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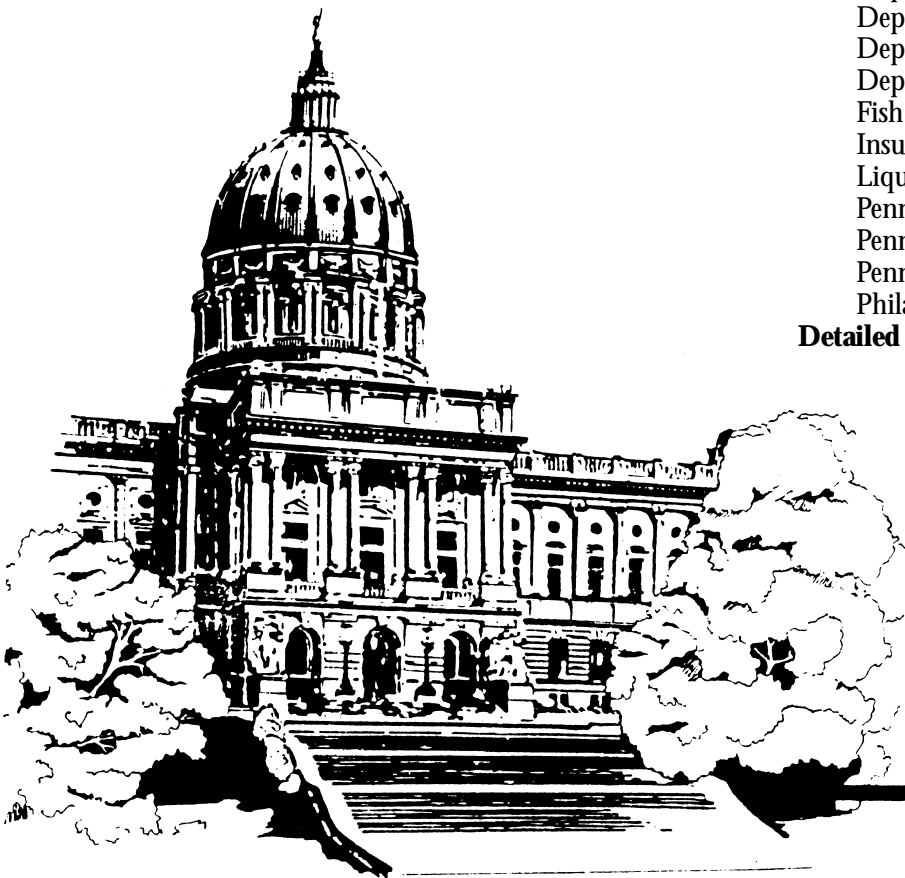
# PENNSYLVANIA BULLETIN

Volume 33  
Saturday, January 25, 2003 • Harrisburg, Pa.  
Number 4  
Pages 525—626

**Agencies in this issue:**

The General Assembly  
The Courts  
Delaware River Basin Commission  
Department of Agriculture  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Labor and Industry  
Department of Revenue  
Fish and Boat Commission  
Insurance Department  
Liquor Control Board  
Pennsylvania Commission for Women  
Pennsylvania Infrastructure Investment Authority  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority

**Detailed list of contents appears inside.**



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

**No. 338, January 2003**

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2003.

<b>4 Pa. Code (Administration)</b>		<b>49 Pa. Code (Professional and Vocational Standards)</b>	
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# THE GENERAL ASSEMBLY

## COMMISSION ON SENTENCING

### Meeting Scheduled

The Commission on Sentencing announces the following public meeting to be held at the Harrisburg Hilton and Towers, One North Second Street, Harrisburg, PA 17101:

Wednesday, February 12, 2003      Quarterly Commission Meeting      9 a.m.

MARK H. BERGSTROM,  
*Executive Director*

[Pa.B. Doc. No. 03-135. Filed for public inspection January 24, 2003, 9:00 a.m.]

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# THE COURTS

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Appointment of Mitigation Counsel and Adoption of Mitigation Protocol for Court-Appointed Con- flict Capital Cases; Administrative Doc. No. 10 of 2002

##### Order

*And Now*, this 24th day of December, 2002, in order to safeguard the rights of indigent defendants charged with a death-penalty qualified offense, and to provide necessary mitigation representation, *It Is Hereby Ordered, Adjudged and Decreed* that:

(1) Lead Counsel appointed pursuant to Phila.R. Crim.P. No. 406-1 (A), shall be responsible for filing, in appropriate cases, a Petition for the appointment of "Mitigation Counsel." Mitigation Counsel shall be responsible for undertaking a complete mitigation investigation, as provided herein, upon consultation with Lead Counsel commencing upon appointment through the sentencing phase. The Petition to Appoint Mitigation Counsel shall be forwarded to the President Judge of the Court of Common Pleas for determination;

(2) Until further order of the Court, Mitigation Counsel shall, at a minimum, meet the qualifications for "Lead Counsel" or "Associate Counsel" as set forth in Phila.R.Crim.P. No. 406-1 (B) and (C);

(3) Mitigation Counsel shall be receive a flat fee of One Thousand (\$1,000.00) Dollars in full compensation for the mitigation representation conducted pursuant to this Order, and shall receive compensation at the rate of Four Hundred (\$400.00) Dollars per diem, for penalty phase in-court testimony;

(4) Mitigation Counsel shall consult the *Mitigation Protocol Manual*, which follows hereto, and which contains additional information and forms, for assistance in complying with this Order. Mitigation Counsel shall, at a minimum, conduct a thorough Client Interview, and shall obtain, if applicable, the following: Juvenile File; DHS file; mental health, medical and drug treatment records; prison records; military service records; employment records; disability records; and family interviews. Mitigation Counsel shall seek leave of court to retain a professional mitigation specialist and/or a psychologist or psychiatrist. Mitigation Counsel shall be reimbursed for sums expended to obtain records identified above, and must specifically petition the Court for authorization to retain a Mitigation Expert or Specialist and/or for the appointment of a psychologist or psychiatrist; and

(5) Lead Counsel's failure to petition for the appointment of Mitigation Counsel when necessary, and Mitigation Counsel's failure to perform a mitigation investigation as set forth herein may result in: the removal of Lead Counsel or Mitigation Counsel from the specific case as well as from the applicable appointment list; denial of compensation; denial of penalty-phase expert; and the imposition of any other applicable sanctions; and

(6) This Order shall become effective on January 6, 2003.

This Administrative Order is issued pursuant to Pa.R.Crim. P. Nos. 105 and 122, and Phila.R.Crim.P. No. 406-1 et seq, and shall be filed with the Prothonotary in a Docket maintained for Administrative Orders issued by the President Judge of the Court of Common Pleas of Philadelphia County, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau, and the Criminal Procedural Rules Committee. Copies of the Order shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

FREDERICA A. MASSIAH-JACKSON,  
*President Judge*

**First Judicial District of Pennsylvania  
and  
Criminal Justice Section,  
Philadelphia Bar Association**

**Mitigation Protocol Manual**

**First Judicial District of Pennsylvania**

On December 24, 2002, President Judge Frederica A. Massiah-Jackson issued an Administrative Order acknowledging that in order to safeguard the rights of indigent defendants represented by conflict counsel, Mitigation Counsel ought to be appointed, in appropriate cases, to conduct a full mitigation investigation. See President Judge Administrative Docket No. 10 of 2002. Although the Board of Judges of the Court of Common Pleas of Philadelphia County is considering Mitigation issues in the conflict counsel homicide representation, a local rule has not yet been adopted.

The Philadelphia Bar Association, with the assistance of the First Judicial District of Pennsylvania, has drafted this Manual addressing Mitigation issues and Protocol to provide assistance and guidance to Court appointed Lead and Mitigation Counsel in conflict court-appointed capital cases, which must be consulted by Lead Counsel and Mitigation Counsel until further notice.

##### Preliminary Provisions

In appropriate cases, Lead Counsel shall file a Petition for the appointment of "Mitigation Counsel," as provided in the December 24, 2002 Order issued by President Judge Frederica A. Massiah-Jackson. Please see President Judge Administrative Docket No. 10 of 2002.

Mitigation Counsel are required to undertake a complete mitigation investigation. Failure to do so will result in the following:

- A) the case will not be "spun out" of the calendar room;
- B) a request for a penalty-phase expert, such as a psychologist, will not be granted, as such an expert cannot perform her/his work properly without the initial investigation that the second chair counsel must perform;
- C) counsel will not be compensated; and
- D) counsel may be removed from the approved second chair list.

Mitigation Counsel's obligation to prepare continues from day of appointment through sentencing. The below steps must be undertaken as a first-phase, or preliminary preparation in order to permit the case to be spun out and in order for a court to consider approving funds for penalty-phase expert assistance.

A) Client interview (interview checklist in enclosed materials);

B) Obtain J-file and all presentence reports (procedure explained in manual). To do this, get the client's police photo number from the Bills of Information; get the client's J number through the prosecutor.

C) Obtain client's DHS file (procedure explained in manual);

D) Obtain client's school records (procedure explained in manual);

E) Obtain client's mental health/medical/drug treatment records (procedure explained in manual);

F) Obtain client's prison records where appropriate (procedure explained in file);

G) Conduct initial round of family interviews; and

H) Upon review of all of the above, determine what additional records are needed, what investigation is needed, what professional evaluation is needed, and commence the same.

The materials which follow provide a basic primer on how to conduct a mitigation investigation. They materials address the meaning of "mitigation" and detail the practice to be utilized in gathering records.

**Introduction: What is Mitigation?**

We begin this introduction by saying what mitigation is not. Mitigation is not interviewing the defendant's mom the night before the penalty hearing; mitigation is not hiring a psychologist and sending her/him to the prison.

Mitigation is a multi-step process. The first critical step is to gather as many records as possible from your client's (and sometimes your client's family's) past. The reasons to gather records are as follow:

§ Records can provide specifics about the dysfunction and trauma that a defendant has suffered but that a family is reluctant to talk about. Once the records are there, we have details to use in questioning family members and other persons close to the defendant.

§ Records can provide leads to witnesses. It is one thing to have a psychologist or mitigation specialist tell the jury that your client served in Vietnam, or had no shoes to wear to school; a jury finds more credible (and then believes the expert witness more) the testimony of the sergeant from the military or the school teacher who recalls your client coming in with no shoes.

§ Records themselves can be evidence, introduced through a competent witness—a family member or the expert or the custodian of records or the fact witness (e.g., in the example above, the school teacher).

The types of records that are likely sources of data include:

§ Juvenile File;

§ Adult Probation Department Presentence Investigations, Mental Health Reports, and Drug/Alcohol Evaluations;

§ DHS files on the defendant and, after review of the defendant's file, on his/her siblings;

§ All mental hospitalization records;

§ All drug and alcohol treatment center records (which can provide sources of great witnesses);

§ Medical/hospitalization records for any serious trauma suffered by the defendant (including head injuries, high fever, exposure to toxic substances, abuse);

§ Military service records;

§ Employment records (including social security records);

§ Disability records (e.g. if defendant filed for/receives SSD);

§ Letters and other documents showing how the defendant has reached out to his own children, or to other loved ones, while in prison; and

§ Prison records (prison adjustment summaries, GED certificates, and/or prison medical or mental health records).

It is only after records have been gathered that a meaningful investigation can proceed. Federal courts have routinely held that the failure to gather such records is ineffective. *Williams v. Taylor*, U.S., 120 S.Ct. 1495, 1514 (2000):

We are likewise persuaded that the Virginia trial judge correctly applied both components of that standard to Williams' ineffectiveness claim. Although he concluded that counsel competently handled the guilt phase of the trial, he found that their representation during the sentencing phase fell short of professional standards—a judgment barely disputed by the State in its brief to this Court. The record establishes that counsel did not begin to prepare for that phase of the proceeding until a week before the trial. *Id.* at 207, 227. They failed to conduct an investigation that would have uncovered extensive records graphically describing Williams' nightmarish childhood, not because of any strategic calculation but because they incorrectly thought that state law barred access to such records. Had they done so, the jury would have learned that Williams' parents had been imprisoned for the criminal neglect of Williams and his siblings, n19 that Williams had been severely and repeatedly beaten by his father, that he had been committed to the custody of the social services bureau for two years during his parents' incarceration (including one stint in an abusive foster home), and then, after his parents were released from prison, had been returned to his parents' custody.

----- Footnotes -----

n19 Juvenile records contained the following description of his home:

"The home was a complete wreck . . . . There were several places on the floor where someone had had a bowel movement. Urine was standing in several places in the bedrooms. There were dirty dishes scattered over the kitchen, and it was impossible to step any place on the kitchen floor where there was no trash . . . . The children were all dirty and none of them had on under-pants. Noah and Lula were so intoxicated, they could not find any clothes for the children, nor were they able to put the clothes on them . . . . The children had to be put in Winslow Hospital, as four of them, by that time, were definitely under the influence of whiskey." App. 528-529.

-----End Footnotes----- [\*396]

Counsel failed to introduce available evidence that Williams was "borderline mentally retarded" and did not advance beyond sixth grade in school. *Id.* at 595. They failed to seek prison records recording Williams'

commendations for helping to crack a prison drug ring and for returning a guard's missing wallet, or the testimony of prison officials who described Williams as among the inmates "least likely to act in a violent, dangerous or provocative way." *Id.* at 569, 588. Counsel failed even to return the phone call of a certified public accountant who had offered to testify that he had visited Williams frequently when Williams was incarcerated as part of a prison ministry program, that Williams "seemed to thrive in a more regimented and structured environment," and that Williams was proud of the carpentry degree he earned while in prison. *Id.* at 563-566.

Of course, not all of the additional evidence was favorable to Williams. The juvenile records revealed that he had been thrice committed to the juvenile system—for aiding and abetting larceny when he was 11 years old, for pulling a false fire alarm when he was 12, and for breaking and entering when he was 15. *Id.* at 534-536. But as the Federal District Court correctly observed, the failure to introduce the comparatively voluminous amount of evidence that did speak in Williams' favor was not justified by a tactical decision to focus on Williams' voluntary confession. Whether or not those omissions were sufficiently prejudicial to have affected the outcome of sentencing, they clearly demonstrate that trial counsel did not fulfill their obligation to conduct a thorough investigation of the defendant's background.

*Williams* does not stand in isolation. Rather, it is part of a compelling line of decisions that declare counsel ineffective when she/he fails to conduct an investigation necessary to discover potential mitigation evidence and, in particular, the records that will shed light on (and corroborate) histories of abuse and dysfunction, the precise type of information that cannot possibly be gleaned from a one-time interview with family members the weekend between verdict and penalty phase. *Visciotti v. Woodford*, 288 F.3d 1097 (9th Cir. 2002); *Jermyn v. Horn*, 266 F.3d 257 (3rd Cir. 2001) (emphasizing counsel's failure to investigate defendant's traumatic childhood and finding counsel ineffective for failing to commence mitigation investigation until night before penalty phase); *Laird v. Horn*, 159 F. Supp. 2d 58 (E.D. Pa. Sept. 5, 2001); *Jacobs v. Horn*, 129 F. Supp. 2d 390 (M.D. Pa. Feb. 20, 2001); *Rompilla v. Horn*, No. 99-737, 2000 WL 964750, 2000 U.S. Dist. LEXIS 9620 (E.D. Pa. July 11, 2000); *Christy v. Horn*, 28 F. Supp. 2d 307 (W.D. Pa. Nov. 10, 1998).

After records have been gathered and fully outlined/digested by counsel, it is time to meet with experts and engage in family/significant other interviews. [While these interviews can start while records are being retrieved, it is only after the records are in that there will be enough information to get a true de-briefing from those closest to the defendant.] In discussing records, it is also important to note that there may be mitigation evidence in the discovery material provided by the Commonwealth—evidence of irrational behavior, evidence of intoxication, evidence of duress, evidence (in a police statement) of an expression of remorse.

The interview process is not confined to a single interview. It takes time to gain the confidence of family members; it takes time for the family to recognize that disclosing 'bad' information, i.e., information about family trauma, abuse, drug use, etc., is actually helpful to the defendant; and it takes time because the family needs re-interviewing after (finally) one family member admits

to some family 'secret', which the other family members must then be confronted with. Because attorneys don't necessarily have social worker/counselor/therapist training, these interviews may best be conducted by a trained mitigation investigator. [A form motion for appointment of such an investigator is included in these materials.]

With the information gathered from records and from informed family interviews, a psychological or neuropsychological expert can then be retained to examine/test/evaluate the defendant. It is important here for the attorney to direct the expert in terms of the type of testing that is desired. A neuropsychological exam, testing for learning disability, may be more helpful than a personality test; testing for IQ may be more beneficial/appropriate than a test for understanding of social proverbs.

There is a category of mitigation evidence not explicitly referenced above—the good deeds of a defendant. Caring for elderly parents or an infirm relative, taking a child to school or otherwise being a good parent, succeeding in sports or the arts. This information is also essential, but it has impact only when contextualized with the devastating childhood/life the defendant has undergone—these are the achievements that show that despite that upbringing, there is good in the defendant and there are reasons he/she should live (and can be productive or a good parent while serving a life sentence).

In sum, mitigation is a gathering and presentation of the following:

§ all of the trauma and deprivation suffered by the defendant;

§ an explanation of the impact that can have on 'normal' development;

§ where available and appropriate, evidence of remorse;

§ where available and appropriate, evidence of positive performance in jail or a juvenile "structured setting"; and

§ the good that a defendant has accomplished (and can accomplish in the future).

Remember—when seeking court assistance in obtaining records, or funds for expert assistance, counsel should proceed *ex parte* and *in camera*.

#### Client Interview for Penalty Preparation

The following questions and categories of information are among those that should be discussed with the client and used to begin identifying potential mitigation evidence, witnesses, and necessary records.

##### I. CLIENT INTERVIEW

a) educational history:

all schools attended:

achievements and failures:

any extra-curricular activities:

any special school assignments:

any disabilities:

any post-school educational participation/achievements:

any teacher/coach who client stayed in touch with or had a significant relationship with.

b) complete family history:

identity of parents, step-parents:

- role of the above in client's life:
- who raised client:
- significant events in family history—divorce, death, close family member moving away, tragedies:
- any involvement with DHS, adoption agency, foster care, or any other social service/social welfare organization
- c) complete juvenile court record—adjudications, arrests, placements, programs participated in, programs client failed, any personnel at juvenile programs client became attached to or who client stayed in touch with.
- d) complete adult criminal history—all arrests, convictions, success or failure on probation, any programs, all jail placements, any achievements in jail/prison (e.g., obtained GED), any major problems (escape attempts, discipline) any current involvement in programs, work, etc. Any treatment programs, community service [names/addresses of each].
- e) drug/alcohol history:
  - substances used:
  - degree of use:
  - treatment history:
  - drug/alcohol use by parents/spouse or others significant in client's life:
- f) client's role as a parent:
  - name/location of all children parented by client:
  - role in each child's life:
  - witness(es) who can testify to same:
  - contact client has had or will have with child while in jail:
  - letters/drawings to/from child:
  - any noteworthy acts client has performed as a parent (e.g. homework, doctor's visits, special activities).
- g) physical/mental health background:
  - all diagnoses, treatments, medications, problems. Anything current?
- h) employment history—all types, training, durations of employment, etc. Contact persons for the same; any problems at jobs; why terminated.
- i) any community involvement—all extra-curricular activities; names of contact persons.
- j) names/addresses/telephone numbers of close family and friends, and others significant in defendant's life. Counsel must obtain 5 such names/addresses.
- k) military record—service, rank, nature of discharge, places served, any special training/honors, any special assignments.
- l) any information regarding client's mental/physical condition on date of incident that might be relevant to sentencing inquiry.
- m) any incidents where client assisted police, prison officials, prosecutors or other law enforcement entities in the investigation or prosecution of any crime.

**Records**

The following pages contain forms and instructions for obtaining a client's other records; a form motion for appointment of a mitigation expert; a form motion for appointment of a psychologist; and a form motion for reimbursement for the cost of obtaining these records.

**Pre-Sentence Reports**

Many defendants have already been the subject of probation department evaluations—PSIs, Mental Health Reports, and Drug/Alcohol Evaluations.

Those reports can be delivered to counsel when so ordered by the calendar room judge. The following document is a form Motion and Order for securing the PSIs and all other Probation Department Reports on an individual defendant. Once the Order is signed and sealed, an original should be mailed to:

Robert Malvestuto  
 Co-Chief Probation Officer  
 Probation Department  
 Court of Common Pleas  
 1401 Arch Street  
 Philadelphia, Pa. 19102

ORDER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 200X, the Probation Department of the Court of Common Pleas of Philadelphia County is directed to provide to name of Mitigation Counsel all presentence, mental health, drug and alcohol evaluations and other similar reports pertaining to name of defendant, PP XXXXXX, no later than twenty (20) days from the date of this ORDER.

BY THE COURT:

\_\_\_\_\_  
 J.

MOTION TO COMPEL PRODUCTION OF PROBATION DEPARTMENT REPORTS

name of defendant, by his Mitigation Counsel [name of counsel], requests this Court to ORDER the disclosure to defense counsel of all presentence, mental health, psychiatric, drug and alcohol and other similar reports and represents:

1. Defendant name is charged with capital homicide.
2. Counsel for defendant has the ethical and legal obligation to secure all relevant background reports to prepare for mitigation.
3. Defendant name has previously been sentenced by the Philadelphia Court of Common Pleas.
4. Upon reason and belief, the Probation Department of the Court of Common Pleas has records pertinent to name.
5. Said records cannot be disclosed to counsel without court order.
6. Said records are critical to the defense and to the preparation of mitigation evidence.

WHEREFORE, defendant name requests this Court to disclose all presentence reports, psychiatric reports, mental health evaluations, drug and alcohol evaluations, and any and all similar reports for use by his counsel in mitigation preparation.

