasonable conditions of release, as it deems necessary to insure and assist the defendant in leading a law-abiding life style. The power of the common pleas court to impose conditions upon offenders is quite broad and the only limitation on that power is that the conditions imposed be directed toward the offender's rehabilitation (See 42 Pa.C.S.A. § 9754; 42 Pa.C.S.A. § 9755(d); 61 Pa.C.S.A. § 314 and *Commonwealth v. Crosby*, 390 Pa.Super. 140, 568 A.2d 233 (1990); *Commonwealth v. Hermanson*, 674 A.2d 281, 449 Pa.Super. 443, Super. (1996)).

Purpose of Imposing Conditions: Conditions of release shall serve two purposes:

1. To protect the safety and security of the community.
2. To assist with the offender's rehabilitation and reintegration into society as a law-abiding citizen.

General Conditions of Release: All offenders placed on probation or parole shall be subject to the standard conditions of release established by the court and the adult probation/parole department.

Special Conditions of Parole: During the pre-parole investigative phase, the pre-parole investigator shall evaluate the offender's needs and determine appropriate special conditions of release to be incorporated in the offender's parole plan and included on the order of court granting parole.

Written Notification of Conditions of Release: Written conditions of parole shall be provided to the parolee at the time of intake. Conditions shall be stated clearly, simply and in a positive manner. Offenders having difficulty understanding the conditions of release shall have them explained by the intake officer. The offender shall acknowledge, in writing, receipt and an understanding of the conditions by their signature. A signed copy of the conditions shall be provided to the defendant.

Offender's Obligation to Acquaint Self with Conditions of Release: All offenders shall either read or have read to them the conditions of release. However, an offender has an obligation to acquaint himself/herself with the terms and conditions of release (See *Sigafoos v. Pennsylvania v. Board of Probation and Parole*, 94 Pa.Cmwlth. 54, 503 A.2d 1076 (1986) and *Benefiel v. Pennsylvania Board of Probation and Parole*, 57 Pa.Cmwlth. 401, 426 A.2d 242 (1981)).

Modification of Conditions of Release: The sentencing court has the authority to alter, delete, or add conditions during the period of probation or parole (See 42 Pa.C.S.A. § 9771(a); 61 P.S. § 331.23 and *Commonwealth v. Johnson*, 250 Pa.Super. 431, 378 A.2d 1013 (1977)). Any modifications to the conditions of release shall be accomplished through an order of court entered by the sentencing court, a copy of which shall be provided to the defendant.

Other Types of Parole:

Time Served Sentence: A sentence of time served imposed by the court shall be considered a paroling action. Therefore, no pre-parole investigation shall be conducted, unless otherwise court ordered.

Special Parole: This type of parole is authorized by Section 17 of the 1941 Parole Act (See 61 P.S. § 331.17)

and allows the Parole Board to supervise any person placed on parole by the common pleas court, where the maximum sentence is less than two years, where the court directs by special order that parole supervision be performed by the Pennsylvania Board of Probation and Parole. A request for special probation/parole supervision form (PBPP 325) must be completed and submitted to the Parole Board. The court shall use the following criteria:

1. The offender is currently under the supervision of the Pennsylvania Board of Probation and Parole and dual supervision would be inefficient.

2. A conflict of interest exists in the supervision of the offender.

3. Other factors, which may require the Pennsylvania Board of Probation and Parole to assume supervision.

Constructive Parole: This occurs when an offender is released on parole from one sentence, but is not released from confinement and instead commences serving a second unrelated sentence.

Victim Notification:

Responsibility of Carbon County Correctional Facility: The Carbon County Prison shall administer the victim notification program. Prison officials shall notify all victims registered in the "victim notification program" once an order of court is entered granting parole (See 18 P. S. § 11.214).

Partial Release Programs:

Program Types: Carbon County provides three types of partial release programs: weekend sentences, work release and institutional furloughs. Prison officials administer these programs unless otherwise specified by court order. The Carbon County Adult Probation/Parole Department shall support and embrace these programs to ease the transition from confinement to parole. The department shall comply with all program regulations and requirements established by prison officials.

Investigative Requests for the Court: On occasion, the court will direct that the department investigate the eligibility of a defendant to participate in a partial release program. The department shall verify the contents of the petition, review the prison requirements concerning partial release programs and obtain a recommendation from prison officials. The department shall gather this information and make an appropriate recommendation to the court.

Advancement of Parole Date or Early Release Standards: Occasionally, circumstances will require that the prisoner's parole date be advanced due to exigent circumstances. Therefore, the following criteria shall be used to advance an inmate's "good-time minimum release" date:

1. Hardship cases, such as, serious medical or terminal illnesses, imminent death or death of an immediate family member.

2. Exceptional merit or performance demonstrated by the inmate while incarcerated.

3. Admission to an in-patient treatment facility, such as, drug/alcohol or mental health.

4. Educational or vocational opportunities.

5. Performance of speaking engagements at local schools or other community functions.

6. Other factors, which as determined by the court, deserves an advancement of the "good time minimum release" date.

Probation, Intermediate Punishment, Parole Violators: Offenders recommitted to prison for violations of supervision shall be eligible for partial release programs, when authorized by the court.

Parole Opposition Form

DATE:

RE: COMMONWEALTH VS

TO: DISTRICT ATTORNEY'S OFFICE

Dear Sir/Madam:

Please be advised that the above captioned defendant is eligible for County parole on _____. As part of the preparole investigative process, your input as the prosecuting officer or victim is necessary to determine whether you oppose the parole of the defendant. Therefore, please complete the following:

☐ Opposed

☐ Not Opposed

Reasons:

Date: _____ Signature: _____

Title: _____

Please note that if you express opposition to parole, our agency will consider your reasons when making a parole recommendation to the Court. If it is decided that parole should be denied based on your opposition, then a parole hearing will be scheduled before the Court and you will be subpoenaed to present testimony as to your reasons for the parole opposition.

This form must be submitted to our agency within fourteen (14) days of receipt. Failure to return this form will result in an assumption that there is no opposition to the defendant's parole. If there are any questions concerning this matter, please contact our office.

Sincerely,

Ronald S. Kokinda
Chief Adult Probation/Parole Officer

GOOD TIME COMPUTATION CHART

(Only for consecutive months served)

SENTENCE IN MONTHS	ACTUAL DAYS SERVED	GOOD TIME EARNED	TOTAL ACTUAL DAYS	TOTAL AVERAGE DAYS
1 MONTH	26 days	4.33 days	30.33 days	30.41 days
2 MONTHS	52 days	8.66 days	60.66 days	60.82 days
3 MONTHS	78 days	13 days	91 days	91.23 days

<i>SENTENCE IN MONTHS</i>	<i>ACTUAL DAYS SERVED</i>	<i>GOOD TIME EARNED</i>	<i>TOTAL ACTUAL DAYS</i>	<i>TOTAL AVERAGE DAYS</i>
4 MONTHS	104 days	17.33 days	121.33 days	121.64 days
5 MONTHS	130 days	21.66 days	151.66 days	152.05 days
6 MONTHS	156 days	26 days	182 days	182.46 days
7 MONTHS	182 days	30.33 days	212.33 days	212.87 days
8 MONTHS	209 days	34.83 days	243.83 days	243.28 days
9 MONTHS	235 days	39.16 days	274.16 days	273.69 days
10 MONTHS	261 days	43.5 days	304.5 days	304.1 days
11 MONTHS	287 days	47.83 days	334.83 days	334.51 days
12 MONTHS	312 days	52 days	364 days	364.92 days

CARBON COUNTY ADULT PROBATION/PAROLE DEPARTMENT

Firearms/Weapons Agreement

I, _____, hereby agree and acknowledge that I will ensure that all firearms and/or weapons in my possession will be locked in a gun cabinet, safe or other secure area within the residence or on the property; and that the defendant shall not have any access to that location.

Furthermore, I understand that it shall be my responsibility to ensure that the defendant does not gain access to that location or possess any of the firearms and/or weapons as listed below.

Any violation of this agreement may result in the confiscation of the firearms and/or weapons; and the arrest of the defendant for violations of supervision.

Firearms/Weapons Verification List

As directed, please list all firearms and/or weapons located in the residence or on your property. It shall be your responsibility to notify the department of any changes to this list, including any additions or deletions:

Make	Caliber	Serial Number
1) _____	_____	_____
2) _____	_____	_____
3) _____	_____	_____
4) _____	_____	_____
5) _____	_____	_____
6) _____	_____	_____
7) _____	_____	_____
8) _____	_____	_____
9) _____	_____	_____
10) _____	_____	_____

Please list any additional firearms, ammunition and/or weapons on the back of this form, if necessary.

By signing this form I acknowledge that I have a responsibility to maintain the security of all firearms, ammunition and weapons from access by the defendant.

Signature of Firearms Owner

Signature of Defendant

Adult Probation/Parole Officer

Chief Adult Probation/Parole Officer

Date

[Pa.B. Doc. No. 04-87. Filed for public inspection January 16, 2004, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that by Order of the Supreme Court of Pennsylvania issued December 29, 2003, Thomas Louie is disbarred from the practice of law in this Commonwealth, to be effective January 28, 2004. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 04-88. Filed for public inspection January 16, 2004, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION

[25 PA. CODE CH. 86]

Corrective Amendment to 25 Pa. Code § 86.174(a)

The Department of Environmental Protection has discovered a discrepancy between the agency text of 25 Pa. Code § 86.174(a) (relating to standards for release of bonds) as deposited with the Legislative Reference Bureau and the official text as published at 28 Pa.B. 2227 (May 9, 1998) and as published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 284) (July 1998), and as currently appearing in the *Pennsylvania Code*. In the first sentence of subsection (a), the words "backfilled and regraded" were inadvertently replaced with "backfilled or regraded."

Therefore, under 45 Pa.C.S. § 901: The Department of Environmental Protection has deposited with the Legislative Reference Bureau a corrective amendment to 25 Pa. Code § 86.174(a). The corrective amendment to 25 Pa. Code § 86.174(a) is effective as of May 9, 1998, the date the defective text was printed in the *Pennsylvania Bulletin*.

The correct version of 25 Pa. Code § 86.174(a) appears in Annex A, with ellipses referring to the existing text of the regulation.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE I. LAND RESOURCES

CHAPTER 86. SURFACE AND UNDERGROUND COAL MINING: GENERAL

Subchapter F. BONDING AND INSURANCE REQUIREMENTS

RELEASE OF BONDS

§ 86.174. Standards for release of bonds.

(a) When the entire permit area or a portion of a permit area has been backfilled and regraded to the approximate original contour or approved alternative, and when drainage controls have been installed in accordance with the approved reclamation plan, Stage 1 reclamation standards have been met.

* * * * *

[Pa.B. Doc. No. 04-89. Filed for public inspection January 16, 2004, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF VETERINARY MEDICINE

[49 PA. CODE CH. 31]

Continuing Education Provider Approval

The State Board of Veterinary Medicine (Board) amends §§ 31.15, 31.16, 31.36 and 31.40 to read as set forth in Annex A. The final-form rulemaking adds providers of continuing education approved by the American Association of Veterinary State Boards and included on the Registry of Approved Continuing Education (RACE) to the list of continuing education providers who are preapproved to offer courses for credit toward the biennial continuing education requirements for veterinarians and veterinary technicians. The final-form rulemaking also updates the continuing education regulations by referencing the new statutory credit hour requirements for veterinarians and technicians and refers to animal health technicians by their new designation, veterinary technicians, in accordance with comments made in the regulatory review process.

Notice of proposed rulemaking was published at 33 Pa.B. 1359 (March 15, 2003). Publication was followed by a 30-day public comment period during which the Board did not receive any comments. On May 8, 2003, the House Professional Licensure Committee (HPLC) submitted two comments to the proposed rulemaking. The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) made no comments. The Independent Regulatory Review Commission (IRRC) submitted two comments to the proposed rulemaking on May 14, 2003.

Summary of Comments and Responses to Proposed Rulemaking

After the proposed rulemaking was submitted for publication, the act of December 9, 2002 (P. L. 1370, No. 167) (Act 167) was enacted and became effective February 9, 2003. Act 167 increased the amount of continuing education required for biennial license renewal. Under Act 167, veterinarians must complete 30 hours and technicians must complete 16 hours of biennial continuing education. Act 167 also renamed certified animal health technicians; these licensees are now known as certified veterinary technicians. The HPLC recommended that the rulemaking be amended to reflect these statutory changes. IRRC echoed the HPLC recommendations. The Board concurs and the final-form rulemaking reflects these amendments.

Section 31.15 (relating to continuing education) was amended in the final-form rulemaking to reflect the new statutory requirement of 30 hours of biennial continuing education for veterinarians and 16 hours of biennial continuing education for veterinary technicians. Section 31.36 (relating to renewal of certification, inactive status and reactivation of certification) was amended in the final-form rulemaking to reflect the new statutory nomenclature veterinary technician instead of animal health technician.

Statutory Authority

Section 18 of the Veterinary Medicine Practice Act (act) (63 P. S. § 485.18) authorizes the Board to approve all continuing education programs and to promulgate standards to ensure that the programs meet the educational and professional requirements of the profession and are designed to keep the members of the profession abreast of current learning and scholarship.

Section 5(2) of the act (63 P. S. § 485.5(2)) authorizes the Board to promulgate regulations to effectuate the act. Section 11 of the act (63 P. S. § 485.11) authorizes the Board to promulgate regulations related to the practice of veterinary technicians.

Fiscal Impact and Paperwork Requirements

The final-form rulemaking will relieve providers who are listed on the RACE from having to apply to the Board for approval of a continuing education course to be offered by the provider. This will save the providers \$35 per course, the fee assessed for approval of a continuing education program in § 31.41 (relating to schedule of fees). The final-form rulemaking will also relieve the Board of the work involved in reviewing and approving the continuing education courses.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 5, 2003 the Board submitted a copy of the notice of proposed rulemaking, published at 33 Pa.B. 1359, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on November 18, 2003, the final-form rulemaking was approved by the HPLC and deemed approved on December 3, 2004, by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 4, 2003, and approved the final-form rulemaking.

Additional Information

Individuals who need information about the final-form rulemaking should contact Robert Kline, Administrative Assistant, State Board of Veterinary Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649.

Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 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) The final-form rulemaking is necessary and appropriate for the administration of the act.

(4) The final-form rulemaking does not enlarge the original purpose of the proposed rulemaking.

Order

The Board therefore orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 31, are amended by amending §§ 31.15, 31.16, 31.36 and 31.40 to read as set forth in Annex A.

(*Editor's Note:* The amendments to §§ 31.15 and 31.36 were not included in the proposal at 33 Pa.B. 1359.)

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

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

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

BRIAN V. HARPSTER, V.M.D.,
Chairperson

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 33 Pa.B. 6376 (December 20, 2003).)

Fiscal Note: Fiscal Note 16A-5714 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 31. STATE BOARD OF VETERINARY MEDICINE

LICENSURE

§ 31.15. Continuing education.

As a condition of licensure renewal under § 31.13 (relating to licensure renewal), a veterinarian shall complete 30 clock hours of continuing education courses approved by the Board during the 24 months preceding the renewal date. Continuing education credit will not be given for a course in office management or practice building. A maximum of 25% of the hours may be earned by taking individual study or correspondence courses for which third-party verification of satisfactory completion is provided. The courses shall meet the requirements of § 31.16 (relating to continuing education provider approval).

§ 31.16. Continuing education provider approval.

(a) Subject to § 31.15 (relating to continuing education), the Board will approve without application to the Board and the fee required under § 31.41 (relating to schedule of fees), continuing education courses offered by the following providers:

- (1) The American Veterinary Medical Association (AVMA).
- (2) Approved schools.
- (3) Allied organizations of the AVMA.
- (4) AVMA-approved major regional veterinary organizations.
- (5) Specialty boards of the AVMA.
- (6) The Pennsylvania Veterinary Medical Association and its constituent associations.
- (7) Other states' veterinary medical associations.

(8) Providers listed on the Registry of Approved Continuing Education (RACE) of the American Association of Veterinary State Boards (AAVSB).

(b) Continuing education courses which are offered by providers not covered under subsection (a) shall receive prior approval of the Board. An application for approval of continuing education programs may be obtained from the Administrative Office of the Board by writing or telephoning the State Board of Veterinary Medicine, Post Office Box 2649, Harrisburg, PA 17105-2649, (717) 783-1389. A request for approval shall be filed with the Board at least 60 days prior to the date of the proposed program, and shall be accompanied by the fee required by § 31.41.

(c) Organizations approved under subsections (a) and (b) shall provide certificates of attendance to the veterinarian which includes the name of the provider, the name of the licensee, the title of the course, the date of the course, the number of credit hours and the signature of the person authenticating attendance. Organizations approved under subsection (b) shall also provide the Pennsylvania approval number.

(d) Instructors of continuing education programs may include:

(1) Members of the faculties of approved schools of veterinary medicine.

(2) Licensed doctors of veterinary medicine in this Commonwealth or in another state who are not faculty members of the schools covered under paragraph (1) if, by virtue of their professional activities and achievements in a particular field, the doctors are determined by the Board to be qualified to speak on subjects of pertinent value to the profession.

(3) Other lecturers or instructors who are not licensed to practice veterinary medicine, if the Board determines that they are qualified to speak upon a subject which will be of value to the profession.

(e) A resume of the qualifications of instructors of continuing education programs under subsection (d)(2) and (3) shall be included with the application for approval of continuing education programs. This subsection does not apply to providers enumerated under subsection (a).

VETERINARY TECHNICIANS AND NONCERTIFIED EMPLOYEES

§ 31.36. Renewal of certification, inactive status and reactivation of certification.

(a) *Renewal of certification.* Renewal of certification shall be biennially. A renewal application shall be returned by the renewal deadline and shall be accompanied by an affidavit of attendance at continuing education programs for 16 hours every 2 years, and by a fee as specified in § 31.41 (relating to schedule of fees). A certified veterinary technician who fails to biennially renew certification, but who continues to practice as a certified veterinary technician in this Commonwealth shall be subject to disciplinary action by the Board, and will be required to pay a late fee of \$5 for each month or part of a month beyond the date specified for renewal, as provided in section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. § 1401-225), in addition to the prescribed biennial renewal fee.

(b) *Inactive status.* Certified veterinary technicians who are not practicing in this Commonwealth may request that their certification be placed on inactive status, during which time renewal fees will not be assessed.

(c) *Reactivation of certification.* Certified veterinary technicians who desire to reactivate certification may do so by complying with the continuing education requirements in effect at the time of reactivation, paying the current renewal fee and submitting a notarized affidavit to the Board setting forth the period of time in which the certificateholder did not practice in this Commonwealth. Certified veterinary technicians who seek to reactivate certification will not be assessed a late renewal fee for the preceding biennial renewal periods in which the certificateholder did not engage in practice in this Commonwealth.

§ 31.40. Continuing education provider approval.

(a) The Board will approve without application to the Board and the fee required under § 31.41 (relating to schedule of fees), continuing education courses offered by the following providers as long as the programs are specifically designed to increase the skills, knowledge and competency of certified veterinary technicians:

(1) The American Veterinary Medical Association (AVMA).

(2) Approved schools.

(3) Allied organizations of the AVMA.

(4) Major regional veterinary organizations approved by the AVMA.

(5) The Pennsylvania Veterinary Medical Association and its constituent associations.

(6) Other states' veterinary medical associations.

(7) The Veterinary Technicians and Assistants Association of Pennsylvania (VTAAP).

(8) Specialty boards of the AVMA.

(9) Providers listed on the Registry of Approved Continuing Education (RACE) of the American Association of Veterinary State Boards (AAVSB) to offer courses for certified veterinary technicians.

(b) Continuing education courses which are offered by providers not covered under subsection (a) shall receive prior approval of the Board. An application for approval of continuing education programs may be obtained from the Administrative Office of the Board, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, (717) 783-1389. A request for approval shall be filed with the Board at least 60 days prior to the date of the proposed program, and shall be accompanied by the fee required by § 31.41.

(c) Organizations approved under subsections (a) and (b) shall provide certification of attendance to the certified animal health technician which includes the name of the sponsor, the name of the licensee, the title of the course, the date of the course, the number of credit hours and the signature of the person authenticating attendance. Organizations approved under subsection (b) shall also provide the Pennsylvania approval number.

(d) Instructors of continuing education programs may include:

(1) Members of the faculties of approved schools.

(2) Licensed doctors of veterinary medicine in this Commonwealth or in another state who are not faculty members of those schools covered under paragraph (1) if, by virtue of their professional activities and achievements in a particular field, the doctors are recognized by the Board as qualified to speak on subjects of pertinent value to animal health technicians.

(3) Other lecturers or instructors who are not licensed to practice veterinary medicine, if the Board determines that they are qualified to speak upon a subject which will be of value to the profession.

(e) A resume of the qualifications of instructors of continuing education programs under subsection (d)(3)

shall be included with the application for approval of continuing education programs. This subsection does not apply to providers enumerated under subsection (a).

[Pa.B. Doc. No. 04-90. Filed for public inspection January 16, 2004, 9:00 a.m.]

NOTICES

DELAWARE RIVER BASIN COMMISSION

Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Wednesday, January 21, 2004. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the Commission's offices at 25 State Police Drive, West Trenton, NJ.

The conference among the commissioners and staff will begin at 9:30 a.m. Topics of discussion will include: an update on development of the Water Resources Plan for the Delaware River Basin; an update on activities of the TMDL Implementation Advisory Committee; a report on PCB minimization planning efforts; a report on the effect of the Endangered Species Act and the presence of the dwarf wedge mussel on the fisheries enhancement program for the New York City Delaware Basin Reservoirs; a presentation on the proposed fisheries enhancement program for the New York City Delaware Basin Reservoirs; a discussion on the Commission's Fiscal Year 2005 proposed budget and decrement plan; and a discussion on a proposed Army Corps of Engineers Feasibility Cost Share Agreement.

The subjects of the public hearing to be held during the 1:30 p.m. business meeting include the following dockets:

1. *Nestle' Waters North America, Inc. D-98-27 Renewal.* A spring water renewal project to continue to supply up to 9.0 million gallons (mg)/30 days of water to the applicant's bottled water operations from Hoffman Springs Nos. 1—3 in the Ontelaunee Creek Watershed. The project is located in Lynn Township, Lehigh County.

2. *New Lisbon Development Center D-2003-08 CP.* An application for approval of a ground water withdrawal project to supply up to 8.0 mg/30 days of water to the applicant's institutional facility from new wells nos. 1—4 in the Cohansey Formation. The project wells are located in the South Branch Rancocas Creek Watershed in Woodland Township, Burlington County, NJ.

3. *Limerick Township Municipal Authority D-2003-16 CP.* An application to expand an existing 1.0 million gallons per day (mgd) secondary sewage treatment plant (STP) to process 1.7 mgd from an extended aeration treatment operation. The STP is located off King Road in Limerick Township, Montgomery County. It will continue to serve only Limerick Township and effluent will continue to be discharged to an unnamed tributary of the Schuylkill River, approximately 43 river miles upstream from its confluence with the Delaware River.

4. *Ockels Farms, Inc. D-2003-18.* An application for approval of a ground water withdrawal project to supply up to 135 mg/30 days of water from wells nos. 1—5 screened in the Manokin and Columbia Formations for supplemental irrigation of the applicant's 650-acre farm. The applicant has 14 wells in total, 9 of which (wells nos. 6—14) are located outside of the Delaware River Basin. The project is located in the Cedar Creek and Broadkill River Watersheds in Sussex County, DE.

5. *Artesian Water Company, Inc. D-2003-22 CP.* An application for approval of a ground water withdrawal project to supply the applicant's public water supply distribution system from new well no. 3 in the Willow Grove Wellfield, replacement well no. 2R in the Townsend Wellfield and replacement well no. 2R in the Bayview Wellfield; and to retain the combined withdrawal of 150 mg/30 days from all wells in the Southern Distribution system. Willow Grove Well No. 3 and Townsend Well No. 2R are located in the Appoquinimink River Watershed and Bayview Well No. 2R is located in the C & D Canal East Watershed in New Castle County, DE.

6. *Schwenksville Borough Authority D-2003-29 CP.* An application for approval of a ground water withdrawal project to supply up to 3 mg/30 days of water to the applicant's public water supply distribution system from new well no. 9 and to increase the combined withdrawal from all wells to 14.8 mg/30 days. The project is located in the Swamp Creek Watershed in the Borough of Schwenksville and Lower Frederick Township, Montgomery County, in the Southeastern Pennsylvania Ground Water Protected Area.

7. *Anthony E. Argiros/Family School D-2003-35.* An application to reroute to a proposed onsite subsurface discharge system a 19,500 gallon per day STP discharge that currently flows to Abe Lord Creek, a tributary of the Delaware River in the Special Protection Waters Area. The existing plant will continue to provide advanced secondary treatment. The proposed subsurface discharge system is designed to further improve effluent quality. The modified project will continue to serve the Family School in the Town of Hancock, Delaware County, NY.

The Commission's 1:30 p.m. business meeting also will include a hearing on the Commission's Fiscal Year 2005 proposed budget. In addition, the meeting will include: adoption of the minutes of the December 3, 2003, business meeting; announcements; a report on Basin hydrologic conditions; a report by the executive director; and a report by the Commission's general counsel.

Draft dockets scheduled for public hearing on January 21, 2004, are posted on the Commission's website at www.drbc.net, where they can be accessed through the Notice of Commission Meeting and Public Hearing. Additional documents relating to the dockets and other items may be examined at the Commission's offices. Contact Robert Tudor at (609) 883-9500, Ext. 208 with docket-related questions.

Persons wishing to testify at this hearing are requested to register in advance with the Commission Secretary at (609) 883-9500, Ext. 203. Individuals in need of an accommodation as provided for in the Americans With Disabilities Act who wish to attend the hearing should contact the Commission Secretary at (609) 883-9500, Ext. 203 or through the Telecommunications Relay Services at 711 to discuss how the Commission may accommodate their needs.

PAMELA M. BUSH,
Secretary

[Pa.B. Doc. No. 04-91. Filed for public inspection January 16, 2004, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending January 6, 2004.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
1-5-04	Citizens Financial Group, Inc., Providence, RI, to acquire 100% of the voting shares of Thistle Group Holdings Co., Philadelphia, PA	Providence, RI	Effective

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-1-04	Market Street Interim Bank, Camp Hill, and Pennsylvania State Bank, Camp Hill Surviving Institution— Market Street Interim Bank, Camp Hill, with a change in corporate title to Pennsylvania State Bank, Camp Hill	Camp Hill	Effective

The merger was effected solely to facilitate the acquisition of Pennsylvania State Bank by The Pennsylvania State Banking Company, Camp Hill, a new bank holding company.

1-5-04	Citizens Bank of Pennsylvania, Philadelphia, and Roxborough-Manayunk Bank, Philadelphia Surviving Institution— Citizens Bank of Pennsylvania, Philadelphia	Philadelphia	Effective
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Branches Acquired by Means of Merger:

50 East Uwchlan Avenue Lionville Chester County	8345 Ridge Avenue* Philadelphia Philadelphia County
1522 McDaniel Drive West Chester Chester County	201 Spring Garden Street Philadelphia Philadelphia County
33 West Gay Street West Chester Chester County	30 South 15th Street* Philadelphia Philadelphia County
160 West Eagle Road Havertown Delaware County	6503 Haverford Avenue* Philadelphia Philadelphia County
119 West State Street* Media Delaware County	7568 Ridge Avenue* Philadelphia Philadelphia County
1024 Church Lane* Yeadon Delaware County	4370 Main Street Philadelphia Philadelphia County
1461 Bethlehem Pike Flourtown Montgomery County	York Road Jamison Bucks County (Approved; Unopened)

6060 Ridge Avenue
Philadelphia
Philadelphia County

Note: Branches marked with an * are subject to consolidation with and into other existing branches.

NOTICES

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-26-03	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Aliquippa Giant Eagle Green Garden Shopping Center Aliquippa Beaver County	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-15-03	Patriot Bank Pottstown Montgomery County	<i>To:</i> 1345 Airport Road Allentown Lehigh County <i>From:</i> 2126 West Union Boulevard Bethlehem Lehigh County	Effective
12-22-03	Fulton Bank Lancaster Lancaster County	<i>To:</i> 501 School House Road Kennett Square East Marlborough Township Chester County <i>From:</i> 863 East Baltimore Pike Kennett Square East Marlborough Township Chester County	Effective
12-31-03	Millennium Bank Malvern Chester County	<i>To:</i> 2800 State Hill Road Wyomissing Berks County <i>From:</i> 1200 Broadcasting Road Wyomissing Berks County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Conversions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
12-30-03	Erie Community Credit Union Erie Erie County	Erie	Approved

Application represents request to convert to a community charter to include anyone living, working, worshipping and/or attending school in Erie County.

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
1-1-04	Post Office Employees Credit Union of Pittsburgh, PA, Pittsburgh, PA, and U. S. Postal Service Federal Credit Union, Clinton, MD Surviving Institution— U. S. Postal Service Federal Credit Union, Clinton, MD	Pittsburgh	Effective
1-2-04	Freedom Credit Union, Philadelphia, and Montco Teachers Federal Credit Union, Willow Grove Surviving Institution— Freedom Credit Union, Philadelphia	Philadelphia	Effective

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 04-92. Filed for public inspection January 16, 2004, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of January 2004

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of January 2004 is 7 1/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as a principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.78 to which was added 2.50 percentage points for a total of 7.28 that by law is rounded off to the nearest quarter at 7 1/4%.

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 04-93. Filed for public inspection January 16, 2004, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of February 2004

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of February 2004 is 7%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as a principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.62 to which was added 2.50 percentage points for a

total of 7.12 that by law is rounded off to the nearest quarter at 7%.

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 04-94. Filed for public inspection January 16, 2004, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting at 10 a.m. on Wednesday, January 28, 2004, in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items should 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 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.