Respectfully submitted,

**Juvenile Files**

The "J-file" is an invaluable resource, containing family background, records of placements, leads to individual institutions that may have further records, leads to teachers or counselors who may have important testimony on the defendant's behalf, and a variety of psychological studies.

The "J-file" is obtained through the office of the Administrative Judge of the Family Court. A letter is sent, along with an ORDER requesting that the attorney [or the named investigator] be permitted to go to Family Court and photocopy the file. Once the ORDER is signed, counsel retrieves the same and then gets the file.

On the following pages are the motion and the letter to be sent to the Family Court Administrative Judge.

ORDER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2002, the custodian of records of the Juvenile Court is directed to permit Mitigation Counsel [name of counsel], Esquire, and/or name of mitigation investigator/specialist, social worker, to review and photocopy the entire J-File of name of defendant, Family No. J-number for defendant (date of birth xx/xx/xxxx) for use in preparing a death penalty defense.

BY THE COURT:

\_\_\_\_\_ A.J.

MOTION FOR ACCESS TO DEFENDANT'S J-FILE

name of defendant, by his Mitigation Counsel name, hereby moves for access to his J-File and represents:

1. Petitioner is charged with capital murder.
2. Petitioner is indigent.
3. Counsel for petitioner, and a mitigation expert (name) have less than two (2) months to prepare for a death penalty trial and possible penalty hearing.
4. Critical to the preparation of such a defense is access to all records from a defendant's background.
5. The United States Supreme Court has held that the failure of counsel to secure such records constitutes ineffective assistance of counsel. *Williams v. Taylor*, U.S., 120 S.Ct. 1495 (2000).
6. The United States Supreme Court has held that information from such records, in particular about the background and upbringing of a defendant, is critical mitigation evidence. *Williams v. Taylor*, U.S., 120 S.Ct. 1495 (2000).
7. Without these records, it will be impossible for petitioner to properly prepare the case for hearing.
8. Without a court order, petitioner cannot gain access to these records.

WHEREFORE, for the reasons contained herein, petitioner requests this Court to grant the instant Motion and direct the custodian of records to permit access to, and copying of, petitioner's J-file.

Hon.

Administrative Judge  
Family Court  
1801 Vine Street, Room 314  
Philadelphia, Pa. 19103

BY FIRST CLASS MAIL AND BY TELE-FAX@215-686-4157

re: Commonwealth v. name of defendant (capital case)  
Request for Access to J-File

Dear Administrative Judge:

I am counsel for name of defendant in a case where I was just appointed (prior counsel was dismissed) and where trial starts in less than two (2) months. Access to

name of defendant's J-File is critical to permit preparation of a penalty-phase defense.

Enclosed is a Motion for access to the J-File for me and for my mitigation expert, name of expert. If it is acceptable, please sign the same and have your staff notify my office, so we can retrieve it and secure access to the file at the earliest opportunity. If any additional information is needed, please advise me at once and it will be provided.

Thank you for your assistance in this matter.

Very truly yours,

**Public School Records**

Public school records are kept at a central location. Records (for the most part) travel with a student from school to school, so the final school the student attended has the bulk of her/his records. [There are exceptions—some counseling records are not in the central file, and teachers may keep their own records.]

School records should contain: attendance history, grades, teacher comments and possibly more material. They can be gleaned to find evidence of learning disabilities (or achievements); problems in the home (as when a child comes to school without shoes, or unfed); possible psychological assessments; and potential witnesses, particularly teachers who may remember the child quite well.

School records are obtained by presenting a subpoena or a court order to the Custodian Of Records, School District of Philadelphia, 734 Schuylkill Ave, Room 234, Philadelphia, Pa. 19146. They must identify the student by name used in school; date of birth; last school attended; and last year attended (graduation or drop-out. A cover letter should request that the records be mailed to defense counsel.

For further information, call the Custodian of Records at 215-875-3933. The current custodian is Linda Brown, and her fax is 215-875-5780.

On the following page is a draft ORDER for school records. All it requires is a case caption and submission to the calendar room judge.

ORDER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2002, it is hereby ORDERED and DECREED that the custodian of records for the School District of Philadelphia is to send to (Name and address of counsel) \_\_\_\_\_ the records for student

(name used in school) \_\_\_\_\_

(Date of birth) \_\_\_\_\_

(Last school attended) \_\_\_\_\_

(Last year at that school) \_\_\_\_\_

Said records are to be retrieved and provided within thirty (30) days of the entry of this ORDER.

BY THE COURT:

\_\_\_\_\_ J.

**Prison Medical Records**

The Philadelphia Prison system contracts for medical and mental health care with PHS (Prison Health Services). To obtain their records you must use their own release form (next page) and pay for the records. A cover letter with the mailing address precede the release form, which the client must sign.

Director  
Regional Medical Records Department  
Prison Health Services, Inc.  
HOC-MOD II  
8001 State Road  
Philadelphia, PA 19136

Re: Medical Records of Inmate  
PP #  
DOB

Dear Director:

Enclosed please find a PHS Medical Authorization form for release of medical records signed by.

Please take the necessary steps to have the records of \_\_\_\_\_ from \_\_\_\_\_ through \_\_\_\_\_ forwarded to [name of attorney] at the above address as soon as possible.

Your assistance is greatly appreciated.

Sincerely,

PRISON HEALTH SERVICES, INC.

Identifying Information Must be Completed to Process Request

AUTHORIZATION FOR RELEASE OF MEDICAL RECORDS

PP#

Intake #(s) or dates of treatment \_\_\_\_\_

Any Known Alias(es) \_\_\_\_\_

Date of Birth \_\_\_\_\_

I, \_\_\_\_\_, hereby authorize (Name of Patient—Print)

Prison Health Services, Inc. (PHS) to release all medical records and all information related to my treatment to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This authorization extends to all records in the possession of PHS, including those which it has received from other providers, and including, if they exist, those relating to treatment for drug or alcohol abuse, mental health treatment, testing as to HIV status, treatment for HIV or Acquired Immune Deficiency Syndrome (AIDS), or other diseases or conditions.

This authorization is effective immediately and shall remain in effect for ninety (90) days.

I agree to hold harmless PHS and its agents from any actions and from all liability regarding the release of these records. I agree to pay reasonable charges of \$.25 (25 cents) per page for copies of the requested records with a minimum charge of not less than \$10.00. PHS will contact me or the above referenced party at (Phone No) \_\_\_\_\_ with the exact charges and those charges will be paid by certified check or money order before the records are released.

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Signature of Patient  
(or Legal Guardian if appropriate)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness (Print)

\_\_\_\_\_  
Witness (Print)

IF THIS FORM IS NOT FULLY COMPLETED, IT WILL BE CONSIDERED INVALID AND WILL BE RETURNED

**STANDARD RECORD/MEDICAL RELEASE**

When initially interviewing a client, have him/her sign numerous blank release forms. These can then be used to obtain medical records, drug treatment records, private school records, etc.

The following two forms (one medical, one non-medical) should be copied onto a document with the attorney's letterhead.

**AUTHORIZATION TO RELEASE RECORDS**

I, \_\_\_\_\_, date of birth \_\_\_\_\_, hereby authorize \_\_\_\_\_ [name of entity from which records are sought] To release copies of all records pertaining to me and my \_\_\_\_\_ [relationship to entity] \_\_\_\_\_ to my attorney,

\_\_\_\_\_  
[name and address of counsel]

The purpose for this release is for use in legal representation.

The information to be released shall include \_\_\_\_\_ [specify ALL records or the portions thereof that are sought] \_\_\_\_\_ .

\_\_\_\_\_  
(Signature of Client)

\_\_\_\_\_  
Date

**AUTHORIZATION TO RELEASE MEDICAL RECORDS/INFORMATION**

I, \_\_\_\_\_, date of birth \_\_\_\_\_, hereby authorize \_\_\_\_\_ [name of entity from which records are sought] To release copies of all records pertaining to me and my \_\_\_\_\_ relationship to entity] \_\_\_\_\_ to my attorney,

\_\_\_\_\_  
[name and address of counsel]

The purpose for this release is for use in legal representation.

The information to be released shall include \_\_\_\_\_ [specify ALL records or the portions thereof that are sought] \_\_\_\_\_ .

THE INFORMATION WHICH MAY BE RELEASED INCLUDES: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_ .

I UNDERSTAND THAT MY RECORDS ARE PROTECTED UNDER THE FEDERAL PRIVACY ACT, P. L. 93-575, THE FEDERAL ALCOHOL AND DRUG ACT, P. L. 92-282, THE PENNSYLVANIA MENTAL HEALTH PROCEDURES ACT, 1976, AND THE PENNSYLVANIA CONFIDENTIALITY OF HIV ACT, 35 P. S. SECTION 7601, ET SEQ. AND THEREFORE, CANNOT BE DISCLOSED WITHOUT MY WRITTEN CONSENT UNLESS OTHERWISE PROVIDED FOR IN THE REGULATIONS.

UNDER THE MENTAL HEALTH ACT, THIS AUTHORIZATION EXPIRES ONE (1) MONTH FROM THE DATE OF MY SIGNATURE. UNDER THE FEDERAL ALCOHOL AND DRUG ABUSE ACT, THIS AUTHORIZATION SHALL BECOME VOID NINETY (90) DAYS FROM THE DATE OF MY SIGNATURE. IN ADDITION, I UNDERSTAND THAT I MAY REVOKE THIS AUTHORIZATION (EXCEPT TO THE EXTENT THAT ACTION HAS BEEN TAKEN IN RELIANCE THEREON) AT ANY TIME BY WRITTEN, DATED COMMUNICATION TO THE MEDICAL RECORD DEPARTMENT.

\_\_\_\_\_  
(Signature of \_\_\_\_\_) (Date) \_\_\_\_\_  
\_\_\_\_\_  
(Signature of Client) \_\_\_\_\_  
\_\_\_\_\_  
Date

**Prison Adjustment Records**

A defendant's prior (or current) adjustment to prison is recognized, under the U.S. Constitution, as compelling mitigation evidence. It removes the spectre of future dangerousness, even when that is not argued as a reason for the death penalty; it shows that, off of the streets, the defendant is not violent or non-productive, therefore supporting a contention that it was the environment that dragged the defendant down; and it may provide the jury with proof of conduct (religious training, attending AA meetings, etc.) that in itself is a reason sufficient to vote against the death penalty.

In *Skipper v. South Carolina*, U.S., 106 S.Ct. 1669 (1986), the United States Supreme Court explained why prison adjustment evidence was admissible, and potentially critical, in a capital proceeding:

Although it is true that any such inferences would not relate specifically to petitioner's culpability for the crime he committed, there is no question but that such inferences would be "mitigating" in the sense that they might serve "as a basis for a sentence less than death." Consideration of a defendant's past conduct as indicative of his probable future behavior is an inevitable and not undesirable element of criminal sentencing: "any sentencing authority must predict a convicted person's probable future conduct when it engages in the process of determining what punishment to impose[.]" . . . [E]vidence that the defendant would not pose a danger if spared (but incarcerated) must be considered potentially mitigating . . . [S]uch evidence may not be excluded from the sentencer's consideration.

106 S.Ct. at 1771 (citations omitted) (footnote omitted).

Prison officials often will provide, upon receipt of a court order, an adjustment report. In the form of a letter, it details how the prison performed (or is currently performing) during incarceration—were there write-ups, did the prisoner have a job, was there participation in any work-release or drug/alcohol program, and was there any educational training/advance.

Only request such records after first determining, from the client, whether they would be helpful. The client can tell counsel whether he/she had a prison job or was in the hole; whether she/he completed educational programs or received numerous write-ups.

Following is an ORDER for such a report. The ORDER can be focused to request a report on all or some of the categories. Once obtained, a certified/sealed copy of the order should be mailed to the county jail warden or the

prison superintendent for each appropriate institution in which the defendant was housed. A separate ORDER will be needed for each institution. The ORDER must make clear that the report is to be sent only to defense counsel, and this should be repeated in the cover letter accompanying the ORDER to the prison official(s).

Note: If a defendant participated in a psychological treatment regimen or a drug treatment program, it is more appropriate to obtain the complete records, which may be done by securing a release from your client. If the institution will not honor a release, draft a separate ORDER for signature and service.

[caption]

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2002, upon application of Mitigation Counsel [name of counsel] \_\_\_\_\_, Esquire, it is hereby ORDERED and DECREED that the Warden of the [name of county jail] \_\_\_\_\_ is directed to prepare, or have a social worker or other designee prepare, an Institutional Adjustment Report or other report on inmate [inmate name] \_\_\_\_\_, PP [police photo number] \_\_\_\_\_, including information pertinent to

- a) his adjustment at prison;
- b) any disciplinary infractions;
- c) any involvement in work;
- d) any involvement in educational programs;
- e) any involvement in religious or other programs; and
- f) and any other relevant information,

and deliver the same to [name and address of counsel] \_\_\_\_\_ no later than [date] \_\_\_\_\_.

BY THE COURT:

\_\_\_\_\_  
J.

**DHS Records**

If your client or his/her family has ever been subject to DHS supervision, there will be an abundance of potential mitigation material available.

The steps to obtain the defendant's DHS files are as follow:

1. Get all identifying information from client—date of birth, parents' name, names of sibling(s);
2. Send a letter to Charlotte Nichols, Chief Deputy City Solicitor, Law Department, 1515 Arch Street, 16th Floor, Philadelphia, Pa. 19102.
3. In the letter, identify yourself as counsel for the individual named, and explain that you need a copy of the entire DHS record of this client for preparation for a death penalty case.
4. Ms. Nichols will ensure that the file is made available to you.

The steps to obtain the DHS file of a defendant's sibling is:

1. Deliver a subpoena duces tecum to Records Custodian, DHS, 1515 Arch Street, 16th Floor, Philadelphia, Pa. 19102. The subpoena should request the DHS file of the family member(s) at issue.
2. Send a copy of the subpoena, with a cover letter, to Ms. Nichols.

3. This issue may have to be litigated before the calendar judge, if DHS elects to challenge the subpoena.

### MILITARY RECORDS

As a general rule, military records are obtained by writing to

National Personnel Records  
Attention: Military Personnel Records  
9700 Page Blvd.  
St. Louis, Missouri 63132-5200

Records are obtained by sending a records release (form provided above in these materials) signed by the client and dated. The form should include years of service, branch of the military, and as much other identifying information as is possible.

For more information, check the following website:  
[http://www.archives.gov/facilities/mo/st\\_louis.html](http://www.archives.gov/facilities/mo/st_louis.html).

### Motion for Mitigation Specialist/ Motion for Psychologist/Psychiatrist

This section references two discrete Motions—one seeking a mitigation expert and a separate one for a psychological or psychiatric expert. The form of the motions is similar, so we have submitted a model for the mitigation expert. If, after the mitigation expert is involved, it is determined that a psychologist or psychiatrist is needed for testing, a second motion, seeking those services, must be submitted. These motions are to be submitted and litigated ex parte.

To file the Motion for funds for a mitigation expert, counsel must first speak with an accomplished mitigation expert and receive an estimate of the fee for his/her services. Counsel must also obtain the expert's resume and append the same as an Exhibit to the Motion.

This Motion is separate from a motion seeking funds for a psychological or psychiatric assessment. The Mitigation Expert may be the person able to identify the type of examination needed by the client after all records are obtained and interviews are conducted.

[caption]

ORDER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2002 it is hereby ORDERED and DECREED that defendant \_\_\_\_\_ [name], by his Mitigation Counsel \_\_\_\_\_ [name], is granted ex parte approval to expend up to \$ \_\_\_\_\_ [expert's fee] for capital defense mitigation services. Upon presentation of proof of an invoice for said services, the office of Court Finance is directed to pay for the work in this matter.

By The Court:

\_\_\_\_\_ J.

### APPLICATION FOR PRE-APPROVAL FOR EXPERT WITNESS FEE FOR MITIGATION PREPARATION

TO THE HONORABLE JUDGES OF THE SAID COURT:

\_\_\_\_\_ [name of defendant], petitioner, by his Mitigation Counsel \_\_\_\_\_ [name of counsel], moves for pre-approval of funds for a mitigation specialist in the instant matter and represents:

1. Petitioner stands charged with capital murder, in a case involving a seven year old homicide.
2. Petitioner is indigent.

3. Counsel for Petition has sought the services of a mitigation specialist to conduct the necessary preparation and investigation.

4. Counsel has secured a proposal for services from \_\_\_\_\_ [name of mitigation expert] (copy attached).

5. The services sought by petitioner are those guaranteed to other indigents faced with capital homicide when those indigents are represented by the Defender Association of Philadelphia.

6. Petitioner is entitled to reasonable compensation for necessary assistance in the preparation of his case. *Ake v. Oklahoma*, U.S., 105 S.Ct. 1087 (1985).

7. Decisional law confirms that costs of mitigation in other states can run to \$100,000 to \$150,000. *State v. Bochanski*, 22 P.3d 43 (Arizona, 2001).

WHEREFORE, petitioner requests this Court to enter an ORDER approving payment up to \$ \_\_\_\_\_ to permit \_\_\_\_\_ [name of expert] to commence preparation. [Petitioner does note that if said expert determines the need for additional forensic testing, such as a psychiatric, psychological or neuropsychological examination, he will then file a Motion seeking funds for the same.]

Respectfully submitted,

### MOTION FOR REIMBURSEMENT

Mitigation Counsel who pays for obtaining records should keep all receipts and then file a single motion with the calendar judge, with the receipts attached, seeking an ORDER directing that counsel be reimbursed for those out-of-pocket expenses.

### MOTION FOR REIMBURSEMENT

name of Mitigation Counsel, petitioner herein, seeks reimbursement for funds expended in preparing the within case for capital penalty phase proceedings, and represents:

1. Counsel was appointed to represent name of defendant, an indigent charged with capital murder.
2. As part of his/her mitigation investigation, counsel was required to obtain the following records:
  - a. Name records
  - b. Name records
3. Counsel had to pay for the copying and mailing of said records. The total amount expended was \$ \_\_\_\_\_, and the receipts for the same are attached hereto.
4. Counsel was required to obtain said records in order to properly defend the accused.
5. Counsel is entitled to be compensated for all out-of-pocket expenses incurred in representing this defendant.

WHEREFORE, counsel requests this Court to direct the Office of Court Finance to reimburse counsel in the amount of \$ \_\_\_\_\_ for the above-delinea

[Pa.B. Doc. No. 03-136. Filed for public inspection January 24, 2003, 9:00 a.m.]



# Title 255—LOCAL COURT RULES

## DAUPHIN COUNTY

Promulgation of Local Rules; No. 1793 S 1989; No.  
1-1991

### Order

*And Now*, this 2nd day of January, 2003, Dauphin County Local Rule of the Orphans' Court Division 6.10.1 is amended as follows:

#### **Rule 6.10.1 Filing and Service**

(a) Objections to an account or to the statement of proposed distribution, or both, must be filed in writing with the Clerk not later than [9:00 a.m. (prevailing time)] the close of business on the Tuesday immediately preceding the date fixed for the presentation of accounts by the Clerk for audit. A copy of the objections shall be served on the accountant or the accountant's attorney forthwith.

This rule shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

JOSEPH H. KLEINFELTER,  
*President Judge*

[Pa.B. Doc. No. 03-137. Filed for public inspection January 24, 2003, 9:00 a.m.]

\_\_\_\_\_

# RULES AND REGULATIONS

## Title 7—AGRICULTURE

### DEPARTMENT OF AGRICULTURE

#### [7 PA. CODE CH. 106]

#### Aquaculture Development Plan

The Department of Agriculture (Department), under the authority of 3 Pa.C.S. §§ 4201—4223 (relating to the Aquaculture Development Law) (act), adopts Chapter 106 (relating to aquaculture development plan).

#### *Authority*

The Department has the power and authority to adopt this final-form rulemaking under the following:

(1) The specific authority conferred by section 4215 of the act (relating to aquacultural plan), which confers upon the Department the power to promulgate regulations regarding aquaculture development. It states, "The department shall develop a plan to promote and develop aquacultural industry in this Commonwealth. Economic development and exportation of products from this Commonwealth shall be components of this plan. . . .The department shall, in the manner provided by law, promulgate the plan as regulations of the department."

(2) The general duty to implement the policy of the act set forth at section 4218 of the act (relating to Aquaculture Development Account), which establishes an Aquaculture Development Account and states, "Money in this account shall be used to stimulate the growth of the aquacultural industry. . .the account may be used to provide low-interest loans to aquacultural producers for development, expansion and modernization of facilities." The Department has the duty to establish an aquaculture loan program.

#### *Need for the Chapter*

The law was enacted to "create an atmosphere conducive to the further development and expansion of our aquacultural industry." The regulations implement a Departmental policy to encourage aquaculture production and marketing. The regulations are consistent with the Department's obligations under the act.

The Department is satisfied there is a need for the regulations, and that they are consistent with Executive Order 1996-1, "Regulatory Review and Promulgation."

#### *Comments*

Notice of proposed rulemaking was published at 32 Pa.B. 2468 (May 18, 2002), and provided for a 30-day public comment period. Comments were received from the Independent Regulatory Review Commission (IRRC) and the Pennsylvania Farm Bureau (Bureau). The Department has considered the comments and believes the final-form rulemaking addresses the commentators' concerns.

#### *General*

#### 1. *Program Costs.—Economic Impact.*

#### *Comment: IRRC*

The preamble to the proposed rulemaking stated that there is a separate account in the State Treasury called the Aquaculture Development Account. The preamble further stated that this account is funded by fees and charges generated under the act. However, the Depart-

ment also acknowledged that "moneys for use in the development and administration of the grant and loan programs established by this proposed rulemaking will need to be provided through future appropriations to the Aquaculture Development Account."

- When will these programs be funded?
- How is the program "revenue neutral" as stated in the regulatory analysis form?
- Will registration fees for aquaculture producers increase as a result of implementation of the Aquaculture Development Plan?

#### *Comment: Bureau*

The aquaculture industry in this Commonwealth is a very important one, with over 165 registered production facilities and over 100 suppliers. Many of these individual operations are members of the Bureau, and several of the aquaculture farmers actively participate in the Bureau's State Commodity Programs. Aquaculture is a key piece in the agricultural success of this Commonwealth and the Bureau.

Overall, the Bureau found the proposed regulations regarding the Aquaculture Development Plan to be an excellent basket of tools for promoting and preserving the aquaculture industry within this Commonwealth. The Bureau is especially enthused with Subchapters E and G (relating to aquaculture product identification program; and aquaculture export promotion program). The Bureau feels these two components of the overall aquaculture development plan will provide many benefits and incentives to Pennsylvania fish farmers.

#### *Response:*

The act establishes the Aquaculture Development Account and states the fund's usage: "After administrative costs are covered, the remainder of the account may be used to provide low-interest loans to aquacultural producers for development, expansion and modernization of facilities." The account may only be used to fund administrative costs and the loan program being established under Subchapter A. In reality, the small number of propagator and live aquatic animal dealer registrations does not generate enough funds to cover current costs for aquaculture program administration. Current aquaculture programming is being funded by the Department's general fund. The additional programming described in this regulation would require new appropriations to the Department's general fund. The Bureau anticipates the programs being considered for funding beginning with the 2003-2004 State fiscal year.

"Revenue neutral" was defined to us as "not placing additional mandated costs on the regulated community." Since all programming within the regulation is voluntary, it would meet this definition. It was never intended to suggest the current account revenues could support these programs.

Registration fees are set within the act itself and no fee increase is anticipated. We appreciate the support and validation the Bureau's comments provide as to the benefits being sought through these regulations.

2. *Issues Common to the Application and Review Processes for these Programs—Need; Reasonableness; Clarity.*

*Comment: IRRC*

*Payment of participation fees*

The programs this final-form rulemaking will establish require applicants to pay participation fees. However, it is unclear when these fees must be paid. Subchapters C—G appear to contain contradictory language. They require the participation fee to be submitted with the application in one subsection, and then, in a later subsection, require the fee to be paid after receiving notice of acceptance into a program (such as, §§ 106.104(b)(5) and 106.107(a)). The final-form rulemaking should clarify when the participation fees for each program are due.

*Return of Participation fees*

When a program requires a participation fee and the applicant is rejected, will the participation fee be refunded? If so, the final-form rulemaking should include provisions that prescribe how and when participation fees will be returned to the applicant.

*Structure of Regulations*

The final-form rulemaking is structured so the review of applications sections comes before the processing of applications sections. Since the processing of applications sections of the regulation address items such as completeness of the application and requests for additional data, clarity may be improved by reversing the order of the review of applications and processing of applications sections.

*Review of Applications*

The Aquaculture Education Enhancement Program (AEPP), the Aquaculture Product Information Program (APIP), the Aquaculture Product Promotion Program (APPP) and the Aquaculture Export Promotion Program (AEP) each have sections relating to review of applications (such as §§ 106.53 and 106.105). Subsection (a), relating to evaluation, and subsection (b), relating to applicant eligibility, are not needed and should be deleted from the final-form regulation. Subsection (c), relating to application completeness, duplicates provisions found in the sections relating to processing of applications. Therefore, it should also be deleted.

The final-form rulemaking contains a list of factors that the Department will consider in selecting participants for the Aquaculture Education Enhancement Activity Program, the AEPP and the APIP. Included in the list of factors is the applicant's "ability to pay, or cost share, the . . . activity costs." (§§ 106.53(d)(5), 106.135(d)(6) and 106.165(d)(6)). Sections 106.52, 106.134 and 106.104 require payment of the participation fee with the application. It is unclear if the ability to pay/cost share provision has any relationship to the participation fee for the program. If the ability to pay/cost share is the same as the participation fee, then the ability to pay/cost share provision is duplicative and should be deleted.

*Approval of Applications*

In Subchapters A, C and E—G, in the processing of applications sections, the Department states that it may "approve, approve with special conditions or reject applications and issue participation approval. . . ." IRRC requested the Department explain how "participation approval" is different from approval.

*Release and hold harmless provisions*

For each program authorized by this regulation, there is a requirement that eligible participants release and hold harmless the Department and Commonwealth from liabilities and losses (such as § 106.53(c)). The regulation should specify if there are any forms or agreements that must be signed to comply with this requirement.

*Aquaculture Advisory Committee (Committee) member participation in programs*

The final-form rulemaking authorizes a Committee member to participate in the aquaculture development programs if "all decisions regarding the application are subject to 65 Pa.C.S. § 1103(j) (relating to restricted activities) and the action does not violate the State Adverse Interest Act (71 P. S. §§ 776.1—776.9) or Chapter 7, Subchapter K (relating to code of conduct for appointed officials and State employees)." (§§ 106.3(e)(3), 106.44, 106.109, 106.140 and 160.170). IRRC requested the Department explain how the determination will be made that a Committee member's participation meets these requirements.

*Response:*

The final-form rulemaking resolves the ambiguity in regard to payment of participation fees and return of participation fees by requiring all fees to be submitted at the time of application and providing a timeline and structure for return of participation fees from unsuccessful applicants.

The review of applications section sets forth the general evaluation criteria, applicant eligibility standards, application completeness standards and factors the Department will consider in reviewing the application. In other words it sets forth the base line criteria that must be met in any application. The processing of applications section sets forth details concerning the approval process including how an application will be reviewed, time period for review and how the Department will handle incomplete applications. The final-form rulemaking gains a logical flow by notifying the applicant of what must be contained in an application and the factors the Department will consider, notifying the applicant how that application will be processed, and delineating how and when the applicant will be notified of the disposition of the application. Therefore, the Department believes the regulation does have a logical flow and does not believe changing the order of these sections will add clarity to the regulation.

The final-form rulemaking removes the noted sections relating to review of applications (e.g. §§ 106.53 and 106.105, subsections (a)—(c)), and §§ 106.53(d)(5), 106.135(d)(6) and 106.165(d)(6).

The final form rulemaking clarifies the approval of applications by removing the term "participation approval" and replacing it with "approval" wherever it occurs.

The final-form rulemaking specifies that the applications shall contain release and hold harmless provisions which the applicants agree to when they sign the applications. Unsigned applications will be considered incomplete.

The final-form rulemaking resolves the issue of Committee member participation in programs by stating that members must sign a statement certifying that they have complied with the referenced codes and copies of the codes will be provided to members upon request.

*Subchapter A. Aquaculture Production Development Program*

3. *Section 106.1. Program objectives.—Clarity.*

*Comment: IRRC*

This section states that low-interest financing will be available to businesses “unable to fully finance these projects with equity, bank financing, or other private and public sources.” The final-form rulemaking should specify the documentation that the applicant must provide to demonstrate that this criteria has been met.

*Comment: Bureau*

Subchapter A sets forth the Aquaculture Production Development Program and provides for low-interest loan financing for a portion of the costs of land, building, machinery, equipment, working capital, and training to businesses unable to fully finance these projects with equity, bank financing or other private and public sources.

In regard to the low interest loans, the Bureau questioned whether the requirement that to qualify for a low-interest loan, the fish farmer must be turned down by a lending institution or other public/private source. IRRC feels this requirement would exclude most fish farmers in this Commonwealth and would contradict the purpose of the Aquaculture Production Development Program. The Bureau questioned whether this requirement was an act restriction.

*Response:*

The language of the final-form rulemaking does not commit the Commonwealth to being the “lender of last resort” as this phrase implies. The act does not require this. Therefore, a fish farmer would not have to be turned down by another lender before he could apply. However, the final-form rulemaking includes a provision that applicants must provide verification of all financing sources, total project costs, and documentation of all financing requested and the results of the requests.

4. *Section 106.3. Eligibility.—Clarity.*

*Comment: IRRC*

*Subsection (b) Eligible activities*

Subsection (b)(2) states that, “the project adopts generally acceptable pollution prevention and environmental stewardship practices.” What are “generally acceptable pollution prevention and environmental stewardship practices?” These practices should be defined in the final-form rulemaking. Alternately, if these practices are defined elsewhere in existing regulations or guidance documents, these documents or regulations should be cross-referenced in the final-form rulemaking. Subsection (b)(3)(ii) states that the required certification can be obtained by an “environmental professional approved by the Department.” IRRC had three concerns.

First, the term “environmental professional” is vague. Adding a definition of this term or a citation to a definition would improve clarity.

Second, the regulation requires the “environmental professional” to be approved by the Department. IRRC requested the Department explain the approval process. Finally, how will the list of environmental professionals approved by the Department be provided to the public? The final-form rulemaking should identify where and how this information will be made available.

*Comment: Bureau*

Several fish farmers who are members of the Bureau questioned whether machinery, such as live-haul trucks, and land, such as ponds, are included in the list of acceptable projects for low-interest loan financing. Live-haul trucks and ponds are important pieces of many aquaculture operations and should be included as acceptable items for this program.

*Response:*

The final-form regulation defines “generally acceptable pollution prevention and environmental stewardship practices” as “Those best management practices (BMPs) for aquaculture categorized and explained in the Pennsylvania Aquaculture BMP Guide as approved by the Committee.” The Committee’s NPDES Subcommittee is currently working on development of a general aquaculture NPDES permit. One of the components of this task is to publish a Pennsylvania Aquaculture BMP Guide. IRRC expected this work to be completed by spring 2003.

The Department has removed the criteria regarding and all references to “environmental professional” in the final-form regulation. In considering a response to IRRC’s comment the Department became aware that the Department of Environmental Protection does not “certify” that a project will comply with environmental laws and regulations. In addition, the act provides no authority to the Department to “approve” or “certify” an environmental professional. Therefore, in the final-form rulemaking the Department amended the language in § 106.3(b)(2) to delete the reference to “certification” of the proposed project and deleted all of § 106.3(b)(3) which contained the reference to an “environmental professional

Eligible costs under this subchapter include land cost whether that land is being used for a hatchery building, production ponds, or other farm uses directly related to the project proposed for funding.

Machinery costs include all types of machinery except vehicles titled or registered for highway use. This would exclude live-haul trucks to be used offsite for deliveries. However, since the APDP may only finance up to 50% of a project’s total costs, this provision does not keep the commercial lender from financing such a purchase.

5. *Section 106.4. Ineligible activities.—Clarity.*

*Comment: IRRC*

Paragraph (2) addresses nonprejudicial approvals. However, the title of this section is “Ineligible activities.” Paragraph (2) should be removed from § 106.4 and either placed in a new section or moved to § 106.3, relating to eligibility.

*Response:*

The final-form rulemaking moves the referenced paragraph from § 106.4 to become § 106.3(g).

6. *Section 106.5. Program requirements.—Fiscal Impact; Reasonableness; Clarity.*

*Comment: IRRC*

*Subsection (c) Jobs*

This subsection requires that one full-time job be created or preserved when the project is funded under the APDP. What is the basis for this requirement? Given that loan amounts could be as small as \$10,000, is it reasonable to require the creation or preservation of one full-time equivalent job for each project funded under the APDP? If this requirement is not met within 3 years from

completion of the project, is the loan recipient required to immediately repay the entire loan amount?

*Subsection (d) Terms*

This subsection sets forth the terms for the loan agreements. Please explain the basis for the payment periods in subsection (d).

*Subsection (f) Fees*

Paragraph (2) states "reasonable loan processing fees may be charged." On what basis will the "reasonable" fees be determined?

Additionally, paragraph (2) states that the applicant "should" check with the local provider regarding fees. "Should" is nonregulatory language which is inappropriate in regulations. It would be clearer to simply state that the local service provider or area loan organization will set the fees.

*Subsection (i) Priority*

Subsection (h)(1) refers to "good credit rating containing no late payments or write-offs." It appears that the standard which must be met under this paragraph is "no late payments or write-offs." The use of the word "good" is superfluous and creates an undefined standard. The Department should either delete "good" or include criteria for determining what credit rating constitutes a "good" credit rating. Subsection (i)(4) refers to a "proven profit-making venture." What criteria will be used to determine if a venture meets the "proven profit-making" requirement?

*Comment: Bureau*

Under § 106.5(e), the Bureau recommended that, under terms of agreement for low-interest loans, loans used for real estate have a repayment period of up to 15 years. A repayment period of only 10 years would have negative effects on the early cash flow needed for most fish farms in this Commonwealth. The Bureau would also recommend that loans for working capital have a repayment period of up to 5 years. Also under § 106.5(h)(1), we believe the requirement that a borrower of the low-interest loans not be allowed to relocate from one area of the Commonwealth to another without at least a 25% increase in net employment to be excessively burdensome on the farmer. The Bureau feels that if a fish farmer were to receive a low-interest loan, and then move his operation outside of this Commonwealth, he should be required to repay the loan in full to the Commonwealth. However, if a fish farmer finds that he must move to another part of this Commonwealth to keep his operation economically healthy, the farmer should have the right to do so without the requirement of a 25% increase in net employment.

*Response:*

The final-form rulemaking does not have a jobs requirement.

The Small Business First Program (SBFP) was used as the model from which the APDP was crafted. The loan terms in this chapter were set to be the same as that program. However, the final-form rulemaking sets the real estate repayment period at 15 years and the working capital repayment period at 5 years. The other provisions remain the same.

Likewise, the fees for processing are to mirror similar fees charged for the SBFP. The final-form rulemaking states, "The local service provider or area loan organization will set the fees."

The final-form rulemaking's subsection (i)(1) reads "Applicants with credit ratings containing no late payment or write-offs."

The final-form rulemaking's subsection (i)(4) adds the following phrase to the requirement, "as documented by state and Federal tax returns showing taxes paid on business profits."

The final-form rulemaking keeps the relocation provisions as originally written. These provisions are valid in order to discourage local communities within the State from competing to encourage employers to move to other localities. Since aquaculture facilities are generally located because of specific site water availability it is highly unlikely that this provision will cause harm to any current or future fish farmer.

*7. Section 106.6. Application submission and approval procedure.—Clarity.*

*Comment: IRRC*

Subsection (d)(14) states, "The collateral position of the Department will not be less than a second lien on the assets being funded unless specifically approved in writing by the Department." Under what circumstances would the Department accept a collateral position less than a second lien on the assets?

*Response:*

The Department would consider accepting less than a second lien position on assets when the appraisal of assets shows sufficient value to cover all liens if the assets were to be sold at bankruptcy sale (75-80% of appraised market value).

*8. Section 106.12. Contact information.—Clarity.*

*Comment: IRRC*

Subsection (a) lists methods to contact the Department, but does not include an e-mail address. If the Department is available by e-mail, that information should be included in the final form rulemaking.

*Response:*

The final-form rulemaking provides a generic e-mail address for the Bureau. The Department believes the generic e-mail address will better serve the regulated community since specific e-mail addresses are individual specific and do not take changes in employee responsibility or employment status into consideration.

*Subchapter B. Aquaculture Producer Resource Program*

*9. Section 106.22. Limitations.—Clarity.*

*Comment: IRRC*

Subsection (a) references the Department's Internet site but does not list the address. Has the Department considered including the Internet site in the final-form rulemaking?

*Response:*

The final-form rulemaking provides the Department's website address.

*Subchapter C. Aquaculture Education Enhancement Program*

*10. Section 106.43. Notice of activities.—Implementation procedures.*

*Comment: IRRC*

Subsection (a) states that the Department will use one of the three methods to notify eligible applicants of AEPP activities. The three methods include publication in the

*Pennsylvania Bulletin*, direct mailing and advertisements. If the Department uses only one method of notification, such as the *Pennsylvania Bulletin*, many eligible applicants may not be aware of upcoming activities. Is it the Department's intent to use only one method of notification, or will the Department use a combination of the methods in subsection (a)(1)–(3)? If the Department intends to use a combination of methods, subsection (a) should be modified to clearly reflect this intent.

Additionally, has the Department considered posting AEEP activities on its website?

*Response:*

The final-form rulemaking states that the Department may use one or more of the listed methods in any combination and adds the Department's website as a potential method.

11. *Section 106.54. Processing of application.—Reasonableness.*

*Comment: IRRC*

Subsection (b) addresses how the Department will process applications. IRRC has two concerns.

First, under subsection (b)(5), relating to incomplete and inaccurate applications from eligible applicants, will 5 days be sufficient for the applicant to obtain the additional information? IRRC noted that the comparable provision in § 106.65(b)(5) gives applicants 10 days to respond.

Second, under subsection (b)(6)(iv), relating to order of participation availability, will 7 days be sufficient time for the applicant to respond? Is the notification date the same as the date of mailing?

*Response:*

The Department feels these time periods are appropriate since the projects expected to be undertaken through this program are short-range, simple activities with quick turnaround periods. Section 106.65 pertains to the grant program which is structured to facilitate larger, more complex projects—therefore it has a longer response period. The notification date will be the date of mailing.

12. *Section 106.55. Notice of disposition of application.—Reasonableness; Clarity.*

*Comment: IRRC*

Subsection (a), relating to applications deemed complete, states the Department will notify applicants within 15 days of its decision to approve, approve with special conditions or reject the application. Subsection (b), relating to applications deemed incomplete or ineligible, states the Department will notify the applicants of its decision to reject the application or request additional information within 10 days. IRRC has three concerns.

First, what is the reason for the different time frame in subsection (a) and (b)?

Second, if the Department does not render a decision within the allotted time for complete applications, is the applicant deemed approved?

Third, subsection (a) requires an approved applicant to submit the application fee within 5 days of receipt of the approval letter. The APPP and the AEPP allow 10 days for the applicant to submit the fee. Why is the Department allowing only 5 days for the submittal of the fee for the AEPP?

*Response:*

The final-form rulemaking sets the time frame within each paragraph to 15 days and notes that applications upon which the Department does not render a decision within the allotted period are deemed approved as long as participation space is available within a given activity.

The final-form rulemaking deletes the reference to participation fee receipt within the AEPP, the APPP and the AEPP since each program requires that the participation fee be submitted as part of the application. In place of this reference, the final-form rulemaking delineates how reimbursement of fees submitted by unaccepted applicants are to be processed and returned.

13. *General.—Sections 106.61–106.66—Clarity.*

*Comment: IRRC*

Must an applicant return the unused portion of a grant? If so, when?

*Response:*

The final-form rulemaking delineates that unused funds are to be returned to the Department within 90 days after the project's completion date as stated in the grant contract or the date upon which a grant is terminated by either the Department or the recipient.

14. *Section 106.65. Processing of application.—Reasonableness.*

*Comment: IRRC*

Under subsection (b)(5), relating to incomplete and inaccurate applications from eligible applicants, is 10 days sufficient to obtain the additional information?

*Response:*

The Department deems this to be a reasonable and sufficient time frame. However, to increase consistency between programs, the final-form rulemaking states this period to be 15 days for each.

*Subchapter D. Aquaculture Market Information Program*

15. *General.—Feasibility.*

*Comment: Bureau:*

Several Bureau members have also voiced concerns about the feasibility of Subchapter D (relating to Aquaculture Market Information Program). Their argument is that this aspect of the program does not seem feasible because fish farmers already know the pricing of their product in the different markets that exist. They state that the pricing system in the aquaculture industry is totally distinct from other ag-related pricing systems such as those for hogs and soybeans and that this program may not work for the aquaculture industry.

*Response:*

The Department respectfully disagrees with the noted sentiments for several reasons.

First, the Committee's industry representatives voiced strong support for this program at their October 9, 2001, meeting.

Second, an aquaculture price reporting system was developed by Maryland's Department of Agriculture several years ago and was very successful.

Third, the main reason for any price reporting system is to keep the market pricing fair and open by letting all sellers and buyers know the prices being paid for particular types of products.

Fourth, one of the main reasons behind the act is to encourage new farmers to enter aquaculture production. A price reporting system allows them to make their startup decisions based on fair and accurate price information.

*Subchapter E. Aquaculture Product Identification Program*

16. *Section 106.102. Limitations.—Clarity.*

*Comment: IRRC*

Subsection (a) addresses applicant eligibility. The final-form rulemaking requires the aquaculture propagator or aquaculture-related company to be “in good standing.” The final-form regulation should specify under what standards “in good standing” will be judged.

*Response:*

The final-form rulemaking defines “in good standing” to be propagators or companies which “are registered or licensed in accordance with all applicable State and Federal laws and current with all debts owed to the Commonwealth and other government entities.”

17. *Section 106.103. General conditions.—Clarity.*

*Comment: IRRC*

Subsection (b) addresses renewal of APIP participation. Will renewal applications require a participation fee? If so, this subsection should be revised to state that renewal applications require payment of a participation fee.

*Response:*

The final-form rulemaking clarifies that renewal applications do require a participation fee at the time of renewal.

18. *Section 106.104. Application.—Clarity.*

*Comment: IRRC*

The phrase “non-profit entity” is vague. The Internal Revenue Code and the Pennsylvania Tax Reform Code commonly use the phrase “not-for-profit.” A specific citation to the Internal Revenue Code of 1986 (26 U.S.C.A.) describing the types of businesses at issue would add clarity to the regulation.

*Response:*

The final-form rulemaking subsection (b)(6) clarifies this phrase with the following language, “Verification that the applicant is subject to the tax laws of the Commonwealth and is not a “not-for-profit” as defined by the Internal Revenue Code of 1986 (26 U.S.C.A.).

19. *Section 106.105. Review of application.—Clarity.*

*Comment: IRRC*

Subsection (d) addresses factors to be considered by the Department in selecting APIP participants. Under subsection (d)(2), what documentation must an applicant provide to verify that all products are produced in this Commonwealth?

*Response:*

All applicants must sign a certification statement as part of the application verifying that all products to be covered by the APIP logos and promotional effects are produced in this Commonwealth and that their participation will terminate if this provision is violated.