MICHAEL F. DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 04-95. Filed for public inspection January 16, 2004, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Availability of Program Year 2004-05 Federal Even Start Grants for Renewal and New Family Literacy Programs

The Federal Even Start Family Literacy Program, renamed the "William F. Goodling Even Start Family Literacy Programs," is authorized by Title I, Part B, Subpart 3 of the Elementary and Secondary Education Act (ESEA), reauthorized as the No Child Left Behind Act of 2001 (NCLB Act). The Even Start Family Literacy Program is administered by the Department of Education (Department) for family literacy programs that will:

1. Target families living in areas of high concentration of poverty who are receiving welfare benefits and who have educational needs.
2. Enable communities to foster cooperative partnerships that build on existing community resources to create a new range of services.
3. Provide services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following:

a. Interactive literacy activities between parents and their children.

b. Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.

c. Parent literacy training that leads to economic self-sufficiency.

d. An age-appropriate education to prepare children for success in school and life experiences.

Organizations eligible to apply for an Even Start grant are a local educational agency (LEA) or community-based organization (CBO). Eligible entities are required to establish a formal partnership between one or more LEA and one or more CBO. A private nonprofit entity, including a faith-based organization, as part of a partnership may serve as the fiscal agent, since school-age children who are enrolled in private elementary and secondary schools are eligible for Even Start services under the equitable participation provisions of the NCLB Act. Under these circumstances, a public agency, particularly an LEA, is required to control and administer program funds used to provide equitable services to private school students.

Federal priority consideration will be given to applications that meet the following conditions:

1. Reflect the family focus of Even Start.
2. Locate new sites in areas designated by the Federal government as empowerment zones or enterprise communities.
3. Submit a total budget which contains a local match beyond the required Even Start statutory percentages.
4. Target services to families most in need (that is, educationally disadvantaged adults who are receiving public assistance, do not have high school diplomas, are members of minority groups, are single parents, are victims of domestic violence, have children with developmental delays, reside in a Title I school attendance area and (if in primary grades) are receiving Title I services).
5. Coordinate with adult education and literacy programs, county assistance offices, social service agencies, public libraries, Team PA CareerLink One-Stop Centers, Workforce Investment Act programs, elementary schools, family centers, preschool programs such as Head Start, licensed child care centers and other community groups or agencies that provide services and assistance to persons in need of basic literacy skills and/or support services.

Special Commonwealth consideration will be given to Even Start Family Literacy Programs in the following order of priority:

1. Applications for renewal of grants to currently funded Even Start Family Literacy Programs, providing sufficient progress is made toward meeting program objectives in relation to the Pennsylvania Family Literacy Program Performance Standards and the Pennsylvania Family Literacy Summer Reading Program policy. Note: Even Start projects applying for their fourth or eighth year of operation should consult the application guidelines for special provisions pertaining to the duration of projects.
2. Applications for new Even Start Family Literacy Programs by school districts or charter schools receiving Title I, Part A, ESEA funds in areas of counties not

served by a current Even Start or State Act 143 Family Literacy grant.

3. Applications for new Even Start Family Literacy Programs by community-based organizations, in partnership with school districts and/or charter schools receiving Title I, Part A, ESEA funds in areas of counties not served by a current Even Start or State Act 143 Family Literacy grant.

The grant period (or duration of an Even Start grant) will be for a term of 4 years, provided that sufficient progress is made towards meeting program objectives in relation to the Pennsylvania Family Literacy Program Performance Standards and the Pennsylvania Family Literacy Summer Reading Program policy. The Commonwealth will not, however, issue a 4-year grant. Each year, or grant year, grantees will be required to apply for continuation funding. At the end of the grant period, grantees will be authorized to reapply and compete with other applicants for another 4-year term. Upon the completion of 8 years, special provisions apply to the continuation of program operations. Refer to the application guidelines for details.

Restrictions placed upon the Department for the administration of the Even Start grant are:

1. The Federal program requires a local contribution/matching funds in addition to the requested grant amount. The total cost of the program is to be supported by grant funds and a "local share." The Even Start statute requires a graduated increase in the local share, which ranges from 10% in the first year to 65% depending upon the year of operation (see application guidelines for details).

2. Section 1234 of the Even Start statute prohibits a local program from using grant funds for indirect costs. This restriction includes the project's matching funds (local share).

Even Start renewal and new applications must be completed online and submitted on or before March 26, 2004, to the Bureau of Adult Basic and Literacy Education (Bureau) through the e-grant website at www.egrants.ed.state.pa.us.

Instructions and the application guidelines are available from the Bureau website at www.able.state.pa.us and from the e-grant website.

Potential applicants are urged to attend the annual 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 Act 143 of 1986—Adult and Family Literacy Education Act; and (3) the Federal Even Start Family Literacy Program. These workshops will be conducted by teleconference from the Department site on February 12, 2004, from 1 p.m. to 3:30 p.m. Registration information will be sent through the Bureau website. If unable to access the online information, interested parties may contact the Bureau at (717) 787-6344. To ensure timely administration and processing of e-grant applications, both the grant writer and the fiscal officer should attend the workshop.

VICKI L. PHILLIPS, Ed.D.,
Secretary

[Pa.B. Doc. No. 04-96. Filed for public inspection January 16, 2004, 9:00 a.m.]

**Availability of Workforce Investment Act of 1998
Section 231 for English as a Second Language
(ESL)/Civics Funds from Section 1000(a)(4) of
the Consolidated Appropriations Act and Adult
Secondary Education Programs for Program
Year 2004-05**

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.
3. Assist adults in the completion of a secondary school education.

Additional funding has recently been requested 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 is expected to receive 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, 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 2004-05, the Department will give consideration to programs for immigrants seeking permanent legal residence in the United States as follows:

1. *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.
2. *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.
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 (Bureau).
6. An assurance that agency staff will attend ESL/Civics training.

The grant period (or duration of a Section 231 ESL/Civics grant) will be for a term of 1 year (July 1, 2004, through June 30, 2005). Grants will be funded by Rider K to a Master Agreement executed between the Department and the funded agency. All funded agencies must execute a 2004-05 Program Year Rider K, to include a budget and the application narrative to receive 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.
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.

Section 231 ESL/Civics applications must be completed online and submitted to the Bureau through the e-grant website at www.egrants.ed.state.pa.us. Instructions and the application guidelines are available from the Bureau's site at www.able.state.pa.us and from the e-grant website.

Application due date for ESL/Civics (an 061 project in the e-grant process) is April 16, 2004.

The Bureau 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 annual 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 Act 143 of 1986—Adult and Family Literacy Education Act; and (3) the Federal Even Start Family Literacy Program. These workshops will be conducted by teleconference from the Department site on February 12, 2004, from 1 p.m. to 3:30 p.m. Registration information will be sent through the Bureau website. If unable to access the online information, interested parties may contact the Bureau at (717) 787-6344. 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.

VICKI L. PHILLIPS, Ed.D.,
Secretary

[Pa.B. Doc. No. 04-97. Filed for public inspection January 16, 2004, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal waste; discharge into groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

For NPDES renewal applications 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 applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 individual permits and individual stormwater construction permits in Sections IV and VI, the Department, based upon preliminary reviews, has made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications. 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 proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on an NPDES application are invited to submit a statement to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application 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 the respective comment periods will be considered in the final determinations regarding the applications. 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 will also accept requests for a public hearing on applications. A public hearing may be held 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 within the relevant geographical area. The Department will postpone its final determination until after any public hearings are held.

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

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0057673	Candlewycke Estates Homeowners Association 602 E. Broad Street P. O. Box 432 Souderton, PA 18964	Montgomery County Marlborough Township	UNT to Green Lane Reservoir	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0061212	Mik-Joan Inc. 655 Route 61 Orwigsburg, PA 17961	North Manheim Township Schuylkill County	Mahanhon Creek 3A	Y
PAS232210	Consolidated Container Co. 3101 Towercreek Parkway Atlanta, GA 30339	Lehigh County Allentown City	Tributary of Iron Run 2C	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0081574	Salisbury Township 5581 Old Philadelphia Pike Gap, PA 17527	Lancaster County Salisbury Township	UNT to Pequea Creek 7-K	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0060232 Sewage	United States Army Corps of Engineers Baltimore District R. R. 1, Box 65 Tioga, PA 16946-9733	Lawrence County Tioga County	Cowanesque River 4A	Y
PA0045993 SP	Ulysses Municipal Authority 522 Main Street Ulysses, PA 16948-0392	Potter County Ulysses Borough	Unnamed tributary of Genesee River 14	Y
PA0113948	Department of Corrections Quehanna Motivational Camp HC Box 32 Karthaus, PA 16845	Clearfield County Karthaus Township	Marks Run 8D	Y
PA0044547 Sewerage	Department of Conservation and Natural Resources Hills Creek State Park R. R. 2, Box 328 Wellsboro, PA 16901-9676	Charleston Township Tioga County	Hills Creek 4-A	Y
PA0209686 Sewerage	Thomas L. Harris Sr. 9855 Curwensville-Tyrone Highway Curwensville, PA 16833	Clearfield County Pike Township	UNT to Little Clearfield Creek 8C	Y
PA0113891 Sewerage	Beavertown Family Restaurant R. R. 2, Box 2407 Beavertown, PA 17813	Beaver Township Snyder County	UNT to Middle Creek 6A	Y
PA0111970	Springbrook Campground Box 10A, R. R. 1 Catawissa, PA 16820	Locust Township Columbia County	Roaring Creek 5C	Y
PA0110680 IW	Wood-Mode Incorporated One Second Street Kreamer, PA 17833	Middlecreek Township Snyder County	Middle Creek 6-A	Y

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0208931 Sewerage	Catherine Randolph R. R. 4 Box 392 DuBois, PA 15801	Brady Township Clearfield County	UNT Limestone Creek 17-D	Y

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

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

PA0036200, Sewage, **Radley Run Mews Sewer Association**, 1131 Mews Lane, West Chester, PA 19382. This application is for renewal of an NPDES permit to discharge treated sewage from Radley Run Mews sewage treatment plant in Birmingham Township, **Chester County**. This is an existing discharge to Plum Run.

The receiving stream is classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 32,000 gpd, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
Ammonia (as N)	20	40
Phosphorus (as P) (4-1 to 10-31)	2.0	4.0
Total Residual Chlorine	0.6	4.0
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

Other Conditions: Conditions for future permit modification; and effective disinfection.

The EPA waiver is in effect.

PA0030848, Sewage, **Unionville Chadds Ford School District**, 740 Unionville Road, Kennett Square, PA 19348. This facility is in Pennsbury Township, **Chester County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage from the Chadds Ford Elementary School sewage treatment plant.

The receiving stream, Ring Run, is in the State Water Plan watershed 3H, Brandywine Creek and is classified for WWF, aquatic life, water supply and recreation. There are no public water supply intakes downstream in this Commonwealth. Brandywine Creek crosses the State line into Delaware approximately 4.5 miles downstream from the point of discharge. The City of Wilmington, DE has water supply intakes approximately 7 miles downstream of the State line on Brandywine Creek.

The proposed effluent limits for Outfall 001, based on a design flow of 6,300 gpd, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
Ammonia (as N)	Monitor and Report	
Phosphorus (as P)	Monitor and Report	
Total Residual Chlorine	0.5	1.2
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

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

PA0020702, Sewage, **Municipal Authority of the Borough of Fayette City**, P. O. Box 552, Fayette City, PA 15438-0552. This application is for renewal of an NPDES permit to discharge treated sewage from Fayette City Wastewater Treatment Plant in Fayette City Borough, **Fayette County**.

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

Outfall 001: existing discharge, design flow of 0.125 mgd and wet weather flow of 0.175 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	100,000/100 ml as a geometric mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: Outfalls 002 and 003, which discharge to the receiving waters known as Monongahela River, serve as combined sewer overflows necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant. These combined sewer overflows are permitted to discharge only for this reason. There are at this time no specific effluent limitations on the outfalls. Each discharge shall be monitored for cause, frequency, duration and quantity of flow.

The EPA waiver is in effect.

PA0026026, Sewage, **New Brighton Borough Sanitary Authority**. This application is for amendment of an NPDES permit to discharge treated sewage from New Brighton Borough Sanitary Authority Sewage Treatment Plant in New Brighton Borough, **Beaver County**.

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

Outfall 001: existing discharge, design flow of 1.04 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	100,000/100 as a geometric mean			
Total Residual Chlorine	0.5			1.6
pH	not less than 6.0 nor greater than 9.0			

The following effluent limitations will apply when the treatment plant is expanded to a flow of 2.0 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	50,000/100 as a geometric mean			
Total Residual Chlorine	0.5			1.6
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

PA0026913, Amendment No. 2, Sewage, **Municipal Authority of the City of McKeesport**, 100 Atlantic Avenue, McKeesport, PA 15132. This application is for amendment of an NPDES permit to discharge uncontaminated stormwater from the McKeesport Sewage Treatment Plant site in the City of McKeesport, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Youghiogheny River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation.

This amendment adds Outfall SW1 to NPDES Permit No. PA0026913 and authorizes a discharge of uncontaminated stormwater from the sewage treatment plant site. There are at this time no specific effluent limitations on Outfall SW1. This discharge must meet the "stormwater discharges" requirements in Part C of the Amendment.

The EPA waiver is not in effect.

PA0090140, Sewage, **Clymer Borough Municipal Authority**, 1675 Franklin Street, Clymer, PA 15728. This application is for renewal of an NPDES permit to discharge treated sewage from the Clymer Sewage Treatment Plant in Clymer Borough, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Two Lick Creek, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Pennsylvania American Water Company—Indiana.

Outfall 001: existing discharge, design flow of 0.24 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31) (11-1 to 4-30)	7	10.5		14
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	Monitor and Report			
Total Residual Chlorine	1			3.3
Dissolved Oxygen	not less than 3 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

WQM Permit No. 2100403, Amendment 04-1, Sewerage, **North Middleton Authority**, 240 Clearwater Drive, Carlisle, PA 17013. This proposed facility is in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Request for modifications to the existing permit, changing the industrial park pump station capacity to 0.04 mgd.

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

WQM Permit No. 0803406, Sewerage (SIC 4952), **Canton Borough Authority**, 100 Park Place, P. O. Box 237, Canton, PA 17724. This proposed facilities will be in Canton Borough and Township, **Bradford County**.

Description of Proposed Action/Activity: The Authority seeks a WQM permit to authorize the construction and operation of project to rehabilitate and replace portions of the existing sanitary sewer system, one pump station in Canton Borough, two pump stations in Canton Township and the separation of the combined sanitary/storm sewer in Canton Borough.

IV. NPDES Applications for Stormwater Discharges from MS4

V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG133703	Myerstown Borough 101 E. Washington Ave. Myerstown, PA 17067	Lebanon	Myerstown Borough	Tulpehocken	Y
PAG133704	Borough of Chambersburg 100 S. Second St. Chambersburg, PA 17201	Franklin	Chambersburg Borough	Conococheague Creek CWF Falling Spring Creek TSF	Y

VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

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

Lehigh County Conservation District: Lehigh Ag. Ctr. Ste. 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023903050	Duane and Rosemary Oldt 2626 Livingston St. Allentown, PA 18104	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024503021	LTS Development, Inc. P. O. Box 160 Shawnee-on-Delaware, PA 18356	Monroe	Middle Smithfield Township	Sand Hill Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024803041	David Seyfried, David Corrado, Jack Muschlitz Nazareth Development, LLC 25 S. Main St. Nazareth, PA 18064	Northampton	Bushkill Township	Bushkill Creek HQ-CWF

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

Clinton Conservation District: 45 Cooperation Lane, Mill Hall, PA 17751, (570) 726-3798.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041803006	NCAC Development Co., LLC 15 Printer Lane Mill Hall, PA 17751	Clinton	Porter Township	Fishing Creek HQ-CWF

Lycoming County Conservation District: 542 County Farm Road, Suite 202, Montoursville, PA 1754-3003, (570) 433-3003.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044103004	Weis Markets Inc. 1000 S. Second St. Sunbury, PA 17801	Lycoming	Jersey Shore Borough	Nichols Run HQ-CWF

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

Crawford County Conservation District: 14699 North Main Street Extension, Meadville, PA 16335.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062003004	Conneaut School District c/o Richard Astor Conneaut Lake Athletic Complex 219 West School Drive Linesville, PA 16424	Crawford	Sadsbury Township	Conneaut Lake HQ-WWF

VII. List of NOIs for NPDES and/or Other General Permit Types

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

MS4 Notices of Intent Received

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG133703	Myerstown Borough 101 E. Washington Ave. Myerstown, PA 17067	Lebanon	Myerstown Borough	Tulpehocken	Y
PAG133704	Borough of Chambersburg 100 S. Second St. Chambersburg, PA 17201	Franklin	Chambersburg Borough	Conococheague Creek CWF Falling Spring Creek TSF	Y

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 a 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 the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

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

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

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.

Application No. 4803504, Public Water Supply.

Applicant	Pennsylvania American Water Company
Township or Borough	Upper Nazareth Township, Northampton County
Responsible Official	William C. Kelvington, Vice President of Operations Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Type of Facility	PWS
Consulting Engineer	Gerald A. DeBalko, P. E. Pennsylvania American Water Company 4 Wellington Boulevard Wyomissing, PA 19610
Application Received Date	December 8, 2003

Description of Action	The application is for approval to construct a booster station to serve 28 existing homes in the area of Schoeneck Avenue in Upper Nazareth Township, Northampton County.
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Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. Minor Amendment, Public Water Supply.

Applicant	Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Township	White Deer Township, Union County
Responsible Official	Steven J. Seidl, Vice President, Engineering Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Type of Facility	PWS
Consulting Engineer	Scott M. Thomas Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Application Received Date	December 23, 2003
Description of Action	Rehabilitation of White Deer purification unit no. 1 including blasting and repainting of the interior wet and interior dry areas and minor sanitary, structural and safety modifications.

Permit No. Minor Amendment, Public Water Supply.

Applicant	Walker Township Water Association, Inc. P. O. Box 160 Mingoville, PA 16856
Township	Walker Township, Centre County
Responsible Official	Michael David Foreman, President Walker Township Water Association, Inc. P. O. Box 160 Mingoville, PA 16856
Type of Facility	PWS
Consulting Engineer	Paul A. Krizan, P. E. Larson Design Group, Inc. 1000 Commerce Park Drive Williamsport, PA 17703-0487
Application Received Date	December 19, 2003

Description of Action Construction of a new steel water tank and extension of the distribution piping to serve The Woods at Sand Ridge Development. The new tank will provide system storage volume to service the eastern limits of Walker Township Water Association system.

MINOR AMENDMENT

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application No. 1503507, Minor Amendment.

Applicant **Phillip Associates L. P.**
 Township West Fallowfield
 Responsible Official Rachael A. Wachs
 215 W. Church Road, Suite 105
 King of Prussia, PA 19406
 Type of Facility PWS
 Consulting Engineer Keith R. Showalter
 System Design Engineering, Inc.
 4 Park Plaza, Suite 105
 Wyomissing, PA 19610
 Application Received Date December 23, 2003
 Description of Action Installation of storage tanks, distribution system booster pumps and controls.

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

Application Minor Amendment.

Applicant **Pennsylvania American Water Company**
 Township or Borough Lehman Township, **Pike County**
 Responsible Official William C. Kelvington, V. P.
 Operations
 800 West Hersheypark Drive
 Hershey, PA 17033
 (717) 531-3308
 Type of Facility Community Water System
 Application Received Date December 19, 2003
 Description of Action Application for transfer of PWS operations permits for Rustic Acres development from Rustic Acres Water Association to Pennsylvania American Water—Lehman Pike system.

Application Minor Amendment.

Applicant **Brookmont Healthcare Center, LLC**
 Township or Borough Chestnut Township, **Monroe County**

Responsible Official Douglas C. Pomfret, President
 Brookmont Healthcare Center, LLC
 Brookmont Drive
 Effort, PA 18330-0050
 (610) 681-4070

Type of Facility Community Water Center

Application Received Date December 22, 2003

Description of Action Application to transfer the PWS operations permit from Brookmont Health Care Center, Inc. to Brookmont Healthcare Center, LLC.

Application Minor Amendment.

Applicant **Pennsylvania Suburban Water Company**
 Township or Borough Tobyhanna Township, **Monroe County**
 Responsible Official Mark J. Kropilak, Vice President
 Corporate Development and
 Corporate Counsel
 Pennsylvania Suburban Water Company
 762 West Lancaster Avenue
 Bryn Mawr, PA 19010-3489
 Type of Facility PWS
 Application Received Date December 23, 2003
 Description of Action This application requests the transfer of PWS Operations Permit No. 2450086 issued on June 3, 2002, from the Pine Crest Lake Trust Water Company to the Pennsylvania Suburban Water Company.

Application Minor Amendment.

Applicant **Pennsylvania Suburban Water Company**
 Township or Borough Tobyhanna Township, **Monroe County**
 Responsible Official Mark J. Kropilak, Vice President
 Corporate Development and
 Corporate Counsel
 Pennsylvania Suburban Water Company
 762 West Lancaster Avenue
 Bryn Mawr, PA 19010-3489
 Type of Facility PWS
 Application Received Date December 23, 2003
 Description of Action Transfer of PWS Operations Permit No. 2450141 originally issued February 21, 2002, from the Pine Crest Lake Trust Water Company to the Pennsylvania Suburban Water Company.

Application Minor Amendment.

Applicant **Pennsylvania Suburban Water Company**

Township or Borough	Tobyhanna Township, Monroe County
Responsible Official	Mark J. Kropilak, Vice President Corporate Development and Corporate Counsel Pennsylvania Suburban Water Company 762 West Lancaster Avenue Bryn Mawr, PA 19010-3489
Type of Facility	PWS
Application Received Date	December 23, 2003
Description of Action	Transfer of PWS Minor Permit Amendment issued April 28, 2003, from the Pine Crest Development Corporation to the Pennsylvania Suburban Water Company.

Application Minor Amendment.

Applicant	Valley Gorge Mobile Home Park
Township or Borough	White Haven Borough, Luzerne County
Responsible Official	Paul Swerdon, Partner Valley Gorge Mobile Home Park 316 Susquehanna Street White Haven, PA 18661
Type of Facility	PWS
Consulting Engineer	Paul Swerdon, P. E. Valley Gorge Mobile Home Park 316 Susquehanna Street White Haven, PA 18661
Application Received Date	December 24, 2003
Description of Action	For approval to add three precharged water storage tanks to the existing system.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environ- mental 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 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, 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 after 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. 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.

Fairway Shopping Center, Upper Dublin Township, **Montgomery County**. Gilbert J. Marshall, P. G., Marshall Geoscience, Inc., 219 W. Main St., Trappe, PA 19426 on behalf of Don S. Ginsburg, Ginsburg Property Group, P. O. Box 605, Plymouth Meeting, PA 19462, has submitted a Notice of Intent to Remediate soil contaminated with chlorinated solvents and fuel oil no. 2 and groundwater contaminated with chlorinated solvents. The applicant proposes to remediate the site to meet Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Ambler Gazette* on December 31, 2003.

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

West Shore Office Center, East Pennsboro Township, **Cumberland County**. Marshall Miller & Associates, 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011 on behalf of Senate Avenue Associates, 4601 Presidents Drive, Suite 140, Lanham, MD 20706, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with diesel fuel. The applicant proposes to remediate the site to meet a combination of the requirements for Background and Statewide Health Standards.

A summary of the Notice of Intent to Remediate was reported to have been published in the *Harrisburg Patriot* on December 4, 2003.

Callahan Residence, Borough of Gettysburg, **Adams County**. Hydro Environmental Technologies, Inc., 54 Nonset Path, Acton, MA 01720, on behalf of Michael Callahan, 213 Ewell Avenue, Gettysburg, PA 17325, submitted a revised Notice of Intent to Remediate site soils and groundwater contaminated with fuel oil no. 2. 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 *Gettysburg Times* on August 27, 2003.

V & S Sandwich Shop, Wyomissing Borough, **Berks County**. Alternative Environmental Solutions, 930 Pointview Avenue, Ephrata, PA 17522, on behalf of V & S Sandwich Shop, 2224 State Hill Road, Wyomissing, PA 19610, submitted a revised Notice of Intent to Remediate site soils and groundwater contaminated with leaded gasoline. The applicant proposes to remediate the site to meet the Site-Specific Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Reading Eagle* on November 26, 2003.

Former Samuel Miller & Son, Inc. Site, City of Lancaster, **Lancaster County**. Lawler, Matusky & Skelly Engineers, LLP, 609 Hamilton Mall, Allentown, PA 18101, on behalf of Marty Dwyer, C/H Development Properties I, Inc., 114 Foxshire Drive, Lancaster, PA 17601 and David Selfon, 220 Centerville Road, Lancaster, PA 17601, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with chlorinated solvents, lead, fuel oil no. 6, inorganics and PAHs. The site is being remediated as a Special Industrial Area. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lancaster Intelligencer* on November 4, 2003.

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

Pew 4 in. Check—Millerstown (V-54), City of Knox, Elk Township, **Clarion County**. Jennifer Sedora, PPL Services Corp., 2 North 9th St., GENTW17, Allentown, PA 18101, has submitted a Notice of Intent to Remediate soil contaminated with inorganics. The applicant proposes to remediate the site to meet the Statewide Health, Residential Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Clarion News* on October 27, 2003.

Mechanicsville Check (V-72), Clarion Township, **Clarion County**. Jennifer Sedora, PPL Services Corp., 2 North 9th St., GENTW17, Allentown, PA 18101, has submitted a Notice of Intent to Remediate soil contaminated with inorganics. The applicant proposes to remediate the site to meet the Statewide Health, Residential Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Clarion News* on October 27, 2003.

Bryner Station (V-58), Elk Township, **Clarion County**. Jennifer Sedora, PPL Services Corp., 2 North 9th St., GENTW17, Allentown, PA 18101, has submitted a Notice of Intent to Remediate soil contaminated with inorganics. The applicant proposes to remediate the site to meet the Statewide Health, Residential Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Clarion News* on October 27, 2003.

Fryburg Station (V-44), Washington Township, **Clarion County**. Jennifer Sedora, PPL Services Corp., 2

North 9th St., GENTW17, Allentown, PA 18101, has submitted a Notice of Intent to Remediate soil contaminated with inorganics. The applicant proposes to remediate the site to meet the Statewide Health, Residential Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Clarion News* on October 27, 2003.

Pew Station Check (V-73), Limestone Township, **Clarion County**. Jennifer Sedora, PPL Services Corp., 2 North 9th St., GENTW17, Allentown, PA 18101, has submitted a Notice of Intent to Remediate soil contaminated with inorganics. The applicant proposes to remediate the site to meet the Statewide Health, Residential Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Clarion News* on October 27, 2003.

Pew 4 in. to Clarion 6 in. (V-60), Paint Township, **Clarion County**. Jennifer Sedora, PPL Services Corp., 2 North 9th St., GENTW17, Allentown, PA 18101, has submitted a Notice of Intent to Remediate soil contaminated with inorganics. The applicant proposes to remediate the site to meet the Statewide Health, Residential Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Clarion News* on October 27, 2003.

Perryville and Clarion 6, Richland Township, **Clarion County**. Jennifer Sedora, PPL Services Corp., 2 North 9th St., GENTW17, Allentown, PA 18101, has submitted a Notice of Intent to Remediate soil contaminated with inorganics. The applicant proposes to remediate the site to meet the Statewide Health, Residential Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Clarion News* on October 27, 2003.

Callensburg Check (V-77), Beaver Township, **Clarion County**. Jennifer Sedora, PPL Services Corp., 2 North 9th St., GENTW17, Allentown, PA 18101, has submitted a Notice of Intent to Remediate soil contaminated with inorganics. The applicant proposes to remediate the site to meet the Statewide Health, Residential Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Clarion News* on October 27, 2003.

Marienville Check (V-2), Jenks Township, **Forest County**. Jennifer Sedora, PPL Services Corp., 2 North 9th St., GENTW17, Allentown, PA 18101, has submitted a Notice of Intent to Remediate soil contaminated with inorganics. The applicant proposes to remediate the site to meet the Statewide Health, Residential Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Tionesta Press* on October 29, 2003.

U. N. G. Exchange (V-3), Jenks Township, **Forest County**. Jennifer Sedora, PPL Services Corp., 2 North 9th St., GENTW17, Allentown, PA 18101, has submitted a Notice of Intent to Remediate soil contaminated with inorganics. The applicant proposes to remediate the site to meet the Statewide Health, Residential Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Tionesta Press* on October 29, 2003.

Bradford Electronics Facility, Bradford Township, **McKean County**. Steven J. Demeo, P. G., GeoQuest Env. Inc., 1134 Titus Ave., Rochester, NY 14617 (on behalf of Gay Deamer, Vishay Intertechnology Inc., 1122 23rd St., Columbus, NE 68601) has submitted a Notice of Intent to Remediate soil contaminated with chlorinated solvents

and inorganics and groundwater contaminated with chlorinated solvents. The applicant proposes to remediate the site to meet the Statewide Health, Nonresidential Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bradford Era* on December 12, 2003.

Caparo Steel Co., AOC-11, Cities of Farrell and Sharon, **Mercer County**. Paul Wojciak, P. E., Env. Management Assoc. LLC, 10925 Perry Hwy., Suite 23, Wexford, PA 15090 (on behalf of Richard A. Herman, Caparo Steel Co., 15 Roemer Blvd., Farrell, PA 16121) has submitted a Notice of Intent to Remediate soil contaminated with inorganics and lead. The applicant proposes to remediate the site to meet Statewide Health, Nonresidential Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Sharon Herald* on December 26, 2003.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Application received under the Solid Waste Management Act (35 P. S. §§ 6018.101–6018.1003) and regulations to operate a hazardous waste treatment, storage or disposal facility.

Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

PAD083965897. Cemex Inc., 2001 Portland Park, Wampum, PA 16157-9109, Wampum Borough, **Lawrence County**. The application is requesting release of all of the bond amount posted for the hazardous waste storage facility, which was issued Certification of Final Closure by the Department on September 10, 2001. This publication begins the 45-day comment period. Application was received on November 12, 2003.

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.

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

Permit Application No. 101620. Waste Management of Pennsylvania, Inc., 4300 Industrial Park Rd., Camp Hill, PA 17011, Hampden Township, **Cumberland County**. The application is for the permit modification of the radiation monitoring plan of the municipal waste transfer facility. The application was determined to be administratively complete by the Southcentral Regional Office on December 30, 2003.

Comments concerning the application should be directed to John Krueger, Program Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Persons interested in obtaining more information about the general permit application should contact the Waste Management Program, (717) 705-4706. TDD users should contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

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

Permit ID No. 101571. Mostoller Landfill, Inc., 7095 Glades Pike, Somerset, PA 15501. Application for the permit renewal of a municipal waste landfill in Somerset and Brothers Valley Townships, **Somerset County**, was received in the Regional Office on December 22, 2003.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

PLAN APPROVALS

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

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; James Parette, New Source Review Chief, (570) 826-2531.

39-321-012: HAB Industries, Inc. (15 South Albert Street, Allentown, PA 18109) for construction of a textile finishing operation including process boilers and associated air cleaning devices at their facility in Allentown, **Lehigh County**.

52-318-002: LP Cylinder Service, Inc. (Box 1576, Route 434, Shohola, PA 18458) for construction of a cylinder paint spray operation and associated air cleaning devices at their facility in Shohola Township, **Pike County**.

40-303-022: Pennsy Supply Inc.—Slusser Brothers (1001 Paxton Street, Harrisburg, PA 17104) for construction of a drum-mix asphalt plant and associated air cleaning device at their facility at 225 New Boston Road, Jenkins Township, **Luzerne County**. The plant will be capable of utilizing waste derived liquid fuels and recycled asphalt material.

39-312-049: Gulf Oil LP (90 Everett Avenue, Chelsea, MA 02150) for modification of storage tank 108 to be utilized for gasoline storage by the installation of an internal floating roof in the tank at their facility in Whitehall Township, **Lehigh County**.

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

38-05028A: Curwood Specialty Films (5 Keystone Drive, Lebanon, PA 17042) for installation of a flexographic printing press controlled by the existing regenerative thermal oxidizer at their plant in South Lebanon Township, **Lebanon County**.

67-05014A: The York Group, Inc. (2880 Blackbridge Road, York, PA 17402) for installation of a regenerative thermal oxidizer to replace the catalytic oxidizer that is part of the system that controls VOC emissions from five spray paint booths at its wood casket manufacturing facility in Manchester Township, **York County**.

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

55-318-010: Steven R. Schreck d/b/a Schreck's Painting (P. O. Box 6, Mt. Pleasant Mills, PA 17853) for construction of a modular/mobile home parts surface coating operation in Perry Township, **Snyder County**.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

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

46-0234: Conshohocken Steel Products, Inc. (301 Randolph Avenue, Ambler, PA 19002) for installation of a spray booth and approval for manual brush painting, all of which entail the painting of dumpsters at their facility in Upper Dublin Township, **Montgomery County**. It is a non-Title V facility. The paint to be used in the spray booth shall be a low-VOC paint. PM resulting from overspray in the spray booth shall be reduced by 98.85% by the use of crisscross paper style paint arrestor filters

manufactured by Research Products Corporation (Model No. 3332). Manual brush painting will not result in emissions of PM. Other emissions are HAPs resulting from the spray paints. Total emissions will not exceed 20 tpy for VOCs. HAP emissions will be less than 9 tpy. PM emissions will be less than 1 tpy. The Plan Approval and Operating Permit will contain recordkeeping and operating restrictions designed to keep the facility operating within these emission rates and all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; James Parette, New Source Review Chief, (570) 826-2531.

54-313-073D: Air Products and Chemicals, Inc. (357 Marian Avenue, Tamaqua, PA 18252) for increase in production rates from their nitrogen trifluoride (NF₃) plant at their Hometown facility in Rush Township, **Schuylkill County**. The increase in production rates will increase the facilities NF₃ emissions from 27.8 tpy to 75 tpy. Emissions will be controlled by the use of their existing scrubbers. The Department will place a condition for the facility to monitor the temperature and scrubber concentrations of KOH. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

45-302-073: Aventis Pasteur, Inc. (Discovery Drive, Swiftwater, PA 18370) for installation and operation of three Johnston boilers at their facility in Pocono Township, **Monroe County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department intends to issue Plan Approval No. 45-302-073 for their facility in Pocono Township, Monroe County. This plan approval will be incorporated into the Title V Operating Permit No. 45-00005 through an administrative amendment at a later date. The action will be published as a notice in the *Pennsylvania Bulletin*.

Plan Approval No. 45-302-073 is for the installation and operation of three Johnston boilers. The designed rated heat input to each boiler will be 30.98 mmBtu/hr for no. 2 oil and 32.3 mmBtu/hr for natural gas. Each boiler will fire no. 2 fuel oil as a primary fuel and natural gas as a backup using a forced draft low NOx burner with flue gas recirculation. Additionally, the company has proposed to obtain a Plantwide Applicability Limit (PAL) in accordance with 40 CFR 51.21 and a Federally Enforceable Emission Cap (FEEC) for the criteria pollutants from the facility.

To show compliance with the applicable standards, the Department will place the following conditions in the Plan Approval:

Restriction

1. The sources are to be constructed in accordance with the plans submitted with the application (as approved herein).

2. Nothing in this permit shall be construed to supersede, amend or authorize violation of the provisions of any valid and applicable local law, ordinance or regulation, provided that said local law, ordinance or regulation is not preempted by the Air Pollution Control Act.

3. The permittee shall comply with the Air Pollution Control Act and 25 Pa. Code Article III.

4. This Plan Approval authorizes temporary operation of the sources covered by this Plan Approval provided the following conditions are met.

(a) The Department must receive written notice from the owner/operator of the completion of construction and the operator's intent to commence operation at least 5 working days prior to the completion of construction. The notice should state when construction will be completed and when operator expects to commence operation.

(b) Operation is authorized only to facilitate the start-up and shakedown of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit or to permit the evaluation of the sources for compliance with all applicable regulations and requirements.

(c) This condition authorizes temporary operation of the sources for 180 days from the date of commencement of operation, provided the Department receives notice from the owner/operator under subpart (a).

(d) The owner/operator may request an extension if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of this period of temporary operation and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance and the reason's compliance has not been established.

(e) The notice submitted by the owner/operator under subpart (a) prior to the expiration of this Plan Approval shall modify the plan approval expiration date. The new plan approval expiration date shall be 180 days from the date of the written notice.

5. Under the best available technology provision of 25 Pa. Code §§ 127.1 and 127.12(a)(5), each of the three new boilers is subject to the following air contaminant emission limitations.

<i>Pollutant</i>	<i>Fuel</i>	
	<i>Natural Gas</i>	<i>No. 2 Fuel Oil</i>
NOx	30 ppmdv at 3% O ₂ 1.14 lb/hr.	90 ppmdv at 3% O ₂ 3.58 lb/hr.
CO	100 ppmdv at 3% O ₂ 2.32 lb/hr.	100 ppmdv at 3% O ₂ 2.42 lb/hr.

6. The sulfur content of no. 2 fuel oil shall not exceed 0.5% by weight at any time under the limitations of 25 Pa. Code § 123.22(a)(2).

7. The sulfur content of no. 6 fuel oil (used at the facility for other boilers) shall not exceed 0.5% by weight at any time.

8. Under 25 Pa. Code § 123.11, PM emissions from each new boiler shall not be in excess of 0.4 pound per million Btu of heat input.

9. The company shall monitor sulfur content in no. 2 fuel oil by certification from the fuel supplier for each shipment prior to any amount of fuel oil being combusted. The certification required by this condition may be based on sampling by the fuel supplier of the oil placed in storage in the tank or tanks from which the fuel supplier draws oil for shipment to the company.

10. The company shall monitor the sulfur content in no. 6 fuel oil by certification from the fuel supplier for each shipment prior to any amount of fuel oil being combusted. The certification required by this condition may be based on sampling by the fuel supplier of the oil placed in storage in the tank or tanks from which the fuel supplier draws oil for shipment to the company.

11. Under 25 Pa. Code § 123.41 and New Source Performance Standards—Subpart Dc, the visible air contaminant from the boilers shall not be emitted in a manner that the opacity of the emissions is equal to or greater than 20% for a period or periods aggregating more than 3 minutes in any 1 hour or equal to or greater than 60% at any time.

12. PALs and the FEEC are established for all sources at the facility, including, but not limited to the following:

<i>Emission Source</i>	<i>AIMS Source ID No.</i>
Boiler No. 1—20.98 mmBtu/hr	031
Boiler No. 2—20.98 mmBtu/hr	032
Boiler No. 3—29.52 mmBtu/hr	036
Boiler No. 4—14.65 mmBtu/hr	037
Boiler No. 5—14.65 mmBtu/hr	038
Boiler No. 6—30.98 mmBtu/hr	Proposed
Boiler No. 7—30.98 mmBtu/hr	Proposed
Boiler No. 8—30.98 mmBtu/hr	Proposed
Propane Boiler—1.2 mmBtu/hr	034
Twelve emergency generators	103
Two no. 2 oil fired space heaters	035
Thermal oxidizer	104
Three propane fired space heaters	Misc.

13. Under 40 CFR 52.21(aa), the following PAL is established for emissions of pollutants from all sources at the facility.

<i>Pollutant</i>	<i>PAL Emission Limitation TPY (12-month rolling sum)</i>
PM10	74.22
SOx	148.52
NOx	129.57
CO	112.46
TSP	81.31
H ₂ SO ₄	16.86

The facility is not subject to the prevention of significant deterioration (PSD) requirements in 25 Pa. Code Chapter 127, Subchapter D so long as the permittee complies with the previous emission limitations from the facility and conditions for the PAL specified in this Plan Approval. Any increase in the emissions above this PAL will subject the facility to the PSD requirements. The facility must comply with requirements listed in 40 CFR 52.21(aa).

14. This Plan Approval establishes an FEEC for emissions of NOx from all sources at the facility in accordance with 25 Pa. Code § 127.448.

15. The total actual emissions from sources at the facility shall not exceed the FEEC of 81.2 tpy of NOx on a 12-month rolling sum. Any change that would result in an increase over the FEEC would be subject to the NSR requirements specified in 25 Pa. Code Chapter 127, Subchapter E.

16. The company shall show that the sum of the monthly emissions from each source including emissions from start-up, shutdowns and malfunctions under the PAL and FEEC for the previous 12 consecutive months is less than the PAL or FEEC (a 12-month sum, rolled monthly) respectively. To determine the compliance with the PAL or FEEC, the calculated pollutants emissions for the month shall be added to the previous 11 months calculated pollutant s emissions for the total facility.

17. The facility is not subject to the major NSR requirements in 25 Pa. Code Chapter 127, Subchapter E for NOx emissions so long as the permittee complies with the terms and conditions specified for the FEEC in this

Plan Approval. Any increase in NO_x emissions above this FEEC will subject the facility to the major NSR requirements.

18. The issuance of this Plan Approval does not prevent the future adoption by the Department of any rules, regulations or standards, or the issuance of orders necessary to comply with the requirements of the Federal Clean Air Act or the Air Pollution Control Act or to achieve or maintain ambient air quality standards. The issuance of this Plan Approval shall not be construed to limit the Department's enforcement authority.

19. In accordance with 25 Pa. Code § 127.448(a) and (d)(1), the permittee shall notify the Department in writing at least 7 days prior to making any changes or modifications to sources at the facility, which result in an emission trade. This 7-day notice requirement applies to any changes or modifications not subject the facility to major NSR requirements under Title I of the Federal Clean Air Act. In addition to the written notification requirements in 25 Pa. Code § 127.448(b), the notice shall also indicate how the proposed emission increases and decreases will comply with the terms and conditions in the plan approval.

20. The permittee may not construct or modify a new source at the facility unless the "new source," as defined in 25 Pa. Code § 121.1, meets the best available technology requirements established by the Department under section 6.6(c) of the Air Pollution Control Act and 25 Pa. Code § 127.11.

21. As long as the total potential VOC emissions from all VOC-emitting sources at the facility do not exceed 49.9 tons per calendar year, the facility will not be a major VOC emitting facility as defined by 25 Pa. Code § 121.1 and will not be subject to 25 Pa. Code § 127.201(c). If total potential VOC emissions exceed 49.9 tpy, applicability of nonattainment new source review for any subsequent modification or new source will be evaluated according to 25 Pa. Code § 127.203(b)(1)(ii).

22. At no time (during or after the PAL and FEEC effective period) are emissions reductions of a PAL and FEEC pollutant, which occur during the PAL and FEEC effective period, creditable as decreases for purposes of offsets unless the level of the PAL and FEEC are reduced by the amount of emissions reductions and the reductions would be creditable in the absence of the PAL and FEEC.

Testing Requirements

23. If at any time the Department has cause to believe that air contaminant emissions from the aforementioned sources may be in excess of the limitations specified in, or established under, any applicable regulation in 25 Pa. Code Article III, the company shall be required to conduct whatever tests are deemed necessary by the Department to determine the actual emission rates. Testing shall be conducted in accordance with the revisions of 25 Pa. Code Chapter 139, where applicable, and in accordance with any restrictions or limitations established by the Department at the time as it notifies the company that testing is required.

Monitoring and Recordkeeping Requirements

24. The company shall install and maintain the necessary meters to determine and to record amount of fuel usage.

25. The company shall maintain a file containing all records and other data that are required to be collected under the various provisions of this plan approval. The file shall include, but not be limited to, all air pollution

control systems performance evaluations and records of calibration checks, adjustments and maintenance performed on all equipment which is subject to this plan approval. All measurements, records and other data required to be maintained by the company, including a determination of each emissions unit 12-month rolling total emissions and other records required by 40 CFR 52.21(aa)(13) shall be retained for at least 5 years following the date on which measurements, records or data are recorded.

26. The company shall comply with the recordkeeping and certification requirements in accordance with 40 CFR 60.46c(e), 60.42c(h) and 60.48c(f)(1). Reports shall be submitted on a quarterly basis unless no excess emissions occurred. If there are no excess emissions, the company shall semiannually report that no excess emissions occurred during the semiannual reporting period.

27. The company shall maintain daily records for all boilers with heat inputs of 10 mmBtu/hr or greater indicating the fuel type, average hourly firing rate and total quantity used in accordance with 40 CFR 60.48c(g). Records shall be kept for the fuel firing rates of the combustion units on a monthly basis to determine SO₂ emissions in accordance with 40 CFR 60.48c(d).

28. The company shall maintain an emission tracking system to document compliance with the PAL and FEEC for the facility, as specified in Conditions 13 and 15 of this Plan Approval. The tracking system shall record on a monthly basis fuel usage, emission rates and total monthly emissions for the pollutants from all the sources at the facility. Compliance with the PAL and FEEC shall be determined through the use of total monthly fuel usage from the fuel meter readings, EPA emission factors and/or use of emission limitations as specified in this Plan Approval for NO_x and CO emissions.

29. The company shall maintain adequate records of changes made to the sources at the facility under this Plan Approval so as to ensure proper recordkeeping and reporting and shall update the facility emitting source list at the time of permit renewal.

Reporting Requirements

30. The company must record and report maximum potential emissions without considering enforceable emission limitations or operational restrictions for an emissions unit during any period of time that there is no monitoring data, unless another method for determining emissions during the periods is specified in this permit.

31. The company shall report unauthorized, accidental or emergency releases of air pollutants; malfunctions of equipment, the maintenance of which is necessary to meet Plan Approval requirements or emission limitations; instances of exceeding permit terms or conditions or regulatory requirements found during routine plant maintenance, whether or not the Department is aware of the situation; instances of exceeding permit terms or conditions or regulatory requirements recorded by continuous monitoring equipment; or other departures from the requirements of the act, regulations adopted under the act, terms or conditions of operating permits or plan approvals or Department orders within 1 hour of having knowledge of the occurrence of an event. The reporting of an event shall include the probable cause of the events and corrective actions or preventive measures taken to address the events. A written report describing the event and the preventative or corrective actions taken to address the event shall be submitted to the Department within 5 working days following the event. The Depart-

ment may take enforcement action for any violations of the applicable provisions of the Air Pollution Control Act, regulations adopted under the Air Pollution Control Act, terms or conditions of operating permits or plan approvals and Department orders. This reporting requirement in no way supercedes or eliminates any other applicable Federal or State reporting requirements.

32. Any changes in the location of the aforementioned source or any changes in the process or control equipment would be considered a modification and would require the submittal of an amended application for plan approval in accordance with 25 Pa. Code §§ 127.11 and 127.12.

33. The company shall submit semiannual report to the Department within 30 days of the end of each reporting period. This report shall contain the following:

A. The identification of owner and operator and the permit number.

B. Total annual emissions (tons/year) based on a 12-month rolling sum for each month in the reporting period.

C. All data relied upon, including, but not limited to, any Quality Assurance or Quality Control data in calculating the monthly and annual PAL pollutant emissions.

D. A list of any emissions units modified or added to the major stationary source during the preceding 6-month period.

E. The number, duration and cause of any deviations or monitoring malfunctions (other than the time associated with zero and span calibration checks) and any corrective action taken.

F. A notification of a shutdown of any monitoring system, whether the shutdown was permanent or temporary, the reason for the shutdown, the anticipated date that the monitoring system will be fully operational or replaced with another monitoring system and whether the emissions unit monitored by the monitoring system continued to operate and the calculation of the emissions of the pollutant.

G. A signed statement by the responsible official (as defined by the applicable Title V operating permit) certifying the truth, accuracy and completeness of the information provided in the report.

34. Any deviation shall be reported as per 40 CFR 52.21(14)(ii).

35. Under 40 CFR 52.21(14)(iii) the company shall submit to the Department the results of any revalidation test or method within 3 months after completion of a test or method.

36. These new boilers are subject to Subpart Dc of the Standards of Performance for New Stationary Sources and shall comply with all applicable requirements of this subpart. 40 CFR 60.4 requires submission of copies of all requests, reports, applications, submittals and other communications to both the EPA and the Department. The EPA copies shall be forwarded to Director; Air Protection Division; US EPA, Region III; 1650 Arch Street; Philadelphia, PA 19103.

37. Notification as a result of any condition herein should be directed to Thomas A. DiLazaro, Air Quality Program Manager, Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Work Practice Standard

38. The aforementioned sources may only be operated as long as the associated air pollution control devices are operated and maintained in accordance with the specifica-

tions set forth in the respective plan approvals and the applications submitted for said plan approvals (as approved by the Department) and in accordance with any conditions set forth herein.

39. The company shall perform an annual adjustment and/or tune-up on the combustion process as per manufacturer specifications.

40. The company shall maintain and operates boilers in accordance with the manufacturer specification and with good engineering practice.

Additional Requirements

41. The company shall not impose conditions upon or otherwise restrict the Department's access to the aforementioned sources and/or any associated air cleaning devices and shall allow the Department to have access at any time to said sources and associated air cleaning devices with measuring and recording equipment, including equipment recording visual observations, as the Department deems necessary and proper for performing its duties and for the effective enforcement of the Air Pollution Control Act.

42. PAL is effective from the date of issuance of this plan approval and expires after 10 years from the date of issuance of this approval. The company shall submit an application to renew the PAL at least 6 month prior to, but not earlier than 18 months from, the date of expiration of the PAL. If the renewal application is submitted within this time period, then the PAL shall not expire at the end of the PAL effective period. It shall remain in effect until the Department issues a revised PAL permit. The renewal application shall be submitted in accordance with the requirement of 40 CFR 52.21(aa)(10).

43. During the effective period, the Department may reopen the permit to:

(1) Correct typographical/calculation errors made in setting the PAL and FEEC or reflect a more accurate determination of emissions used to establish the PAL and FEEC.

(2) Reduce the PAL and FEEC if the owner or operator of the major stationary source creates creditable emissions reductions for use as offsets.

(3) Revise the PAL and FEEC to reflect an increase in the PAL and FEEC.

(4) Reduce the PAL and FEEC to reflect newly applicable Federal requirements with compliance dates after the PAL and FEEC effective date.

(5) Reduce the PAL and FEEC consistent with any other requirement that is enforceable as a practical matter and that the Department may impose on the major stationary source.

(6) Reduce the PAL and FEEC if the Department determines that a reduction is necessary to avoid causing or contributing to a NAAQS or PSD increment violation, or to an adverse impact on an air quality related value that has been identified for a Federal Class I area by a Federal Land Manager and for which information is available to the general public.

Except for the permit reopening for the correction of typographical/calculation errors, all other reopening shall be carried out in accordance with the public participation requirements of 40 CFR 52.21(aa)(5).

44. If the PAL expires and is not renewed, the company shall submit an application to comply with the requirement listed in 40 CFR 52.21(aa)(9) to the Department for review and approval.

45. To increase the PAL during effective period, the company shall submit an application to comply with the requirement listed in 40 CFR 52.21(aa)(11) to the Department for review and approval.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Persons wishing to provide the Department with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the previous address. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of proposed Permit No. 45-302-073 and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the comments received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a newspaper or the *Pennsylvania Bulletin* or by telephone, where the Department determines notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Mark J. Wejksznar, P.E., Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, (570) 826-2511 within 30 days after publication date.

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

22-05039A: Dura-Bond LLC (2716 South Front Street, Steelton, PA 17133) to restart their existing pipe coating facility and expand their existing facility to include the former Bethlehem Steel pipe fabricating operation and a new steel shapes fabrication operation in Steelton Borough, **Dauphin County**. The facility's emissions will be controlled through the use of baghouses. This facility's emissions will be approximately 6 tpy of NO_x and PM, 2 tpy of VOC and small amounts of chromium, manganese and nickel from the welding operations. This plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

34-05005A: Valley Proteins, Inc. (402 Cleck Road, Mifflintown, PA 17059) to add rendering operations to their existing facility in Fermanaugh Township, **Juniata County**. This rendering facility will be controlled through the use of boiler incineration and scrubbers. This facility's emissions will not exceed 250 tpy of SO₂, 78 tpy NO_x and less than 1 tpy of VOC and PM. This plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

67-05092D: Starbucks Coffee Co. (3000 Espresso Way, York, PA 17402) for construction of a batch coffee roaster and associated cooling tray controlled by a catalytic oxidizer and cyclone, respectively, at their York Roasting Plant in East Manchester Township, **York County**. The facility has the following annual potential emissions: 11.2 tons NO_x, 2.7 tons CO, 2.0 tons PM₁₀, 0.9 ton VOC and 0.1 ton acetaldehyde. The plan approval and subsequent State-only operating permit will include emission restrictions, work practice standards and testing,

monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Devendra Verma, New Source Review Chief, (814) 332-6940.

62-171A: Meridien Hardwoods of PA, Inc. (Old Pittsfield Road, Pittsfield, PA 16340) for installation of a waste fuel burner on an existing natural gas fired boiler in Pittsfield Township, **Warren County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department intends to issue a plan approval to install a waste fuel burner on an existing natural gas fired boiler in Pittsfield Township, Warren County. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State-only operating permit through an administrative amendment at a later date.

Issuance of the plan approval is recommended with the appropriate conditions in the plan approval:

1. This source is subject to 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor and visible emissions, respectively.

2. Visible air contaminants shall not be emitted in a manner that the opacity of the emissions is equal to or greater than 10% for a period or periods aggregating more than 3 minutes in any 1 hour; or equal to or greater than 30% at any time.

3. The facility shall be permitted to use waste fuel oil to fire the boiler.

4. The particulate emissions shall not exceed 0.4 no./mmBtu heat input. The maximum heat input of the boiler shall not exceed 6.55 mmBtu/hr.

5. A continuous recorder showing hours of operation shall be installed on the boiler. The records shall be kept on file for 5 years and shall be made available to the Department personnel upon request.

6. The amount of waste fuel oil shall be recorded and the records shall be kept on file for 5 years and shall be made available to the Department personnel upon request.

7. The maximum sulfur content of waste fuel oil shall be 0.4% by weight.

8. The company shall not accept shipment of waste fuel oil without an analysis. This analysis shall meet the specifications listed in the following chart. This documentation must be kept on file for 5 years and shall be made available to the Department personnel upon request.

9. The company shall collect and analyze a grab sample of waste fuel oil once a month. This analysis shall meet the specifications listed in the following chart. This documentation must be kept on file for 5 years and shall be made available to the Department personnel upon request. The Company may request in writing to the Department, a waiver of collecting and analyzing a grab sample of waste fuel oil once a month, after a period of 1 year. The Department in its sole discretion may grant a waiver on a case by case basis.

10. An inspection/maintenance log for the boiler shall be maintained onsite. The log shall contain all records of maintenance, as suggested by the manufacturer. The log shall be kept on file for at least 5 years and made available to Department personnel upon request.

Specifications for Waste Fuel Oil

API Gravity 60°F	20-35
Sulfur	0.3%
Btu per gallon	130,000 min.
Flashpoint	>140°F
Total halogens (TX)	
Organic and inorganic	<1,000 ppm
Lead	<65 ppm
Arsenic	<5 ppm
Cadmium	<2 ppm
Chromium	<10 ppm
PCBs	<2 ppm

All products will meet State and Federal standards for on-specification fuel. The previously listed parameters shall be analyzed using SW846 test methods or ASTM test methods approved by the Department.

OPERATING PERMITS**Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

09-00140: Pennridge High School (1228 North Fifth Street, Perkasio, PA 18944) in Perkasio Borough, **Bucks County**. The permit is for a non-Title V (State-only-Natural Minor) facility. The facility's sources include six boilers and an emergency generator. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

21-03006B: Nestle Purina PetCare (6509 Brandy Lane, Mechanicsburg, PA 17050) for operation of a pet food processing facility in Hampden Township, **Cumberland County**. Actual emissions from this facility are expected to be 14 tons/yr. of PM₁₀, 11 tons/yr of NO_x and 9 tons/yr of CO. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

41-00042: Eastern Wood Products (P. O. Box 1056, Williamsport, PA 17703) for operation of their plant in Old Lycoming Township, **Lycoming County**. The facility's main sources include one wood-fired boiler, one natural gas-fired boiler, woodworking operations, two storage tanks and eight dry wood kilns. The facility has the potential to emit SO_x, NO_x, CO, PM (PM₁₀), VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

47-00004: Cabinet Industries, Inc. (P. O. Box 259, Danville, PA 17821) for operation of their plant in Danville Borough, **Montour County**. The facility's main sources include 12 surface coating booths, 1 print line and panel coating operation, 1 dip tank, wood furniture wiping and touch-up operations, woodworking operations and 31 combustion units. The facility has the potential to

emit major quantities of VOCs and HAPs. The facility has taken synthetic minor restrictions to limit its VOCs and HAPs emissions below the major emission thresholds. The facility has the potential to emit SO_x, NO_x, CO and PM (PM₁₀) below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

17-00031: AMFIRE Mining Co., LLC (One Energy Place, Latrobe, PA 15650) for operation of their coal processing facility in Lawrence Township, **Clearfield County**. The facility's main sources include a coal processing operation and unpaved site haul roads. These sources have the potential to emit PM (PM₁₀) below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

08-00013: Tioga Point Crematory (P. O. Box 575, Newark Valley, PA 13811) for operation of two crematory incinerators in Athens Borough, **Bradford County**. The facility's main sources include two crematory incinerators. The facility has the potential to emit SO_x, CO, NO_x, PM₁₀, VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

41-00047: Wildwood Cemetery Co. (1151 Cemetery Street, Williamsport, PA 17701) for operation of two crematory incinerators in Loysock Township, **Lycoming County**. The facility's main sources include two crematory incinerators. The facility has the potential to emit SO_x, CO, NO_x, PM₁₀, VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

49-00015: International Paper Co. (P. O. Box 407, Mount Carmel, PA 17851) for operation of their Mount Carmel Container Plant in Mount Carmel Township, **Northumberland County**. The facility's main sources include two natural gas fired boilers, six natural gas fired space heaters, four flexographic printing presses, four die cutters, folding and gluing operations, process water treatment operations, one starch storage silo and one corrugator. The facility has the potential to emit SO_x, NO_x, CO, PM (PM₁₀), VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

41-00033: Williamsport Hospital (777 Rural Avenue, Williamsport, PA 17701) for operation of their general medical hospital facility in City of Williamsport, **Lycoming County**. The facility's main sources include five natural gas/no. 2 fuel oil fired boilers, four natural gas fired emergency generators and four no. 2 fuel oil fired emergency generators. The facility has taken restrictions to limit potential NO_x and SO_x emissions below Title V thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated before an application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

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

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 identified in this notice for the respective coal and noncoal applications. 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 who 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 the person 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 wishes to have the conference conducted in the locality of the proposed mining activities.

Coal Applications Received

Effluent Limits—The following coal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

*The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: (1) surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas, active areas disturbed by coal refuse disposal activities and mined areas backfilled and revegetated; and (2) drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

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

54830104R4. Hardway Coal Company (44 Keystoker Lane, Schuylkill Haven, PA 17972), renewal of an existing anthracite surface mine operation in Cass Township, **Schuylkill County**, affecting 54.4 acres. Receiving streams: none. Application received December 30, 2003.

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

32020106 and NPDES Permit No. PA0249271. Britt Energies, Inc. (2450 Philadelphia Street, Indiana, PA 15701), permit revision for a stream variance within 100 feet of UNT no. 2 to Tearing Run in Center Township, **Indiana County**, affecting 274.1 acres. Receiving streams: unnamed tributary to Yellow Creek (CWF), unnamed tributaries to Tearing Run (CWF). There are no

potable water supply intakes within 10 miles downstream. Application received December 19, 2003.

32970112 and NPDES Permit No. PA0234605. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), transfer from Mears Enterprises, Inc. for continued operation of a bituminous surface and auger mine in Green Township, **Indiana County**, affecting 103.3 acres. Receiving streams: Buck Run, Dixon Run (CWF). The first downstream potable water supply intake from the point of discharge is Pennsylvania American Water Company Two Lick Creek Surface Water Intake. Application received December 17, 2003.

32000103 and NPDES Permit No. PA0235300. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), permit transfer from S & M Mining, Inc. for continued operation of a bituminous surface and auger mine in Cherryhill Township, **Indiana County**, affecting 64.0 acres. Receiving streams: unnamed tributaries of Allen Run and Penn Run and Allen Run (CWF). The first downstream potable water supply intake from the point of discharge is Pennsylvania American Water Company Two Lick Creek Surface Water Intake. Application received December 17, 2003.