20. *Section 106.106. Processing of applications.—Reasonableness.*

*Comment: IRRC*

Subsection (b)(5) gives an applicant 10 business days to submit additional information at the Department’s request. Is this enough time to provide the additional information?

*Response:*

The Department deems this to be a reasonable and sufficient time frame. However, to increase consistency between programs, the final-form regulation states this period to be 15 days for each.

*Subchapter G. Aquaculture Export Promotion Program*

21. *Section 106.162. Limitations.—Clarity.*

*Comment: IRRC*

Subsection (b) requires a “majority” of the displayed products at an AEPP to be grown or manufactured in this Commonwealth. The term “majority” is vague and open to interpretation. We note that the corresponding provision in Subchapter F (relating to the APPP) (§ 106.132(b)) establishes a threshold of 60%. The final-form rulemaking should include a specific threshold as a percentage of production.

*Response:*

The final-form rulemaking clarifies this by changing the sentence in which “majority” appears to be the same as the noted sentence in § 106.132 (b), “At least 60% of the displayed products in an AEPP activity shall be grown or manufactured in this Commonwealth.”

22. *Miscellaneous Clarity Issues.*

*Comment: IRRC*

*Section 106.2.*

- There are two typographical errors in this section. In the *Pennsylvania Bulletin* version of this regulation the word “aquaculture” is misspelled in the definitions of “AEEP” and “AEPP.”

*Section 106.3.*

- There is a grammatical error in the first sentence of subsection (d)(1). The word “is” should be changed to “are.”

*Section 106.10.*

- The last sentence in this section includes the word, “thereon.” This word is unnecessary and should be deleted.

*Section 106.163.*

- In subsection (e)(1), it appears that the words “more than” before “80%” are extraneous and should be deleted.

*Section 106.165.*

- There is a typographical error in subsection (a). The word “the” before “applicant” should be deleted.

*Response:*

These corrections have been noted and rectified in the final-form rulemaking.

*Comment: IRRC*

*Section 106.166.*

- Subsection (b)(1) is unclear. Clarity would be improved if this subsection was rewritten.

*Response:*

The noted subsection now appears as follows, "The application will have the initial date of the postmark or the initial date of receipt, whichever is earlier, noted on the application by Department staff. If the application is determined to be incomplete, the effective date of the application is the date on which all additional information is received and the application is determined by the Department to be complete. The date will be noted on the application."

*Fiscal Impact*

*Commonwealth*

The final-form rulemaking will impose moderate costs and have minimal fiscal impact upon the Commonwealth over time. The final-form rulemaking will require additional paperwork and impose an additional workload on the Department. A full-time clerical position will be needed to support the new programs.

*Political Subdivisions*

The final-form regulations will impose no costs and have no fiscal impact upon political subdivisions.

*Private Sector*

The final-form rulemaking will impose no additional costs on the regulated community since all programs are voluntary. The private sector participants who participate will benefit through lower cost marketing and loan options. It should be noted that the regulated community participated in the development of the final-form rulemaking and that the Committee voted to approve each section as it was written.

*General Public*

The final-form rulemaking will impose no costs and have no fiscal impact on the general public.

*Paperwork Requirements*

The final-form rulemaking will result in a moderate increase of paperwork. The Department will need to develop the appropriate forms and procedures to administer the final-form rulemaking.

*Contact Person*

Further information is available by contacting the Department of Agriculture, Bureau of Market Development, 2301 North Cameron Street, Harrisburg, PA 17110-9408; Attn.: Leo Dunn, (717) 783-8462.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 3, 2002, the Department submitted a copy of the notice of proposed rulemaking, published at 32 Pa.B. 2468 (May 18, 2002), to IRRC and to the Chairpersons of the House Agriculture and Rural Affairs Committee and the Senate Agriculture and Rural Affairs Committee for review and comment

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

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on November 25, 2002, the final-form rulemaking was deemed approved by the House Agriculture and Rural Affairs Committee and the Senate Agriculture

and Rural Affairs Committee. Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 12, 2002, and approved the final-form rulemaking.

*Findings*

The Department finds that:

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

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

(3) The modifications that were made to the final-form rulemaking in response to comments received do not enlarge the purpose of the proposed regulations published at 32 Pa.B. 2468.

(4) The adoption of the final-form rulemaking in the manner provided in this order is necessary and appropriate for the administration of the authorizing statute.

*Order*

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

(a) The regulations of the Department, 7 Pa. Code, are amended by adding §§ 106.1—106.12, 106.21—106.24, 106.41—106.48, 106.51—106.56, 106.61—106.66, 106.81—106.86, 106.101—101.112, 106.131—106.143 and 106.161—106.174 to read as set forth in Annex A.

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

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

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

SAMUEL E. HAYES, JR.,  
*Secretary*

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 32 Pa.B. 6428 (December 28, 2002).)

**Fiscal Note:** Fiscal Note 2-140 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 7. AGRICULTURE**

**PART IV. BUREAU OF MARKET DEVELOPMENT**

**CHAPTER 106. AQUACULTURE DEVELOPMENT PLAN**

**Subchap.**

- A. AQUACULTURE PRODUCTION DEVELOPMENT PROGRAM**
- B. AQUACULTURE PRODUCER RESOURCE PROGRAM**
- C. AQUACULTURE EDUCATION ENHANCEMENT PROGRAM**
- D. AQUACULTURE MARKET INFORMATION PROGRAM**
- E. AQUACULTURE PRODUCT IDENTIFICATION PROGRAM**
- F. AQUACULTURE PRODUCT PROMOTION PROGRAM**
- G. AQUACULTURE EXPORT PROMOTION PROGRAM**

**Subchapter A. AQUACULTURE PRODUCTION DEVELOPMENT PROGRAM**

- Sec. 106.1. Program objectives.
- 106.2. Definitions.



- 106.3. Eligibility.
- 106.4. Ineligible activities.
- 106.5. Program requirements.
- 106.6. Application submission and approval procedure.
- 106.7. Application evaluation criteria.
- 106.8. Processing of applications.
- 106.9. Cancellation/default.
- 106.10. Right of recovery.
- 106.11. Deficits.
- 106.12. Contact information.

### § 106.1. Program objectives.

The APDP is designed to stimulate the expansion and assist in the retention of fish farms for the purpose of creating new businesses and jobs and retaining existing business within this Commonwealth. The APDP provides low-interest loan financing for a portion of the costs of land, building, machinery and equipment, working capital and training to businesses to enable them to fully finance these projects by leveraging equity, bank financing, or other private and public sources. The APDP may be used in conjunction with other State financing programs or with programs operated by local and regional economic development providers.

### § 106.2. Definitions.

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

*AEEP*—The Aquaculture Education Enhancement Program.

*AEPP*—The Aquaculture Export Promotion Program.

*ALO*—*Area loan organization*—A local development district, industrial development agency organized and existing under the Pennsylvania Industrial Development Authority Act (73 P. S. §§ 301—314) or another not-for-profit economic development organization approved by the Department to evaluate and administer loans under this subchapter.

*AMIP*—The Aquaculture Marketing Information Program.

*APDP*—The Aquaculture Production Development Program.

*APIP*—The Aquaculture Product Identification Program.

*APPP*—The Aquaculture Products Promotion Program.

*APRP*—The Aquaculture Producer Resource Program.

*Act*—The Aquaculture Development Law (3 Pa.C.S. §§ 4201—4223).

*Advisory Committee*—The Aquaculture Advisory Committee.

*DEP*—The Department of Environmental Protection of the Commonwealth.

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

*Generally acceptable pollution prevention and environmental stewardship practices*—Those best management practices (BMPs) for aquaculture categorized and explained in the *Pennsylvania Aquaculture BMP Guide* as approved by the Advisory Committee.

*In good standing*—Entities registered or licensed in accordance with applicable State and Federal laws and current with all debts owed to the Commonwealth and other government entities.

*Local service provider*—An organization not meeting the definition of an “ALO,” but approved by the Department to evaluate and administer loans under this subchapter. The term includes a commercial lending institution.

*Secretary*—The Secretary of the Department.

### § 106.3. Eligibility.

#### (a) *Eligible applicants.*

(1) Borrowers shall be aquaculture enterprises whose project is located within this Commonwealth.

(2) Each applicant approved for participation shall comply with the criteria established by the act and this chapter, including the general program requirements and all licensing and governmental permitting requirements.

(3) Projects whose applicants, principals, primary consultants or senior employees, or both, have criminal indictments or convictions or have been directly associated with two or more aquaculture ventures which have not been successful in the opinion of the Department, as set forth in subsection (e)(4), may be deemed ineligible.

#### (b) *Eligible activities.*

(1) The APDP will provide loan or loan guarantees to approved applicants for development or improvement of aquaculture production facilities. Projects may consist of land, buildings, machinery and equipment, construction or renovation costs, working capital, environmental stewardship and compliance and training which needs to be acquired, or used as part of a for-profit project or venture by an aquaculture enterprise.

(2) For a project to be eligible for environmental stewardship and compliance funds, the project shall bring the borrower into compliance with the environmental laws or regulations that are sought to be addressed by the project or the project shall adopt generally acceptable pollution prevention and environmental stewardship practices.

(3) Projects shall have a direct relationship to increasing the breadth and profitability of aquaculture production within this Commonwealth.

#### (c) *Eligible costs.*

(1) *Land costs.* Land costs may include acquisition, site preparation and testing, utilities, site mapping, legal and other related costs. To be eligible, land costs shall be directly associated with the purchase, renovation or new construction of a building or production facility to be used for aquaculture.

(2) *Building costs.* Building costs may include building acquisition, construction, rehabilitation and engineering, architectural, legal and other related costs.

(3) *Machinery and equipment costs.* Machinery and equipment costs may include costs of acquisition, delivery and installation. These costs are eligible if associated with acquisition of machinery and equipment that the borrower has newly purchased, even if the machinery had previously been in service with an unrelated user. Costs of mobile equipment are eligible only if the equipment is not titled or registered for highway use.

(4) *Working capital.* Capital used by an aquaculture enterprise for operations including personnel, marketing and training costs.

(d) *Limitations.* The following limitations apply to eligible costs:

(1) Eligible costs of land, buildings and machinery and equipment are limited to actual costs incurred by the borrower. Unrealized appreciation in value may not be considered in determining eligible costs.

(2) Fees charged to the borrower by brokers, finders, financing consultants and economic agencies are not eligible project costs, except that fees payable to the Department, if any, and fees and expenses charged to the borrower by an ALO or local service provider may be included as part of the eligible project cost.

(3) Costs of a borrower's own employees are treated as working capital expenditures and are subject to the program's limitations on working capital financing even if the costs are incurred in connection with land acquisition or preparation, building acquisition or construction, or machinery and equipment acquisition and installation.

(e) *Restrictions.*

(1) *No delinquencies.* The borrower and its principals may not be delinquent in or in default of an existing private or public loan relating to the borrower, unless they have entered into a refinancing/payback agreement satisfactory to the respective creditors and are fully in compliance with the terms of that agreement. The borrower and its principals shall be required to execute an affidavit to that effect. For the purposes of this program, a "principal" of a borrower is a record or beneficial owner of 20% or more of an ownership interest in the borrower.

(2) *Taxes current.* The borrower and its principals shall be current in payment of all applicable Federal, State and local taxes unless they have entered into a workout agreement satisfactory to the respective taxing authority and are fully in compliance with the terms of that agreement. The borrower and its principals will be required to execute an affidavit to that effect.

(3) *Conflicts of interest.* The borrower and its principals and managerial officers shall disclose any potential conflicts of interest with any officials or employees of the Commonwealth or with any officials or employees of the ALO or local service provider involved in submission of the borrower's application. A member of the Advisory Committee may apply for a loan under this subchapter provided all decisions regarding the loan application are subject to 65 Pa.C.S. § 1103(j) (relating to restricted activities) and the action does not violate the State Adverse Interest Act (71 P.S. §§ 776.1—776.9), or 4 Pa. Code Chapter 7, Subchapter K (relating to code of conduct for appointed officials and State employees). Members of the Advisory Committee shall supply a signed statement with their application certifying they have complied with the referenced codes. Copies of the codes will be made available to members upon request.

(4) *Nonsuccessful aquaculture ventures.* The borrower, its principals, primary consultants or senior employees may not have been directly associated—such as being Executive Officers, Board members, senior management, partners, principals, consultants or senior employees—with aquaculture ventures which did any of the following:

(i) On two or more occasions resulted in financial losses for the principal investors, shareholders or clients.

(ii) On two or more occasions declared bankruptcy.

(iii) Have existing violations of local, State, Federal or international law.

(iv) Had a license denied, suspended or revoked or were forced to suspend or cease operations because of past violations of local, State, Federal or international law.

(f) *Verification of funding sources and uses.* The borrower shall provide documentation verifying the project costs and sources of funds being used for the project under consideration. Each projected source of funds shall show what the funds will be used for and provide proof that the funds are available and committed to the project. The borrower shall also provide copies of any applications for project funds from other sources and whether those requests were approved or denied.

(g) *Nonprejudicial approvals.*

(1) The borrower, with the approval of the ALO or local service provider, may request nonprejudicial approval from the Department. If the Department grants nonprejudicial approval, the borrower may continue with the project while its loan is under review. In these instances, the borrower is continuing at its own risk in the event the ALO, local service provider or the Department does not approve the loan.

(2) Prior to receiving nonprejudicial approval, the borrower may place orders, sign sales agreements and make security deposits on machinery and equipment and land and buildings prior to approval by the local service provider, ALO or the Department without making its project ineligible.

(3) A project will be ineligible unless there is a nonprejudicial approval in place, if the borrower, prior to accepting the commitment letter and returning it to the Department does any of the following:

(i) Occupies land or buildings to be financed with the loan.

(ii) Installs or uses the machinery and equipment except under a short-term lease or similar arrangement subject to cancellation by the borrower without substantial penalties.

(iii) Finances any working capital needs.

(4) When the local service provider or ALO has approved the borrower's request for a nonprejudicial approval, the Department may also grant nonprejudicial approval to allow the total aquaculture operation to be considered as the total eligible project cost if the renovations or expansion being considered will allow the farm to meet new environmental standards or economic efficiencies that allow the farm to sustain economic viability under current markets.

(h) *Funds available basis.* Program activities will not be undertaken unless funds are available.

(i) *Use of funds.* Funds received through an APDP loan may be used for land and building acquisition, land and building improvements, building/facility renovation and new construction, machinery and equipment acquisition and installation, environmental stewardship and compliance, working capital and training. The project shall be directly related to production aquaculture. An APDP loan for processing of aquaculture products is eligible only if part of a total project for an integrated aquaculture production operation and at least 80% of the aquacultural product processed is produced within this Commonwealth.

**§ 106.4. Ineligible activities.**

Projects are not eligible if they relate to any of the following activities:

(1) Refinancing any portion of the total project cost, except for short-term "bridge" financing when the bridge financing is being promptly replaced by the proceeds of the loan and the bridge financing has been disclosed to the Department and the ALO in connection with its review of the loan and approved by the ALO or local service provider.

(2) Speculation in any type of property, real or personal.

(3) Providing funds, directly or indirectly, for payment, whether as loan repayment, dividend distribution, return of capital, loans, or otherwise, to owners, partners or shareholders of the aquaculture enterprise, except as ordinary compensation for services rendered.

(4) Related party transactions, that is, costs associated with a transaction when the buyer and the seller are one and the same or are related to each other by blood, marriage or law.

(5) Projects that have commenced, or to which the borrower has committed, before receiving approval of the APDP loan, unless the borrower has received non-prejudicial approval to commence.

(6) Loans may not be made for the purpose of investing in interest bearing accounts, certificates of deposit or other investments not related to the objectives of the APDP funds.

(7) Loans may not be used to acquire an equity position in a private business.

(8) Loans may not be used to subsidize interest payments on an existing loan.

(9) Loans may not be used to provide the equity contribution required of borrowers under other State or Federal programs.

(10) Loans may not be used to enable the borrower to acquire an interest in a business, either through purchase of stock or assets.

**§ 106.5. Program requirements.**

(a) *Loan size.* The maximum loan amount for land, buildings, machinery and equipment is \$750,000 or 50% of the total eligible project cost, whichever is less. The maximum loan amount for working capital is \$100,000 or 50% of the total eligible project cost whichever is less. The minimum loan amount is \$10,000.

(b) *Other required investment.* Loans will be made in conjunction with another source of financing for the eligible costs incurred, such as another lender or equity from the owners or investors. Matching lending sources shall have either equivalent or longer terms than the APDP loan.

(c) *Loan security.*

(1) Loans shall be secured at the highest lien position available on one or more of the following assets:

- (i) Land.
- (ii) Buildings.
- (iii) Machinery.
- (iv) Equipment.
- (v) Accounts receivable.
- (vi) Inventory.

(2) The Department may require personal or corporate guarantees or may require other types of collateral as circumstances allow. The Department must have a collateral position of no less than a second lien on the assets being funded by the APDP unless specifically waived in writing by the Department.

(d) *Terms.* Loans used for real estate will have a repayment period of up to 15 years. Loans used for machinery and equipment will have a repayment period of up to 7 years. Loans used for working capital will have a repayment period of up to 5 years. In projects where two or more uses of APDP funds are planned, loan terms may be blended. The Department may approve a loan package containing an "interest only" payment period not to exceed 24 months at the beginning of the project term with the regular payments starting at the end of this period. When an "interest only" payment period is approved the repayment period of the loan will be extended. The repayment periods noted in this subsection will begin at the end of the interest only period, that is, a loan approved with a 15-year repayment period and a 12-month interest only period would be repaid over an effective loan period of 16 years.

(e) *Interest rates.* An annual fixed rate of 2%.

(f) *Fees.*

(1) Fees charged to the borrower by brokers, finders, financing consultants and economic agencies are not eligible project costs, except the fees payable to the Department, if any, and fees and expenses charged to the borrower by the local service provider or ALO may be included as part of the eligible project cost.

(2) Reasonable loan processing fees may be charged to the borrower by the service provider or ALO, if they are set forth in the commitment letter for the loan. The local service provider or ALO will set the fees.

(g) *Aggregate limits on APDP financing.* A borrower may not receive more than \$750,000 in new financing under the APDP program in any 12-month period.

(1) The borrower may not relocate from one area of this Commonwealth to another without at least a 25% increase in net employment. For purposes of this paragraph, no relocation will be deemed to be a relocation from one area of this Commonwealth to another that is either of the following:

(i) Within the same county.

(ii) Within the same labor market as determined by the United States Department of Labor.

(2) If the recipient of an APDP loan relocates outside of this Commonwealth, the balance of the APDP loan remaining shall be immediately payable to the Department.

(h) *Priority.* Projects containing any of the following factors will receive priority in the approval and funding process for a loan:

(1) Applicants with credit ratings containing no late payments or write-offs.

(2) Current aquaculture facilities that have been in business 5 years or more and are doing environmental stewardship enhancements or facility upgrades.

(3) Facilities that currently have environmental stewardship enhancements such as bird and animal enclosures, secondary escapement prevention and discharge treatment structures such as settling basins and artificial wetlands.

(4) Principals having commercial aquaculture experience in a proven profit-making venture as documented by state and Federal tax returns showing taxes paid on business profits.

(5) Farmers of some other agricultural product wishing to transition to, or integrate, aquaculture in their farm operation.

(6) Equipment or management practices that improve the production efficiency of an operation.

(7) Applications that include environmental stewardship enhancements.

(8) Projects whose principals are Commonwealth residents will receive first consideration for funding.

(i) *Participation agreement.* The approved, signed contract for an APDP activity will constitute the participation agreement. An approved APDP loan program applicant shall enter into a contract. The contract will set forth the amount of funds and other terms and conditions as the Department may require. To be considered for an APDP loan, an applicant shall submit an application on a form provided by the Department. Upon receipt of a completed, signed application, the Department will review and process the application as set forth in §§ 106.6—106.8 (relating to application submission and approval procedure; application evaluation criteria; and processing of applications) and issue an approval or denial of the application. Approved applicants will be required to execute a contract before funding is released.

(j) *Default.* A participant who fails to abide by the terms of the contract or the act or this subchapter shall be in default.

(k) *Determination of fees.* The participation fees for loans and loan guarantees may be set by the Department at rates not to exceed 2.5% of the total project amount requested.

**§ 106.6. Application submission and approval procedure.**

(a) The Department will review each application in the order it is received. Applications shall be submitted through an ALO or local service provider. The applicant is responsible for updating the application if changes occur during the review. Failure to do so may result in the application being declared ineligible or, if approved, the loan approval may be withdrawn.

(b) The Department will formally notify the ALO or local service provider of its decision to approve or reject a loan application within 30 business days of receipt of the completed loan application from the ALO or local service provider.

(c) Approved projects will receive a loan approval memorandum. The ALO or local service provider shall sign and return the loan approval memorandum within 30 days. Once accepted by the ALO or local service provider, the loan approval memorandum is valid for 90 days.

(d) Before the Department will authorize disbursement of loan funds, the ALO or local service provider shall confirm:

(1) All other sources of funding will be in place at the time of closing.

(2) The use of the funds remains as presented in the project application.

(3) There are no material changes to collateral or other terms and conditions of the loan as previously approved by the Department.

(4) The loan will close into an escrow account.

(5) The conditions of the ALO or local service provider's commitment letter with the applicant have been satisfied.

(6) The Federal Employee Identification Number (FEIN) and Social Security numbers of the applicant, occupant and all guarantors.

(7) The principals are residents of this Commonwealth.

(8) The project will have expected sales of \$1,000 or more per year.

(9) The APDP applicant has applied to be registered as an artificial propagator.

(10) The total number of jobs created or preserved by the proposed project.

(11) The number of jobs to be created or retained per APDP dollar invested.

(12) The dollar amount of private investment to be leveraged as a result of the APDP investment.

(13) The strategic importance to the Commonwealth of the business and the borrower being assisted or the area being served, or both.