32970104 and NPDES Permit No. PA0234401. AMFIRE Mining Company, LLC (One Energy Place,

Latrobe, PA 15650), permit transfer from Mears Enterprises, Inc. for continued operation of a bituminous surface and auger mine in Grant Township, **Indiana County**, affecting 87.2 acres. Receiving streams: unnamed tributaries of Little Mahoning Creek to Little Mahoning Creek (HQ-CWF). There are no potable water supply intakes within 10 miles downstream. Application received December 17, 2003.

32980110 and NPDES Permit No. PA0234869. Opal Industries, Inc. (P. O. Box 980, Latrobe, PA 15650), permit renewal for continued operation of a bituminous surface mine in Conemaugh Township, **Indiana County**, affecting 297.0 acres. Receiving streams: unnamed tributaries to/and Sulphur Run, unnamed tributaries to/and Blacklegs Creek and unnamed tributaries to/and Kiskimintas River (CWF; WWF). There are no potable water supply intakes within 10 miles downstream. Application received December 23, 2003.

56823066 and NPDES Permit No. PA0608611. Action Mining, Inc. (1117 Shaw Mines Road, Meyersdale, PA 15552), permit renewal for reclamation only and for continued restoration of a bituminous surface and auger mine in Elk Lick Township, **Somerset County**, affecting 224.5 acres. Receiving streams: unnamed tributaries to Elk Lick Creek and unnamed tributaries to the Casselman River (CWF). There are no potable water supply intakes within 10 miles downstream. Application received December 22, 2003.

32813031 and NPDES Permit No. PA0125547. Keystone Coal Mining Corporation (P. O. Box 219, Shelocta, PA 15774), permit renewal for reclamation only and for continued restoration of a bituminous surface and auger mine in Center Township, **Indiana County**, affecting 924.1 acres. Receiving streams: Tearing Run and unnamed tributary to Tearing Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received December 23, 2003.

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

63990101 and NPDES Permit No. PA0202452. Robinson Coal Company (200 Neville Road, Neville Island, PA 15225). Renewal application for reclamation only of an existing bituminous surface mine in Robinson Township, **Washington County**, affecting 54 acres. Receiving streams: unnamed tributary to Robinson Run

(WWF). There is no potable water supply intake within 10 miles from the point of discharge. Renewal application received January 2, 2004.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.

17030117 and NPDES Permit No. PA0243639. Forcey Coal, Inc. (P. O. Box 225, Madera, PA 16661). Commencement, operation and restoration of a bituminous surface mine-auger permit in Bigler Township, **Clearfield County**, affecting 266 acres. Receiving streams: Clearfield Creek and Banion Run (CWF). The first downstream potable water supply intake from the point of discharge is: none. Application received November 19, 2003.

17030118 and NPDES Permit No. PA0243647. River Hill Coal Co., Inc. (P. O. Box 141, Kylertown, PA 16847). Commencement, operation and restoration of a bituminous surface mine-auger permit in Bigler Township, **Clearfield County**, affecting 75.4 acres. Receiving streams: unnamed tributary to Clearfield Creek (CWF). Application received December 11, 2003.

17030119 and NPDES Permit No. PA0243655. AMFIRE Mining Co., LLC (One Energy Place, Latrobe, PA 15650). Commencement, operation and restoration of a bituminous surface mine permit in Bloom Township, **Clearfield County**, affecting 75.5 acres. Receiving streams: unnamed tributaries to Little Anderson Creek to Little Anderson Creek, to Anderson Creek, to West Branch Susquehanna River (CWF). The first downstream potable water supply intake from the point of discharge is: none. Application received December 19, 2003.

17030120 and NPDES Permit No. PA0243663. Sky Haven Coal, Inc. (R. D. 1, Box 180, Penfield, PA 15849). Commencement, operation and restoration of a bituminous surface mine permit in Beccaria Township, **Clearfield County**, affecting 79.4 acres. Receiving streams: Banion Run (CWF). The first potable water supply intake from the point of discharge is: none within 10 miles. Application received December 22, 2003.

Noncoal Applications Received

Effluent Limits—The following noncoal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	

*The parameter is applicable at all times.

A settleable solids instantaneous maximum of 0.5 ml/l applied to surface runoff resulting from a precipitation event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

01870301T3 and NPDES Permit No. PA0593931. Vulcan Construction Materials, LP (P. O. Box 4239, Winston-Salem, NC 27115), transfer of quarry operation from Vulcan Construction Materials, LLC in Berwick,

Conewago and Oxford Townships, **Adams County**, affecting 1292.7 acres. Receiving streams: North Creek and Slagle Run. Application received December 15, 2003.

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

37930303. Rose Point Sand and Gravel Company (P. O. Box 5182, New Castle, PA 16101). Renewal of NPDES Permit No. PA0211656, Slippery Rock and Muddy Creek Townships, **Lawrence and Butler Counties**. Receiving streams: unnamed tributary to Muddy Creek, Muddy Creek (WWF); to Slippery Rock Creek (CWF).

There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received December 24, 2003.

10030302 and NPDES Permit No. PA0242462. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201). Commencement, operation and restoration of a limestone, sandstone and shale operation in Brady Township, **Butler County**, affecting 363.4 acres. Receiving streams: unnamed tributary to Big Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application received December 24, 2003.

1270-10030302-E-1. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201). Application for a stream encroachment to conduct mining activities within 100 feet of the unnamed tributary to Big Run and to upgrade one existing stream crossing in Brady Township, **Butler County**. Receiving streams: unnamed tributary to Big Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application received December 24, 2003.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.

14032801. Two Rock Stone Company (P. O. Box 238, Julian, PA 16844). Commencement, operation and restoration of a Small Industrial Minerals (sandstone) permit in Howard Township, **Centre County**, affecting 7 acres. Receiving streams: Bald Eagle Creek, tributary to West Branch Susquehanna River. Application received October 30, 2003.

08030810. Jeffrey K. Sechrist (R. D. 1, Box 46, Canton, PA 17724). Commencement, operation and restoration of a Small Industrial Minerals (gravel and sand) permit in Canton Township, **Bradford County**, affecting 5 acres. Receiving streams: Towanda Creek, tributary to Susquehanna River. Application received October 30, 2003.

14030803. Richard B. Taylor (2452 S. Eagle Valley Road, Julian, PA 16844). Commencement, operation and restoration of a Small Industrial Minerals (shale) permit in Union Township, **Centre County**, affecting 1 acre. Receiving streams: none. Application received December 9, 2003.

08030811. Cecil Johnson, Jr. (R. R. 4, Box 4158, Wyalusing, PA 18853). Commencement, operation and restoration of a Small Industrial Minerals (shale) permit in Asylum Township, **Bradford County**, affecting 5 acres. Receiving streams: Bennetts Creek, tributary to Susquehanna River. Application received December 9, 2003.

08030812. Clifford C. Davis, Jr. (14 Newland Drive, Troy, PA 16947). Commencement, operation and restoration of a Small Industrial Minerals (sand and gravel) permit in Troy Township, **Bradford County**, affecting 1 acre. Receiving streams: unnamed tributary, tributary to Fall Brook. Application received December 18, 2003.

PROJECTS UNDER THE ENVIRONMENTAL GOOD SAMARITAN ACT

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

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

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

Written comments or objections may be submitted by any person or any office or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication.

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

Project Proposals Issued

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

EGS No. 56006. Wells Creek Watershed Association (1019 Pompey Hill Road, Stoystown, PA 15563). A water pollution abatement project to construct a passive abandoned mine drainage treatment system on 0.2 acre of the Robert Mary Buterbaugh property and on 10.5 acres of the Ralph W. and David R. Moore property 1 mile northeast of Listie on the east side of T-575 near the intersection of T-575 and T-610 in Somerset Township, **Somerset County**. Wells Creek is the receiving stream for this Adams Station No. 7 Project proposal. Project received October 2, 2003. Project issued December 23, 2003.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) 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. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as 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. Individuals 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 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 a 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 FWPCA (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E45-458. Michael F. and Grace E. Covey, 4 Hickory Lane, Chalfont, PA 18914-2013 in Stroud Township, **Monroe County**, U. S. Army Corps of Engineers, Philadelphia District.

To place fill a de minimis area of PFO wetlands equal to 0.05 acre for the purpose of constructing a driveway to provide access to a proposed single-family dwelling. The project is on the south side of Township Road T-383 (Poplar Valley Road), approximately 0.5 mile east of SR 0191 (Stroudsburg, PA-NJ Quadrangle N: 13.4 inches; W: 9.4 inches).

E52-191. PPL Electric Utilities Corporation, Two North Ninth Street, Allentown, PA 18101-1179 in Greene Township, **Pike County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a stone access road across PSS Wetlands (impacting approximately 0.08 acre, or approximately 250 lf) in the drainage basin of Walenpaupack Creek, for the purpose of maintaining an existing overhead electric line known as the Blooming Grove Jackson 138 KV Line. The applicant proposes to utilize the Pennsylvania Wetland Replacement Project instead of replacing wetlands onsite. The project is along the east side of T389 (Beaver Dam Road), approximately 0.5 mile south of SR 0084 (Newfoundland, PA Quadrangle N: 16.1 inches; W: 5.8 inches).

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

E21-361: Cumberland-Franklin Joint Municipal Authority, 715 Municipal Drive, Shippensburg, PA 17257 in Shippensburg Township, **Cumberland County**, ACOE Baltimore District.

To install and maintain a 10-inch diameter PVC gravity sanitary sewer line with Reno Mattress gabions for scour protection across Burd Run (CWF), for the purpose of connecting the existing sewer main in Shippensburg Mobile Estates to the trunk line on the west side of Burd Run to discontinue use of the aging sewage pumping station (9A). The site is approximately 500 feet upstream of the US Route 11 bridge (Shippensburg, PA Quadrangle N: 10.8 inches; W: 1.3 inches) in Shippensburg Township, Cumberland County.

E01-245: Ski Liberty Operating Corp., P. O. Box 703, 78 Country Club Trail, Fairfield, PA 17320 in Carroll Valley Borough, **Adams County**, ACOE Baltimore District.

To maintain a 7-foot wide by 28-foot long wooden footbridge over an unnamed tributary to Tom's Creek

(CWF) along Sanders Road (Iron Springs, PA Quadrangle N: 2.75 inches; W: 0.5 inch) in Carroll Valley Borough, Adams County.

E50-221: Department of Transportation, District 8-0, 2140 Herr Street, Harrisburg, PA 17103 in Tuscarora Township, **Perry County**, ACOE Baltimore District.

To remove the existing bridge and then to construct and maintain a single-span bridge of 71.5 feet with an underclearance of 22.3 feet across Raccoon Creek (CWF) on SR 4006, Section 003, Segment 0200, Offset 0000 (Sugar Run Road) about 0.5 mile south of Millerstown Borough (Millerstown, PA Quadrangle N: 7.8 inches; W: 4.35 inches) in Tuscarora Township, Perry County.

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

E08-411. Litchfield Township, R. R. 2, Box 269A, Athens, PA 18810. Bridge construction in Litchfield Township, **Bradford County**, ACOE Baltimore District (Litchfield, PA Quadrangle N: 22.3 inches; W: 11.5 inches).

To: (1) remove two 8-foot diameter steel pipes with concrete head and wingwalls; (2) to construct and maintain a single-span reinforced concrete box culvert to be built on a skew angle of 62 degrees with a clear span of 18 feet, an underclearance of approximately 7 feet with a waterway opening of approximately 126 square feet depressed 1 foot in the bottom of Park Creek (WWF) with concrete wingwalls; and (3) to construct a temporary 66-inch diameter by 120-foot long bypass pipe and berm to divert the stream around proposed construction activities. The project is on Park Hollow Road (T-901) at the Pennsylvania/New York border. The project will impact approximately 0.02 acre of palustrine emergent habitat wetlands while impacting approximately 88 feet of waterway and disturbing approximately 0.08 acre of earth.

E17-389. Department of Transportation, Engineering District 2-0, P. O. Box 342, Clearfield, PA 16830. SR 2027, Section A01 Bridge Replacement in Bradford Township, **Clearfield County**, ACOE Baltimore District (Wallacetown, PA Quadrangle N: 22.2 inches; W: 15.4 inches).

To remove an existing single-span bridge and construct, operate and maintain a precast concrete arch culvert to carry SR 2027, Section A01 across Roaring Run (CWF) to improve public highway safety. The precast concrete culvert shall be constructed with a minimum span of 24 feet, rise of 10 feet and maximum length of 100 feet. The bridge construction project will not impact wetlands while impacting 250 feet or waterway that is along SR 2027 at the intersection with Bradford Township Road No. 313. This permit also authorizes the construction, operation, maintenance and removal of temporary construction causeways, stream diversions and cofferdams. All temporary structures shall be constructed with clean rock, free of fines and silts or other nonerodible material. Upon completion of the bridge construction, all temporary structures shall be completely removed from the channel and floodplain.

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

E02-1444. Chris Castagnari, 357 Goldsmith Road, Pittsburgh, PA 15237. USA Baby Land Development in Ross Township, **Allegheny County**, Pittsburgh ACOE District (Glenshaw, PA Quadrangle N: 2.3 inches; W: 17.1 inches—Latitude: 40° 30' 46"—Longitude: 79° 59' 53"). The applicant proposes to construct and maintain a

15,000 square foot building in the left bank floodway of Girty's Run (WWF) for approximately 250 feet. The building will be on the south side of Babcock Boulevard approximately 0.5 mile east of its intersection with McKnight Road. The total impact will be to fill in the floodway for approximately 250 feet.

E02-1445. Edward Swerdlow and Elliot Sanft, 7501 Penn Avenue, Pittsburgh, PA 15208. E & S Building Culvert and Outfall in Monroeville Borough, **Allegheny County**, Pittsburgh ACOE District (Murrysville, PA Quadrangle N: 13.9 inches; W: 14.4 inches—Latitude: 40° 27' 6"—Longitude: 79° 43' 43"). The applicant proposes to operate and maintain a 10-foot diameter CMP (depressed 1 foot) 80 feet long in Pierson Run (WWF), to construct and maintain a stormwater outfall to the same stream and to operate and maintain an 8-foot diameter CMP culvert 96 feet long in the same stream. The site is on the south side of Old Frankstown Road approximately 1,800 feet east of its intersection with Route 286 in Monroeville Borough, Allegheny County. An existing dual 3-foot diameter culvert was removed and the 10-foot diameter culvert was constructed under EP0203210. The total stream impacts are 176 feet of existing culvert.

E65-835. Manor Development Group II, 109 Gateway Avenue, Suite 202, Wexford, PA 15090. Sinan Farms Wetland Fill in the Municipality of Murrysville, **Westmoreland County**, Pittsburgh ACOE District (Murrysville, PA Quadrangle N: 14.1 inches; W: 2.13 inches—Latitude: 40° 27' 15"—Longitude: 79° 38' 33"). The applicant proposes to construct and maintain three stream enclosures under Parkview Court, Sinan Farms Drive and along a sports field, spillways from two off stream basins, fill, an outfall structure and culvert outlet aprons in several, unnamed watercourses within the Steel Run Watershed (HQ-CWF) for the purpose of constructing a 74-lot residential subdivision, referred to as the Sinan Farms Development. The project as proposed will affect approximately 1,107 feet of watercourse and 0.1 acre of wetland. Additional impacts to watercourses and wetlands will result from five utility line crossings and six temporary road crossings in unnamed tributaries to Steel Run (HQ-CWF). The project is at the intersection of Sinan and Evans Roads.

E65-836. Maronda Homes, Inc., 202 Park West Drive, Pittsburgh, PA 15275. Renaissance Heights Plan of Lots in Rostraver Township, **Westmoreland County**, Pittsburgh ACOE District (Donora, PA Quadrangle N: 10.9 inches; W: 5.7 inches—Latitude: 40° 11' 05"—Longitude: 79° 47' 30"). The applicant proposes to construct and maintain a 99.0-foot long, 54-inch CPP culvert in an unnamed tributary to Pollock Run (WWF) for the purpose of providing access to a proposed development. The project is off of Vernon Drive.

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

E16-125. Clarion County Economic Development Corporation, 338 Amsler Avenue, Suite One, Shippenville, PA 16254. Beaver Industrial Park in Beaver Township, **Clarion County**, ACOE Pittsburgh District (Knox, PA Quadrangle N: 14.7 inches; W: 5.6 inches).

The applicant proposes to develop a 77-acre parcel into five lots for future industrial development approximately 1.5 miles northeast of the intersection of Interstate 80 and SR 338. Proposed lot development includes clearing and grubbing, water, gas, sewer and electric utility line installation and improvements to the existing township

road involving: (1) to fill 0.30 acre of PEM and PSS wetland and 0.39 acre of PFO wetland; and (2) to construct and maintain a utility line stream crossing and an stormwater outfall on a unnamed tributary to Canoe Creek (HQ-CWF, perennial) having a drainage area of less than 100 acres; 0.41 acre (PEM/PSS) and 0.43 acre (PFO) acres of onsite wetland restoration is proposed. The project proposes to directly affect 0.69 acre of PEM, PSS and PFO wetlands.

E27-075. Jenks Township, P. O. Box 436, Marienville, PA 16239-0436 in Jenks Township, **Forest County**, ACOE Pittsburgh District (Marienville East, PA Quadrangle N: 15.1 inches; W: 16.5 inches).

The applicant proposes to construct and maintain an upgrade to the existing wastewater treatment plant to process increased sewage loading involving: (1) to temporarily affect 0.006 acre of PEM wetland with a crossing by a 1.25-foot diameter gravity flow PVC plastic influent pipeline; (2) to temporarily affect 0.005 acre of PEM wetland with a crossing by a 1.33-foot diameter gravity flow ductile iron effluent pipeline; and (3) to construct and maintain an outfall, having a 1.33-foot diameter ductile iron pipe, to West Branch Millstone Creek (HQ-CWF, perennial) (Marienville East, PA Quadrangle N: 15.1 inches; W: 16.5 inches) in Jenks Township, Forest County approximately 0.8 mile east of the intersection of SR 66 and SR 899. This project proposes to temporarily affect a total of 0.01 acre of PEM wetland.

E43-302. Cedarwood Development, Inc., 1765 Meriman Road, Akron, OH 44313. Hermitage Crossing Development in the City of Hermitage, **Mercer County**, ACOE Pittsburgh District (Sharpsville, PA Quadrangle N: 0.15 inch; W: 10.65 inches).

The applicant proposes to construct a commercial development consisting of a Wal-Mart Super Center (203,007 square feet), three restaurant pads and 70,000 square feet of small shops retail and associated parking approximately 1.0 mile north of the intersection of U. S. Route 62 and SR 18 involving: (1) to fill 0.52 acre of PEM wetland, 0.31 acre of PSS wetland and 0.15 acre of PFO wetland; (2) to fill a total of 2,035 linear feet of two unnamed tributaries to Pine Hollow Run (WWF, perennial) each having a drainage area of less than 100 acres; and (3) to enclose approximately 120 linear feet of an unnamed tributary to Pine Hollow Run having a drainage area of less than 100 acres; 1.27 acres of onsite wetland restoration in the floodway/floodplain of Pine Hollow Run is proposed; 480 linear feet of stream restoration on Pine Hollow Run and 1,000 linear feet of stream restoration on an unnamed perennial tributary to Pine Hollow Run having a drainage area of less than 100 acres is proposed. The project proposes to directly affect 0.98 acre of PEM, PSS and PFO wetlands (0.52 acre of PEM wetland, 0.31 acre of PSS wetland and 0.15 acre of PFO wetlands) and 2,155 linear feet of stream.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

D21-005EA. Department of Conservation and Natural Resources, Bureau of Forestry, P. O. Box 8451, Harrisburg, PA 17105-8451. Southampton Township, **Cumberland County**, ACOE Baltimore District.

Project proposes to breach and remove Cleversburg Water Supply Dam across Milesburn Run (CWF) to

eliminate a threat to public safety and to restore the stream to a free flowing condition. The dam is on Shippensburg Road (SR 3001) approximately 1.2 miles

south of the intersection of Shippensburg Road and Baltimore Road (Walnut Bottom, PA Quadrangle N: 1.85 inches; W: 12.1 inches).

ACTIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under General Permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal wastes; discharges to groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOI for coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit 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 permits 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 before the action.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiocassette 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 decision law.

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0023264 Sewage	Twin Boroughs Sanitary Authority P. O. Box 118 Mifflin, PA 17028	Juniata County Milford Township	Juniata River 12-A	Y
PA0080519 Amendment No. 2	Antrim Township 10655 Antrim Church Road P. O. Box 130 Greencastle, PA 17225	Franklin County Antrim Township	Conococheague Creek 13-C	Y

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0009423 Sewage	Borough of Everett Area Municipal Authority 100 Mechanic Street Everett, PA 15537	Bedford County West Providence Township	Johns Branch 11-D	Y
PA0083011 Sewage	Newberry Township Municipal Authority 400 Cly Road York Haven, PA 17370	York County Newberry Township	Susquehanna River 7-E	Y
PA0044741 Industrial Waste and Stormwater	Hanover Foods Corporation P. O. Box 334, 1486 York Street Hanover, PA 17331-0334	York County Penn Township	Oil Creek 7-H	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0209546 (4952)	Gerhard Scherffel R. D. 1, Box 247 Mansfield, PA 16933	Tioga County Charleston Township	UNT to North Elk Run 4A	Y
PA0209724 Sewage	H. H. Knoebel Sons, Inc. Lake Glory Camp Ground R. R. 1, Box 317 Elysburg, PA 17824-0317	Columbia County Cleveland Township	Roaring Creek 5E	Y
PA0110272 Sewerage Nonpublic	Cogan Valley Farms Inc. 480 Route 973 West Cogan Station, PA 17728	Lycoming County Hepburn Township	Lycoming Creek 10A	Y
PA0022195 Sewerage Public	Borough of Catawissa P. O. Box 44 Catawissa, PA 17820	Columbia County Catawissa Borough	Catawissa Creek 5E	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0222810	C. Thomas Cumberledge, Sr. P. O. Box 404 Evans City, PA 16033	Connoquenessing Township Butler County	Little Connoquenessing Creek	Y

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

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

NPDES Permit No. PA0052221, Industrial Waste, **Exelon Generation Company**, 200 Exelon Way, Kennett Square, PA 19348. This proposed facility is in Bedminster Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into the East Branch of Perkiomen Creek-3E Watershed.

NPDES Permit No. PA0039004, Sewage, **Upper Gwynedd-Towamencin Municipal Authority**, 2225 Kriebel Road, Lansdale, PA 19446-5019. This proposed facility is in Towamencin Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into Towamencin Creek, 3E (Perkiomen Watershed).

NPDES Permit No. PA0024058, Sewage **Kennett Square Borough**, 120 North Broad Street, Kennett Square, PA 19348-2942. This proposed facility is in Kennett Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into the West Branch Red Clay Creek-3I Watershed.

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

PA0228788, Sewerage, SIC 4952, **Evergreen Youth Services**, R. D. 1, Box 486, Mifflintown, PA 17059. This proposed facility is in Beccaria Township, **Clearfield County**.

Description of Existing Activity: Pending issuance of a new NPDES permit for a discharge from a wastewater treatment plant serving a children's home.

The receiving water, headwaters of Cofinan Run, is in the State Water Plan watershed 8C and is classified for CWF. The nearest downstream public water supply surface water intake for the Shawville Power Plant is on the West Branch of the Susquehanna River, approximately 50 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.004 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
TSS		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
NH ₃ -N		
(5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18
Total Cl ₂ Residual	1.0	2.3
Fecal Coliform		
(5-1 to 9-30)	200/100ml as a geometric mean	
(10-1 to 4-30)	200/100ml as a geometric mean	
pH	6.0 to 9.0 SU at all times	

PA0021814, Sewerage 4952, **Mansfield Municipal Authority**, 19 E. Wellsboro Street, Mansfield, PA 16933. The proposed facility is in the Borough of Mansfield, **Tioga County**.

Description of Proposed Activity: Issuance of an amended NPDES permit to include discharge of site stormwater through Outfall S01. The existing limits for treated effluent through all other outfalls at the facility will remain unchanged.

The receiving stream, Tioga River, is in the State Water Plan watershed 4A and is classified for CWF and WWF. Approximately 0.002 million gallons per day of stormwater will be discharged through Outfall S01 during a rainfall intensity of 0.045 foot per day.

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

NPDES Permit No. PA023414, Sewage, **Eva Tataseo**, 47 Hermitage Hills Blvd., Hermitage, PA 16148. This proposed facility is in South Pymatuning Township, **Mercer County**.

Description of Proposed Action/Activity: Tributary to McCullough Run.

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

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

WQM Permit No. 2303404 A-1, Sewerage, **Bethel Township Sewer Authority**, 1082 Bethel Road, Boothwyn, PA 19061. This proposed facility is in Bethel Township, **Delaware County**.

Description of Proposed Action/Activity: Extension of its existing sewage collection and conveyance system and increase in gravity sewer line from 8-inch to 12-inch diameter.

WQM Permit No. 4603420, Sewerage, **Methacton School District, Maintenance Facility—Arcola Intermediate School**, 3000 Eagleville Road, Norristown, PA 19403. This proposed facility is in Worcester Township, **Montgomery County**.

Description of Proposed Action/Activity: Renovation and modification of existing wastewater facility.

WQM Permit No. 1503430, Sewerage, **London Grove Township Municipal Authority**, 372 Rosehill Road, Suite 300, West Grove, PA 19390. This proposed facility is in London Grove Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of a sanitary sewer line and pumping station.

WQM Permit No. 1500428 A-1, Sewerage, **East Whiteland Township**, 209 Conestoga Road, Frazer, PA 19355. This proposed facility is in East Whiteland Township, **Chester County**.

Description of Proposed Action/Activity: Upgrading existing pump, the replacement of the existing 125-amp transfer switch with a 150-amp switch.

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

WQM Permit No. 3803403, Sewerage, **North Londonderry Township**, 655 East Ridge Road, Palmyra, PA 17078. This proposed facility is in North Londonderry Township, **Lebanon County**.

Description of Proposed Action/Activity: Replacement of pump station no. 2 and construction of new force main and gravity sewers.

WQM Permit No. 6703406, Sewerage, **Jacobus Borough Sewer Authority**, 126 N. Cherry Lane, Jacobus, PA 17407. This proposed facility is in Jacobus Borough, **York County**.

Description of Proposed Action/Activity: Construction operation of one wet-well mounted sewage pump station (Creekwood Drive Pump Station) that will pump sewage to the existing York Road Pump Station and then Springfield Township WWTP for treatment. The pump station will consist of two suction lift pumps rated at 120 GPM at 50 feet total

dynamic head, a 4-foot inside diameter wet well, emergency power from a portable generator and an autodialer alarm system. Approximately 2,600 linear feet of 8-inch PVC gravity sewers and 910 linear feet of 4-inch PVC force main to serve the 44 residential lots.

WQM Permit No. 2101402, Amendment 03-1, Sewerage, **Annie Murray, FIDI CMBS I, LLC**, 135 South Lasalle, Dept. 5668, Chicago, IL 60674-5668. This proposed facility is in Dickinson Township, **Cumberland County**.

Description of Proposed Action/Activity: Installation of a methanol feed system for the existing Chromaglass CA-30D treatment plant, dosing tank, a 48-foot by 104-foot sand mound and aerated biosolids holding tank. The permit status remains experimental.

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

WQM Permit No. 5503402, Sewerage (SIC 4952), **Eastern Snyder County Regional Authority**, P. O. Box 330, Selinsgrove, PA 17870. These proposed facilities will be in Penn Township, **Snyder County**.

Description of Proposed Action/Activity: WQM permit issued to authorize the construction and operation of the modification of the activated sludge process into a vertical loop reactor system, to achieve settleability control and nitrogen removal. Additional systems to be replaced during this upgrade include: primary and secondary clarifier mechanisms, chlorination system, secondary digester mixing and new digester heating. Discharge is to the Susquehanna River (WWF).

WQM Permit No. 1983402-T2, Sewerage 4952, **Atlantic Holding LLC**, 50 Portland Pier, 4th Floor, Portland, ME 04101. This existing facility is in Locust Township, **Columbia County**.

Description of Proposed Action/Activity: The respective WQM permit will be transferred from Bruce W. and Maretta A. Rosenbaum to Atlantic Holding, LLC. There are no changes to the permit, other than the ownership transfer.

WQM Permit No. 4902406-A1, Sewerage 4952, **Municipal Authority of Sunnyside/Overlook**, 30 South Market Street, Elysburg, PA 17824. This proposed facility is in Ralpho Township, **Northumberland County**.

Description of Proposed Action/Activity: Issuance of an amendment to the Water Quality Management Part II Permit for relocation of pump station no. 2 approximately 800 feet northwest of the previously approved location and addition of passive odor control system.

WQM Permit No. 4999404-T1, Sewerage 4952, **Stephanie M. Schmick**, R. R. 3, Box 85A-1, Sunbury, PA 17801. This facility is in Lower Augusta Township, **Northumberland County**.

Description of Proposed Action/Activity: The respective WQM permit will be transferred from Dennis and Deborah Campbell to Stephanie M. Schmick. There are no changes to the permit, other than the ownership transfer.

WQM Permit No. 4198406-T1, Sewerage 4952, **Jeremy Fry**, 310 Magargel Lane, Muncy, PA 17756. This proposed facility is in Franklin Township, **Lycoming County**.

Description of Proposed Action/Activity: The applicant proposes an ownership transfer of the respective permit for a small flow treatment facility to serve a residence. The treatment facility will discharge to German Run (CWF).

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

WQM Permit No. 4303414, Sewerage, **Eva Tataseo**, 47 Hermitage Hills Blvd., Hermitage, PA 16148. This proposed facility is in South Pymatuning Township, **Mercer County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

WQM Permit No. 2503425, Sewerage, **Ronald Vargo**, 1026 East Third Street, Erie, PA 16507. This proposed facility is in Greenfield Township, **Erie County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

WQM Permit No. 2503427, Sewerage, **Audrey L. Sanford**, 2225 Poplar Street, Apt. 7, Erie, PA 16502. This proposed facility is in Greene Township, **Erie County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

WQM Permit No. 2503429, Sewerage, **William T. Helinski**, 4017 Rilling Drive, Erie, PA 16509. This proposed facility is in Franklin Township, **Erie County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

WQM Permit No. 2003429, Sewerage, **C. Michael and Valerie E. Dudash**, 52 Vt. Route 100 South, Moretown, VT 05660. This proposed facility is in Conneaut Township, **Crawford County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAI132217	Olyphant Borough 113 Willow St. Olyphant, PA 18447-1489	Lackawanna	Olyphant Borough	Lackawanna River HQ-CWF Stery Creek CWF Eddy Creek WWF	Y
PAI132231	Alburtis Borough 260 Franklin St. P. O. Box 435 Alburtis, PA 18011	Lehigh	Alburtis Borough	Swabia Creek HQ-CWF	Y
PAI132220	Plainfield Township 6292 Sullivan Trail Nazareth, PA 18064	Northampton	Plainfield Township	Little Bushkill Creek HQ-CWF	Y
PAI132228	Lower Nazareth Township 306 Kutztown Road Bethlehem, PA 18020	Northampton	Lower Nazareth Township	Monocacy Creek HQ-CWF	Y
PAI132223	Hellertown Borough 685 Main Street Hellertown, PA 18055	Northampton	Hellertown Borough	Polk Valley Run CWF Silver Creek CWF Saucon Creek HQ-CWF	Y

V. NPDES Waiver Stormwater Discharges from MS4 Actions

VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023903043	Barry R. Follweiler and William Markson 3372 Jordan Road Orefield, PA 18069	Lehigh	Weisenberg Township	Hassen Creek HQ-CWF
PAI023903021(1)	Liberty Property Trust 1510 Valley Center Parkway Bethlehem, PA 18017	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF
PAI023903030	Realen Homes, LP 1040 Stoney Hill Road Suite 100 Yardley, PA 19067	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030703003	Department of Transportation District 9-0 1620 North Juniata Street Hollidaysburg, PA 16648	Blair	Frankstown	Canoe Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041703002	John Decker King Coal Sales, Inc. P. O. Box 712 Philipsburg, PA 16866	Clearfield	Morris and Boggs Townships	Emigh Run CWF

VII. Approvals to Use NPDES and/or Other General Permits

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).

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 Residential Septage 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	CAFOs
PAG-13	Stormwater Discharges from MS4

General Permit Type—PAG-2

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Lehigh County Upper Saucon Township	PAG2003903032	Dennis Benner 2005 Cityline Rd. Bethlehem, PA 18017	Saucon Creek CWF	Lehigh County Conservation District (610) 391-9583
Northampton County Lower Saucon Township	PAR10U104-R	Jim Strecansky 4647 Saucon Valley Rd. Suite 100 Center Valley, PA 18034	Saucon Creek (source to Black River) CWF	Northampton County Conservation District (610) 746-1971
Northampton County North Catasauqua Borough	PAG2004803048	North Catasauqua Borough 1066 Fourth St. North Catasauqua, PA 18032	Lehigh River TSF	Northampton County Conservation District (610) 746-1971
Schuylkill County Bleyth Township	PAG2005403028	Schuylkill Valley Sewer Authority John Nortavage P. O. Box 314 Mary-D, PA 17952	Schuylkill River CWF	Schuylkill County Conservation District (570) 622-3742
Schuylkill County East Union and North Union Townships Luzerne County Black Creek and Hazle Townships	PAG2005403032	Eagle Rock Resort Co. John Grohol 1031 Valley of Lakes Hazleton, PA 18201	Tomhicken and Sugarloaf Creek WWF, CWF	Schuylkill County Conservation District (570) 622-3742 Luzerne County Conservation District (570) 674-7991
Mount Joy Township Adams County	PAG2000103027	Michael Danner 175 King Road Gettysburg, PA 17325	UNT to Rock Creek WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 (717) 334-0636
Oxford Township Adams County	PAG2000103008	David Gerber, Senior V. P. 2990 Carlisle Pike P. O. Box 128 New Oxford, PA 17350-0128	UNT to West Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 (717) 334-0636

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Franklin Township Adams County	PAG2000103031	Department of Transportation District 8-0 2140 Herr Street Harrisburg, PA 17103-1699	Marsh Creek CWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 (717) 334-0636
Spring Township Berks County	PAG2000603050	David Snyder JBS Land Dev. LLC 224 Genesis Drive Blandon, PA 19510	UNT to Cacoosing Creek	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Kutztown Borough Berks County	PAG2000603077	GVH & Assoc. Inc. 323 Union St., Suite 300 Nashville TN 37201	Saony Creek TSF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Muhlenberg Township Berks County	PAG2000603100	Reading-Muhlenberg Area Vocational Technical School P. O. Box 13068 Reading, PA 19612	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
City of Reading Berks County	PAG2000603101	The Bernadine Sisters of the Third Order of St. Francis of Reading St. Bernadine Street Reading, PA 19607-1799	Angelica Creek CWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Bern Township Berks County	PAG2000603094	Marc Wolicki 1417 Brookie Blvd. Kenhorst, PA 19607-2005	Tulpehocken Creek WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533 (610) 372-4657, Ext. 201
Shippensburg Township Cumberland County	PAG2002103041	Shippensburg University Foundation 1871 Old Main Drive Shippensburg, PA 17257	Burd Run/Middle Spring CWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
Hampden Township Cumberland County	PAG2002103053	Charter Homes Building Company 114 Foxshire Drive Lancaster, PA 17601	Sears Run	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
North Londonderry Township Lebanon County	PAG2003803041	Chatham Creek, LLC 214A Willow Lake Drive Willow Street, PA 17584	Quittapahilla Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
South Londonderry Township Lebanon County	PAG2003803042	Springbrook Farms, Inc. 1840 Fishburn Road Hershey, PA 17033	Swatara Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908
Cornwall Borough Lebanon County	PAG2003803048	Mark Kapolka 224 Waterford Way Lebanon, PA 17042	Snitz Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908
North Cornwall Township Lebanon County	PAG2003803043	The Keith Corporation 5935 Carnegie Boulevard Suite 200 Charlotte, NC 28209	Snitz Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908
North Cornwall Township Lebanon County	PAR10P134	David Lavipour and Co., LLC 444 Park Avenue South Suite 302 New York, NY 10016	Snitz Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908
Lycoming County Loyalsock Township	PAG2004103015	Dan Klingerman K Investments Limited 1500 Sycamore Rd. Williamsport, PA 17703	Storm Sewer to Susquehanna River WWF	Lycoming County Conservation District 542 County Farm Road, Suite 202 Montoursville, PA 17754 (570) 433-3003
Tioga County Delmar Township Wellsboro Borough	PAG2005903021	Gary Butters 3465 W. Roosevelt Hwy. Mansfield, PA 16933	Boyden Brook/Kelsey Creek WWF	Tioga County Conservation District 29 East Ave. Wellsboro, PA 16901 (570) 724-1801, Ext. 117
Beaver County Borough of Shippingport	PAG2000403027	Michael D. Banko Beaver Valley Power Station SR 168 P. O. Box 4 Shippingport, PA 15077	Ohio River WWF	Beaver County Conservation District (724) 774-7090
Fayette County North Union Township	PAG2002603020	Fayette County Housing Authority 624 Pittsburgh Road Uniontown, PA 15401	Redstone Creek WWF	Fayette County Conservation District (724) 438-4497
Fayette County Luzerne Township	PAG2002603021	Brownsville Area School District Tower Hill Road Brownsville, PA 15417	Dunlap Creek WWF	Fayette County Conservation District (724) 438-4497
Butler County Butler City	PAG2001003031	Department of Transportation 2550 Oakland Ave. Indiana, PA 15701	Connoquenessing Creek WWF	Butler County Conservation District (724) 284-5270
Butler County Connoquenessing Township	PAG2001003036	Robert Hollack Country Motors 620 Evans City Rd. Butler, PA 16001	Tributary to Connoquenessing Creek	Butler County Conservation District (724) 284-5270
Crawford County City of Meadville	PAR102316R	Ladd Lingo 31 North Park Ave. Meadville, PA 16335	Bennyhoof Creek WWF	Crawford County Conservation District (814) 724-1793

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Clearfield County Bigler Township	PAG2091703012	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Upper Morgan Run CWF	Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 (814) 472-1800
West Cameron and Zerbe Townships Northumberland County	PAG2104903011	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476	Mahanoy Creek WWF	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 (717) 783-1311
<i>General Permit Type—PAG-3</i>				
<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
South Coatesville Borough Chester County	PAR800076	Brandywine Valley Railroad Co. 139 Modena Rd. Coatesville, PA 19320	Brandywine Creek 3H Watershed	Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Douglass Township Montgomery County	PAR800022	Waste Management of PA 1987 Swamp Creek Rd. Gilbertsville, PA 19090	Swamp Creek 3E Watershed	Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Tredyffrin Township Montgomery County	PAR110012	Johnson Matthey Inc. 456 Devon Park Dr. Wayne, PA 19087	UNT to Trout Creek 3F Watershed	Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Modena Borough Chester County	PAR140012	Sealed Air Corp. 22 Meredith Rd. Modena, PA 18032	Brandywine Creek 3H Watershed	Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6130
East Rockhill Township Bucks County	PAR600001	Biello Auto Parts 1528 Ridge Rd. Perkasie, PA 18944	Three Mile Run 2E Watershed	Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Dauphin County Lykens Township	PAR123559	Wenger's Feed Mill, Inc. 101 West Harrisburg Avenue Rheems, PA 17570	UNT to Pine Creek CWF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Sandy Township Clearfield County	PAR804848	Sheetz, Inc. 5700 Sixth Avenue Altoona, PA 16602	Slab Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
City of Jeannette Westmoreland County	PAR216134	Jeannette Shade & Novelty Co. d/b/a Jeannette Specialty Glass P. O. Box 99 North Fourth Street Jeannette, PA 15644	Brush Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Summit Township Somerset County	PAR226124	Noah Yoder 225 Coke Oven Road Meyersdale, PA 15552	Unnamed tributary to Casselman River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Mt. Pleasant Township Westmoreland County	PAR806230	Overnite Transportation Co. P. O. Box 246 Gaffney, SC 29342	Jacobs Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
<i>General Permit Type—PAG-4</i>				
<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Woodward Township Lycoming County	PAG045052	Terry E. Keagle and Kathleen M. Keagle 1292 Pine Run Road Linden, PA 17744	Unnamed tributary of Pine Run WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Lower Augusta Township Northumberland County	PAG045080	Stephanie M. Schmick R. R. 3, Box 85A-1 Sunbury, PA 17801	UNT to Boile Run WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Franklin Township Lycoming County	PAG045037 (Sewerage)	Jeremy Fry 310 Magargel Lane Muncy, PA 17756	German Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Greenfield Township Erie County	PAG048930	Ronald Vargo 1026 East Third Street Erie, PA 16507	Unnamed tributary to Eightmile Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Greene Township Erie County	PAG048932	Audrey L. Sanford 2225 Poplar Street, Apt. 1 Erie, PA 16502	Unnamed tributary to Four Mile Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Columbus Township Warren County	PAG048586	Michael J. Munsee R. R. 2, Box 341 C Corry, PA 16407	Unnamed tributary to Hare Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Franklin Township Erie County	PAG048941	William T. Helinski 4017 Rilling Drive Erie, PA 16509	Unnamed tributary to Goodban Run	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Conneaut Township Crawford County	PAG048936	C. Michael and Valerie E. Dudash 52 Vt. Route 100 South Moretown, VT 05660	Unnamed tributary to Foster Run	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-5</i>				
<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Springfield Township Delaware County	PAG050049	Motiva Enterprises, LLC P. O. Box 1243 Waynesboro, VA 229890-1243	UNT tributary to Stony Creek 3G Watershed	Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428
<i>General Permit Type—PAG-8</i>				
<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Site Name and Location</i>	<i>Contact Office and Telephone No.</i>
Mechanicsburg Borough Cumberland County	PAG083528	Borough of Mechanicsburg Mechanicsburg WWTP 842 W. Church Rd. Mechanicsburg, PA 17055		SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Columbia Borough Lancaster County	PAG083530	Columbia Municipal Authority Columbia WWTP 308 Locust St. Columbia, PA 17512		SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Ephrata Township Lancaster County	PAG083565	Ephrata Borough Authority 405 S. Reading Rd. Ephrata, PA 17522	Henry Zimmerman Home Farm Ephrata Township Lancaster County	SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Ephrata Township Lancaster County	PAG083566	Borough of New Holland 436 E. Main St. New Holland, PA 17557	Henry Zimmerman Home Farm Ephrata Township Lancaster County	SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Ephrata Township Lancaster County	PAG083565	Ephrata Borough Authority 405 S. Reading Rd. Ephrata, PA 17522	Jonas Reiff Farm Ephrata Township Lancaster County	SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Ephrata Township Lancaster County	PAG083566	Borough of New Holland 436 E. Main St. New Holland, PA 17557	Jonas Reiff Farm Ephrata Township Lancaster County	SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-12

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Cumberland County Hopewell Township	PAG123575	Eggs Newburg LLC 301 Three Square Hollow Road Newburg, PA 17240	Newburg Run WWF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Upper Bern Township	PAG123537 (Transfer)	Penn Valley Pork Farm Country View Family Farms, Inc. 120 Lake Street Ephrata, PA 17522	Watershed 3B	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Franklin County Warren Township	PAG123539 (Transfer)	Little Cove Farm Country View Family Farms, Inc. 120 Lake Street Ephrata, PA 17522	Watershed 13B	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Franklin County Lurgan Township	PAG123542 (Transfer)	McClays Farm Country View Family Farms, Inc. 120 Lake Street Ephrata, PA 17522	Watershed 7B	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Franklin County Lurgan Township	PAG123516 (Transfer)	New Hope Farm Country View Family Farms, Inc. 120 Lake Street Ephrata, PA 17522	Watershed 12B	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County West Lampeter Township	PAG123518 (Transfer)	Harmony Farms Andrew Sow Farm Country View Family Farms, Inc. 120 Lake Street Ephrata, PA 17522	Watershed 7K	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County West Cocalico Township	PAG123526 (Transfer)	Laurel Ridge Farm Country View Family Farms, Inc. 120 Lake Street Ephrata, PA 17522	Watershed 7J	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lebanon County East Hanover Township	PAG123540 (Transfer)	MACH Country View Family Farms, Inc. 120 Lake Street Ephrata, PA 17522	Watershed 7D	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lebanon County Heidelberg Township	PAG123556 (Transfer)	Marlin Martin Farm Country View Family Farms, Inc. 120 Lake Street Ephrata, PA 17522	Watershed 3C	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lebanon County East Hanover Township	PAG123538 (Transfer)	Swatara Farms Country View Family Farms, Inc. 120 Lake Street Ephrata, PA 17522	Watershed 7D	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lebanon County Heidelberg Township	PAG123536 (Transfer)	Owl Creek Farm Country View Family Farms, Inc. 120 Lake Street Ephrata, PA 17522	Watershed 3C	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

PUBLIC WATER SUPPLY (PWS) PERMITS

The Department of Environmental Protection has taken the following actions on applications received under the

Safe Drinking Water Act for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704

(relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary 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 decision law.

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

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

SAFE DRINKING WATER

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

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

Operations Permit issued to **Chester Water Authority**, 415 Welsh Street, Chester, PA 19016, PWS ID 1230004, Little Britain Township, **Chester County** on December 18, 2003, for the operation of facilities approved under Construction Permit No. 2301502.

Operations Permit issued to **North Penn and North Wales Water Authorities**, 144 Park Avenue, Chalfont, PA 18914, PWS ID 1090132, Chalfont Borough, **Bucks County** on January 5, 2004, for the operation of facilities approved under Construction Permit No. 0902509.

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

Operations Permit issued to **Pennsylvania American Water Co.**, 800 West Hersheypark Drive, Hershey, PA 17033, PWS ID 3540032, Frackville Borough and West Mahanoy Township, **Schuylkill County** on December 17, 2003, for the operation of facilities approved under Construction Permit Minor Amendment dated May 27, 2003.

Operations Permit issued to **Lehigh County Authority**, 1053 Spruce Street, P. O. Box 3348, Allentown, PA 18106-0348, PWS ID 3390047, Heidelberg Township, **Lehigh County** on December 26, 2003, for the operation of facilities approved under Construction Permit N/A.

Operations Permit issued to **Hemlock Farms Community Association**, 1007 Hemlock Farms, Hawley, PA 18428, PWS ID 2520033, Blooming Grove Township, **Pike County** on January 2, 2004, for the operation of facilities approved under Construction Permit No. 5200502 and 5203501.

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

Permit No. 4403501, Public Water Supply.

Applicant	Municipal Authority of the Borough of Lewistown
Municipality	Armagh Township
County	Mifflin
Type of Facility	Replacing existing chlorine gas disinfection system with new onsite sodium hypo-chlorite generation system.
Consulting Engineer	Dennis P. Lingenfelter, P. E. Uni-Tec Consulting Engineers Inc. 2007 Cato Avenue State College, PA 16801
Permit to Construct Issued:	December 10, 2003

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

Permit No. 4903501—Operation. Public Water Supply.

Applicant	Lower Mahanoy Township Municipal Authority c/o Rusty Campbell, Chairperson P. O. Box 235 Dalmatia, PA 17017-0235
Township	Lower Mahanoy Township
County	Northumberland
Type of Facility	PWS—Operation of the Georgetown Heights Booster Station.
Permit to Operate Issued	January 2, 2004

Permit No. Minor Amendment—Operation. Public Water Supply.

Applicant	Shamokin Dam Borough 144 West Eighth Avenue P. O. Box 273 Shamokin Dam, PA 17876
Borough	Shamokin Dam Borough
County	Snyder
Type of Facility	PWS—Operation of a finished water reservoir that had the liner installed and girders painted.
Permit to Operate Issued	January 2, 2004

Permit No. 4990501-T1. Public Water Supply.

Applicant	Kipps Run Mobile Home Park c/o Karl and Yvonne Drescher 46 Stacey Drive Barto, PA 19504
Borough	Riverside
County	Northumberland

Type of Facility	PWS—Authorizes operation of well no. 1, a potassium permanganate feed system, green sand filtration corrosion control system, finished water storage, transmission line and distribution lines.
Permit to Operate Issued	December 23, 2003
Permit No. 4999501-T1—Denial. Public Water Supply.	
Applicant	Kipps Run Mobile Home Park c/o Karl and Yvonne Drescher 46 Stacey Drive Barto, PA 19504
Borough	Riverside
County	Northumberland
Type of Facility	PWS—Denial of the permit transfer application and Permit No. 4999501 will be cancelled.
Permit to Operate Issued	January 2, 2004
Permit No. Minor Amendment—Operation. Public Water Supply.	
Applicant	Walker Township Water Association c/o David Foreman, President P. O. Box 160 Mingoville, PA 16856
Township	Walker
County	Centre
Type of Facility	PWS—Operation of rehabilitated well no. 2.
Permit to Operate Issued	January 2, 2004
<i>Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.</i>	
Permit No. 6203501, Public Water Supply.	
Applicant	Pennsylvania American Water Company—Warren District
Borough or Township	City of Warren
County	Warren
Type of Facility	Permit to construct small booster station and the installation of 2,480 feet of 8-inch water main to provide service to 22 additional customers in the Connecticut Ave.-Hill Street area of the city.
Consulting Engineer	Jerry E. Hankey, P. E., Engineering Manager Pennsylvania American Water Company 1909 Oakland Ave. Indiana, PA 15701
Permit to Construct Issued	December 29, 2003

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a).

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
New Milford Township	P. O. Box 276 New Milford, PA 18834	Susquehanna
Bridgewater Township	R. R. 1, Box 422A Montrose, PA 18801	Susquehanna

Plan Description: The Plan Revision provides for collected wastewater from Heart Lake, Lake Chrisann, Lake Raylean and the SR 0706 corridor to be treated at the Montrose Municipal Authority wastewater treatment facilities. The Plan Revision entails the construction of a central sewage collection system consisting of low-pressure sewers and individual home grinder pumps. The project also includes a sewer extension to serve the remaining six residential units on Lakeshore Drive and an upgrade to the existing sewage pumping station. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required WQM permits must be obtained in the name of the municipality or authority as appropriate.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
East Hanover Township	8848 Jonestown Road Grantville, PA 17028	Dauphin

Plan Description: The approved plan provides for 0.250 MGD wastewater treatment facility on Dairy Lane that will discharge to Bow Creek. The Plan provides for the construction of a 0.250 MGD wastewater treatment facility on Dairy Lane that will discharge to Bow Creek. The Plan also provides for the construction of sewerage to convey wastewater from the current treatment facility to the proposed facility and the abandonment and demolition of the existing facility. In addition, the Plan commits to the completion and submission of an Act 537 Official Plan Update Revision by June 2006 to address the Englewood and Partridge Hills areas. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Richmond Township	P. O. Box 474 Fleetwood, PA 19522	Berks

Plan Description: The approved plan provides for the construction of an 18,750 GPD wastewater treatment facility and collection and conveyance sewerage to serve the Village of Virginville. This treatment facility will discharge to Maiden Creek. The Plan also provides for the construction of collection and conveyance sewerage to

serve the Village of Walnuttown. Sewage from Walnuttown will be conveyed to the Fleetwood Borough Authority wastewater treatment facility for treatment. In addition, the Plan provides for the adoption and implementation of an onlot sewage disposal system management program to serve the entire township and the completion of a preliminary hydrogeology study for and new land development plan proposing the use of onlot sewage disposal systems. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Milford Township	R. R. 3, Box 675 Mifflintown, PA 17059	Juniata

Plan Description: The approved plan provides for the construction of a sanitary sewer collection and conveyance system to serve the Dolin Heights/Rockville area and the Stump Development as indicated in the Plan. Sewage will be conveyed to the Twin Boroughs wastewater treatment facility for disposal. The Plan also provides for the adoption and implementation of an onlot sewage disposal system management program. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

**BIOSOLIDS INDIVIDUAL PERMITS
(PABIG, SSN AND PABIS)**

The Department of Environmental Protection has taken the following actions on the previously received individual permit applications for the land application of treated sewage sludge (biosolids).

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501–508 and 701–704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary 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 decision law.

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

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

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

PABIG 9902, Unified Environmental Services Group, LLC, 130 Brainards Road, Phillipsburg, NJ is approved to use their biosolids for beneficial use by land application.

**LAND RECYCLING AND
ENVIRONMENTAL REMEDIATION**

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and 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 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 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. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. 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. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Doane Pet Care Co., Bedminster Township, **Bucks County**. Edward L. Powell, Jr., P. E., E. Robert Alley & Associates, Inc., 1721 Dancy Blvd., Suite A, Corn Lane, MS 38637 has submitted a Final Report concerning remediation of site soil contaminated with fuel oil no. 2. The report was submitted within 90 days of the release

and is intended to document remediation of the site to meet the Statewide Health Standard.

Former ABAR Site (Groundwater), Northampton Township, **Bucks County**. Randy L. Shuler, Environmental Resources Management, Inc., 250 Phillips Blvd., Suite 280, Ewing, NJ 08618, on behalf of Dennis Duffy, Superior Group Inc., 3 Radnor Corp. Center, Suite 400, Radnor, PA 19087, has submitted a Final Report concerning remediation of site groundwater contaminated with chlorinated solvents, fuel oil no. 2, PAH and used motor oil. The report is intended to document remediation of the site to meet Site-Specific Standards.

Metroplex, Plymouth Township, **Montgomery County**. William F. Schmidt, P. E., Pennoni Associates, Inc., 3001 Market St., Philadelphia, PA 19104, on behalf of Brandywine Trust, Susan Kane, 401 Plymouth Rd., Plymouth Meeting, PA 19462, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with diesel fuel, fuel oil no. 2, inorganics, leaded gasoline, lead, MTBE, other organics, PAH, unleaded gasoline and used motor oil. The report is intended to document remediation of the site to meet Statewide Health and Site-Specific Standards.

The Reserve at Gwynedd (Groundwater). Upper Gwynedd Township, **Montgomery County**. William F. Schmidt, P. E., Pennoni Associates, Inc., 3001 Market St., Philadelphia, PA 19104, on behalf of The Reserve at Gwynedd, 470 E. Norristown Rd., Suite 100, Blue Bell, PA 19422, has submitted a Remedial Investigation/Risk Assessment Report Addendum, concerning remediation of site groundwater contaminated with chlorinated solvents, diesel fuel, fuel oil no. 2, inorganics, leaded gasoline, lead, other organics, PAH and unleaded gasoline.

Former Mount Sinai Hospital, City of Philadelphia, **Philadelphia County**. Thomas M. Hippensteal, P. G., Mid-Atlantic Associates, Inc., P. O. Box 1128, North Wales, PA 19454, on behalf of Edward Giganti, Stanley Partners LP, 1599 Kitty Hawk Ave., Philadelphia, PA 19112, has submitted a Final Report concerning remediation of site soil contaminated with fuel oil nos. 2 and 4. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

PPL South Hershey Substation, Derry Township, **Dauphin County**. PPL Electric Utilities, Two North Ninth Street, Allentown, PA 18101 submitted a combined Remedial Investigation and Final Report concerning remediation of site soils contaminated with PCBs. The report is intended to document remediation of the site to a combination of the Statewide Health and Site-Specific Standards.

West Shore Office Center, East Pennsboro Township, **Cumberland County**. Marshall Miller & Associates, 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011 on behalf of Senate Avenue Associates, 4601 Presidents Drive, Suite 140, Lanham, MD 20706, submitted a Final Report concerning remediation of site soils and groundwater contaminated with diesel fuel. The report is intended to document remediation of the site to a combination of the requirements for Background and Statewide Health Standards.

Callahan Residence, Borough of Gettysburg, **Adams County**. Hydro Environmental Technologies, Inc., 54 Nonset Path, Acton, MA 01720, on behalf of Michael Callahan, 213 Ewell Avenue, Gettysburg, PA 17325, submitted a Final Report concerning remediation of site soils

and groundwater contaminated with fuel oil no. 2. The report is intended to document remediation of the site to the Statewide Health Standard.

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

Pew 4 in. Check—Millerstown (V-54), City of Knox, Elk Township, **Clarion County**. Jennifer Sedora, PPL Services Corp., 2 North 9th St., GENTW17, Allentown, PA 18101 has submitted a Final Report concerning remediation of soil contaminated with mercury. The report is intended to document remediation of the site to meet Residential Statewide Health Standards. Public notice in the *Clarion News* will be complete on or about October 28, 2003.

Bryner Station (V-58), Elk Township, **Clarion County**. Jennifer Sedora, PPL Services Corp., 2 North 9th St., GENTW17, Allentown, PA 18101, has submitted a Final Report concerning remediation of soil contaminated with mercury. The report is intended to document remediation of the site to meet Residential Statewide Health Standards. Public notice in the *Clarion News* will be complete on or about October 28, 2003.

Fryburg Station (V-44), Washington Township, **Clarion County**. Jennifer Sedora, PPL Services Corp., 2 North 9th St., GENTW17, Allentown, PA 18101, has submitted a Final Report concerning remediation of soil contaminated with mercury. The report is intended to document remediation of the site to meet Residential Statewide Health Standards. Public notice in the *Clarion News* will be complete on or about October 28, 2003.

Pew Station Check (V-73), Limestone Township, **Clarion County**. Jennifer Sedora, PPL Services Corp., 2 North 9th St., GENTW17, Allentown, PA 18101, has submitted a Final Report concerning remediation of soil contaminated with mercury. The report is intended to document remediation of the site to meet Residential Statewide Health Standards. Public notice in the *Clarion News* will be complete on or about October 28, 2003.

Pew 4 in. to Clarion 6 in. (V-60), Paint Township, **Clarion County**. Jennifer Sedora, PPL Services Corp., 2 North 9th St., GENTW17, Allentown, PA 18101, has submitted a Final Report concerning remediation of soil contaminated with mercury. The report is intended to document remediation of the site to meet Residential Statewide Health Standards. Public notice in the *Clarion News* will be complete on or about October 28, 2003.

Perryville and Clarion 6 (V-78), Richland Township, **Clarion County**. Jennifer Sedora, PPL Services Corp., 2 North 9th St., GENTW17, Allentown, PA 18101, has submitted a Final Report concerning remediation of soil contaminated with mercury. The report is intended to document remediation of the site to meet Residential Statewide Health Standards. Public notice in the *Clarion News* will be complete on or about December 19, 2003.

Callensburg Check (V-77), Beaver Township, **Clarion County**. Jennifer Sedora, PPL Services Corp., 2 North 9th St., GENTW17, Allentown, PA 18101, has submitted a Final Report concerning remediation of soil contaminated with mercury. The report is intended to document remediation of the site to meet Residential Statewide Health Standards. Public notice in the *Clarion News* will be complete on or about October 28, 2003.

Marienville Check (V-2), Jenks Township, **Forest County**. Jennifer Sedora, PPL Services Corp., 2 North 9th St., GENTW17, Allentown, PA 18101, has submitted a Final Report concerning remediation of soil contaminated

with mercury. The report is intended to document remediation of the site to meet Residential Statewide Health Standards. Public notice in the *Tionesta Press* will be complete on or about October 29, 2003.

U. N. G. Exchange (V-3). Jenks Township, **Forest County.** Jennifer Sedora, PPL Services Corp., 2 North 9th St., GENTW17, Allentown, PA 18101, has submitted a Final Report concerning remediation of soil contaminated with mercury. The report is intended to document remediation of the site to meet Residential Statewide Health Standards. Public notice in the *Tionesta Press* will be complete on or about October 29, 2003.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. 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. 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. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office after 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. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

API Harowe, Inc., West Goshen Township, **Chester County.** C. Peter Barringer, UAI Environmental, Inc., 495 Highlands Blvd., Suite 106, Coatesville, PA 19320, on behalf of High V. L. P., 1835 William Penn Way, Lancaster, PA 17605, has submitted a Remedial Investigation/Final Report concerning the remediation of site soil and groundwater contaminated with solvents and BTEX. The report demonstrated attainment of Statewide Health and Site-Specific Standards and was approved by the Department on December 9, 2003.