(14) The collateral position of the Department will not be less than a second lien on the assets being funded unless specifically approved in writing by the Department. The approval shall only be considered when the appraisal of assets shows sufficient value to cover all liens of the Department if the assets were to be sold at a bankruptcy sale.

(e) Material changes in project application, collateral or terms shall be reviewed by the ALO or local service provider, and recommended to and approved by the Department.

(f) The ALO or local service provider will make arrangements to close the APDP loan within 7 business days of the selected closing date. If the APDP loan does not close within that time period, the ALO or local service provider shall return the APDP funds to the Department.

(g) The APDP loan funds will be disbursed at the loan closing between the ALO or local service provider and the borrower. The APDP loan proceeds may be disbursed to the borrower or into an escrow account with a commercial lending institution. Interest will accrue on the APDP loan from the date of closing. Unless otherwise agreed to by the ALO or local service provider, with the approval of the Department, regular amortization payments of principal and accrued interest on the APDP loan will begin at time of closing whether or not the loan is disbursed in whole or in part into escrow. The first payment of principal and interest will be due the first day of the second calendar month following the calendar month in which closing occurs.

**§ 106.7. Application evaluation criteria.**

(a) *Evaluation.* The ALO or local service provider will evaluate an application based on the ALO or local service provider's standard loan eligibility criteria as well as the factors in the act, this subchapter and the APDP application

(b) *Applicant eligibility.* The Department will review applications to determine applicant eligibility according to the criteria in this subchapter. Only eligible applicants will be considered for participation in the APDP.

(c) *Application completeness.* The Department will not consider an application for an APDP loan unless it contains the required information and items in this subchapter.

(d) *Release and hold harmless.* Eligible participants will release and hold harmless the Commonwealth and the Department and their agents and officers from any liabilities for any losses as a result of participation in the APDP. Each application shall contain a release and hold harmless statement which the applicants agree to when they sign the application. Unsigned applications will be considered incomplete.

#### § 106.8. Processing of applications.

(a) *Approval or denial.* The Department may approve, approve with special conditions or reject applications. The Department will issue approvals in accordance with the general considerations and criteria of the act and this subchapter.

(b) *Processing.* An application for participation in the APDP will be processed in the following manner:

(1) *Dating.* The applications will have the initial date of the postmark or initial date of receipt, whichever is earlier, noted on the application by Department staff. If the application is determined to be incomplete, the effective date of the application is the date on which all additional information is received and the application is determined by the Department to be complete. This date will be noted on the application.

(2) *Completeness and accuracy.* Upon receipt of an APDP application and the required supporting documentation, the Department will review the information for completeness and accuracy.

(3) *Eligibility.* Upon receipt of an APDP application and the required supporting documentation, the Department will review the information to verify applicant eligibility.

(4) *Applications from ineligible applicants.* An application from an ineligible applicant will be returned to the applicant through the ALO or local service provider with a written explanation of why the applicant is considered ineligible.

(5) *Incomplete or inaccurate application from eligible applicants.* If the Department determines an application from an eligible applicant is incomplete or inaccurate, final processing of the application may be discontinued or additional data may be requested. If additional data is requested, the request shall be in writing and will be sent to the applicant through the ALO or local service provider. The processing of the application will cease until the ALO or local service provider supplies the requested data. The Department may terminate the processing of an incomplete application when the additional data is not supplied within 10 business days of the request for the data. When the processing of the application is terminated, the Department will notify the applicant in writing, stating the reason for the termination, and refund the participation fee.

#### § 106.9. Cancellation/default.

The Department, upon a determination that the recipient has violated the act, this subchapter or the participation agreement, may cancel an APDP loan approval. An APDP loan recipient will be considered to be in default if the recipient moves the funded business to a site not within this Commonwealth. Upon cancellation, the Department will seek recovery of all APDP loan funds.

#### § 106.10. Right of recovery.

The Department has the right to make a claim for and receive from the applicant moneys not expended in accordance with the act, this subchapter, or the loan agreement and any interest.

#### § 106.11. Deficits.

The Department's financial obligation or liability is limited to the amount approved in the terms of a loan. The Department is not responsible for cost overruns or other expenses incurred by loan recipients.

#### § 106.12. Contact information.

(a) Program inquiries and applications shall be directed to:

Aquaculture Production Development Program  
Bureau of Market Development  
Department of Agriculture  
2301 North Cameron Street  
Harrisburg, Pennsylvania 17110  
Telephone Number: (717) 783-8462  
Facsimile Number: (717) 787-5643  
E-mail address: agmarkets@state.pa.us  
Website: www.pda.state.pa.us

(b) The Department may require an applicant to submit additional documentation as may be necessary to complete, verify or clarify the application.

### Subchapter B. AQUACULTURE PRODUCER RESOURCE PROGRAM

Sec.	
106.21.	Program objectives.
106.22.	Limitations.
106.23.	Notice of program availability.
106.24.	Recordkeeping.

#### § 106.21. Program objectives.

The purpose of the APRP is to provide potential aquaculture producers with information on a variety of aquaculture subjects. The APRP will provide a clearinghouse through which production information will be gathered and made available to producers and other interested parties.

#### § 106.22. Limitations.

(a) *Extent of program activities.* The APRP will organize a system to collect information on aquaculture into a centralized source. This information will include: species information, culture techniques, facility permitting requirements, supply sources, production planning information, business plan formats, environmental issues, food safety practices and a central directory of aquaculture producers by county and product. The information will be made available through the Department's website ([www.pda.state.pa.us](http://www.pda.state.pa.us)) and through fax or mail to any individual upon request.

(b) *Use of funds.* Funds allocated for the APRP will be used solely for the purposes in this subchapter.

(c) *Funds available basis.* Program activities will not be undertaken unless funds are available.

#### § 106.23. Notice of program availability.

(a) *Public notification.* The public will be notified of the availability of APRP materials in any of the following manners:

(1) *Direct mailing.* A mailing targeted to individuals whom have requested inclusion on the mailing list from the APRP administrator at the date of mailing.

(2) *Internet access.* Individuals may access APRP materials and information through the Department's website.

(b) *Information to be included in notice.* The notice will include the type and description of materials to be available, the fee for copies (if appropriate), the date materials will be available, the address and contact information where the materials may be requested.

**§ 106.24. Recordkeeping.**

APRP materials will be maintained by the Department for 5 years from the date of publication or entry into the APRP system.

**Subchapter C. AQUACULTURE EDUCATION ENHANCEMENT PROGRAM**

**GENERAL PROVISIONS**

- Sec.
- 106.41. Program objectives.
- 106.42. Limitations.
- 106.43. Notice of activities.
- 106.44. Conflict of interest.
- 106.45. Recordkeeping.
- 106.46. Cancellation/default.
- 106.47. Right of recovery.
- 106.48. Deficits.

**AQUACULTURE EDUCATION ENHANCEMENT ACTIVITY PROGRAM**

- 106.51. General conditions.
- 106.52. Application.
- 106.53. Review of applications.
- 106.54. Processing of applications.
- 106.55. Notice of disposition of application.
- 106.56. Cancellation policy.

**AQUACULTURE EDUCATION ENHANCEMENT GRANT PROGRAM**

- 106.61. Grant amount.
- 106.62. General conditions.
- 106.63. Application.
- 106.64. Review of applications.
- 106.65. Processing of applications.
- 106.66. Notice of disposition of application.

**GENERAL PROVISIONS**

**§ 106.41. Program objectives.**

The purpose of the AEEP is to increase the educational opportunities related to aquaculture available to citizens of this Commonwealth. The AEEP will provide opportunities for elementary, high school and college students, current and prospective aquaculture producers and other citizens to learn about aquaculture either through direct programming or through AEEP grants. The AEEP will encourage schools and universities to integrate aquaculture education into their curriculums by providing educational materials and grants for program development. The AEEP will organize workshops on aquaculture issues of interest to producers or educators, or both, to increase information dissemination. The AEEP will provide new information on production techniques and marketing strategies. The AEEP will develop, publish and distribute educational materials for consumers, educators and propagators.

**§ 106.42. Limitations.**

(a) *Applicant eligibility.* Only eligible applicants will be considered for the AEEP. To be eligible to participate in activities under the AEEP, applicants shall be associations, companies of this Commonwealth, or educational institutions that are located in this Commonwealth or serve citizens of this Commonwealth through a partnership arrangement with a Commonwealth-based organization. To be eligible to receive AEEP materials or participate in AEEP activities, applicants shall be citizens of this Commonwealth, members of a Commonwealth-based

organization or pay a fee determined by the Department. To be eligible to participate in AEEP grant programs, applicants shall be citizens of this Commonwealth or organizations incorporated in this Commonwealth with experience and expertise in aquaculture. Each applicant approved for participation shall comply with the criteria established by the act and this subchapter.

(b) *Extent of program activities.* The AEEP will organize educational activities and provide educational materials for eligible applicants. The AEEP may also develop grant programs for eligible applicants to further the purpose of § 106.41 (relating to program objectives).

(c) *Use of funds.* Funds allocated for the AEEP shall be used solely for the purposes in this subchapter.

(d) *Funds available basis.* AEEP program activities, program grants and the biennial conference will not be undertaken unless funds are available.

**§ 106.43. Notice of activities.**

(a) *Eligible applicants.* Eligible applicants will be notified of AEEP activities and grant programs through one or more of the following methods in any combination:

(1) *Pennsylvania Bulletin.* Availability of upcoming AEEP activities and grant programs will be printed in the *Pennsylvania Bulletin*.

(2) *Direct mailing.* A mailing targeted to each educational organization, aquacultural propagator or aquaculture-related business registered with the AEEP administrator at the date of mailing.

(3) *Advertisements.* Advertisements may be published in newspapers and magazines that the Department determines to be effective in letting the targeted audience know of an activity's availability.

(4) *Website.* The Department's website.

(b) *Information to be included in activity notice.* The notice and mailing will include the activity name, dates, location, participation fee, activity package description, number of participation slots available and how an application may be requested.

**§ 106.44. Conflict of interest.**

A member of the Advisory Committee may apply for participation in AEEP activities and grant programs if all decisions regarding the application are subject to 65 Pa.C.S. § 1103(j) (relating to restricted activities) and the action does not violate the State Adverse Interest Act (71 P. S. §§ 776.1—776.9) or 4 Pa. Code Chapter 7, Subchapter K (relating to code of conduct for appointed officials and State employees). Members of the Advisory Committee shall supply a signed statement with their application certifying they have complied with the referenced codes. Copies of the codes will be made available to members upon request.

**§ 106.45. Recordkeeping.**

An AEEP participant or grant recipient shall maintain all receipts, supporting documents, exit reports and other documents pertaining to the AEEP activity or grant. These records shall be retained for 3 years beginning at the conclusion of the activity. The records shall be made available to the Department upon request.

**§ 106.46. Cancellation/default.**

An activity, grant or participant approval may be canceled by the Department upon a determination that the approved participant has violated the act, this subchapter or the participation agreement, the approved

participant violated the activity's rules, or upon failure of the approved participant to satisfy the verification requirements of this subchapter. Upon cancellation, the Department may seek recovery of program or grant funds expended by the participant.

**§ 106.47. Right of recovery.**

The Department has the right to make a claim for and receive from the approved participant any funds not expended in accordance with the act, this subchapter or participation or grant agreement.

**§ 106.48. Deficits.**

The Department is not responsible for cost overruns incurred by an AEEP participant.

**AQUACULTURE EDUCATION ENHANCEMENT  
ACTIVITY PROGRAM**

**§ 106.51. General conditions.**

(a) *Activity participation agreement.* The approved, signed application for an AEEP activity shall constitute the participation agreement. The participant desiring to take part in an AEEP sponsored activity shall sign the application which shall set forth the amount of the participation fee and other terms and conditions as the Department may reasonably require. Upon receipt of a completed, signed application, the Department will review and process the application as set forth in this subchapter. The Department will then issue an approval or denial of the application. Approved applicants will be registered for the AEEP activity upon receipt of the participation fee in the AEEP application.

(b) *Default.* A participant who fails to abide by the terms of the participation agreement or the act or this subchapter shall be in default.

(c) *Exit survey.* The Department may require an AEEP participant to submit a completed exit survey form.

(1) The requirement will be set forth in the AEEP application.

(2) The Department will develop an activity survey form.

(3) The exit survey form will include questions relating to the participant's involvement in the relevant activity to determine the degree to which the activity contributes to the program's goals.

(4) Information requested will relate to things such as the educational quality and timeliness of the information provided.

(5) When the Department requires the completion of an exit survey, within 4 weeks of completion of participation in an AEEP activity, the participant shall submit to the Department a completed activity survey form.

(d) *Failure to submit exit survey.* When an exit survey is required by the Department, failure to submit the exit survey within the 4-week period will result in a default on the part of the AEEP participant. The Department may direct that the defaulting participant is not eligible for further AEEP participation for 2 years. The Department may extend the verification deadline if it is determined the participant has made a reasonable effort to verify, but the verification was incomplete, or for extenuating circumstances.

**§ 106.52. Application.**

(a) *Application required.* Applicants shall submit applications to participate in AEEP activities on forms provided by the Department at the address set forth on the application.

(b) *Application requirements.* An application for an AEEP activity will not be considered by the Department unless the following items are included:

(1) The name, address and contact information (to include telephone, facsimile and Internet, as available) of the participating organization, or individual.

(2) The name and direct contact information for the designated activity contact.

(3) A signature by the individual or authorized organizational representative, attesting to compliance with the provisions of the terms and conditions for participation in the AEEP activity.

(4) Payment in full of the participation fee in the application and payable to the Department.

(c) *Obtaining an application and assistance.* An application for participation under this subchapter shall be made on a form prepared by the Department. For applications and assistance, contact the Aquaculture Program, Bureau of Market Development, Department of Agriculture, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110, telephone (717) 783-8462, facsimile (717) 787-5643.

(d) *Additional information.* The Department may require an applicant to submit additional documentation as may be necessary to complete, verify or clarify the application.

(e) *Application deadlines.* Applications for participation under this subchapter shall be received by the Department 30 days prior to the date of the AEEP activity the applicant wishes to attend. The Department may approve an application submitted after this deadline if it determines there is adequate time for a thorough review of the application and to issue a written approval to the applicant.

**§ 106.53. Review of applications.**

(a) *Factors.* Factors to be considered by the Department in selecting AEEP participants include the following:

(1) Participation in previous AEEP and other Department activities.

(2) Appropriateness of the applicant's participation in the specific AEEP activity.

(3) Ability of the applicant to provide a qualified representative during the entire AEEP activity.

(4) Amount of space available for the particular activity.

(b) *Release and hold harmless.* Eligible participants will release and hold harmless the Commonwealth and the Department and their agents and officers from liabilities for losses as a result of participation in the specific AEEP activity. This includes damage or loss and unauthorized removal of equipment or supplies at the AEEP activity. Each application shall contain a release and hold harmless statement which the applicants agree to when they sign the application. Unsigned applications will be considered incomplete.

**§ 106.54. Processing of applications.**

(a) *Approval or denial.* The Department may approve, approve with special considerations or reject applications. The Department will issue approvals in accordance with the general considerations and criteria of the act and this

subchapter. The Department may impose reasonable restrictions or special conditions upon the issuance of an approval.

(b) *Processing.* An application for participation in an AEEP activity will be processed in the following manner:

(1) *Dating.* The applications shall have the initial date of the postmark or initial date of receipt, whichever is earlier, noted on the application by Department staff. If the application is determined to be incomplete, the effective date of the application is the date on which all additional information is received and the application is determined by the Department to be complete. This date will be noted on the application.

(2) *Completeness and accuracy.* Upon receipt of an AEEP application and the required supporting documentation, the Department will review the information for completeness and accuracy.

(3) *Eligibility.* Upon receipt of an AEEP application and the required supporting documentation, the Department will review the information to verify applicant eligibility.

(4) *Applications from ineligible applicants.* An application from an ineligible applicant will be returned to the applicant with an explanation of why the applicant is considered ineligible.

(5) *Incomplete and inaccurate application from eligible applicants.* If the Department determines an application from an eligible applicant to be incomplete or inaccurate, final processing of the application may be discontinued or additional data may be requested. If additional data is requested, the request shall be in writing and will be sent to the applicant address listed on the AEEP application. The processing of the application shall cease until the applicant supplies the requested data. The Department may terminate the processing of an incomplete application when the additional data is not supplied within 5 business days of the request for the data. When the processing of the application is terminated, the Department will notify the applicant in writing, stating the reason for the termination, and refund the participation fee.

(6) *Order of participation availability.* Availability of participation will be reserved in order of receipt of completed and approved applications and full payment by an approved applicant.

(i) If an activity has more applicants than available slots, the Department may increase the number of slots available or place applicants on a waiting list for space in the event of a cancellation or default.

(ii) The waiting list will be set up in order of receipt of a completed and approved application.

(iii) Slots that become available due to cancellation or default will be assigned in order of the waiting list.

(iv) Applicants on the waiting list will be notified in writing of a cancellation or default. Wait-listed persons will have 7 days from date of notification to respond in writing either accepting or rejecting the available slot.

(v) Payment in full shall accompany a letter of acceptance.

(vi) Failure to respond in 7 days from date of notification will be considered a rejection by the wait-listed applicant and the Department will notify the next applicant on the wait list.

(7) *Advisory Committee.* The Advisory Committee has no authority to and will not review or have input into

individual AEEP applications. The Advisory Committee shall recommend overall program priorities for each program to the Secretary. Additionally, the Advisory Committee shall recommend the amount of funds to be allocated to each program.

**§ 106.55. Notice of disposition of application.**

(a) *Applications deemed complete.* The Department will notify applicants within 15 days of receipt of their completed application of a decision to approve, approve with special conditions or reject the application. When the application is rejected, the Department will set forth in writing the reason for the rejection and refund the participation fee.

(b) *Applications deemed incomplete or ineligible.* Within 15 days of receipt of an application, the Department will notify the applicant of a decision to reject the application or notify the applicant of a deficiency in the application and request additional data. If additional data is requested, notification shall be in writing and detail the additional data needed. The Department will follow the procedures in § 106.54(b)(5) (relating to processing of applications).

(c) *Applications not processed within the time period.* When the Department does not render a decision within the allotted time period the application will be deemed approved so long as participation space is available within the given activity. Priority will be determined by postmark date of applications.

**§ 106.56. Cancellation policy.**

(a) *Deadline.* Approved participants shall submit cancellations in writing to the Department at least 15 days prior to the beginning date of the specific AEEP activity.

(b) *Reimbursement.* In the event of cancellation by an approved applicant, the Department will attempt to reallocate the AEEP slot. If successful, 75% of the AEEP participation fee for the activity will be returned to the canceling approved participant. Otherwise, the fee is forfeited to the Department in its entirety.

**AQUACULTURE EDUCATION ENHANCEMENT GRANT PROGRAM**

**§ 106.61. Grant amount.**

Grants may not exceed \$10,000 except as provided in this subchapter. An additional amount of up to \$10,000 may be granted if the applicant matches that additional amount dollar for dollar so that a single grant may not exceed \$20,000 in 1 calendar year.

**§ 106.62. General conditions.**

(a) *Grant agreement.* The applicant shall sign a grant agreement setting forth the term and amount of the grant and other terms and conditions as the Department may reasonably require.

(b) *Verification.* Within 3 months of the project completion date specified in the grant agreement, the applicant shall submit to the Department a final report that includes written receipts, records and any other pertinent documentation evidencing the total amount of the costs incurred and expenditures associated with the project. The final report shall also include a narrative report describing the effectiveness of the project, the results obtained, the experience gained and the personal knowledge acquired. The applicant shall submit a final report.

(c) *Failure to verify.* If the final report containing all receipts, records, the narrative report and other required documentation is not submitted within the 3-month pe-



riod, a portion of the grant proceeds are unaccounted for, or the applicant violates another provision of this subchapter, the Department may demand the applicant repay the entire principal balance of the grant or a lesser amount and interest incurred to date. The interest rate will be calculated using simple interest at the percentage rate equal to the Federal Reserve discount rate at the time the grant was made. Payment shall be due within 60 days of the written demand.

(d) *Default.* A recipient who fails to abide by the terms of the act, the grant agreement or this subchapter shall be in default. When a grant recipient defaults, the Department may seek recovery of the grant funds as delineated in § 106.47 (relating to right of recovery). A default may be waived by the Department for extenuating circumstances the Department considers to be no fault of the recipient.

(e) *Availability and use of grant results.* The technical information, experience gained and personal knowledge resulting from an AEEP grant are public information. Any funds which remain unused after the project's completion date or the date upon which a grant is terminated by either the Department or the recipient shall be returned to the Department within 90 days of that date.

#### § 106.63. Application.

(a) *Application required.* Applicants shall submit applications to participate in an AEEP grant on forms provided by the Department at the address set forth on the application.

(b) *Application requirements.* An application for an AEEP grant will not be considered by the Department unless the following items are included:

(1) The name, address and contact information (to include telephone, facsimile and website, as available) of the participating organization or individual.

(2) The name and direct contact information for the designated grant contact.

(3) A signature by the individual, or an authorized organizational representative, attesting to compliance with the terms and conditions for participation in the AEEP grant.

(4) A detailed description of the project, including objectives, goals and materials to be funded by the grant.

(5) A reasonable and accurate statement of the estimated cost of the project. The statement shall include a separate breakdown of the personnel portion of the costs based on a verifiable hourly rate per person, the materials portion of the costs and any other necessary or anticipated costs associated with the project. The applicant shall provide any documentation or financial statements available to support the estimated project costs including a statement of the portion of the principal investigators' salaries being funded from grant funds. Applications that charge a general overhead fee will not be accepted. All cost components shall be listed.

(6) A statement regarding the amount of tuition to be charged for courses or workshops held as a part of the AEEP grant project.

(7) Information regarding the breadth of the AEEP grant project, including individuals or groups taking part as partners, individuals or groups to be served by the AEEP grant project and the geographic area to be served by the AEEP grant project.

(8) Information regarding the skills, knowledge or experience to be gained from the AEEP grant project.

(9) A copy of the official organization board minutes when action was taken on the project or an authorized, signed statement attesting to the applicant's commitment to the AEEP grant project.

(10) A biographical sketch of the principal investigator involved in the project that indicates the skills, knowledge, training and prior experience of the person developing and administering the AEEP grant project.

(c) *Obtaining an application and assistance.* An application for an AEEP grant under this subchapter shall be made on a form prepared by the Department. For AEEP grant applications and assistance, contact the Aquaculture Program, Bureau of Market Development, Department of Agriculture, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110, telephone (717) 783-8462, facsimile (717) 787-5643.

(d) *Additional information.* The Department may require an applicant to submit additional documentation as may be necessary to complete, verify or clarify the AEEP grant application.

(e) *Application deadlines.* AEEP applications for participation under this subchapter shall be postmarked by June 30 of the fiscal year prior to the fiscal year for which the funds are to be spent.

#### § 106.64. Review of applications.

(a) *Ranking criteria.* Factors to be considered by the Department in selecting AEEP grant recipients include the following:

(1) Participation in previous AEEP and other Department activities.

(2) Appropriateness of the applicant's participation in the specific AEEP grant solicitation.

(3) Ability of the applicant to provide qualified personnel during the entire AEEP grant project.

(4) Amount of funds available for the particular grant solicitation.

(5) The willingness and ability of the applicant to make in kind or financial, or both, contributions to match grant funds.

(6) The relevance of the project to aquaculture development plan priorities set forth by the Advisory Committee.

(7) The innovativeness of the project.

(8) The effect the project will have on aquaculture development or aquaculture marketing activities.

(9) The scope and duration of the project and how it relates to other projects and State aquaculture program components.

(10) The type and number of groups who will be affected by the project. A project which involves a wide range of partners and project beneficiaries will be given priority.

(11) The impact of and the benefits bestowed upon the agricultural community by the project.

(12) The continual and progressive nature of the project and the benefits and knowledge to be gained by the applicant and the public at large.

(13) The commitment to long-term aquaculture education and research by the applicant. Applicants that have demonstrated a commitment to aquaculture will be given priority.

(14) Whether the applicant has been the recipient of an AEEP grant within the same year.

(15) The availability of funding to the applicant from sources other than the AEEP program.

(16) The willingness of the applicant to share information derived from the project with others.

(b) *Release and hold harmless.* Eligible participants will release and hold harmless the Commonwealth and the Department and their agents and officers from liabilities for losses as a result of participation in the specific AEEP grant. This includes losses associated with salary or other project cost increases during the AEEP grant period. Applications shall contain a release and hold harmless statement which the applicants agree to when they sign the application. Unsigned applications will be considered incomplete.

**§ 106.65. Processing of applications.**

(a) *Approval or denial.* The Department may approve, approve with special considerations or reject applications. The Department will issue approvals in accordance with the general considerations and criteria of the act and this subchapter. The Department may impose reasonable restrictions or special conditions upon the issuance of an approval.

(b) *Processing.* An application for an AEEP grant will be processed in the following manner:

(1) *Dating.* The applications shall have the initial date of the postmark or initial date. The date will be noted on the application.

(2) *Completeness and accuracy.* Beginning in July of each year, the Department will review each AEEP grant application and the required supporting documentation for completeness and accuracy.

(3) *Eligibility.* Beginning in July of each year, the Department will review each AEEP grant application and the required supporting documentation to verify applicant eligibility.

(4) *Applications from ineligible applicants.* An application from an ineligible applicant will be returned to the applicant with an explanation of why the applicant is considered ineligible.

(5) *Incomplete and inaccurate application from eligible applicants.* If the Department determines an application from an eligible applicant to be incomplete or inaccurate, final processing of the application may be discontinued or additional data may be requested. If additional data is requested, the request will be in writing and will be sent to the applicant address listed on the AEEP application. The processing of the application will cease until the applicant supplies the requested data. The Department may terminate the processing of an incomplete application when the additional data is not supplied within 15 business days of the request for the data. When the processing of the application is terminated, the Department will notify the applicant in writing, stating the reason for the termination, and refund the participation fee.

(6) *Approval or denial.* The Department may exercise discretion in approving applications and in determining the distribution of grants so that the widest possible audience becomes acquainted with aquaculture and benefits from the projects funded through the AEEP grant program. The Department may impose reasonable restrictions or special conditions upon the issuance of a grant.

(7) *Advisory Committee.* The Advisory Committee has no authority to and will not review or have input into individual AEEP applications. The Advisory Committee will recommend overall program priorities for each program to the Secretary. Additionally, the Advisory Committee will recommend the amount of funds to be allocated to each program.

**§ 106.66. Notice of disposition of application.**

(a) *Applications deemed complete.* The Department will notify applicants by September 30 of each year of a decision to approve, approve with special conditions or reject the application. When the application is rejected, the Department will set forth in writing the reason for the rejection and refund the participation fee.

(b) *Applications deemed incomplete or ineligible.* Within 45 days of beginning of the review process of an application, the Department will notify the applicant of a decision to reject the application or notify the applicant of a deficiency in the application and request additional data. If additional data is requested, notification will be in writing and detail the additional data needed. The Department will follow the procedures in § 106.65(b)(5) (relating to processing of applications).

**Subchapter D. AQUACULTURE MARKET INFORMATION PROGRAM**

Sec.	
106.81.	Program objectives.
106.82.	Limitations.
106.83.	Notice of program activity.
106.84.	Information to be solicited.
106.85.	Recordkeeping.
106.86.	Limitation of liability.

**§ 106.81. Program objectives.**

(a) *Purpose.* The purpose of the AMIP is to increase producer access to timely, verifiable information on market prices. The AMIP will provide a voluntary mechanism through which market information will be gathered and made available to producers and other interested parties. Price information will be requested for each species of fish grown in this Commonwealth or sold in this Commonwealth in a live form.

(b) *Market area.* The defined market for the AMIP consists of the states of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Ohio, Rhode Island, Vermont, Virginia and West Virginia along with Washington, D.C. and the Canadian provinces of Quebec and Ontario.

**§ 106.82. Limitations.**

(a) *Extent of program activities.* The AMIP will organize a voluntary market reporting system to collect price information for aquaculture and seafood products sold within our regional market on prices received by farmers/suppliers at the wholesale level. The AMIP is a voluntary program. The system will be based on obtaining information from the largest fish markets in the market area along with information provided by a sampling of dealers and aquaculture propagators. The Department will contact each identified participant and request information on average prices paid for aquaculture and seafood products twice per month. The information received will be averaged and summarized according to the market area from which it was received. A summary of the average mean price, volume purchased and the range of prices for each aquaculture product sold will be published bimonthly following the collection of data (Example: The average mean price received for rainbow trout at the

Fulton Fish Market the week of March 26—30, 2001, was \$2.50 in a whole, 8-12 ounce form, price range \$1.35-1.60, volume 1,500 pounds.). Distribution will be made through the Department's website and through fax or mail to any individual upon request.

(b) *Use of funds.* Funds allocated for the AMIP shall be used solely for the purposes in this subchapter.

(c) *Funds available basis.* Program activities will not be undertaken unless funds are available.

#### § 106.83. Notice of program activity.

(a) *Solicitation of information.* Solicitation of information for the AMIP reporting survey will be made in any of the following manners, however, reporting entities may be added throughout the year to maximize number of reporting entities:

(1) *Pennsylvania Bulletin.* An initial notice of the AMIP and the opportunity to become a reporting entity will be printed in the *Pennsylvania Bulletin* once per year.

(2) *Direct mailing.* An annual mailing to solicit initial participation will be targeted to entities known to the AMIP administrator at the date of mailing.

(3) *Telephone.* Personal telephone calls to each identified fish dealer and fish market manager and other identified candidates for participation (such as large volume producers).

(b) *Information to be solicited in activity notice.* The notice will include the purpose of the activity, an explanation that the activity is voluntary, what information is being requested from a participant and how the information will be used.

#### § 106.84. Information to be solicited.

Information will be requested for each species of fish approved by the Department for propagation and sale in this Commonwealth. Information will be gathered using a form designed by the Department. The form will contain the following information:

(1) *Product species and variety.* Persons reporting information will be asked to identify the species and variety of aquaculture or seafood products, or both, purchased/sold.

(2) *Product form and weight.* Persons reporting information will be asked to identify the forms and weights purchased/sold.

(3) *Point of origin.* Persons reporting information will be asked to identify the products' point of origin where the product was produced and whether the product was farm-raised or wild-caught.

(4) *Price paid.* Persons reporting information will be asked to identify the prices paid for each species, variety, product form and weight, place of origin and amount of product purchased.

(5) *Market area.* Persons reporting information will be asked to identify their location so that the information may be reported by market area using the following categories:

- (i) Commonwealth markets.
- (ii) Maryland markets.
- (iii) New Jersey markets.
- (iv) New York markets.
- (v) Other Northeast markets.
- (vi) Other Mid-Atlantic markets.
- (vii) Canadian markets.

#### § 106.85. Recordkeeping.

AMIP market reports and data will be maintained by the Department for 5 years from the date of the market price report being compiled.

#### § 106.86. Limitation of liability.

The Department's financial obligation or liability is limited to the costs necessary to administer the program. The Department will not guarantee the accuracy of the information and will not be responsible for any decisions made based on the information reported.

### Subchapter E. AQUACULTURE PRODUCT IDENTIFICATION PROGRAM

Sec.	
106.101.	Program objectives.
106.102.	Limitations.
106.103.	General conditions.
106.104.	Application.
106.105.	Review of applications.
106.106.	Processing of applications.
106.107.	Notice of disposition of application.
106.108.	Approved participant withdrawal policy.
106.109.	Conflict of interest.
106.110.	Notice of program activity.
106.111.	Recordkeeping.
106.112.	Cancellation/modification.

#### § 106.101. Program objectives.

The purpose of the APIP is to increase sales of Commonwealth-produced aquaculture products by increasing consumer demand through improved awareness and labeling. The APIP will provide a voluntary mechanism through which Commonwealth-produced aquaculture products may be identified.

#### § 106.102. Limitations.

(a) *Applicant eligibility.* Only eligible applicants will be considered for the APIP. To be eligible to participate under the APIP, applicants shall be registered Commonwealth aquaculture propagators or aquaculture-related companies in good standing that are headquartered or have at least one manufacturing or production facility located in this Commonwealth and are subject to tax laws of the Commonwealth. Each applicant approved for participation shall comply with the criteria established by the act and this subchapter, including the verification criteria and all licensing and governmental permitting requirements.

(b) *Product/service eligibility.* An applicant approved to participate in the APIP shall use the APIP logo only on Commonwealth-produced aquaculture products and APIP promotional materials may only be used to promote and market Commonwealth-produced aquaculture products. All of the products using APIP materials shall be grown or manufactured in this Commonwealth. The products shall comply with applicable State and Federal laws and requirements for the specific product.

(c) *Extent of program activities.* The APIP will establish a voluntary product identification system to easily identify Commonwealth-produced aquaculture products. The system will be based on trade marking and licensing the Pennsylvania Aquaculture Logo. The program will allow producers to incorporate the trademark logo into their package labeling, use the trademark logo decal to label and advertise their product and use point of purchase materials incorporating the logo.

(d) *Use of funds.* Funds allocated for the APIP shall be used solely for the purposes in this subchapter.

(e) *Funds available basis.* Program activities will not be undertaken unless funds are available.

**§ 106.103. General conditions.**

(a) *Participation agreement.* The approved, signed application for the APIP shall constitute the participation agreement. The participant desiring to take part in the APIP shall sign the application. The application will set forth the amount of the participation fee and other terms and conditions the Department may reasonably require. Upon receipt of a completed, signed application, the Department will review and process the application as set forth in this subchapter and issue an approval or denial of the application. Upon receipt of the APIP participation fee set forth in the application, approved applicants will be registered for the APIP for 5 years from the July 1 or January 1 application deadline under which they submitted their APIP application. Participant approval automatically terminates if the Commonwealth artificial propagation license is not in good standing or lapses or the approved participant violates another provision of the act or this subchapter.

(b) *Renewal of APIP participation.* To continue to use the trademark logo and marketing materials, an approved APIP participant shall renew the registration every 5 years by submitting a new APIP application and a renewal fee (consistent with the participation fee) by the application deadlines established in § 106.104(e) (relating to application).

(c) *Default.* A participant who fails to abide by the terms of the participation agreement or the provisions of the act or this subchapter shall be in default.

(d) *Survey.* The Department may require an APIP participant to submit a completed survey form.

(1) The requirement will be set forth in the APIP application.

(2) The Department will develop the survey form.

(3) The survey form will include questions relating to the participant's involvement in the APIP to determine the degree to which the program contributes to industry and Department goals.

(4) Information requested will relate to things such as how the APIP materials were used, frequency of use, trade leads received from APIP logo recognition, sales made resulting from logo recognition and number of consumers reached.

(5) Surveys will not contain a request for any proprietary business information.

(6) When the Department requires the completion of a survey, an APIP participant shall submit the completed survey form to the Department within 30 days of the receipt of the request.

(e) *Failure to submit survey.* When a survey is required by the Department, failure to submit a completed survey form within the 30-day period will result in a default on the part of the APIP participant. The Department may extend the verification deadline if it is determined the participant has made a reasonable effort to verify, but the verification was incomplete, or for extenuating circumstances.

**§ 106.104. Application.**

(a) *Application required.* Applicants shall submit applications to participate in APIP activities on forms provided by the Department at the address set forth on the application.

(b) *Application requirements.* An application for the APIP will not be considered by the Department unless the following items are included:

(1) The name, address and contact information (to include telephone, facsimile and website, as available) of the participating company or individual.

(2) The name and direct contact information for the designated program contact.

(3) A detailed description of the company and products or services to be promoted.

(4) A signature by an authorized representative attesting to compliance with all provisions of the terms and conditions for participation in the APIP.

(5) Payment in full of the participation fee in the application and payable to the Department.

(6) Verification the applicant is subject to tax laws of the Commonwealth and is not a "not-for-profit" as defined by the Internal Revenue Code of 1986 (26 U.S.C.A.).

(c) *Obtaining an application and assistance.* An application for participation under this subchapter shall be made on a form provided by the Department. For applications and assistance, contact the Aquaculture Program, Bureau of Market Development, Department of Agriculture, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110, telephone (717) 783-8462, facsimile (717) 787-5643, or the Department's website.

(d) *Additional information.* The Department may require an applicant to submit additional documentation as may be necessary to complete, verify or clarify the application.

(e) *Application deadlines.* Applications for participation under this subchapter may be submitted to the Department on January 1 and July 1 of each calendar year.

**§ 106.105. Review of applications.**

(a) *Factors.* Factors to be considered by the Department in selecting APIP participants include the following:

(1) Current registration as an artificial propagator under the act or other verification that the applicant is an eligible participant.

(2) Verification that all of the products to be promoted using APIP materials and logo are produced or manufactured in this Commonwealth. An applicant shall sign a certification statement as part of the application stating that all products with which the APIP logos and materials will be used are produced in this Commonwealth.

(b) *Release and hold harmless.* Eligible participants will release and hold harmless the Commonwealth and the Department and their agents and officers from any liabilities for any losses as a result of participation in the APIP. Each application shall contain a release and hold harmless statement which the applicants agree to when they sign the application. Unsigned applications will be considered incomplete.

**§ 106.106. Processing of applications.**

(a) *Approval or denial.* The Department may approve, approve with special conditions or reject applications. The Department will issue approvals in accordance with the general considerations and criteria of the act and this subchapter.

(b) *Processing.* An application for participation in the APIP will be processed in the following manner:

(1) *Dating.* The applications will have the initial date of the postmark or initial date of receipt, whichever is earlier, noted on the application by Department staff. If the application is determined to be incomplete, the effective date of the application is the date on which the

additional information is received and the application is determined by the Department to be complete. The date will be noted on the application.

(2) *Completeness and accuracy.* Upon receipt of an APIP application and the required supporting documentation, the Department will review the information for completeness and accuracy.

(3) *Eligibility.* Upon receipt of an APIP application and the required supporting documentation, the Department will review the information to verify applicant eligibility.

(4) *Applications from ineligible applicants.* An application from an ineligible applicant will be returned to the applicant with an explanation of why the applicant is considered ineligible.

(5) *Incomplete or inaccurate application from eligible applicants.* If the Department determines an application from an eligible applicant is incomplete or inaccurate, final processing of the application may be discontinued or additional data may be requested. If additional data is requested, the request will be in writing and will be sent to the applicant address listed on the APIP application. The processing of the application will cease until the applicant supplies the requested data. The Department may terminate the processing of an incomplete application when the additional data is not supplied within 15 business days of the request for the data. When the processing of the application is terminated, the Department will notify the applicant in writing, stating the reason for the termination, and refund the participation fee.

(6) *Advisory Committee.* The Advisory Committee has no authority to and will not review or have input into individual APIP applications. The Advisory Committee will recommend overall program priorities for each program to the Department. Additionally, the Advisory Committee will recommend the amount of funds to be allocated to each program.

#### § 106.107. Notice of disposition of application.

(a) *Applications deemed complete.* The Department will notify applicants in writing of a decision to approve, approve with special conditions or reject the application. When the application is rejected, the Department will set forth in writing the reason for the rejection and refund the participation fee.

(b) *Applications deemed incomplete or ineligible.* The Department will notify the applicant in writing of a decision to reject the application or notify the applicant of a deficiency in the application and request additional data. If additional data is requested, notification will be in writing and detail the additional data needed. The Department will follow the procedure in § 106.106(b)(5) (relating to processing of applications).

#### § 106.108. Approved participant withdrawal policy.

(a) *Deadline.* Approved participants shall submit a withdrawal request in writing to the Department at least 30 days prior to the date their withdrawal becomes effective.

(b) *Reimbursement.* In the event of withdrawal by an approved participant, the participation fee is forfeited to the Department in its entirety.

#### § 106.109. Conflict of interest.

A member of the Advisory Committee may apply for participation in APIP activities if all decisions regarding the application are subject to 65 Pa.C.S. § 1103(j) (relating to restricted activities) and the action does not violate

the State Adverse Interest Act (71 P. S. §§ 776.1—776.9) or 4 Pa. Code Chapter 7, Subchapter K (relating to code of conduct for appointed officials and State employees). Members of the Advisory Committee shall supply a signed statement with their application certifying they have complied with the referenced codes. Copies of the codes will be made available to members upon request.

#### § 106.110. Notice of program activity.

(a) *Identification of product.* Persons who want to identify their product through the APIP program will be notified of program availability and restrictions in any of the following manners:

(1) *Pennsylvania Bulletin.* Notice of APIP availability will be printed in the *Pennsylvania Bulletin* once per year.

(2) *Direct mailing.* An annual mailing to registered aquaculture propagators known to the APIP administrator at the date of mailing.

(3) *Internet access.* Individuals may access APIP information through the Department's website.

(b) *Information to be included in program notice.* The notice will include the purpose of the program, an explanation that the program is voluntary, what program participation entails, what information a potential participant shall submit to be considered for participation.

#### § 106.111. Recordkeeping.

APIP data shall be maintained by the participant for 5 years from the termination date of approval to participate in the APIP.

#### § 106.112. Cancellation/modification.

An APIP participant approval may be canceled by the Department upon a determination that the approved participant has violated any provision of the act, this subchapter or the participation agreement, the approved participant violated the APIP rules, or upon failure of the approved participant to satisfy the verification requirements of this subchapter. Upon cancellation, the Department may seek recovery of any funds expended for the approved participant's advantage or a portion thereof.

### Subchapter F. AQUACULTURE PRODUCT PROMOTION PROGRAM

Sec.

- 106.131. Program objectives.
- 106.132. Limitations.
- 106.133. General conditions.
- 106.134. Application.
- 106.135. Review of applications.
- 106.136. Processing of applications.
- 106.137. Notice of disposition of application.
- 106.138. Approved participant cancellation policy.
- 106.139. Notice of program activity.
- 106.140. Conflict of interest.
- 106.141. Recordkeeping.
- 106.142. Right of recovery.
- 106.143. Deficits.

#### § 106.131. Program objectives.

The purpose of the APPP is to increase sales of aquaculture products through public awareness of aquaculture product availability and attributes.

(1) To the extent possible, the APPP will provide opportunities for industry representatives to participate in a variety of events such as food shows, recreational sports shows, pet and water gardening related trade shows, aquaculture industry shows and other related commercial trade shows where buyers of aquaculture products are expected to attend.

(2) The APPP will also attempt to provide opportunities for aquaculture industry representatives to participate in a wide range of events such as the Pennsylvania Farm Show, fairs, community festivals, farm-city activities, in-store product promotions and other events at which a large number of consumers would be exposed to product information.

(3) The APPP will endeavor to facilitate contact and relations between aquaculture propagators, suppliers and buyers by arranging meetings with purchasers such as wholesalers, grocery/restaurant buyers and consumers.

#### § 106.132. Limitations.

(a) *Applicant eligibility.* Only eligible applicants will be considered for the APPP. To be eligible to participate in activities under the APPP, applicants shall be registered Commonwealth aquaculture propagators or aquaculture-related companies in good standing that are headquartered or have at least one manufacturing or production facility located in this Commonwealth and are subject to tax laws of the Commonwealth. Each applicant approved for participation shall comply with the criteria established by the act and this subchapter, including the verification criteria and licensing and governmental permitting requirements.

(b) *Product/service eligibility.* An applicant approved to participate in an APPP activity may only promote and display aquaculture related products and services at that APPP activity. At least 60% of the displayed products in an APPP activity shall be grown or manufactured in this Commonwealth. The products displayed shall comply with applicable State and Federal laws and requirements for the specific product.