Coastal Service Station (Former Belmont Amoco), Lower Merion Township, **Montgomery County.** Erik Stephens, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, has submitted a Final Report concerning remediation of site soils contaminated with leaded gasoline, lead, PAH and unleaded gasoline. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 28, 2003.

2200 Arch Street Vacant Building, City of Philadelphia, **Philadelphia County.** Bruce Speidel, EBI Consultants, Inc., 6876 Susquehanna Trail South, York, PA 17403, on behalf of Paul V. Profeta, PV Profeta Associates, Inc., 2300 Chestnut St., Philadelphia, PA 19103, has submitted a Final Report concerning remediation of site soil contaminated with other organics and PAH. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 14, 2003.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Permit terminated under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste treatment, processing, storage, or disposal facility.

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

Permit No. PAD000606285. Eastman Chemical Resins, Inc., Jefferson Plant, P. O. Box 567, State Highway 837, West Elizabeth, PA 15088-0567. Operation of a hazardous waste container and tank storage and boiler facility in Jefferson Hills Borough, **Allegheny County.** Storage permit and boiler interim status terminated by the Regional Office on December 29, 2003.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.

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

Permit ID No. 301305. Calgon Carbon Corporation, 3000 Grand Avenue, Neville Island, PA 15225. Operation of a residual waste transfer facility in Neville Township, **Allegheny County**. Permit modification for a Radiation Protection Action Plan issued in the Regional Office on December 30, 2003.

Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Permit No. 101622. Waste Treatment Corporation, One Harmar Street, P. O. Box 1561, Warren, PA 16365, City of Warren, **Warren County**. Major Modification for permit renewal and Radiation Protection Plan. The permit was issued by the Northwest Regional Office on December 18, 2003.

AIR QUALITY

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

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

GP1-67-03123: Danskin, Inc. (305 State Street, York, PA 17403) on December 29, 2003, authorized to operate two small gas and no. 2 oil fired combustion units in the City of York, **York County**.

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

65-00960: Kanawha Stone Co. (P. O. Box 503, Nitro, WV 25143) on December 24, 2003, permit GP-3 is effective to construct and operate a portable nonmetallic, mineral processing plant at the THF—Greensburg Mall in Greensburg, **Westmoreland County**.

Plan Approvals Issued under the Air Pollution Control Act 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.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; James Parette, New Source Review Chief, (570) 826-2531.

40-399-038B: Fairchild Semiconductor Corp. (125 Crestwood Drive, Mountain Top, PA 18707) on December 23, 2003, to modify the Fab 8 manufacturing process and associated air cleaning device at their facility in Wright Township, **Luzerne County**.

40-399-051: SVC Manufacturing, Inc. (750 Oakhill Drive, Mountain Top, PA 18707) on December 29, 2003, to construct a wastewater pretreatment facility and associated air cleaning devices at their facility in Wright Township, **Luzerne County**.

54-302-072: van Hoekelen Greenhouses, Inc. (Route 309, P. O. Box 88, McAdoo, PA 18237) on December 30, 2003, to construct one coal fired boiler, one no. 2 oil fired boiler and one emergency generator and the associated air cleaning device for the coal fired unit at their facility in Kline Township, **Schuylkill County**.

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

11-00507B: Rosebud Mining Co. (301 Market Street, Kittanning, PA 16201) on December 30, 2003, to modify the coal preparation plant at their Twin Rocks Mine in Blacklick Township, **Cambria County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

46-0108B: Highway Materials, Inc. (1128 Crusher Road, Perkiomenville, PA 18074) on December 22, 2003, to operate a crusher and screen in Marlborough Township, **Montgomery County**.

46-0035B: SmithKline Beecham d/b/a GlaxoSmith-Kline (1250 South Collegeville Road, Collegeville, PA 19426) on December 26, 2003, to operate an emergency electric generator in Upper Merion Township, **Montgomery County**.

46-0014B: Knoll, Inc. (1235 Water Street, P. O. Box 157, East Greenville, PA 18041) on December 30, 2003, to operate a Tornado Dust Collector to exhaust in Upper Hanover Township, **Montgomery County**. The plan approval has been extended.

15-0004D: Reynolds Metals Co. (520 Lincoln Avenue, Downingtown, PA 19335) on December 30, 2003, to operate four film seaming machines in Downingtown Borough, **Chester County**. The plan approval has been extended.

09-0015C: Rohm and Haas Co. (P. O. Box 219, Bristol, PA 19007) on December 30, 2003, to operate a thermal oxidizer in Bristol Township, **Bucks County**. The plan approval has been extended.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; James Parette, New Source Review Chief, (570) 826-2531.

35-303-011D: Dunmore Materials—Division of Haines and Kibblehouse, Inc. (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on December 23, 2003, to modify a batch asphalt plant and associated air cleaning device at their facility on Dunham Drive, Dunmore Borough, **Lackawanna County**. The Plan Approval has been extended.

48-399-049: North American Pharmaceutical Packaging—MARGO—Wheaton USA (2400 Baglyos Circle, Bethlehem, PA 18020) on December 23, 2003, to modify three blister packaging lines and associated air cleaning devices at their facility in Bethlehem Township, **Northampton County**. The Plan Approval has been extended.

39-399-057: GEO Specialty Chemicals—Tri-Met Products Group (2409 North Cedar Boulevard, Allentown, PA 18104) on December 29, 2003, to modify calcium formate process equipment at their facility in South Whitehall Township, **Lehigh County**. The Plan Approval has been extended.

35-308-025: Bardane Manufacturing Co., Inc. (Delaware Street, P. O. Box 70, Jermyn, PA 18433) on December 29, 2003, to install two air cleaning devices to capture emissions from aluminum and zinc melting furnaces at

their facility in Jermyn Borough, **Lackawanna County**. The Plan Approval has been extended.

48-328-006: Conectiv Bethlehem, LLC (P. O. Box 6066, Newark, DE 19714) on December 29, 2003, to construct natural gas fired turbines at their facility in the City of Bethlehem and Lower Saucon Township, **Northampton County**. The Plan Approval has been extended to facilitate the shutdown of unit no. 5.

48-310-032: ESSROC Cement Corp. (3251 Bath Pike, Nazareth, PA 18064) on December 30, 2003, to construct a quarry belt conveyor system and associated air cleaning devices at their Nazareth Plant No. 3, Nazareth Borough, **Northampton County**. The Plan Approval has been extended.

40-302-147: Fairchild Semiconductor, Corp. (125 Crestwood Road, Mountain Top, PA 18707) on December 30, 2003, to modify two natural gas/no. 2 oil fired boilers at their facility in Wright Township, **Luzerne County**. The Plan Approval has been extended.

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

01-05029: Reliant Energy Hunterstown, LLC (121 Champion Way, Canonsburg, PA 15317) on December 24, 2003, to construct a natural gas fired electric generating facility at their Hunterstown Station in Straban Township, **Adams County**. This facility is subject to the following: 40 CFR Part 60, Subpart GG—Standards of Performance for Stationary Gas Turbines; 40 CFR Part 60, Subpart Da—Standards of Performance for Electric Utility Steam Generating Units; 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units; and 25 Pa. Code Chapter 127, Subchapters D and E. This plan approval was extended.

31-05011C: US Silica Co. (P. O. Box 187, Berkeley Springs, WV 25411) on December 27, 2003, to modify an existing fluid bed dryer to use additional fuels of no. 4 oil, no. 6 oil and recycled oil at their Mapleton Depot Plant in Brady Township, **Huntingdon County**. This facility is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. This plan approval was extended.

36-05079B: Chester County Solid Waste Authority (P. O. Box 476, Honey Brook, PA 19344) on January 1, 2004, to construct an enclosed ground flare to combust landfill gas generated at their Lanchester Landfill in Caernarvon Township, **Lancaster County**. This facility is subject to 40 CFR Part 60, Subpart WWW—Standards of Performance for Municipal Solid Waste Landfills. This plan approval was extended.

36-05117: Dart Container Corp. of PA (60 East Main Street, P. O. Box 546, Leola, PA 17540-0546) on December 22, 2003, to construct an expandable polystyrene container molding facility in East Lampeter Township, **Lancaster County**. This facility is subject to 40 CFR Part 60, Subpart Dc—Standard of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. This plan approval has been extended.

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

08-318-027C: Mill's Pride—Pennsylvania (100 Lamoka Road, Sayre, PA 18840) on December 24, 2003, to operate two 28.7 million Btu per hour natural gas/woodwaste-fired boilers and associated air cleaning de-

vices (a dual set of multiclones on each boiler in series with an electrostatic precipitator common to both) on a temporary basis to April 22, 2004, in Athens Township, **Bradford County**. The plan approval has been extended.

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

03-00976A: AMFIRE Mining Co., LLC (One Energy Place, Latrobe, PA 15650) on January 5, 2004, to modify the plan approval. Ridge Mine facility was revised to reflect the ownership change from DLR Mining, Inc. to AMFIRE Mining Company, LLC. Ridge Deep Mine is in South Bend Township, **Armstrong County**.

32-00348A: AMFIRE Mining Co., LLC—formerly DLR Mining, Inc. (One Energy Place, Latrobe, PA 15650) on December 30, 2003, change of ownership at their Nolo Deep Mine Coal Preparation Facility in Buffington Township, **Indiana County**. The plan approval has been extended.

Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Thomas Huynh, Chief, (215) 823-7584.

V03-002: The Children's Hospital of Philadelphia (34th and Civic Center Boulevard, Philadelphia, PA 19104) on December 29, 2003, for the operation of a hospital in the City of Philadelphia, **Philadelphia County**. The Title V facility's air emission sources include three 800 hP boilers, three 500 hP boilers, a 250 hP boiler, four 1,085 hP peak-shaving generators, seven emergency generators and two ethylene oxide sterilizers which vent to an ethylene oxide abator.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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

63-00649: Spartech Polycom, Inc. (470 Johnson Road, P. O. Box 472, Washington, PA 15301) on December 30, 2003, for Donora Plant No. 1. in **Washington County**. The facility's sources of particulate matter emissions include various plastic extrusion lines.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Devendra Verma, New Source Review Chief, (814) 332-6940.

43-00251: Component Intertechnologies, Inc. (2426 Perry Highway, Hadley, PA 16130) on December 30, 2003, for a Natural Minor operating permit for the manufacture of lighting equipment components in Perry Township, **Mercer County**.

37-00162: Precision Plating Co., Inc. (407 Summit View Drive, New Castle, PA 16105) on December 30, 2003, for a Natural Minor operating permit for a hard chromium electroplating facility in Neshannock Township, **Lawrence County**.

10-00281: II—VI, Inc. (375 Saxonburg Boulevard, Saxonburg, PA 16056) on January 2, 2004, to administratively amend the previous Natural Minor Operating Permit issued on February 19, 2003, for their facility in Clinton Township, **Butler County**. The facility manufac-

tures optical and electro-optical components and materials for precision use in infrared devices. This administrative amendment incorporates the changes authorized by Plan Approval 10-281D.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and 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 Permit Actions

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

40810108R4. Pioneer Aggregates, Inc. (202 Main Street, Laflin, PA 18702), renewal of an existing anthracite surface mine operation in Plains Township, **Luzerne County**, affecting 82.0 acres. Receiving stream: none. Application received August 7, 2003. Renewal issued December 15, 2003.

54860206R3. WPS Westwood Generation, LLC (1088 Springhurst Drive, Green Bay, WI 54307-9002), renewal of an existing coal refuse reprocessing operation in Frailey and Porter Townships, **Schuylkill County**, affecting 441.4 acres. Receiving stream: none. Application received August 22, 2003. Renewal issued December 15, 2003.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (73 P. S. §§ 151—161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

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

360340123. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at Sunset Ridge in Manheim Township, **Lancaster County**, with an expiration date of June 8, 2005. Permit issued December 31, 2003.

21034073. Rogele, Inc. (1025 S. 21st St., P. O. Box 1757, Harrisburg, PA 17105-1757), construction blasting at Jefferson Court in South Middleton Township, **Cumberland County**, with an expiration date of June 8, 2005. Permit issued December 31, 2003.

28034045. R & M Excavating (403 Hilltop Road, Newburg, PA 17240), construction blasting at Guilford

Water—Water Main Relocation in Guildford Township, **Franklin County**, with an expiration date of April 8, 2004. Permit issued December 31, 2003.

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

05034004. Geological Technologies, Inc., 717 Baltimore Street, Martinsburg, WV 25401. Blasting activity permit issued for wastewater utility line project in South Woodbury Township, **Bedford County**. Expected duration of blasting is 280 days. Permit issued December 22, 2003.

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

02034011. MELE Site Development (One Mele Place, Rankin, PA 15104). Blasting activity permit issued for construction, in West Deer Township, **Allegheny County**, with an expected duration of 180 days. Permit issued December 24, 2003.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary 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 decision law.

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

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

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704

(relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary 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 decision law.

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E58-257. Department of Transportation, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501. Harford Township, **Susquehanna County**, Army Corps of Engineers Baltimore District (Subbasin 04F).

To remove the existing structure and to construct and maintain a road crossing of Leslie Creek (CWF, perennial) consisting of a 76.0-foot long by 13.75-foot by 7.5-foot precast reinforced concrete box culvert with its invert depressed 1.0 foot below streambed elevation. The project includes two 18-inch stormwater outfalls, one along the upstream left wingwall and one at the downstream right wingwall. The project is along SR 0547, Section 572, Segment 0100, Offset 0031, approximately 0.9 mile west of the SR 0081/SR 0547 Interchange (Harford, PA Quadrangle N: 5.9 inches; W: 10.3 inches).

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

E07-378: Blair County Commissioners, 423 Allegheny Street, Hollidaysburg, PA 16648 in Tyrone Township, **Blair County**, ACOE Baltimore District.

To maintain the existing Blair County Bridge No. 48 carrying T-512 over the Little Juniata River (TSF, perennial) at a point (Tyrone, PA Quadrangle N: 4.4 inches; W: 10.3 inches) immediately southwest of SR 453 by replacing the stringers with steel I-beams, the steel I-beam floor beams with a steel plate and the three-inch wood decking with a nail laminated timber deck in

Tyrone Township, Blair County. The project will not result in any direct impacts to the channel or floodway of the Little Juniata River.

E07-375: Department of Transportation, District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648 in Frankstown Township, **Blair County**, ACOE Baltimore District.

To remove the existing structure and then to construct and maintain a new bridge with a single clear span of 36.22 feet on an 80-degree skew with a minimum underclearance of 4.74 feet on SR 1011, Section 002, Segment 0110, Offset 0000 over Canoe Creek (HQ-CWF), about 2.5 miles upstream of the Canoe Creek Dam and to fill in 0.007-acre of de minimis wetland (Bellwood, PA Quadrangle N: 1.9 inches; W: 1.85 inches) in Frankstown Township, Blair County.

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

E14-441. Terrence M. Weatherford, 112 Seymore Avenue, State College, PA 16803. Haney Lot in Halfmoon Township, **Centre County**, ACOE Baltimore District (Port Matilda, PA Quadrangle N: 0.25 inch; W: 7.50 inches).

To maintain: (1) an existing 30-foot long 36-inch diameter corrugated metal pipe with associated inlet and outlet riprap plus the pre-2002 earthen left and right approach ramps of an unnamed tributary to Halfmoon Creek, to construct and maintain; (2) a 110-foot long by 18-foot wide by a maximum depth of 2-foot deep approach ramp of clean earthen fill in the right floodway of an unnamed tributary to Halfmoon Creek; (3) a 24-inch diameter 30-foot long culvert pipe placed to the right of the existing 36-inch pipe to increase the hydraulic capacity of the crossing; (4) to remove earthen fill of the existing unpermitted raised driveway fill to create a floodway overflow spillway with a minimum bottom width of 50 feet; and (5) to create an at-grade stabilized driveway surface in the original field soil in the 50-foot spillway, to maintain access to a single family residence on the north side of Loveville Road (T-309) 0.9 mile south from its intersection with SR 550. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E02-1431. Allegheny County Department of Public Works, 501 County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219. Girtys Run Culvert in Ross Township, **Allegheny County**, Pittsburgh ACOE District (Emsworth, PA Quadrangle N: 8.2 inches; W: 4.3 inches) (Latitude: 40° 32' 42"—Longitude: 80° 01' 51"). To construct and maintain an 18.3-foot extension to the existing elliptical culvert having a span of 76.0 inches with an underclearance of 48.0 inches in an unnamed tributary to Girtys Run (WWF) for the purpose of improving the intersection of Babcock Boulevard and Three Degree Road. The extension is at the intersection of Babcock Boulevard and Three Degree Road. The project will impact 30.0 linear feet of stream channel which includes the proposed rip-rap at the culvert extension outlet.

E03-415. Gilpin Township, R. D. 1, Box 269, Leechburg, PA 15656. Elder Run box culvert in Gilpin Township, **Armstrong County**, Pittsburgh ACOE District (Leechburg, PA Quadrangle N: 8.7 inches; W: 13.3 inches) (Latitude: 40° 40' 22"—Longitude: 79° 35' 45"). To remove the existing structure and to construct and maintain a 27.0-foot long, 1.0-foot depressed 10.0-foot by

8.0-foot concrete box culvert in Elder Run (WWF) for the purpose of improving transportation safety and roadway standards. The project is on Hillview Manor Road.

E56-299-A1. Somerset County Conservation District, 1590 North Center Avenue, Suite 103, Somerset, PA 15501. Passive mine drainage system in the Borough of Jennerstown, **Somerset County**, Pittsburgh ACOE District (Boswell, PA Quadrangle N: 5.95 inches; W: 6.05 inches) (Latitude: 40° 9' 28"—Longitude: 79° 02' 28"). Permit is amended to construct and maintain a passive mine drainage treatment system that will impact approximately 4.67 acres of wetland, which are currently impacted by mine drainage. The area will be regraded to construct berms, to increase the detention time within this area, for improved passive treatment of the mine discharge. When the area is regraded, approximately 5.46 acres of wetland will be reconstructed, including the creation of 0.65 acre of wetland, to compensate for wetland impacts that resulted from the construction of the previously authorized activities. In addition, the length of the previously authorized open box culvert has been increased from 200 feet to 220 feet. Furthermore, R-5 rock riprap will be installed and maintained within Beaverdam Creek at both openings of this box culvert and at the confluence of this creek with the Quemahoning Creek to minimize erosion at these locations. Note that riprap that is installed within the watercourse at these locations must be installed below the natural streambed elevation.

E56-325. Department of Transportation, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648. Bridge over Shade Creek in Paint Township, **Somerset County**, Pittsburgh ACOE District (Windber, PA Quadrangle N: 10.4 inches; W: 14.7 inches) (Latitude: 40° 10' 55"—Longitude: 78° 51' 19"). To remove the existing structures and: (1) to construct and maintain a single-span prestressed concrete adjacent box beam bridge having a normal span of 110.5 feet and an underclearance of 8.5 feet over Shade Creek (CWF); (2) to construct and maintain a 30-inch diameter reinforced concrete pipe in the old mill race at the western approach to the bridge; (3) to construct and maintain temporary

coffer dams and a temporary causeway consisting of four 48-inch diameter corrugated metal pipes in Shade Creek (CWF); and (4) to place and maintain fill in a de minimis area of PEM wetland equal to 0.007 acre. The project is on SR 1029, Section 001.

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

E27-048, Tionesta Borough, 621 Elm Street, P. O. Box 408, Tionesta, PA 16353-0408. Tionesta Borough dry fire hydrants in Tionesta Borough, **Forest County**, ACOE Pittsburgh District.

To install and maintain four 6-inch diameter dry fire hydrant intake structures each extending approximately 10 feet beyond ordinary low water along the east (left) bank of the Allegheny River. This is a reissuance of the authorization for this project.

E37-154, Department of Transportation, District 11-0. SR 2008 Willowbrook Road across a tributary to Big Run in Shenango Township, **Lawrence County**, ACOE Pittsburgh District (New Castle South, PA Quadrangle N: 18.0 inches; W: 8.8 inches).

To remove the existing structure and to install and maintain a 124-foot long, 10-foot diameter reinforced concrete pipe stream enclosure with an internal energy dissipater and a total of approximately 60 feet of rock inlet and outlet scour protection in a tributary to Big Run (WWF) on SR 2008 (Willowbrook Road), approximately 0.1 mile east of SR 65.

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Land Recycling and Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
03-40-003	Aaron Rutter Marchem Northeast 855 Oak Hill Road Crestwood Industrial Park Mountaintop, PA 18707	Luzerne	Wright Township	Six ASTs storing hazardous substances	7,000 gallons each

SPECIAL NOTICES

Certification to Perform Radon-Related Activities in this Commonwealth

In the month of December 2003, the Department of Environmental Protection, under the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder in 25 Pa. Code Chapter 240, has certified the following persons to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
John Brenner, Jr.	325 Second Avenue Conshohocken, PA 19428	Testing
Nathaniel Burden, Jr.	626 Jacksonville Road, Suite 200 Warminster, PA 18974	Mitigation

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Francis Butler, Jr.	20 Thornridge Road Springfield, PA 19064	Testing
Judith Hood-Scheidler	5676 Valleyview Drive Bethel Park, PA 15102	Testing
Mark Johnson	112 Salix Drive Bellefonte, PA 16823	Testing
Richard Malin	2075 Haymaker Road Monroeville, PA 15146	Testing
John Mallon, Jr. Radon Detection & Control	P. O. Box 419 153 Jordan Street South Heights, PA 15081	Testing and Mitigation
Susan Nowicki	414 Manordale Road Pittsburgh, PA 15241	Testing
Dennis Persinger	17 Bell Avenue Pittsburgh, PA 15205	Testing
William Petro	R. R. 3 Box 387 Blairsville, PA 15717	Testing
Eli Port	6312 West Oakton Street Morton Grove, IL 60053	Laboratory
Daniel Rhoads	R. D. 2 Box 125 New Bloomfield, PA 17068	Testing
John Rogers	1129 Old Eagle Road Lancaster, PA 17601	Testing
Kenneth Schutter	P. O. Box 55 Kimberton, PA 19442	Testing
Robert Shoemaker H.O. Thompson Testing Lab	104 Valley View Drive Parkesburg, PA 19365	Testing
Michael Tuscan	896 Lebanon Road Manheim, PA 17545	Testing
Jerry Wilver	817 Milroy Road New Columbia, PA 17856	Testing and Mitigation

[Pa.B. Doc. No. 04-98. Filed for public inspection January 16, 2004, 9:00 a.m.]

Availability of Draft Integrated Waterbody List

The Department of Environmental Protection (Department) is making available for public comment its draft 2004 Integrated Waterbody List (list) and the Assessment and Listing Methodology (methodology) used to create the list. This list, formerly known as the 303(d) List because it is required by section 303(d) of the Federal Clean Water Act, is now comprised of five parts that collectively report on the designated use attainment status of Commonwealth surface waters. Waterbodies reported as having impaired water quality are now displayed in Part Five of the 2004 list. The list and methodology will be merged with a narrative description of the Commonwealth's various water quality management programs (formerly known as the 305(b) Report) and submitted to the United States Environmental Protection Agency (EPA) as one document.

Section 303(d) of the Federal Clean Water Act and 40 CFR Part 130 require states to identify waters which would still be impaired, even after the appropriate technology has been applied to point sources and required best management practices are in place for nonpoint sources. Waterbodies that do not meet water quality standards after this evaluation are placed on Part Five of the list.

For each waterbody listed in Part Five, the State or the EPA must develop Total Maximum Daily Load (TMDL) allocations. A TMDL is a calculation of the assimilative capacity of a waterbody to handle point and nonpoint pollutant loads without violating water quality standards. TMDLs also describe the conditions necessary to improve water quality. TMDLs are used to set limits in the National Pollutant Discharge Elimination System water quality permits and identify where best management practices for nonpoint sources are necessary to improve

and protect water quality. When a TMDL is approved for a waterbody, that waterbody listing is moved to Part Four A of the list.

Development of waterbody assessments and compilation of the list are ongoing processes. The Department will continue to verify the quality of data for waterbodies on the list and, as needed, will publish supplements to the list for public review and comment.

The draft 2004 list was developed using the methodology for which the Department is also seeking comment under this notice. The methodology describes field data collection procedures, data analysis methods and data management protocols used to obtain and evaluate water quality information from a variety of sources, including the Department's Statewide Surface Water Assessment Program, the Nonpoint Source Program and existing and readily available data submitted by external groups and agencies.

The draft 2004 list and methodology are available on the Department's website at www.dep.state.pa.us (choose Subjects/Water Quality Assessment and Standards). Due to its length, the list will not be available in hardcopy.

Persons wishing to comment on the draft list may do so by March 17, 2004, in writing to Mary Houghton, Division of Water Quality Assessment and Standards, Bureau of Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467, mhoughton@state.pa.us. Comments received by facsimile will not be accepted.

The Department will consider all public comments regarding the validity of the data and the appropriateness of placing waterbodies on the draft list. The final list will be submitted to the EPA for approval.

Questions concerning this notice should be addressed to Mary Houghton at (717) 787-9637 or the previous e-mail address.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Mary Houghton at the previous number or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TTD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-99. Filed for public inspection January 16, 2004, 9:00 a.m.]

Availability of Technical Guidance

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

Ordering Paper Copies of Department Technical Guidance

The Department 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 the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department 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 questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Notice of Intent To Rescind Technical Guidance

Due to the fact that funding is no longer available for these programs, the Department is rescinding the following documents:

DEP ID: 383-5500-213	Title: Small Water Systems Regionalization Grant Program
DEP ID: 383-5500-413	Title: Formation of Water Authorities Grant Program
DEP ID: 383-5500-513	Title: County Water Supply Planning Grant Program
DEP ID: 383-5500-610	Title: Small Water Systems Consolidation Construction Grant Program

Effective Date: January 17, 2004. Contact: Trudy Troutman, (717) 783-3795, trutrutma@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-100. Filed for public inspection January 16, 2004, 9:00 a.m.]

Potomac Water Resources Regional Committee Meeting

The Potomac Water Resources Regional Committee (Committee) has scheduled a meeting for 10 a.m. on Tuesday, January 20, 2004, at the Adams County Conservation District, 670 Old Harrisburg Road, Suite 201, Gettysburg, PA 17325.

The Committee is one of six regional committees created under 27 Pa.C.S. Chapter 31 (relating to water resources planning) to help guide the development of a new State Water Plan (plan) for this Commonwealth. The regional committees' purpose is to develop the regional component of the overall plan and to provide recommendations to the Statewide Water Resources Committee, which is charged under 27 Pa.C.S. Chapter 31 to develop the plan.

Questions concerning this meeting should be directed to Susan Weaver, (717) 783-8055, suweaver@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at www.dep.state.pa.us.

Persons with a disability who require accommodations to attend this meeting should contact the Department at (717) 705-2425 or through the Pennsylvania AT&T Relay

Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 04-101. Filed for public inspection January 16, 2004, 9:00 a.m.]

DEPARTMENT OF HEALTH

Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board, established under the Federal Traumatic Brain Injury Act of 1996 (Pub. L. No. 104-66), will hold a public meeting on Wednesday, January 21, 2004, from 10 a.m. to 3 p.m. in

Hearing Room 5, Atrium Level, Keystone Building, Commonwealth Avenue at Forster Street, Harrisburg, PA.

For additional information, contact Annette D. Jacek, Program Manager, Special Conditions Section, Division of Child and Adult Health Services, (717) 772-4959.

Persons with a disability who wish to attend the meeting and require auxiliary aid, service or other accommodation to do so should contact the Head Injury Program at (717) 772-4959, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 04-102. Filed for public inspection January 16, 2004, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors or any of them or their firms or any firms, corporations or partnerships in which these contractors or any of them or their firms have an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
F & D Painting, Inc. (Fed. E. R. ID No. 23-2908323) and Richard A. James, Jr., individually (Fed. E. R. ID No. 25-1299024)	511 Ferndale Avenue Johnstown, PA 15905	12/30/03
Funk's Masonry & Restoration, Inc. a/k/a Funk's Masonry, Funk's Masonry Restoration and Funk's Masonry & Restoration Specialists, and Mark T. Funk	2060 Route 819 Mt. Pleasant, PA 15666	12/30/03
		STEPHEN M. SCHMERIN, <i>Secretary</i>

[Pa.B. Doc. No. 04-103. Filed for public inspection January 16, 2004, 9:00 a.m.]

Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these persons and firms or any of them or their firms, corporations or partnerships in which these persons and firms or any of them or their firms have an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
1. C & R Mechanical Contractors, Inc. (Fed. ER Tax I. D. No. 23-2841873)	620 Parkway Boulevard Broomall, PA 19008 -and- 4225 Doe Run Lane Springfield, PA 19064-1103 -and- 583 Abbott Drive Broomall, PA 19008	01/08/01
2. First Choice Fire Protection, Inc. (Fed. ER Tax I. D. No. 23-2891133) -and- Ronald Seidel	3 Chinkapin Drive Fleetwood, PA 19522	02/07/01

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
3. Brim Industrial Maintenance, Inc. (Fed. ER Tax I. D. No. 25-1771179) -and- William Logue, individually, Richard M. Dorsey, individually	1152 E. Finley Drive Claysville, PA 15323 -and- 1118 E. Finley Drive Claysville, PA 15323 -and- 1153 E. Finley Drive Claysville, PA 15323	02/23/01
4. Lee Dial, Inc. (Fed. ER Tax I. D. No. 23-2873962) a/k/a Lee Dial Contractors (Fed. ER Tax I. D. No. 25-1731565) and Lee Dial Construction, and Lee Dial, individually	538 East Penn Avenue Cleona, PA 17043	04/03/01
5. John Sadowsky, individually and d/b/a John Sadowsky Drywall	100 Ckrasi T-8 West Mifflin, PA 15122	04/04/01
6. Clifford Heist, individually, and Deborah L. Heist, individually, and d/b/a Heist Floors Hardwood and More	224 Water Street Titusville, PA 16354	05/09/01
7. F.A.C.E. Associates, Inc. -and- Francis J. Palumbo a/k/a Chip Palumbo	648 Morgantown Street P. O. Box 609 Uniontown, PA 15401 -and- 14 Bailey Lane Uniontown, PA 15401 -and- 18 Bailey Lane Uniontown, PA 15401	05/15/01
8. MAC Paving & Seal Coating, Inc. (Fed. ER Tax I. D. No. 23-2958002) and Kathleen Doyle Cleary, individually	725 Gino Merli Drive Peckville, PA 18542	10/05/01
9. Dennis F. Casey, Inc. (Fed. ER Tax I. D. No. 23-1742477) -and- Dennis F. Casey, individually	302 Ryers Avenue Cheltenham, PA 19012 -and- 6825 Germantown Ave. Philadelphia, PA 19112-2113 -and- 3760 Frankford Ave. Philadelphia, PA 19124	12/05/01
10. G & P Painting Co., Inc. (Fed. ER Tax I. D. No. 23-2427765) -and- James White, individually	1819 Regina Street Harrisburg, PA 17103 -and- P. O. Box 2624 Harrisburg, PA 17105	12/05/01
11. Siteworks! of Greater Delaware Valley, LLC (Fed. ER Tax I. D. No. 23-2975551) -and- Chester Atkins, individually	1118 Melrose Avenue Melrose Park, PA 19027-3016	12/05/01
12. MAST Contractors, Inc. (Fed. ER Tax I. D. No. 23-2049610)	219 Ruth Road Harleysville, PA 19438 -and- 656 Route 113 P. O. Box 228 Harleysville, PA 19438	12/14/01
13. Zane Dow, Wallace Butler, Pete White, Wanda McCowin and Darryl Grant, individually and d/b/a Wal-Field Group (Fed. ER Tax I. D. No. 23-2994563)	02 Kline Plaza, Suite F Suite K Harrisburg, PA 17104 -and/or- P. O. Box 5567 Harrisburg, PA 17110-0567	02/20/02
14. Largo Construction, Inc. (Fed. ER Tax I. D. No. 23-2706532) -and- Anthony Cimino	555 Street Road Bensalem, PA 19020	05/16/02
15. Hour Glazing Company, Inc. (Fed. ER Tax I. D. No. 23-2998706) -and- Vincent Bickhart, individually	940-G Pointview Avenue Ephrata, PA 17522 -and- 76 Westpointe Lane Ephrata, PA 17522	07/19/02

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
16. James S. Belmont, individually and d/b/a Hi-Tech Roofing	P. O. Box 47 Tunkhannock, PA 18657 -and- P. O. Box 824 Tunkhannock, PA 18657-0824 -and- c/o Riverstreet Gym, River and Warren Streets Tunkhannock, PA 18657	08/20/02
17. Jamifer Corporation t/a Quality Fence, Mary Kathryn Dineen, individually (Fed. ER Tax I. D. No. 23- 2705014) -and- James Dineen, individually	1620 Highway 315 Laflin, PA 18702 -and- 148 Noble Lane Plains Township, PA 18702 -and- 4 Land Creek Road Plains Township, PA 18702 -and- 950 Sathers Road Pittstown Township, PA 18640	10/10/02
18. Depiano General Contractors, Inc. -and- Depiano General Contractors -and- Joseph Depiano	2210 Westchester Pike Broomall, PA 19008 -and- P. O. Box 51 Broomall, PA 19008 -and- 31 West Eagle Road Havertown, PA 19083	12/06/02
19. Smith Glass and Metal Contractors, Inc. (Fed. ER Tax I. D. No. 23-2260997) -and- Walter Smith, individually	6292 Route 14 Highway Trout Run, PA 17771	06/23/03
20. Wrisley Construction -and- Luther Wrisley, individually	R. R. 3, Box 370 Troy, PA 16947	07/15/03
21. Arrow Steel Supply, Inc. (Fed. ER Tax I. D. No. 23- 2834507) -and- Gary Greenburg, individually	1067 Main Street Swoyerville, PA 18704	07/22/03
22. Ceilings Unlimited and Thomas Hanley, owner and individually and Thomas Hanley, II, owner and individually	627 Eyers Grove Road Bloomsburg, PA 17815	08/12/03
23. Buildings, Inc. (Fed. ER I. D. No. 23-2359870) -and- Steven Strange, individually, Elaine Strange, individually, Ruth Elaine Strange, individually and Wayne F. Strange, individually (Fed. ER I. D. No. 25-1347077)	R. D. 1, Box 226A Covington, PA 16917	08/29/03
24. Muncy Masonry, Inc. (Fed. ER I. D. No. 23-2494838) -and- David E. Phillips (Fed. ER I. D. No. 23-1921254)	R. D. 3, Box 204 Muncy, PA 17756 -and- 110 West Water Street Muncy, PA 17756 -and- P. O. Box 122 Muncy, PA 17756	09/09/03
25. C. K. Mechanical Contractors, Inc. (Fed. ER I. D. No. 23-2750207) a/k/a C. K. Mechanical Services Co. a/k/a C. K. Mechanical Services, and Charles L. Knauff, individually	P. O. Box 3554 Williamsport, PA 17701 -and- 2715 McCoy Street Williamsport, PA 17701 -and- 2401 Reach Road Williamsport, PA 17701 -and- 2507 North Hills Drive Williamsport, PA 17701	09/09/03
26. HHI Rigging & Construction, Inc. (Fed. ER I. D. No. 25-1837445), John W. Hatfield and Thomas B. Hatfield	c/o Lodovico and Associates 2211 Ardmore Boulevard Pittsburgh, PA 15221 -and- 12200 Carmine Drive North Huntingdon, PA 15642 -and- 11295 Brokers Lane North Huntingdon, PA 15642-9425	12/01/03

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
27. Architectural Woodworking a/k/a Walters Construction, Jerry W. Walters, individually, Gregory A. Walters, individually	376 Sherman Avenue Nemacolin, PA 15351 -and- P. O. Box 50 Nemacolin, PA 15351	12/01/03
28. P & J Construction Company, Inc. a/k/a P & J Roofing, Joann Spampanato and Paul Spampanato	467 Squankum Yellowbrook Rd. Farmingdale, NJ 07727	12/04/03
29. F & D Painting, Inc. (Fed. E.R. ID No. 23-2908323) -and- Richard A. James, Jr. (Fed. E.R. ID No. 25-1299024)	511 Ferndale Avenue Johnstown, PA 15905	12/30/03
30. Funk's Masonry & Restoration, Inc. a/k/a Funk's Masonry, Funk's Masonry Restoration and Funk's Masonry & Restoration Specialists, and Mark T. Funk	2060 Route 819 Mt. Pleasant, PA 15666	12/30/03

STEPHEN M. SCHMERIN,
Secretary

[Pa.B. Doc. No. 04-104. Filed for public inspection January 16, 2004, 9:00 a.m.]

Current Prevailing Wage Act Debarments

Under a decision of the Pennsylvania Prevailing Wage Appeals Board dated December 22, 2003, the Secretary of Labor and Industry's final determination and debarment of the following contractors for intentionally violating the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165.17) has been rescinded. This notice is published for the information and convenience of public bodies subject to the act. These contractors or any of them or their firms or any firms, corporations or partnerships in which these contractors or any of them or their firms have an interest, may be awarded contracts for public work.

<i>Contractor</i>	<i>Address</i>	<i>Date Debarment Rescinded</i>
Lawson Demolition and Hauling Co. (Fed. ER I. D. No. 23-2977596) and John D. Lawson, individually	1025 Orange Street Steelton, PA 17113	12/22/03

STEPHEN M. SCHMERIN,
Secretary

[Pa.B. Doc. No. 04-105. Filed for public inspection January 16, 2004, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

2003 Group One Exception Requests; Additional Request Medical Assistance Long Term Care Participation Review

The Department of Public Welfare (Department), by statement of policy effective December 18, 1996, adopted an interim policy announcing that it intended to exercise its discretion to refuse to enter into new Medical Assist-

ance (MA) provider agreements and to terminate any provider of MA nursing facility services that sought to increase the number of MA certified nursing facility beds through expansion, unless the Department granted an exception on a case-by-case basis to permit that provider to enroll or expand. (See 26 Pa.B. 5996 (December 14, 1996).) The statement of policy that sets forth the guidelines the Department will use when making its case-by-case exception request decisions was published at 28 Pa.B. 138 (January 10, 1998) and is codified in 55 Pa. Code § 1187.21a (relating to nursing facility exception requests—statement of policy).

In January 2003, the Department was notified of a change in the scope of a project involving MA nursing facility beds at Loving Care and Kepler Home. The Department issued a determination to the nursing facilities in February 2003 that the project, as proposed, was subject to review under 55 Pa. Code § 1187.21a. In response to that determination, on November 12, 2003, the Department received details regarding the exception request. The 2003 Group One Exception Requests covering the submission period of January 1, 2003, through June 30, 2003, was published at 33 Pa.B. 5479 (November 1, 2003). Therefore, based on the original date of notification to the Department, this request is being added to the 2003 Group One Exception Request public notice published at 33 Pa.B. 5479.

Expansion Projects

<i>Number</i>	<i>Facility</i>	<i>Address</i>	<i>County</i>	<i>Beds</i>
JJ03004	Kepler Home	44 South Market Street Elizabethville, PA 17023	Dauphin	66

Copies of the previously listed exception requests are available for review by the public during regular business hours. To schedule an appointment to review a request, call (717) 705-3705.

Public Comment

Interested persons are invited to submit written comments to this notice within 30 days of this publication to

the Department of Public Welfare, Bureau of LTC Programs, Attention: Policy Section, P. O. Box 2675, Harrisburg, PA 17105. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-378. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 04-106. Filed for public inspection January 16, 2004, 9:00 a.m.]

DEPARTMENT OF REVENUE

Interest Rate

Under sections 806 and 806.1 of the Fiscal Code (72 P. S. §§ 806 and 806.1), the Secretary of Revenue announces that for the year commencing January 1, 2004, all underpayments of tax which became due and payable to the Commonwealth on and after January 1, 1982, shall bear interest at the rate of 4% per annum. All overpayments of the tax imposed under Article III of the Tax Reform Code of 1971 which became due and payable to the Commonwealth on and after January 1, 1982, shall bear interest at the rate of 4% per annum. All other overpayments of tax which became due and payable to the Commonwealth on and after January 1, 1982, shall bear interest at the rate of 2% per annum. These rates will remain constant until December 31, 2004. These rates will be codified under 61 Pa. Code § 4.2(a) (relating to rate of interest).

These rates have been established based upon the rate established by the Secretary of the Treasury of the United States under section 6621(a)(2) of the Internal Revenue Code, effective January 1, 2004.

Although the Tax Reform Act of 1986 amended section 6621 of the Internal Revenue Code by requiring that the Secretary of the Treasury of the United States establish quarterly rates of interest to become effective for Federal purposes on the first month of each calendar quarter, these amendments do not affect Commonwealth law. The Fiscal Code requires that the interest rate be established effective January 1 of each calendar year without regard to any change in the Federal interest rate during the calendar year.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 04-107. Filed for public inspection January 16, 2004, 9:00 a.m.]

Pennsylvania In The Bank Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania In The Bank.

2. *Price:* The price of a Pennsylvania In The Bank instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania In The Bank instant lottery game ticket will contain one play area featuring a "Bank Numbers" area and a "Your Numbers" area. The play symbols and their captions located in the "Bank Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR) and 24 (TWYFOR). The play symbols and their captions located in the "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and a Coin Symbol (COIN).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$2⁰⁰ (TWO DOL), \$5⁰⁰ (FIV DOL), \$6⁰⁰ (SIX DOL), \$10⁰⁰ (TEN DOL), \$15\$ (FIFTN), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$5,000 (FIV THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are \$2, \$5, \$6, \$10, \$15, \$25, \$50, \$100, \$500, \$5,000 and \$100,000. A player can win up to ten times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania In The Bank instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Bank Numbers" play symbols and a prize play symbol of \$100,000 (ONEHUNTHO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Bank Numbers" play symbols and a prize play symbol of \$5,000 (FIV THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Coin Symbol (COIN), and a prize play symbol of \$500 (FIV HUN) appears under the Coin Symbol (COIN) on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Bank Numbers" play symbols and a prize play symbol of \$500 (FIV HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Coin Symbol (COIN), and a prize play symbol of \$100 (ONE HUN) appears under the Coin Symbol (COIN) on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Bank Numbers" play symbols and a prize play symbol of \$100 (ONE

HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Coin Symbol (COIN), and a prize play symbol of \$50\$ (FIFTY) appears under the Coin Symbol (COIN) on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Bank Numbers" play symbols and a prize play symbol of \$50\$ (FIFTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Coin Symbol (COIN), and a prize play symbol of \$25\$ (TWY FIV) appears under the Coin Symbol (COIN) on a single ticket, shall be entitled to a prize of \$25.

(j) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Bank Numbers" play symbols and a prize play symbol of \$25\$ (TWY FIV) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(k) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Coin Symbol (COIN), and a prize play symbol of \$15\$ (FIFTN) appears under the Coin Symbol (COIN) on a single ticket, shall be entitled to a prize of \$15.

(l) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Bank Numbers" play symbols and a prize play symbol of \$15\$ (FIFTN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(m) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Coin Symbol (COIN), and a prize play symbol of \$10⁰⁰ (TEN DOL) appears under the Coin Symbol (COIN) on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Bank Numbers" play symbols and a prize play symbol of \$10⁰⁰ (TEN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Coin Symbol (COIN), and a prize play symbol of \$6⁰⁰ (SIX DOL) appears under the Coin Symbol (COIN) on a single ticket, shall be entitled to a prize of \$6.

(p) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Bank Numbers" play symbols and a prize play symbol of \$6⁰⁰ (SIX DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(q) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Coin Symbol (COIN), and a prize play symbol of \$5⁰⁰ (FIV DOL) appears under the Coin Symbol (COIN) on a single ticket, shall be entitled to a prize of \$5.

(r) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Bank Num-

bers" play symbols and a prize play symbol of \$5⁰⁰ (FIV DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(s) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Bank Numbers" play symbols and a prize play symbol of \$2⁰⁰ (TWO DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any of Your Numbers Match Any of the Bank Numbers, Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds 1 In:</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
\$5	\$5	20	300,000
\$5 w/Coin	\$5	10	600,000
\$6	\$6	120	50,000
\$6 w/Coin	\$6	120	50,000
\$2 × 5	\$10	120	50,000
\$5 × 2	\$10	600	10,000
\$10	\$10	600	10,000
\$10 w/Coin	\$10	120	50,000
\$5 × 3	\$15	600	10,000
\$10 + \$5	\$15	300	20,000
\$15	\$15	600	10,000
\$15 w/Coin	\$15	150	40,000
\$5 × 5	\$25	75	80,000
\$25	\$25	200	30,000
\$25 w/Coin	\$25	66.67	90,000
\$25 × 2	\$50	300	20,000
\$15 × 3 + \$5	\$50	300	20,000
\$5 × 10	\$50	300	20,000
\$10 × 5	\$50	300	20,000
\$50	\$50	600	10,000
\$50 w/Coin	\$50	600	10,000
\$10 × 10	\$100	4,800	1,250
\$50 × 2	\$100	4,800	1,250
\$100	\$100	4,800	1,250
\$100 w/Coin	\$100	4,800	1,250
\$50 × 10	\$500	8,000	750
\$100 × 5	\$500	8,000	750
\$500	\$500	8,000	750
\$500 w/Coin	\$500	8,000	750
\$500 × 10	\$5,000	120,000	50
\$5,000	\$5,000	120,000	50
\$100,000	\$100,000	600,000	10

Coin = Win prize automatically

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania In The Bank instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania In The Bank, prize money from winning Pennsylvania In The Bank instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania In The Bank instant lottery game, the right of a ticket holder to claim the prize represented by the

ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania In The Bank or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 04-108. Filed for public inspection January 16, 2004, 9:00 a.m.]

Pennsylvania Lucky Birthday Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Lucky Birthday.

2. *Price:* The price of a Pennsylvania Lucky Birthday instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Lucky Birthday instant lottery game ticket will contain one play area featuring a "Winning Numbers" area and a "Your Gift Numbers" area. The play symbols and their captions located in the "Winning Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN) and 16 (SIXTN). The play symbols and their captions located in the "Your Gift Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN) and a Cake Symbol (CAKE).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Gift Numbers" area are: \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$25\$ (TWY FIV) and \$100 (ONE HUN).

5. *Prizes:* The prizes that can be won in this game are \$2, \$4, \$5, \$10, \$15, \$20, \$25 and \$100. A player can win up to five times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 8,520,000 tickets will be printed for the Pennsylvania Lucky Birthday instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Gift Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$100 (ONE HUN) appears under the matching "Your Gift Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(b) Holders of tickets upon which any one of the "Your Gift Numbers" play symbols is a Cake Symbol (CAKE),

and a prize play symbol of \$25\$ (TWY FIV) appears under the Cake Symbol (CAKE) on a single ticket, shall be entitled to a prize of \$25.

(c) Holders of tickets upon which any one of the "Your Gift Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$25\$ (TWY FIV) appears under the matching "Your Gift Numbers" play symbol, on a single ticket, single ticket, shall be entitled to a prize of \$25.

(d) Holders of tickets upon which any one of the "Your Gift Numbers" play symbols is a Cake Symbol (CAKE), and a prize play symbol of \$20\$ (TWENTY) appears under the Cake Symbol (CAKE) on a single ticket, shall be entitled to a prize of \$20.

(e) Holders of tickets upon which any one of the "Your Gift Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$20\$ (TWENTY) appears under the matching "Your Gift Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(f) Holders of tickets upon which any one of the "Your Gift Numbers" play symbols is a Cake Symbol (CAKE), and a prize play symbol of \$15\$ (FIFTN) appears under the Cake Symbol (CAKE) on a single ticket, shall be entitled to a prize of \$15.

(g) Holders of tickets upon which any one of the "Your Gift Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$15\$ (FIFTN) appears under the matching "Your Gift Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(h) Holders of tickets upon which any one of the "Your Gift Numbers" play symbols is a Cake Symbol (CAKE), and a prize play symbol of \$10⁰⁰ (TEN DOL) appears under the Cake Symbol (CAKE) on a single ticket, shall be entitled to a prize of \$10.

(i) Holders of tickets upon which any one of the "Your Gift Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$10⁰⁰ (TEN DOL) appears under the matching "Your Gift Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets upon which any one of the "Your Gift Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$5⁰⁰ (FIV DOL) appears under the matching "Your Gift Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(k) Holders of tickets upon which any one of the "Your Gift Numbers" play symbols is a Cake Symbol (CAKE), and a prize play symbol of \$4⁰⁰ (FOR DOL) appears under the Cake Symbol (CAKE) on a single ticket, shall be entitled to a prize of \$4.

(l) Holders of tickets upon which any one of the "Your Gift Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$4⁰⁰ (FOR DOL) appears under the matching "Your Gift Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(m) Holders of tickets upon which any one of the "Your Gift Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$2⁰⁰ (TWO DOL) appears under the matching "Your Gift

Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When Any of Your Gift

Numbers Match

Either Winning

Number Win

With Prize(s) of:

	Win:	Approximate Odds 1 In:	Approximate No. of Winners Per 8,520,000 Tickets
\$2	\$2	7.50	1,136,000
\$4	\$4	60	142,000
\$2 × 2	\$4	60	142,000
\$4 (Cake)	\$4	23.08	369,200
\$5	\$5	37.50	227,200
\$10	\$10	750	11,360
\$5 × 2	\$10	750	11,360
\$4 × 2 + \$2	\$10	750	11,360
\$2 × 5	\$10	750	11,360
\$10 (Cake)	\$10	750	11,360
\$15	\$15	375	22,720
\$5 × 3	\$15	500	17,040
\$15 (Cake)	\$15	500	17,040
\$20	\$20	750	11,360
\$5 × 4	\$20	750	11,360
\$4 × 5	\$20	750	11,360
\$10 × 2	\$20	750	11,360
\$20 (Cake)	\$20	750	11,360
\$25	\$25	375	22,720
\$5 × 5	\$25	750	11,360
\$10 + \$5 × 3	\$25	750	11,360
\$25 (Cake)	\$25	750	11,360
\$20 × 5	\$100	2,353	3,621
\$25 × 4	\$100	2,353	3,621
\$100	\$100	2,400	3,550

(Cake) = Win prize automatically

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Lucky Birthday instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Lucky Birthday, prize money from winning Pennsylvania Lucky Birthday instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Lucky Birthday instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote

Pennsylvania Lucky Birthday or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 04-109. Filed for public inspection January 16, 2004, 9:00 a.m.]

Pennsylvania Lucky Loot Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Lucky Loot.

2. *Price:* The price of a Pennsylvania Lucky Loot instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Lucky Loot instant lottery game ticket will contain one play area featuring a "Lucky Number" area and a "Your Numbers" area. The play symbols and their captions located in the "Lucky Number" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE) and 10 (TEN). The play symbols and their captions located in the "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN) and a Pot of Gold Symbol (PTGLD).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$8⁰⁰ (EGT DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$40\$ (FORTY), \$80\$ (EIGHTY), \$200 (TWO HUN) and \$1,000 (ONE THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$5, \$8, \$10, \$20, \$40, \$80, \$200 and \$1,000. A player can win up to five times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 15,600,000 tickets will be printed for the Pennsylvania Lucky Loot instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$1,000 (ONE THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$200 (TWO HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Pot of Gold Symbol (PTGLD), and a prize play symbol of \$80\$ (EIGHTY) appears under the Pot of Gold Symbol (PTGLD) on a single ticket, shall be entitled to a prize of \$80.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$80\$ (EIGHTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$80.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Pot of Gold Symbol (PTGLD), and a prize play symbol of \$40\$ (FORTY) appears under the Pot of Gold Symbol (PTGLD) on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$40\$ (FORTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Pot of Gold Symbol (PTGLD), and a prize play symbol of \$20⁰⁰ (TWENTY) appears under the Pot of Gold Symbol (PTGLD) on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$20⁰⁰ (TWENTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Pot of Gold Symbol (PTGLD), and a prize play symbol of \$10⁰⁰ (TEN DOL) appears under the Pot of Gold Symbol (PTGLD) on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$10⁰⁰ (TEN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Pot of Gold Symbol (PTGLD), and a prize play symbol of \$8⁰⁰ (EGT DOL) appears under the Pot of Gold Symbol (PTGLD) on a single ticket, shall be entitled to a prize of \$8.

(l) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$5⁰⁰ (FIV DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(m) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Pot of Gold Symbol (PTGLD), and a prize play symbol of \$4⁰⁰ (FOR DOL) appears under the Pot of Gold Symbol (PTGLD) on a single ticket, shall be entitled to a prize of \$4.

(n) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$4⁰⁰ (FOR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(o) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Pot of Gold Symbol (PTGLD), and a prize play symbol of \$2⁰⁰ (TWO DOL) appears under the Pot of Gold Symbol (PTGLD) on a single ticket, shall be entitled to a prize of \$2.

(p) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$2⁰⁰ (TWO DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(q) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Lucky Number" play symbol and a prize play symbol of \$1⁰⁰ (ONE DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any of Your Numbers Match the Lucky Number, Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds 1 In:</i>	<i>Approximate No. of Winners Per 15,600,000 Tickets</i>
\$1	\$1	9.09	1,716,000
\$2	\$2	42.86	364,000
\$2 w/PG	\$2	50	312,000
\$1 × 2	\$2	60	260,000
\$4	\$4	150	104,000
\$4 w/PG	\$4	150	104,000
\$1 × 4	\$4	150	104,000
\$2 × 2	\$4	150	104,000
\$5	\$5	600	26,000
\$1 × 5	\$5	600	26,000
\$4 w/PG + \$1	\$5	300	52,000
\$10	\$10	600	26,000
\$10 w/PG	\$10	200	78,000
\$2 × 5	\$10	600	26,000
\$5 × 2	\$10	600	26,000
\$8 w/PG + \$2	\$10	300	52,000
\$20	\$20	1,500	10,400
\$20 w/PG	\$20	1,500	10,400
\$4 × 5	\$20	1,500	10,400
\$5 × 4	\$20	1,500	10,400
\$10 × 2	\$20	1,500	10,400
\$40	\$40	16,000	975
\$40 w/PG	\$40	16,000	975
\$10 × 4	\$40	16,000	975
\$20 × 2	\$40	16,000	975
\$80	\$80	48,000	325
\$80 w/PG	\$80	48,000	325
\$20 × 4	\$80	48,000	325
\$200	\$200	60,000	260
\$40 × 5	\$200	60,000	260
\$1,000	\$1,000	240,000	65
\$200 × 5	\$1,000	240,000	65

PG = Pot of Gold wins prize automatically

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Lucky Loot instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Lucky Loot, prize money from winning Pennsylvania Lucky Loot instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Lucky Loot instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Pennsylvania Lucky Loot or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 04-110. Filed for public inspection January 16, 2004, 9:00 a.m.]

Pennsylvania Regal Riches Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Regal Riches.

2. *Price:* The price of a Pennsylvania Regal Riches instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Regal Riches instant lottery game ticket will contain one play area featuring one "Winning Numbers" area, one "Your Numbers" area and a "Bonus Box" area. The play symbols and their captions located in the "Winning Numbers" area and "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN) and 16 (SIXTN). The play symbols their captions located in the "Bonus Box" area are: Diamond Symbol (DIMND), Money Bag Symbol (MNYBAG), Gold Bar Symbol (GOLD), Rainbow Symbol (RBOW), Crown Symbol (CROWN), and Rabbit Foot Symbol (RBTFT).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$4⁰⁰ (FOR DOL), \$8⁰⁰ (EGT DOL), \$12\$ (TWELV), \$18\$ (EGHTN), \$24\$ (TWY FOR), \$48\$ (FRY EGT), \$96\$ (NTY SIX), \$240 (TWOHUNFRY), \$2,400 (TWYFORHUN) and \$24,000 (TWYFORTHO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$4, \$8, \$12, \$18, \$24, \$48, \$96, \$240, \$2,400 and \$24,000. The player can win up to eight times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Regal Riches instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$24,000 (TWYFORTHO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$24,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$2,400 (TWYFORHUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2,400.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$240

(TWOHUNFRY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$240.

(d) Holders of tickets with a Crown (CROWN) in the "Bonus Box" area, four prize play symbols of \$12\$ (TWELV) and four prize play symbols of \$48\$ (FRY EGT) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$240.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$96\$ (NTY SIX) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$96.

(f) Holders of tickets with a Crown (CROWN) in the "Bonus Box" area and eight prize play symbols of \$12\$ (TWELV) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$96.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$48\$ (FRY EGT) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$48.

(h) Holders of tickets with a Crown (CROWN) in the "Bonus Box" area, four prize play symbols of \$4⁰⁰ (FOR DOL) and four prize play symbols of \$8⁰⁰ (EGT DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$48.

(i) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$24\$ (TWY FOR) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$24.

(j) Holders of tickets with a Crown (CROWN) in the "Bonus Box" area and eight prize play symbols of \$3⁰⁰ (THR DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$24.

(k) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$18\$ (EGHTN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$18.

(l) Holders of tickets with a Crown (CROWN) in the "Bonus Box" area, six prize play symbols of \$2⁰⁰ (TWO DOL) and two prize play symbols of \$3⁰⁰ (THR DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$18.

(m) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$12\$ (TWELV) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$12.

(n) Holders of tickets with a Crown (CROWN) in the "Bonus Box" area, four prize play symbols of \$2⁰⁰ (TWO DOL) and four prize play symbols of \$1⁰⁰ (ONE DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$12.

(o) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$8⁰⁰

(EGT DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$8.

(p) Holders of tickets with a Crown (CROWN) in the "Bonus Box" area and eight prize play symbols of \$1^{.00} (ONE DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$8.

(q) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$4^{.00} (FOR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(r) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$3^{.00} (THR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(s) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$2^{.00} (TWO DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(t) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$1^{.00} (ONE DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

*When Any of Your
Numbers Match
Either Winning
Number; Win
With Prize(s) of:*

	<i>Win:</i>	<i>Approximate Odds 1 In:</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
\$1 × 2	\$2	17.65	340,000
\$2	\$2	21.43	280,000
\$1 × 3	\$3	50	120,000
\$2 + \$1	\$3	50	120,000
\$3	\$3	50	120,000
\$1 × 4	\$4	107.14	56,000
\$3 + \$1	\$4	107.14	56,000
\$4	\$4	125	48,000
\$1 × 8 (CROWN)	\$8	100	60,000
\$1 × 8	\$8	300	20,000
\$4 × 2	\$8	300	20,000
\$8	\$8	300	20,000
\$2 × 6	\$12	750	8,000
\$3 × 4	\$12	750	8,000
\$4 × 3	\$12	750	8,000
\$2 × 4 + \$1 × 4 (CROWN)	\$12	750	8,000
\$12	\$12	750	8,000
\$3 × 6	\$18	375	16,000
\$2 × 6 + \$3 × 2 (CROWN)	\$18	375	16,000
\$18	\$18	750	8,000
\$3 × 8	\$24	1,500	4,000
\$4 × 6	\$24	1,500	4,000
\$8 × 3	\$24	1,500	4,000
\$3 × 8 (CROWN)	\$24	250	24,000
\$24	\$24	136.36	44,000
\$8 × 6	\$48	3,000	2,000
\$12 × 4	\$48	3,000	2,000
\$4 × 4 + \$8 × 4 (CROWN)	\$48	3,000	2,000
\$48	\$48	3,000	2,000
\$12 × 8 (CROWN)	\$96	20,000	300
\$96	\$96	24,000	250
\$12 × 4 + \$48 × 4 (CROWN)	\$240	120,000	50
\$240	\$240	120,000	50
\$2,400	\$2,400	240,000	25
\$24,000	\$24,000	600,000	10

(Crown) = Win all 8 prizes

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Regal Riches instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Regal Riches, prize money from winning Pennsylvania Regal Riches instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is

made within 1 year of the announced close of the Pennsylvania Regal Riches instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Regal Riches or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 04-111. Filed for public inspection January 16, 2004, 9:00 a.m.]

Pennsylvania Wild 7's Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Wild 7's.

2. *Price:* The price of a Pennsylvania Wild 7's instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Wild 7's instant lottery game ticket will contain one "Play Area." The play symbols and their captions located in the "Play Area" are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT) and 9 (NINE).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Play Area" are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$7⁰⁰ (SVN DOL), \$14\$ (FORTN), \$21\$ (TWY ONE), \$70\$ (SEVENTY), \$170 (ONEHUNSTY) and \$7,000 (SVN THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$7, \$14, \$21, \$70, \$170 and \$7,000. A player can win up to seven times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 19,200,000 tickets will be printed for the Pennsylvania Wild 7's instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets with a play symbol of 7 (SEVEN) and a prize play symbol of \$7,000 (SVN THO) appearing under it in the "Play Area," on a single ticket, shall be entitled to a prize of \$7,000.

(b) Holders of tickets with a play symbol of 7 (SEVEN) and a prize play symbol of \$170 (ONEHUNSTY) appearing under it in the "Play Area," on a single ticket, shall be entitled to a prize of \$170.

(c) Holders of tickets with a play symbol of 7 (SEVEN) and a prize play symbol of \$70\$ (SEVENTY) appearing under it in the "Play Area," on a single ticket, shall be entitled to a prize of \$70.

(d) Holders of tickets with a play symbol of 7 (SEVEN) and a prize play symbol of \$21\$ (TWY ONE) appearing under it in the "Play Area," on a single ticket, shall be entitled to a prize of \$21.

(e) Holders of tickets with a play symbol of 7 (SEVEN) and a prize play symbol of \$14\$ (FORTN) appearing under it in the "Play Area," on a single ticket, shall be entitled to a prize of \$14.

(f) Holders of tickets with a play symbol of 7 (SEVEN) and a prize play symbol of \$7⁰⁰ (SVN DOL) appearing under it in the "Play Area," on a single ticket, shall be entitled to a prize of \$7.

(g) Holders of tickets with a play symbol of 7 (SEVEN) and a prize play symbol of \$3⁰⁰ (THR DOL) appearing under it in the "Play Area," on a single ticket, shall be entitled to a prize of \$3.

(h) Holders of tickets with a play symbol of 7 (SEVEN) and a prize play symbol of \$2⁰⁰ (TWO DOL) appearing under it in the "Play Area," on a single ticket, shall be entitled to a prize of \$2.

(i) Holders of tickets with a play symbol of 7 (SEVEN) and a prize play symbol of \$1⁰⁰ (ONE DOL) appearing under it in the "Play Area," on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

Find A "7"
Win With
Prize(s) of:

\$1
\$1 × 2
\$2
\$1 × 3
\$1 + \$2
\$3
\$1 × 7
\$7
\$2 × 7
\$7 × 2
\$14
\$3 × 7
\$7 × 3

Win

\$1
\$2
\$2
\$3
\$3
\$3
\$7
\$7
\$14
\$14
\$14
\$21
\$21

Approximate
Odds

1:8.96
1:23.08
1:37.50
1:300
1:500
1:750
1:66.67
1:66.67
1:750
1:750
1:1,500
1:1,500
1:3,000

Approximate No. of
Winners Per 19,200,000
Tickets

2,144,000
832,000
512,000
64,000
38,400
25,600
288,000
288,000
25,600
25,600
12,800
12,800
6,400

*Find A "7"
Win With
Prize(s) of:*

	<i>Win</i>
\$14 + \$7	\$21
\$21	\$21
\$70	\$70
\$170	\$170
\$7,000	\$7,000

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Wild 7's instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Wild 7's, prize money from winning Pennsylvania Wild 7's instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Wild 7's instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Wild 7's or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 04-112. Filed for public inspection January 16, 2004, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Admissibility of Department Records

The Department of Transportation (Department), Bureau of Driver Licensing, under 75 Pa.C.S. § 6328 (relating to admissibility of department records), gives notice that, in addition to State and local police, district attorneys, employees of the Department and the Office of Attorney General identified in 75 Pa.C.S. § 6328 as authorized users of electronically certified documents, the following shall also be authorized users under 75 Pa.C.S. § 6328: judges of the Pennsylvania Courts, including district justices, State and county probation and parole officers, Federal justice agencies (Federal Bureau of Investigation, Drug Enforcement Administration, Homeland Security, and the like), State and county corrections departments and county sheriff's departments.

Questions, comments or suggestions should be directed to Diana Henning, Manager, Judicial and Information

<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 19,200,000 Tickets</i>
1:3,000	6,400
1:3,000	6,400
1:21,818	880
1:40,000	480
1:240,000	80

Services, Riverfront Office Center, 3rd Floor, 1101 S. Front Street, Harrisburg, PA 17104, (717) 705-0807.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 04-113. Filed for public inspection January 16, 2004, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Borough of Schuylkill Haven v. DEP; EHB Doc. No. 2003-356-MG

The Borough of Schuylkill Haven has appealed the issuance by the Department of Environmental Protection of an NPDES permit to the Borough of Schuylkill Haven for a facility in the Borough of Schuylkill Haven, Schuylkill 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 interested parties 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 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

MICHAEL L. KRANCER,
Chairperson

[Pa.B. Doc. No. 04-114. Filed for public inspection January 16, 2004, 9:00 a.m.]

FISH AND BOAT COMMISSION

Temporary Changes to Fishing Regulations; South Branch Roaring Creek, Columbia and Northumberland Counties

The Deputy Executive Director of the Fish and Boat Commission (Commission), acting under the authority of

58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to modify temporary fishing regulations to permit catch and release only of all species on waters located in the Wyoming State Forest, Columbia and Northumberland Counties. The waters affected are the segment of South Branch Roaring Creek and the three impoundments that are upstream of the bridge on State Route 3008 at Bear Gap. These temporary modifications will go into effect immediately and will remain in effect until further notice but in no event will they remain in place after January 1, 2005.

The Deputy Executive Director has found that this action is necessary and appropriate for the protection, preservation and management of fish. The Deputy Executive Director has caused these temporary modifications to fishing regulations to be posted in the vicinity of the waters affected. The modified regulations are fully effective and enforceable.

DENNIS T. GUISE,
Deputy Executive Director

[Pa.B. Doc. No. 04-115. Filed for public inspection January 16, 2004, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Request for Bids

The Health Care Cost Containment Council (Council) is soliciting bids from qualified vendors to conduct a financial and compliance audit of the books, records and documents of the Council for the fiscal year period July 1, 2003—June 30, 2004. Interested parties should contact the Health Care Cost Containment Council, Suite 400, 225 Market Street, Harrisburg, PA 17101, (717) 232-6787 for copies of the Request for Proposals. Bids are due to the Council office by 5 p.m. on February 18, 2004. A pre-proposal conference will be held at the Council office on January 22, 2004, at 10 a.m. Potential bidders are invited to submit questions in advance of the pre-proposal conference.

MARC P. VOLAVKA,
Executive Director

[Pa.B. Doc. No. 04-116. Filed for public inspection January 16, 2004, 9:00 a.m.]

HOUSING FINANCE AGENCY

Address Change

The Housing Finance Agency announces the relocation of its headquarters. Effective January 12, 2004, the new mailing and street delivery address is Housing Finance Agency, 211 North Front Street, Harrisburg, PA 17101.

BRIAN A. HUDSON,
Executive Director

[Pa.B. Doc. No. 04-117. Filed for public inspection January 16, 2004, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website at www.irrc.state.pa.us. To obtain a copy of a regulation, contact the promulgating agency.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
16A-425	State Board of Barber Examiners Deletion of Examination Fees	1/6/04
16A-529	State Board of Optometry Continuing Education	1/6/04
16A-5117	State Board of Nursing Continuing Education	1/6/04

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 04-118. Filed for public inspection January 16, 2004, 9:00 a.m.]

INSURANCE DEPARTMENT

Keystone Health Plan East; Community Pharmacy; Rate Filing

On December 26, 2003, Keystone Health Plan East submitted a filing to increase rates for its prescription drug riders. The requested rate increases range from 18% to 35% and the additional annual income generated from these increases is estimated to be \$68 million. This filing will affect approximately 255,000 contracts. An effective date of April 1, 2004, has been requested.

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

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, 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. 04-119. Filed for public inspection January 16, 2004, 9:00 a.m.]

The Medical Protective Company; Physicians and Surgeons Professional Liability Rate and Rule Revision Occurrence and Claims Made Programs; Rate Filing

On January 2, 2004, the Insurance Department (Department) received from The Medical Protective Company a filing for a rate level change for physicians and surgeons professional liability insurance.

The Medical Protective Company requests an overall 25.0% increase to be effective July 1, 2004.

Unless formal administrative action is taken prior to February 16, 2004, the subject filing may be deemed approved by operation of law.

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

The entire filing is also available for review on the Department's website at www.ins.state.pa.us. To access the filing, click "Company Information," then click "Information from the Office of Insurance Product Regulation and Market Enforcement" and then click "Notices of filings pending before the Insurance Department (published in the PA Bulletin)."

Interested parties are invited to submit written comments, suggestions or objections to Ken Creighton, ACAS, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, 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. 04-120. Filed for public inspection January 16, 2004, 9:00 a.m.]

Nationwide Mutual Insurance Company; Private Passenger Automobile Rate Revision; Rate Filing

On January 5, 2004, the Insurance Department (Department) received from Nationwide Mutual Insurance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 1.8% increase amounting to \$10.792 million annually, to be effective April 30, 2004.

Unless formal administrative action is taken prior to March 5, 2004, 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 Michael W. Burkett, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, mburkett@state.pa.us within 30

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

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-121. Filed for public inspection January 16, 2004, 9:00 a.m.]

Reserve and Surplus Levels of Hospital Plan and Professional Health Services Plan Corporations; Application; Notice 2004-01

The Insurance Department (Department) has directed Capital Blue Cross, Highmark, Inc. d/b/a Highmark Blue Cross Blue Shield and d/b/a Pennsylvania Blue Shield, Hospital Service Association of Northeastern Pennsylvania d/b/a Blue Cross of Northeastern Pennsylvania and Independence Blue Cross (collectively, Blues Plans) to make applications for approval of the reserves and surpluses they maintain under, inter alia, 40 Pa.C.S. Chapter 61 (relating to hospital plan corporations). The applications, in a form further described herein, are due on April 15, 2004. The completed applications will be made available on the Department's website (www.insurance.state.pa.us) and in its public room and regional offices for inspection and copying as soon as possible thereafter. Interested parties are invited to submit written comments regarding the completed applications on or before May 15, 2004, to Blues Reserve/Surplus Application, Insurance Department, Office of Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 787-4192, ra-rateform@state.pa.us.

The Blues Plans face a large variety of financial, economic and operating risks, all of which require the maintenance of surplus to assure continued viability of these plans. Because experts, such as accountants, actuaries and economists, often disagree how to best measure the risks facing enterprises such as the Blues Plans, it is necessary for the Department to determine and monitor what level of surplus are adequate to efficiently protect the continued viability of the Blues Plans. The National Association of Insurance Commissioners (NAIC) has developed a tool, known as Risk Based Capital (RBC), as a formulaic approach to establishing capital requirements for insurers, while accounting for the risks associated with the business operations of each insurer. The NAIC RBC formula ratios an insurer's total adjusted surplus to its measured authorized control level surplus. Calculating RBC ratios necessarily requires accurate statement of proper reserves. Utilizing the RBC scoring methodology, the national Blue Cross Blue Shield Association has identified an RBC ratio of 375% of Authorized Control Level to constitute an "Early Warning Level," at which point monitoring may be considered by that organization. On a countrywide basis, the Blues were operating at a system-wide average RBC of 628% as of June 30, 2002, and approximately 60% of premiums were written by Blues plans operating at an RBC ratio of 600% or less.

The Department held a public informational hearing on September 4, 2002, to gather information about the reserve and surplus levels of the Blues Plans. As a result of analyzing information received at and after that hearing, the Department determined that the Blues Plans collectively held in excess of \$2.4 billion in reserves for unpaid liabilities and approximately \$3.5 billion in surplus as of December 31, 2002. The Department also believes that an appropriate RBC ratio range for the

Blues Plans is most likely between 350% and 650%. Surplus maintained at levels resulting in RBC ratios in excess of a respective maximum ratio within that range, and in any event in excess of 650%, are likely excessive.

Whether current surplus levels of the Blues Plans are excessive cannot adequately be determined from the information provided to date, and at what level within the identified efficient RBC range each Blues Plan should be operating also requires additional analysis. Moreover, since the September 2002 informational hearing, the Blues Plans have each sought rate increases on various insurance products, while at the same time certain Blues Plans have also sought advice, permission or other input concerning expenditure of surplus. Therefore, to assure that the Blues Plans are maintaining properly stated reserve levels and appropriate but not excessive surplus to properly fulfill corporate obligations and social missions, the Department has determined that each Blues Plan must submit an application for approval of its reserve and surplus.

In the application, each Blues Plan must, in a manner the Department deems necessary and proper: (a) state what reserve levels it and all of its insurance subsidiaries are holding and what surplus levels it and all of its insurance subsidiaries are currently maintaining; (b) state the maximum RBC ratio within the 350% to 650% range that is appropriate, and explain the rationale for that maximum ratio; (c) identify the Plan's funds dedicated, allocated or expended for charitable purposes in 2002 and 2003, and those planned for 2004 through 2006; and (d) provide a proposed business plan explaining how any maintained surplus that results in an RBC ratio that is in excess of the maximum RBC ratio will be fairly and equitably distributed to benefit Plan participants and the Commonwealth's underinsured and uninsured citizens in a manner befitting charitable and benevolent institutions such as the Blues Plans. Prior to the due date for the applications, the Department may make inquiries, audits and investigations, and may require the submission of supplemental studies and information, as it may deem necessary or proper, to enable it to reach a determination.

STEPHEN J. JOHNSON,
RANDOLPH L. ROHRBAUGH,
Deputy Insurance Commissioners

[Pa.B. Doc. No. 04-122. Filed for public inspection January 16, 2004, 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 insureds' 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 office in Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Pittsburgh Regional Office, Room 304 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Daniel and Paula M. Micale; file no. 03-407-91120; American Home Assurance Company; doc. no. PI03-12-028; February 6, 2004, 2:30 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 an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-123. Filed for public inspection January 16, 2004, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the company's termination of the insured's policy. The administrative hearing will be held in the Insurance Department's regional office in Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Pittsburgh Regional Office, Room 304 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Joseph Moise; file no. 03-182-11547; Everett Cash Mutual Insurance Company; doc. no. PI03-12-022; February 6, 2004, 1 p.m.

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

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 04-124. Filed for public inspection January 16, 2004, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Governor's Office

Management Directive No. 305.21—Payments to Local Governments and Other Subrecipients, Revision No. 1, Dated December 3, 2003.

Management Directive No. 325.9—Processing Audits of Federal Pass-Through Funds, Amended December 3, 2003.

Administrative Circular No. 03-29—Budget Allocations and Accounting for Federal, Interagency Subgrants, Dated December 8, 2003.

MARY JANE PHELPS,
Director
Pennsylvania Bulletin

[Pa.B. Doc. No. 04-125. Filed for public inspection January 16, 2004, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility

Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by February 2, 2004. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to begin operating as *common carriers* for transportation of persons as described under each application.

A-00120349. Martha Carey (2nd Floor, 534 Hummel Avenue, Lemoyne, Cumberland County, PA 17043)—persons upon call or demand in the Counties of Cumberland, Dauphin and York.

A-00120353. Elam L. Stoltzfus (31 South Ronks Road, Ronks, Lancaster County, PA 17572)—persons in paratransit service, between points in the Counties of Chester and Lancaster, and from points in said counties, to points in Pennsylvania, and return, limited to the transportation of persons whose personal convictions prevent them from owning or operating motor vehicles.

Application of the following for approval of the right to *begin* to operate as a *broker* for the transportation of persons as described under the application.

A-00120347 D J Tours, Inc. (7468 Anthony Highway, Waynesboro, Franklin County, PA 17268), a corporation of the Commonwealth—brokerage license—to arrange for the transportation of persons and their baggage between points in Pennsylvania. *Attorney:* Clinton Barkdoll, 9 East Main Street, Waynesboro, PA 17268.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-126. Filed for public inspection January 16, 2004, 9:00 a.m.]

Transfer by Sale

A-110500F0337 and A-110500F0338. PPL Electric Utilities Corporation. Application of PPL Electric Utilities Corporation for approval of: (1) the transfer by sale by PPL Electric Utilities Corporation of existing and future accounts receivable; and (2) the acquisition of all of the voting capital stock of a newly formed special purpose entity, Newco.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before February 2, 2004. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: PPL Electric Utilities Corporation

Through and By Counsel: Michael W. Gang, Esquire, and John H. Isom, Esquire, Morgan, Lewis & Bockius, LLP, One Commerce Square, 417 Walnut Street, Harrisburg, PA 17101-1904

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-127. Filed for public inspection January 16, 2004, 9:00 a.m.]

Wastewater Service

A-230240F0021. Little Washington Wastewater Company d/b/a Suburban Wastewater Company. Application of Little Washington Wastewater Company d/b/a Suburban Wastewater Company for approval of: (1) the acquisition, by purchase, of the wastewater system assets of CPR Land Partners, L. P.; and (2) the right of Little Washington Wastewater Company to begin to offer, render, furnish or supply wastewater service to the public in a portion of Newlin Township, Chester County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before February 2, 2004. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Little Washington Wastewater Company d/b/a Suburban Wastewater Company

Through and By Counsel: Mark J. Kropilak, Esquire, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-128. Filed for public inspection January 16, 2004, 9:00 a.m.]

Water Service

A-210104F0046. Pennsylvania Suburban Water Company. Application of Pennsylvania Suburban Water Company for approval to begin to offer, render, furnish and supply water service to the public in an additional portion of Caln Township, Chester County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before February 2, 2004. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Pennsylvania Suburban Water Company

Through and By Counsel: Mark J. Kropilak, Esquire, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-129. Filed for public inspection January 16, 2004, 9:00 a.m.]

Water Service

A-210104F0047. Pennsylvania Suburban Water Company. Application of Pennsylvania Suburban Water Company for approval to begin to offer, render, furnish and supply water service to the public in an additional portion of East Marlborough Township, Chester County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before February 2, 2004. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Pennsylvania Suburban Water Company

Through and By Counsel: Mark J. Kropilak, Esquire, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-130. Filed for public inspection January 16, 2004, 9:00 a.m.]

Water Service

A-210104F0048 and A-211175F2000. Pennsylvania Suburban Water Company and Marienville Water Supply Company, Inc. Joint application of Pennsylvania Suburban Water Company and Marienville Water Supply Company, Inc. for approval of: (1) the acquisition by Pennsylvania Suburban Water Company of the water system assets of Marienville Water Supply Company, Inc. in Jenks Township, Forest County; (2) the commencement by Pennsylvania Suburban Water Company of water service to the public in portions of Jenks Township, Forest County; and (3) the abandonment by Marienville Water Supply Company, Inc. of public water service within Jenks Township, Forest County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before February 2, 2004. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicants: Pennsylvania Suburban Water Company and Marienville Water Supply Company, Inc.

Through and By Counsel: Mark J. Kropilak, Esquire, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489;

and Harry Ray (Terry) Pope, III, Esquire, Pope and Drayer, Ten Grant Street, Clarion, PA 16214

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 04-131. Filed for public inspection January 16, 2004, 9:00 a.m.]

STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v.
Rose M. Rivera, R.N.; Doc. No. 0805-51-99**

On October 24, 2003, Rose M. Rivera, R.N. of Philadelphia, Philadelphia County, was indefinitely suspended

based on findings that she is unable to practice with reasonable skill and safety to patients by reason of dependence on heroin.

Persons may obtain a copy of the adjudication by writing to Teresa Lazo-Miller, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

JANET HUNTER SHIELDS, MSN, CRNP, CS,
Chairperson

[Pa.B. Doc. No. 04-132. Filed for public inspection January 16, 2004, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

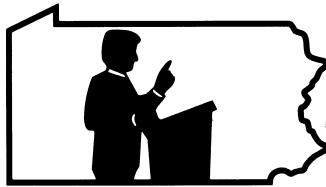
30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
PA Department of Community and Economic Development
374 Forum Building
Harrisburg, PA 17120
800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:)
Vendor Services Section
717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

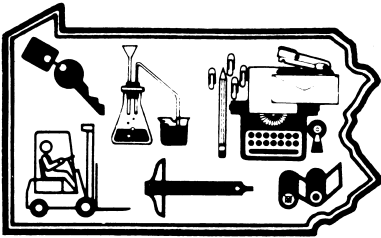
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

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. 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 explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room 201 Finance Building
 Harrisburg, PA 17120
 717-787-4586
 1-800-252-4700
 BizOutlet@patreasury.org

BARBARA HAFFER,
State Treasurer



Commodities

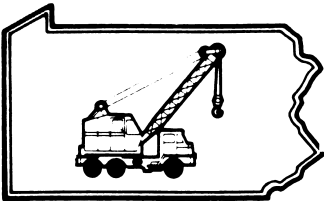
939538 Quantity: 800—Mirror Head Heated.

Department: Transportation

Location: Equipment Division, 17th Street and Arsenal Blvd., Harrisburg, PA 17120

Contact: Sherri Linen, (717) 787-3959

SERVICES



11

Demolition—Structural Only

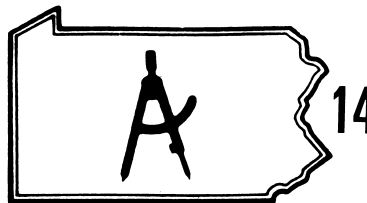
KUCC-0046 Kutztown University is seeking qualified contractors for the work associated with the Renovations to the Passenger Elevator in the Administration Building at Kutztown University. The project shall consist of the modernization of the existing passenger elevator by overhauling and/or replacement of components to meet current code standards. The electrical work is to include the relocation and addition of electrical components in the elevator machine room and hoistway. Bid packages are available for a nonrefundable fee of \$75.00 from: John Holton, RPA Associates Inc., 3 Park Plaza, Wyomissing, PA 19610-2912, Phone: (610) 374-6144. Bid packages are available January 19, 2004 through Pre-Bid. A pre-bid meeting has been scheduled for January 29, 2004 at 1:30 p.m. in Room OM-26, Old Main Building. Bids are to be received no later than 3:00 p.m. on February 19, 2004 in Room 229, Office of Planning and Construction. Bids will be opened on February 19, 2004 at 3:00 p.m. in the conference room of the Office of Planning and Construction. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

Department: State System of Higher Education

Location: Kutztown University, Kutztown, PA

Duration: The University anticipates issuing a Notice to Proceed by April 1, 2004. Work is to be completed on or before August 15, 2004.

Contact: Barbara Barish, (610) 683-4602



14

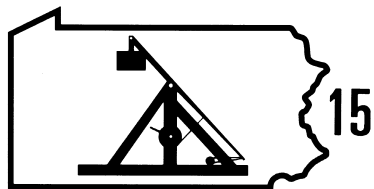
Engineering Services

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.

Department: Transportation

Location: Various

Contact: www.dot2.state.pa.us



Environmental Maintenance Service

OSM 49(2067)101.1 Abandoned Mine Reclamation, Gowen City Northwest. The principal items of work and approximate quantities include 350,030 cubic yards of grading, 1,370 cubic yards of drainage excavation, 1,080 square yards of rock lining and 26.7 acres of seeding. This project issues on January 16, 2004 and bids will be opened on February 10, 2004 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. Federal funds are available for this project from the \$37.8 million 2001 Pennsylvania AML grant.

Department: Environmental Protection

Location: Coal Township, Northumberland County, PA

Duration: 280 calendar days after the official starting date.

Contact: Construction Contracts Section, (717) 783-7994

OSM 54(3634)102.1 Abandoned Mine Reclamation, Mount Pleasant South. The principal items of work and approximate quantities include 824,040 cubic yards of grading, 630 cubic yards of ditch excavation, 660 square yards of rock lining, and 51.6 acres of seeding. This project issues on January 16, 2004 and bids will be opened on February 10, 2004 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent. Federal funds are available for this project from the \$37.8 million 2001 Pennsylvania AML grant.

Department: Environmental Protection

Location: Foster Township, Schuylkill County, PA

Duration: 380 calendar days after the official starting date.

Contact: Construction Contracts Section, (717) 783-7994



Financial and Insurance Consulting

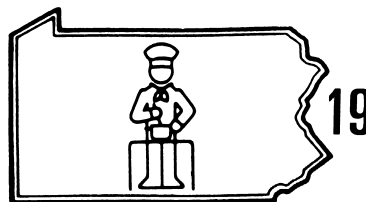
01-100-2004 The Pennsylvania Health Care Cost Containment Council is soliciting bids from qualified vendors to conduct a financial and compliance audit of the books, records and documents of the Council, for the fiscal year period 7/01/03—6/30/04. Interested parties are requested to contact the Council Office by writing the PA Health Care Cost Containment Council, Suite 400, 225 Market Street, Harrisburg, PA 17101, or by calling (717) 232-6787 for copies of the Request for Proposal. Bids are due to the Council Office no later than 5:00 p.m. on 2/18/04. A pre-proposal conference will be held at the previous address on 1/22/04 at 10:00 a.m. Potential bidders are invited to submit questions in advance of the pre-proposal conference.

Department: PA Health Care Cost Containment Council

Location: 225 Market Street, Suite 400, Harrisburg, PA 17101

Duration: 1 year with possibility of renewing for 4 additional years

Contact: Cherie Elias, (717) 232-6787



Food

CN00006677 The Contractor shall furnish/install and provide supplies for the Dispensing of Carbonated Soft Drink Beverages, at the State Correctional Institution at Cresson, Food Service Department, for a three (3) year fiscal period, commencing July 1, 2004 through and including June 30, 2007. **ESTIMATED REQUIREMENTS:** Three (3) each refrigerated-type drink dispenser machines with six (6) mixing valves for countertop installation, with high capacity carbonators. These dispensers are to have self-contained compressors (dispensers and compressors to be in the same unit and enclosed compressors). Contractor shall furnish, install and maintain machines, providing repair services as required six (6) days per week at no additional cost to institution. **NOTE:** Institution has the right to increase/decrease the amount of dispensing machines and supplies during the timeframe of this contract period as necessary due to staff/inmate population. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional purchasing office. Bid will be mailed to interested vendors in early 2004. Vendors must be registered with the Commonwealth of Pennsylvania and have a SAP vendor number to receive bid solicitations.

Department: Corrections

Location: State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630

Duration: July 1, 2004 through June 30, 2007

Contact: Barbara Lloyd, Purchasing Agent, (814) 886-8181, X166



Janitorial Services

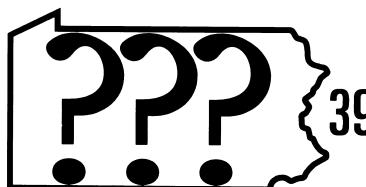
CN00006666 Provide janitorial services for general office area, furnish all materials and equipment required to perform services per Bid CN00006666 Specifications. A mandatory office visitation will be held during the week of January 26, 2004.

Department: Attorney General

Location: Office of Attorney General, Criminal Law/BNIDC, 4801 Atlantic Ave., Erie, PA 16509

Duration: April 1, 2004 through June 30, 2006 with three 1-year options to renew the contract

Contact: Jean Kreiser, (717) 783-2369



Miscellaneous

30776023 The scope of this contract is to install (2) two horizontal split case centrifugal water supply pumps with electric drive motors, a water meter and all associated piping, valves, fittings, electrical wiring and all other required electrical components. Contractor is required to furnish all labor, materials, equipment, tools, and supervision. Additional information can be obtained by contacting Purchasing Department at (610) 740-3425 or fax (610) 740-3424.

Department: Public Welfare

Location: Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18109-2498

Duration: All work under this contract shall be completed within 120 calendar days from the effective date of the contract.

Contact: Robert Mitchell, (610) 740-3425

330235 APRAS eFax Vendor requirements are: must be able to accept emails with attachments (PDF documents) and fax the attachment within a reasonable amount of time ("reasonable" can be determined in discussion with various fax vendors and acceptable industry standards); be available 24/7 to provide reliable eFax service. In order to ensure maximum service availability the selected vendor should: possess multiple servers in a variety of separate geographic locations; in the event of failure at a given service center, traffic should automatically be redirected (if possible) or manually redirected by customers (via an alternate email/web address) to an alternate service center; possess backup power supplies, UPSs, and generators to ensure that in the event of a power outage or brownout service centers can continue operating; provide the customer the ability to configure/re-configure fax settings; provide email confirmation concerning the success and/or failure of each individual fax sent by the APRAS System with the corresponding unique Reference Number provided in the original email; provide this service in a cost effective manner. The customer should not be billed for failed faxes. The selected vendor should have a proven track record of providing reliable service in a cost effective way; take necessary measures to ensure the privacy of our customer's information; support faxing to Canada and Mexico. Performance will be monitored.

Department: Transportation

Duration: 6-month contract with two 1-year renewals agreed upon by both parties.

Contact: Sibel Claywell, (717) 705-1556

010H16 This work shall consist of furnishing all specified material, equipment, personnel pesticide certifications, liability insurance, safety equipment and practices necessary for the professional application of pesticides to roadside vegetation or other areas as directed by the engineer. This work will be conducted along various State routes in PENNDOT Engineering District 1-0 in northwestern Pennsylvania. GPS will be required as part of the contract for tracking of vehicles. Detailed requirements and a bid package are available upon request by contacting Rick McLaughlin at 814-678-7145 or rimclaughl@state.pa.us.

Department: Transportation

Location: Crawford, Erie, Forest, Mercer, Venango and Warren Counties.

Duration: 1-year contract with four 1-year renewals

Contact: Rick McLaughlin, (814) 678-7145

[Pa.B. Doc. No. 04-133. Filed for public inspection January 16, 2004, 9:00 a.m.]

DESCRIPTION OF LEGEND

- | | |
|--|---|
| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
|--|---|

DONALD T. CUNNINGHAM, Jr.
Secretary