(c) *Extent of program activities.* The APPP will organize participation in domestic trade shows and promotional activities for eligible applicants.

(d) *Use of funds.* Funds allocated for the APPP shall be used solely for the purposes in this subchapter.

(e) *Funds available basis.* Program activities will not be undertaken unless funds are available.

#### § 106.133. General conditions.

(a) *Participation agreement.* The approved, signed application for an APPP activity will constitute the participation agreement. The participant desiring to take part in an APPP sponsored activity shall sign the application which shall set forth the amount of the participation fee and other terms and conditions as the Department may reasonably require. Upon receipt of a completed, signed application, the Department will review and process the application as set forth in §§ 106.135 and 106.36 (relating to review of applications; and processing of applications) and issue an approval or denial of the application. Approved applicants will be registered for the APPP activity upon receipt of the APPP participation fee in the application.

(b) *Default.* A participant who fails to abide by the terms of the participation agreement or the provisions of the act or this subchapter shall be in default.

(c) *Exit survey.* The Department may require an APPP participant to submit a completed exit survey form. The requirement will be set forth in the APPP application. The Department will develop an exit survey form.

(1) The exit survey form will include questions relating to the participant's involvement in the relevant activity to determine the degree to which the activity contributes to the programs goals.

(2) Information requested will relate to things such as the number of trade leads received, sales made and number of consumers reached.

(3) Exit surveys will not contain a request for any proprietary business information.

(4) When the Department requires the completion of an exit survey, an APPP participant shall submit the completed exit survey form to the Department within 4 weeks of completion of participation in the APPP activity.

(d) *Failure to submit exit survey.* When an exit survey is required by the Department, failure to submit a completed exit survey form within the 4-week period will result in a default on the part of the APPP participant. The Department may direct that the defaulting participant is not eligible for further APPP participation for 2 years. The Department may extend the verification deadline if it is determined the participant has made a reasonable effort to verify, but the verification was incomplete, or for extenuating circumstances.

(e) *Determination of participation fees.* Participation fees for approved participants for APPP activities not organized and controlled by the Department will be based on the Commonwealth recovering at least 50% of the activity's direct, nonstaff cost. Participation fees will not exceed more than 80% of the activity's standard fee to a normal commercial participant. Participation fees for approved participants for APPP activities organized and controlled by the Department will be based on the Commonwealth recovering not more than 50% of the activity's total direct cost.

#### § 106.134. Application.

(a) *Application required.* Applicants shall submit applications to participate in APPP activities on forms provided by the Department at the address on the application.

(b) *Application requirements.* An application for an APPP activity will not be considered by the Department unless the following items are included:

(1) The name, address and contact information (to include telephone, facsimile and website, as available) of the participating company, or individual.

(2) The name and direct contact information for the designated activity contact.

(3) A detailed description of the company and products or services to be promoted.

(4) A signature by an authorized representative attesting to compliance with all provisions of the terms and conditions for participation in the APPP activity.

(5) Payment in full of the participation fee in the application and payable to the Department.

(c) *Obtaining an application and assistance.* An application for participation under this subchapter shall be made on a form prepared by the Department. For applications and assistance, contact the Aquaculture Program, Bureau of Market Development, Department of Agriculture, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110, telephone (717) 783-8462, facsimile (717) 787-5643.

(d) *Additional information.* The Department may require an applicant to submit additional documentation as necessary to complete, verify or clarify the application.

(e) *Application deadlines.* Applications for participation under this subchapter shall be received by the Department 90 days prior to the date of the APPP activity the

applicant wishes to attend. The Department may approve an application submitted after this deadline if it determines there is adequate time for a thorough review of the application and to issue a written approval to the applicant.

**§ 106.135. Review of applications.**

(a) *Factors.* Factors to be considered by the Department in selecting APPP participants include the following:

(1) Participation in previous APPP and other Department activities.

(2) Appropriateness of the applicant's particular product or service to the specific APPP activity.

(3) Ability of the applicant to provide a qualified sales representative during the entire APPP activity who will be able to negotiate sales and quantify terms.

(4) Ability of the applicant to be responsible for shipping all products used for display or sales and for all promotional materials to be used at the APPP activity.

(5) Amount of space required for the particular promotion.

(b) *Release and hold harmless.* Eligible participants will release and hold harmless the Commonwealth and the Department and their agents and officers from any liabilities for any losses as a result of participation in the specific APPP activity. This includes late shipment, in transit damage or loss and unauthorized removal of equipment or supplies at the APPP activity. Each application shall contain a release and hold harmless statement which the applicants agree to when they sign the application. Unsigned applications will be considered incomplete.

**§ 106.136. Processing of applications.**

(a) *Approval or denial.* The Department may approve, approve with special conditions or reject applications. The Department will issue approvals in accordance with the general considerations and criteria of the act and this subchapter.

(b) *Processing.* An application for participation in an APPP activity will be processed in the following manner:

(1) *Dating.* The application will have the initial date of the postmark or initial date of receipt, whichever is earlier, noted on the application by Department staff. If the application is determined to be incomplete, the effective date of the application is the date on which all additional information is received and the application is determined by the Department to be complete. The date will be noted on the application.

(2) *Completeness and accuracy.* Upon receipt of an APPP application and the required supporting documentation, the Department will review the information for completeness and accuracy.

(3) *Eligibility.* Upon receipt of an APPP application and the required supporting documentation, the Department will review the information to verify applicant eligibility.

(4) *Applications from ineligible applicants.* An application from an ineligible applicant will be returned to the applicant with an explanation of why the applicant is considered ineligible.

(5) *Incomplete or inaccurate application from eligible applicants.* If the Department determines an application from an eligible applicant is incomplete or inaccurate, final processing of the application may be discontinued or additional data may be requested. If additional data is

requested, the request will be in writing and will be sent to the applicant address listed on the APPP application. The processing of the application will cease until the applicant supplies the requested data. The Department may terminate the processing of an incomplete application when the additional data is not supplied within 10 business days of the request for the data.

(6) *Order of participation availability.* Availability of participation will be reserved in order of receipt of a completed application and full payment by the approved applicant. When the processing of the application is terminated, the Department will notify the applicant in writing, stating the reason for the termination, and refund the participation fee.

(i) If an activity has more applicants than available slots, the Department may increase the number of slots available, or place applicants on a waiting list for space in the event of a cancellation or default.

(ii) The waiting list will be setup in order of receipt of a completed and approved application.

(iii) Slots that become available due to cancellation or default will be assigned in order of the waiting list.

(iv) The applicant on the waiting list will be notified in writing of a cancellation or default. The applicant will have 7 days from date of mailing of notification to respond in writing either accepting or rejecting the available slot.

(v) Payment in full shall accompany a letter of acceptance.

(vi) Failure to respond in 7 days from date of mailing of notification will be considered a rejection by the wait-listed applicant and the Department will notify the next applicant on the wait list.

(7) *Advisory Committee.* The Advisory Committee has no authority to and will not review or have input into individual APPP applications. The Advisory Committee will recommend overall program priorities for each program to the Department. Additionally, the Advisory Committee shall recommend the amount of funds to be allocated to each program.

**§ 106.137. Notice of disposition of application.**

(a) *Applications deemed complete.* The Department will notify applicants within 30 days of receipt of their completed application of a decision to approve, approve with special conditions or reject the application. When the application is rejected, the Department will set forth, in writing, the reasons for the rejection and refund the participation fee.

(b) *Applications deemed incomplete or ineligible.* Within 30 days of receipt of an application, the Department will notify the applicant of a decision to reject the application or notify the applicant of a deficiency in the application and request additional data. If additional data is requested, notification shall be in writing and detail the additional data needed. The Department will follow the procedure in § 106.136(b)(5) (relating to processing of applications).

**§ 106.138. Approved participant cancellation policy.**

(a) *Deadline.* Approved participants shall submit any cancellations in writing to the Department at least 30 days prior to the beginning date of the specific APPP activity.

(b) *Reimbursement.* In the event of cancellation by an approved participant, the Department will attempt to

reallocate the APPP slot. If successful, 75% of the APPP participation fee for the activity will be returned to the canceling approved participant. Otherwise, the fee is forfeited to the Department in its entirety.

**§ 106.139. Notice of program activity.**

(a) Eligible applicants will be notified of APPP activities in any of the following manners:

(1) *Pennsylvania Bulletin*. Availability of upcoming APPP activities will be printed in the *Pennsylvania Bulletin*.

(2) *Direct mailing*. A mailing targeted to each aquaculture propagator or aquaculture-related business, or both, registered with the APPP administrator at the date of mailing.

(b) *Information to be included in notice*. The notice and mailing will include the activity name, dates (show and set-up), location, participation fee, activity package description, number of participation slots available and how an application may be requested.

**§ 106.140. Conflict of interest.**

A member of the Advisory Committee may apply for participation in APPP activities if all decisions regarding the application are subject to 65 Pa.C.S. § 1103(j) (relating to restricted activities) and the action does not violate the State Adverse Interest Act (71 P. S. §§ 776.1—776.9) or 4 Pa. Code Chapter 7, Subchapter K (relating to code of conduct for appointed officials and State employees). Members of the Advisory Committee shall supply a signed statement with their application certifying they have complied with the referenced codes. Copies of the codes will be made available to members upon request.

**§ 106.141. Recordkeeping.**

An APPP participant shall maintain all receipts, supporting documents, exit reports and other documents pertaining to the APPP activity. These records shall be retained for 1 year beginning at the conclusion of the APPP activity. The records shall be made available to the Department upon request.

**§ 106.142. Right of recovery.**

The Department has the right to make claim for and receive from the approved participant any funds not expended in accordance with the act, this subchapter or the participation agreement.

**§ 106.143. Deficits.**

The Department's financial obligation is limited to the participation fee for the specific activity.

**Subchapter G. AQUACULTURE EXPORT PROMOTION PROGRAM**

Sec.

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**§ 106.161. Program objectives.**

The purpose of the AEPP is to increase export sales of aquaculture products and aquaculture supplies through buyer awareness of aquaculture product and supply availability and attributes.

(1) The AEPP will provide opportunities for industry representatives to participate in a variety of events such as food shows, recreational sports shows, pet and water gardening related trade shows, aquaculture industry shows and other related commercial trade shows or missions where international buyers of aquaculture products are expected to attend.

(2) The AEPP will facilitate contact between aquaculture propagators, suppliers and international buyers by arranging meetings with purchasers such as overseas importers, multinational corporations and United States based buyers for foreign companies and governments.

(3) The AEPP will increase international awareness of Commonwealth aquaculture products and services by organizing product awareness events.

**§ 106.162. Limitations.**

(a) *Applicant eligibility*. Only eligible applicants will be considered for the AEPP. To be eligible to participate in activities under the AEPP, applicants shall be registered Commonwealth aquaculture propagators or aquaculture-related companies in good standing, which are headquartered or have at least one manufacturing or production facility located in this Commonwealth and are subject to tax laws of the Commonwealth. Each applicant approved for participation shall comply with the criteria established by the act and this subchapter, including the verification criteria and the licensing and governmental permitting requirements.

(b) *Product/service eligibility*. An applicant approved to participate in an AEPP activity may only promote and display aquaculture related products and services at that AEPP activity. At least 60% of the displayed products in an AEPP activity shall be grown or manufactured in this Commonwealth. The products shall meet State and Federal requirements for the specific product.

(c) *Extent of program activities*. The AEPP will organize participation in international trade shows and promotional activities for eligible applicants.

(d) *Use of funds*. Funds allocated for the AEPP shall be used solely for the purposes in this subchapter.

(e) *Funds available basis*. Program activities will not be undertaken unless funds are available.

**§ 106.163. General conditions.**

(a) *Participation agreement*. The approved, signed application for an AEPP activity will constitute the participation agreement.

(1) The participant desiring to take part in an AEPP sponsored activity shall sign the application.

(2) The application will set forth the amount of the participation fee and other terms and conditions as the Department may reasonably require.

(3) Upon receipt of a completed, signed application, the Department will review and process the application set forth in this subchapter.

(4) The Department will then issue an approval or denial of the application.



(5) Approved applicants will be registered for the AEPP activity upon receipt of the participation fee in the AEPP application.

(b) *Default.* A participant who fails to abide by the terms of the participation agreement or the provisions of the act or this subchapter shall be in default.

(c) *Exit survey.* The Department may require an AEPP participant to submit a completed exit survey form.

(1) The requirement will be set forth in the AEPP application. The Department will develop an exit survey form.

(2) The exit survey form will include questions relating to the participant's involvement in the relevant activity to determine the degree to which the activity contributes to the programs goals.

(3) Information requested will relate to things such as the number of trade leads received, sales made and number of consumers reached.

(4) Exit surveys will not contain a request for any proprietary business information.

(5) When the Department requires the completion of an exit survey, within 4 weeks of completion of participation in an AEPP activity, the participant shall submit to the Department a completed exit survey form.

(d) *Failure to submit exit survey.* When an exit survey is required by the Department, failure to submit the exit survey within the 4-week period will result in a default on the part of the AEPP participant.

(1) The Department may direct that the defaulting participant is not eligible for further AEPP participation for 2 years.

(2) The Department may extend the verification deadline if it is determined the participant has made a reasonable effort to verify, but the verification was incomplete, or for extenuating circumstances.

(e) *Determination of participation fees.* Participation fees for approved participants for AEPP activities not organized and controlled by the Department will be based on the Commonwealth recovering at least 50% of the activity's direct, nonstaff cost.

(1) Participation fees will not exceed 80% of the activity's standard fee to a normal participant.

(2) Participation fees for approved participants for AEPP activities organized and controlled by the Department will be based on the Commonwealth recovering not more than 50% of the activity's total direct cost.

#### § 106.164. Application.

(a) *Application required.* Applicants shall submit applications to participate in AEPP activities on forms provided by the Department at the address set forth on the application.

(b) *Application requirements.* An application for an AEPP activity will not be considered by the Department unless the following items are included:

(1) The name, address and contact information (to include telephone, facsimile and website, as available) of the participating company or individual.

(2) The name and direct contact information for the designated activity contact.

(3) A detailed description of the company and products or services to be promoted.

(4) A signature by an authorized representative attesting to compliance with the provisions of the terms and conditions for participation in the AEPP activity.

(5) Payment in full of the participation fee in the application and payable to the Department of Agriculture.

(c) *Obtaining an application and assistance.* An application for participation under this subchapter shall be made on a form prepared by the Department. For applications and assistance, contact the Aquaculture Program, Bureau of Market Development, Department of Agriculture, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110, telephone (717) 783-8462, facsimile (717) 787-5643.

(d) *Additional information.* The Department may require an applicant to submit additional documentation as may be necessary to complete, verify or clarify the application.

(e) *Application deadlines.* Applications for participation under this subchapter shall be received by the Department 90 days prior to the date of the AEPP activity the applicant wishes to attend. The Department may approve an application submitted after this deadline if it determines there is adequate time for a thorough review of the application and to issue a written approval to the applicant.

#### § 106.165. Review of applications.

(a) *Factors.* Factors to be considered by the Department in selecting AEPP participants include the following:

(1) Participation in previous AEPP and other Department activities.

(2) Appropriateness of the applicant's particular product or service to the specific AEPP activity.

(3) Ability of the applicant to provide a qualified sales representative during the entire AEPP activity who will be able to negotiate sales and quantify terms.

(4) Ability of the applicant to be responsible for shipping the products used for display or sales and for the promotional materials to be used at the AEPP activity.

(5) Amount of space required for the particular promotion.

(b) *Release and hold harmless.* Eligible participants will release and hold harmless the Commonwealth and the Department and their agents and officers from any liabilities for any losses as a result of participation in the specific AEPP activity. This includes late shipment, in-transit damage or loss and unauthorized removal of equipment or supplies at the AEPP activity. Each application shall contain a release and hold harmless statement which the applicants agree to when they sign the application. Unsigned applications will be considered incomplete.

#### § 106.166. Processing of applications.

(a) *Approval or denial.* The Department may approve, approve with special conditions or reject applications. The Department will issue approvals in accordance with the general considerations and criteria of the act and this subchapter.

(b) *Processing.* An application for participation in an AEPP activity will be processed in the following manner:

(1) *Dating.* The application will have the initial date of the postmark or the initial date of receipt, whichever is earlier, noted on the application by Department staff. If the application is determined to be incomplete, the effec-

tive date of the application is the date on which all additional information is received and the application is determined by the Department to be complete. The date will be noted on the application.

(2) *Completeness and accuracy.* Upon receipt of an AEPP application and the required supporting documentation, the Department will review the information for completeness and accuracy.

(3) *Eligibility.* Upon receipt of an AEPP application and the required supporting documentation, the Department will review the information to verify applicant eligibility.

(4) *Applications from ineligible applicants.* An application from an ineligible applicant will be returned to the applicant with an explanation of why the applicant is considered ineligible.

(5) *Incomplete and inaccurate application from eligible applicants.* If the Department determines an application from an eligible applicant to be incomplete or inaccurate, final processing of the application may be discontinued or additional data may be requested. If additional data is requested, the request will be in writing and will be sent to the applicant address listed on the AEPP application. The processing of the application will cease until the applicant supplies the requested data. The Department may terminate the processing of an incomplete application when the additional data is not supplied within 10 business days of the request for the data. When the processing of the application is terminated, the Department will notify the applicant in writing, stating the reason for the termination, and refund the participation fee.

(6) *Order of participation availability.* Availability of participation will be reserved in order of receipt of a completed application and full payment by an approved applicant. If an activity has more applicants than available slots, the Department may increase the number of slots available, or place applicants on a waiting list for space in the event of a cancellation or default.

(i) The waiting list will be setup in order of receipt of a completed and approved application.

(ii) Slots, which become available due to cancellation or default, will be assigned in order of the waiting list.

(iii) Applicants on the waiting list will be notified in writing of a cancellation or default. That person will have 7 days from date of notification to respond in writing either accepting or rejecting the available slot.

(iv) Payment in full shall accompany a letter of acceptance.

(v) Failure to respond in 7 days from date of notification will be considered a rejection by the wait-listed applicant and the Department will notify the next applicant on the wait list.

(7) *Advisory Committee.* The Advisory Committee has no authority to and will not review or have input into individual AEPP applications. The Advisory Committee will recommend overall program priorities for each program to the Secretary. Additionally, the Advisory Committee will recommend the amount of funds to be allocated to each program.

**§ 106.167. Notice of disposition of application.**

(a) *Applications deemed complete.* The Department will notify applicants within 30 days of receipt of their completed application of a decision to approve, approve with special conditions or reject the application. When the

application is rejected, the Department will set forth in writing the reason for the rejection and refund the participation fee.

(b) *Applications deemed incomplete or ineligible.* Within 30 days of receipt of an application, the Department will notify the applicant of a decision to reject the application or notify the applicant of a deficiency in the application and request additional data. If additional data is requested, notification will be in writing and detail the additional data needed. The Department will follow the procedures in § 106.166(b)(5) (relating to processing of applications).

**§ 106.168. Approved participant cancellation policy.**

(a) *Deadline.* Approved participants shall submit any cancellations in writing to the Department at least 30 days prior to the beginning date of the specific AEPP activity.

(b) *Reimbursement.* In the event of cancellation by an approved applicant, the Department will attempt to reallocate the AEPP slot. If successful, 75% of the AEPP participation fee for the activity will be returned to the canceling approved participant. Otherwise, the fee is forfeited to the Department in its entirety.

**§ 106.169. Notice of program activity.**

(a) *Manner of notification.* Eligible applicants will be notified of AEPP activities in any of the following manners:

(1) *Pennsylvania Bulletin.* Availability of upcoming AEPP activities will be printed in the *Pennsylvania Bulletin*.

(2) *Direct mailing.* A mailing targeted to each aquaculture propagator or aquaculture-related business, or both, registered with the AEPP administrator at the date of mailing.

(b) *Information to be included in notice.* The notice and mailing will include the activity name, dates (show and set-up), location, participation fee, activity package description, number of participation slots available and how an application may be requested.

**§ 106.170. Conflict of interest.**

A member of the Advisory Committee may apply for participation in AEPP activities if all decisions regarding the application are subject to 65 Pa.C.S. § 1103(j) (relating to restricted activities) and the action does not violate the State Adverse Interest Act (71 P. S. §§ 776.1—776.9) or 4 Pa. Code Chapter 7, Subchapter K (relating to code of conduct for appointed officials and State employees). Members of the Advisory Committee shall supply a signed statement with their application certifying they have complied with the referenced codes. Copies of the codes will be made available to members upon request.

**§ 106.171. Recordkeeping.**

An AEPP participant shall maintain all receipts, supporting documents, exit reports and other documents pertaining to the AEPP activity. These records shall be retained for 1 year beginning at the conclusion of the activity. The records shall be made available to the Department upon request.

**§ 106.172. Cancellation/default.**

An activity or participant approval may be canceled by the Department upon a determination that the approved participant has violated any provision of the act, this subchapter or the participation agreement, the approved participant violated the activity's rules, or upon failure of

the approved participant to satisfy the verification requirements of this subchapter.

**§ 106.173. Right of recovery.**

The Department has the right to make claim for and receive from the approved participant any funds not expended in accordance with the act, this subchapter or the participation agreement.

**§ 106.174. Deficits.**

The Department's financial obligation is limited to the participation fee for the specific activity.

[Pa.B. Doc. No. 03-138. Filed for public inspection January 24, 2003, 9:00 a.m.]

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# NOTICES

## DELAWARE RIVER BASIN COMMISSION

### Commission Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Wednesday, January 29, 2003. 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 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 include: a progress report on development of the Commission's new comprehensive plan; a progress report on the Tri-State Water Management Plan; a status report on the PCB TMDL for the Delaware Estuary; an opportunity for stakeholder comment on the structure and mandate of the TMDL Implementation Advisory Committee; a report on the activities of the Flow Management Technical Advisory Committee; a discussion regarding the Commission's fee structure for project review under Section 3.8 of the Delaware River Basin Compact; and a presentation on stormwater management approaches in Chester County.

The subjects of the public hearing to be held during the 1 p.m. business meeting include, in addition to the following dockets, a resolution approving the Commission's budgets for the fiscal year ending June 30, 2004.

1. *Merrill Creek Owners Group D-77-110 CP (Amendment 15)*. A resolution to amend Table A (Revised) of Docket D-77-110 CP (Amendment 14) to include the addition of the PPL Corporation, PPL Global, LLC and Lower Mount Bethel Energy, LLC facility in Lower Mount Bethel Township, Northampton County, PA as a "Designated Unit." The power facility is a 600 megawatt independent power project approved by Docket D-99-54 on March 7, 2000. The project is subject to curtailment unless its consumptive water use during Commission lower basin drought conditions can be made up by releases from storage. The Merrill Creek reservoir will provide the storage and is located in Harmony Township, Warren County, NJ.

2. *Covanta Warren Energy Resource Co., L.P. D-85-90 Renewal*. A renewal of a ground water withdrawal project to continue an allocation of 17 million gallons (mg)/30 days for existing Wells Nos. 1 and 2 in the Leithsville Formation. The purpose of the withdrawal is provision of industrial cooling, process and potable/sanitary water to the applicant's solid waste disposal/power generation facility. The project is located in White Township, Warren County, NJ.

3. *Peronic Enterprises D-89-80 Renewal*. A ground water withdrawal project to supply up to 8 million gallons per day (mgd) of water to the applicant's Gambler Ridge Golf Club irrigation system from Wells Nos. 1 and 2 in

the Mt. Laurel and Englishtown Formations and Ponds Nos. 1 and 2 in the Red Bank Formation. The applicant requests that the total withdrawal from all wells remain limited to 8 mg/30 days. The project is located in Upper Freehold Township, Monmouth County, NJ.

4. *Berks-Montgomery Municipal Authority D-2001-10 CP*. A project to expand the applicant's existing Swamp Creek sewage treatment plant from 1.9 mgd to 2.3 mgd. The plant will continue to provide tertiary treatment to serve portions of Boyerstown and Bechtelsville Boroughs and portions of Colebrookdale and Washington Townships, all in Berks County; plus a portion of Douglass Township in Montgomery County; all in this Commonwealth. Treated effluent will continue to discharge to Swamp Creek in the Perkiomen Creek Watershed in Douglass Township, Montgomery County, PA.

5. *Lower Makefield Township D-2002-48 CP*. A ground water withdrawal project to supply up to 8.64 mg/30 days of water to the applicant's golf course irrigation system from new Wells Nos. PW-1 and PW-2 in the Stockton and Lockatong Formations. The project is located in the Delaware River Watershed in Lower Makefield Township, Bucks County, PA.

In addition to the public hearing items, the Commission will address the following at its 1 p.m. business meeting: minutes of the November 25, 2002, business meeting; announcements; a report on Basin hydrologic conditions; a report by the Executive Director; a report by the Commission's general counsel; a resolution authorizing the executive director to receive and expend funds from the City and State of New York for the purpose of engaging a consultant to perform OASIS flow model analyses; and a resolution replacing a departing member of the expert panel that is advising the Commission on development of a hydrodynamic and water quality model for the Delaware Estuary.

Draft dockets scheduled for public hearing on January 29, 2003, are posted on the Commission's website, <http://www.drbc.net>, where they can be accessed through the Notice of Commission Meeting and Public Hearing. Documents relating to the dockets and other items may be examined at the Commission's offices. Contact Thomas L. Brand, (609) 883-9500, Ext. 221 with docket-related questions.

Persons wishing to testify at this hearing are requested to register in advance with the Commission Secretary, (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 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. 03-139. Filed for public inspection January 24, 2003, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

## NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

### NPDES APPLICATIONS

#### PART I PERMITS

Under the Federal Clean Water Act and the Pennsylvania Clean Streams Law, the following parties have applied for an NPDES permit or to renew their current permit to discharge controlled wastewaters into the waters of this Commonwealth or to conduct other activities required by the NPDES permit. For renewal applications listed in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements. For new permit applications, renewal application with major changes or applications for permits not waived by the EPA, the Department, based upon preliminary reviews, also made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications listed in Section II. These determinations are published as proposed actions for comments prior to taking final actions.

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

Persons wishing to comment on the proposed permit are invited to submit a statement, to the office noted before the application, within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. The comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant. Following the comment period, the Department's Water Management Program Manager will make a final determination regarding these applications. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

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

#### I. NPDES Renewal Applications

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

<i>NPDES 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>
PA0057142	Alton L. Reiss 215 Augustine Road Sellersville, PA 18960	Bucks County West Rockhill Township	Dry sale tributary to Perkiomen Creek	Y

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

<i>NPDES 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>
PA0029807 Minor Renewal	New Jersey Federation of YMHAS and YWHAs 21 Plymouth Street Fairfield, NJ 07004-1615	Dingman Township Pike County	Sawkill Pond 01-D	Y
PA0062685 Minor Renewal	Michael Savokinas R. R. 4, Box 305B Pittston, PA 18643	Exeter Township Luzerne County	Unnamed tributary to Abraham's Creek 05-B	Y
PA0029416 Minor Renewal	Camp Weequahic, Inc. Box 1096 Lakewood, PA 18439	Preston Township Wayne County	Unnamed tributary to Sly Lake 01-A	Y

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

<i>NPDES 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>
PA0113506	Shady Oaks MHP 1343 Highway 315 Plains, PA 18702	Montour County Derry Township	UNT to Mud Creek 10D	Y
PA0112381	Madison Estates MHP 6009 Columbia Boulevard Bloomsburg, PA 17815	Columbia County Madison Township	Little Fishing Creek 5C	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.*

**PA0013005**, Industrial Waste, **FiberMark, Inc.**, 45 North 4th Street, Quakertown, PA 18951. This application is for renewal of an NPDES permit to discharge cooling water from the facility in Quakertown Borough, **Bucks County**. This is an existing discharge to unnamed tributary to Beaver Run.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.065 MGD are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature			110°F
pH	Within limits of 6.0—9.0 Standard Units at all times		

The proposed effluent limits for stormwater Outfalls 001—003 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			Monitor and Report
COD			Monitor and Report
Oil and Grease			Monitor and Report
pH			Monitor and Report
Total Suspended Solids			Monitor and Report
Total Kjeldahl Nitrogen			Monitor and Report
Total Phosphorous			Monitor and Report
Iron (Dissolved)			Monitor and Report

The EPA Waiver is in effect.

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

**PA0063690**, Sewage, **Mel-Roe's Family Restaurant—Melissa Evans**, 832 Salem Boulevard, Berwick, PA 18603. This proposed facility is located in Salem Township, **Luzerne County**.

Description of Proposed Activity: Renewal of NPDES Permit to discharge treated sewage.

The receiving stream, unnamed tributary to Susquehanna River, is in the State Water Plan watershed no. 5B and is classified for CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the Danville Borough Authority is located approximately 25 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.003 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25.0		50.0
Total Suspended Solids	30.0		60.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	1.2		2.8

**PA0060046**, Sewage, **Can-Do, Inc.**, 1 S. Church Street, Hazleton, PA 18201. This proposed facility is located in Hazle Township, **Luzerne County**.

Description of Proposed Activity: Renewal of NPDES to discharge treated sewage.

The receiving stream, Tomahicken Creek, is in the State Water Plan watershed no. 5D and is classified for CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the Danville Borough Water Co. is located on the Susquehanna River, approximately 40 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 1 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Instantaneous (mg/l)</i>
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N			
(5-1 to 10-31)	2.4		4.8
(11-1 to 4-30)	7.2		14.4
Dissolved Oxygen	A minimum of 5 mg/l at all times.		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	.06		.14

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

**PA0020338**, Sewerage SIC, 4952, **Kulpmont-Marion Heights Joint Municipal Authority**, 860 Spruce Street, Kulpmont, PA 17834-1346. This existing facility is located in Coal Township, **Northumberland County**.

Description of Proposed Activity: Amendment of an NPDES permit to expand an existing discharge of treated sewage wastewater.

The receiving stream, unnamed tributary of Quaker Run, is in the State Water Plan watershed 6B and classified for CWF. The nearest downstream public water supply intake for United Water Pennsylvania is located on the Susquehanna River, 70 miles below the point of discharge.

The proposed effluent limits for the expansion of Outfall 001 based on a design flow of 0.5 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40		50
TSS	30	45		60
Percent UV Transmittance	Report Daily Minimum			
Fecal Coliform				
(5-1 to 9-30)	200 col/100 ml as a geometric mean			
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean			
pH	6.0 to 9.0 at all times			

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

**PA0000418**, Industrial Waste, SIC 4941, **Municipal Authority of the Borough of Derry**, 620 North Chestnut Street, Derry, PA 15627. This application is for renewal of an NPDES permit to discharge treated process water and untreated stormwater from the Derry Borough Water Treatment Plant in Derry Borough, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary to McGee Run, classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Saltsburg Municipal Water Works, located at Saltsburg, 24 miles below the discharge point.

*Outfall 001: existing discharge, design flow of 0.067 mgd.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Iron			2.0		4.0
Manganese			1.0		2.0
Aluminum			2.0		4.0
Total Suspended Solids			20.0		40.0
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA0217689**, Industrial Waste, SIC, 4941, **Municipal Authority of the Borough of West View**, 210 Perry Highway, Pittsburgh, PA 15229. This application is for issuance of an NPDES permit to discharge treated process water and untreated stormwater from the Joseph A. Berkley Water Treatment Plant in Neville Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Ohio River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Robinson Township Municipal Authority, located at Robinson Township, 3.9 miles below the discharge point.

*Outfall 001*: existing discharge 0.084 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids			30.0		60.0
Iron			2.0		4.0
Aluminum			4.0		8.0
Manganese			1.0		2.0
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

Other Conditions: Effluent chlorine minimization.

*Outfall 002*: existing discharge 0.084 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids			30.0		60.0
Iron			2.0		4.0
Aluminum			4.0		8.0
Manganese			1.0		2.0
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

*Outfall 011*: existing discharge, intermittent flow.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids			30.0		60.0
Iron			2.0		4.0
Aluminum			4.0		8.0
Manganese			1.0		2.0
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

*Outfall 014*: existing discharge, intermittent flow.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids					60.0
Iron					4.0
Aluminum					8.0
Manganese					2.0
Total Residual Chlorine					1.0
pH	not less than 6.0 nor greater than 9.0				

*Outfall 003–010, 012 and 013*: existing discharges.

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

These discharges shall consist solely of uncontaminated stormwater runoff.

The EPA waiver is in effect.



**PA0091219**, Sewage, **Plum Borough Municipal Authority**, 4555 New Texas Road, Pittsburgh, PA 15239. This application is for renewal of an NPDES permit to discharge treated sewage from Laurel Gardens STP in Plum Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Little Plum Creek, 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 Wilkinsburg-Penn Joint Water Authority at Allegheny River Mile Point 8.8.

*Outfall 001*: existing discharge, design flow of 0.014 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0219398**, Sewage, **John C. Golden**, 581 Murray Road, Salisbury, PA 15558. This application is for issuance of an NPDES permit to discharge treated sewage from Golden SFTF in Greenville Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Piney Creek, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Ohiopyle Borough Municipal Water Works.

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

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

The EPA waiver is in effect.

## WATER QUALITY MANAGEMENT PERMITS

### CONTROLLED INDUSTRIAL WASTE AND SEWAGE WASTEWATER

#### APPLICATIONS UNDER THE CLEAN STREAMS LAW

##### PART II PERMITS

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

Persons wishing to comment on an applications are invited to submit a statement to the office noted before the application, within 15 days from the date of this public notice. Comments received within this 15-day comment period will be considered in making the final decision regarding the application. The comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

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

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

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

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

**WQM Permit No. 0902412**, Sewerage, **Northampton Bucks County Municipal Authority**, 111 Township Road, Richboro, PA 18954. This proposed facility is located in Northampton Township, **Bucks County**.

Description of Proposed Action/Activity: Applicant is requesting approval for the construction and operation of sewage pump station.

**WQM Permit No. 1502418**, Sewerage, **East Whiteland Township**, 209 Conestoga Road, Frazer, PA 19355. This proposed facility is located in East Whiteland Township, **Chester County**.

Description of Proposed Action/Activity: Applicant is requesting approval for the construction and operation of a new sanitary sewer system to serve a single-family residential development.

**WQM Permit No. 1502419**, Sewerage, **Valley Township**, 890 W. Lincoln Highway, P. O. Box 467, Coatesville, PA 19320. This proposed facility is located in Valley Township, **Chester County**.

Description of Proposed Action/Activity: Applicant is requesting approval for the construction and operation to upgrade and expand approximately 2,050 lineal feet long, 10-inch forcemain to increase the capacity of the Rock Run Sewage pump station.

**WQM Permit No. 1502420**, Sewerage, **Uwchlan Township**, 715 N. Ship Road, Exton, PA 19341-1940. This proposed facility is located in West Pikeland Township, **Chester County**.

Description of Proposed Action/Activity: Applicant is requesting approval for the construction and operation for the realignment and enlargement of approximately 250 lineal feet of truck sewer with the Pickering Creek Industrial Park.

**WQM Permit No. 2302405**, Sewerage, **Thornbury Township**, 6 Township Drive, Cheyney, PA 19319-1020. This proposed facility is located in Thornbury Township, **Delaware County**.

Description of Proposed Action/Activity: Applicant is requesting approval for the construction and operation for the proposed expansion of the treatment plant, which will increase the capacity.

**WQM Permit No. 2302406**, Sewerage, **D.E.L.C.O.R.A.**, 100 East Fifth Street, P. O. Box 999, Chester, PA 19016, **Delaware County**.

Description of Proposed Action/Activity: Applicant is requesting approval for the construction and operation for an upgrade of the existing aeration system to include submerge diffuser grid and compressed air blowers.

**WQM Permit No. 2387434**, Sewerage, **Springfield Farm Wastewater Treatment Facility Association**, P. O. Box 756, Chadds Ford, PA 19317. This proposed facility is located in Chadds Ford Township, **Delaware County**.

Description of Proposed Action/Activity: Applicant is requesting approval for the construction and operation for an amendment to install a supplemental chemical feed system at the existing WWTP.

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

**WQM Permit No. 4002401**, Department of Conservation and Natural Resources, Bureau of State Parks, Nescopeck State Park, 2808 Three Mile Run

Road, Perkasio, PA 18944. This proposed facility is located in Dennison and Butler Townships, **Luzerne County**.

Description of Proposed Action/Activity: This project consists of the installation of two sewage pumping stations to serve the Nescopeck State Park. Sewage will be conveyed through existing 4-inch, 6-inch, 10-inch and 12-inch lines to the Butler Township Sewer Authority's Plant.

**WQM Permit No. 4002402**, Suburban Wastewater Company, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489. This proposed facility is located in White Haven Borough, **Luzerne County**.

Description of Proposed Action/Activity: This project consists of the re-rerating of the existing permitted White Haven Wastewater Treatment Plant from 340,000 GPD to 450,000 GPD.

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

**WQM Permit No. 4902201**, Industrial Waste SIC 2833, **Merck & Company Inc.**, P. O. Box 600, Danville, PA 17821-0600. This existing facility is located in Riverside Borough, **Northumberland County**.

Description of Proposed Action/Activity: Merck & Company Inc. has applied for a construction and operation permit to upgrade the existing treatment plant chlorination system and install new dechlorination system to control the combined effluent chlorine residual.

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

**Application No. 2603403**, Sewerage, **Colonial Joint Sewage Authority**, 225 Twin Hills Road, Grindstone, PA 15442. Application for the construction and operation of a sewage treatment plant, sewers and appurtenances, outfall and headwall and pump stations to serve the Grindstone Area located in Jefferson and Redstone Townships, **Fayette County**.

**Application No. 6384422-A1**, Sewerage, **North Strabane Township Municipal Authority**, 1929B Route 519 South, Canonsburg, PA 15317. Application for the construction and modification of a sewage treatment plant and pump station to serve North Strabane Township located in North Strabane Township, **Washington County**.

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#### NPDES Stormwater Individual Permit

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

Limitations are provided as erosion and sediment control best management practices which restrict the rate and quantity of sediment discharged.

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

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

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

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

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

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

**NPDES Permit PAI2-0842-02-001**, Stormwater, **East Resources, Inc.**, P. O. Box 279, Allegany, NY 14706 has applied to discharge stormwater associated with a construction activity located on Warrant 3436 in Lafayette Township, **McKean County** to Lewis Run (HQ-CWF).

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

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

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

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

**Former Conduit and Foundation Facility, Flowers Mill Development**, Middletown Township, **Bucks County**. Joseph W. Standen, Jr., Leggette, Brashears & Graham, Inc., 436 Brandywine Parkway, West Chester, PA 19380, on behalf of Realen Homes, Michael Stadulis, 1040 Stoney Hill Rd., Suite 100, Yardley, PA 19067, has submitted a Notice of Intent to Remediate soil contaminated with used motor oil. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bucks County Courier* on October 28, 2002.

**Diabase Farms**, Upper Makefield Township, **Bucks County**. Richard D. Trimpi, P. G., Trimpi Associates, Inc., 889 Seminary St., Pennsburg, PA 18073, on behalf of Scott Wendle, Natural Lands Trust, 1031 Palmers Mill Rd., Media, PA 19063, has submitted a Notice of Intent to Remediate soil 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 *Intelligencer* on November 15, 2002.

**Conrail Morrisville Rail Yard**, Falls Township, **Bucks County**. Robert M. Byer, Jr., P. G., Shaw Environmental & Infrastructure, Inc., 1160 McDermott Dr., Suite 102, West Chester, PA 19380-4022, on behalf of Consoli-

dated Rail Corp., Neil Ferrone, 1000 Howard Blvd., Suite 400, Mount Laurel, NJ 080454 and PA Lines LLC, Karin Stamy (Norfolk Southern), Three Commercial Place, Norfolk, VA 23510, has submitted a Notice of Intent to Remediate soil contaminated with diesel fuel, lead, lubricating oil, PAH, PCB and used motor oil. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bucks County Courier Times* on November 10, 2002.

**Pasquale Property**, Schuylkill Township, **Chester County**. Donald A. Coleman, P. G., Penn Environmental & Remediation, Inc., 2755 Bergey Rd., Hatfield, PA 19440, on behalf of Donald Pasquale, 355 Valley Park Rd., Phoenixville, PA 19460, has submitted a Notice of Intent to Remediate site soil contaminated with inorganics. 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 Phoenix* on October 30, 2002.

**Thomas Smith Property**, East Coventry Township, **Chester County**. Jon Conrad, Eastern Diversifies Services, 89 Allentown Rd., Souderton, PA 18964, on behalf of Thomas Smith, 2304 E. Cedarville Rd., Pottstown, PA, has submitted a Notice of Intent to Remediate site soil 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 Mercury* on October 10, 2002.

**Hoppes Facility**, Sadsbury Township, **Chester County**. Darryl D. Borrelli, Manko, Gold, Katcher & Fox LLP, 401 City Ave., Bala Cynwyd, PA 19004, on behalf of Michaels of Oregon Co., 1710 Red Soils Court, Oregon City, OR 08807, Peter Serruriler, Esq., Attorney for Michael's of Oregon, has submitted a Notice of Intent to Remediate site soil contaminated with chlorinated solvents and other organics; and site groundwater contaminated with chlorinated solvents and MTBE. 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 Daily Local News* on December 4, 2002.

**Coraluzzo-Twin Oaks Terminal**, Upper Chichester and Aston Townships, **Delaware County**. Lisa M. Holderbach, Groundwater & Environmental Services, Inc., 410 Eagleview Blvd., Suite 110, Exton, PA 19341, on behalf of Samuel Coraluzzo, Inc., 1713 N. Main Rd., Vineland, NJ 08362, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with unleaded gasoline. 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 *Daily Local News* on October 23, 2002.

**The Shops at Wellington Ridge**, City of Chester, **Delaware County**. John R. Gee, P. E., GeoTrans, Inc., 198 Allendale Rd., Suite 302, King of Prussia, PA 19406, on behalf of Chester Housing Authority, Steven Lalli, 1010 Madison St., Chester, PA 19016, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with Fuel Oil No. 4, inorganics, lead, PAH and pesticides. The applicant proposes to remediate the site to meet a combination of Statewide Health Standards, Site-Specific Standards and special industrial area requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Delaware County Times* on November 14, 2002.

**Dreshertown Plaza**, Upper Dublin Township, **Montgomery County**. Craig Herr, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of Blue Ridge Real Estate Co. of Blakeslee, PA, has submitted a Notice of Intent to Remediate site soil contaminated with chlorinated solvents and site groundwater contaminated with chlorinated solvents and other organics. 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 10, 2002.

**Former Levy United News, Inc.**, City of Philadelphia, **Philadelphia County**. Dean Jeffery Telego, Risk Management Technologies, Inc., 110 N. Royal St., Suite 301, Alexandria, VA 22314, on behalf of Clifford Risell for PCCBC, 725 E. Erie Ave., Philadelphia, PA, has submitted an amended Notice of Intent to Remediate site soil and groundwater contaminated with chlorinated solvents, diesel fuel, fuel oil no. 2, fuel oil no. 6, MTBE, other organics and PAH. The applicant proposes to remediate the site to meet Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on December 7, 2002.

**26th and Penrose**, City of Philadelphia, **Philadelphia County**. Eric Fretz, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of American Premier Underwriters, Inc., One E. Fourth St., Cincinnati, OH 45202, has submitted a Notice of Intent to Remediate site groundwater contaminated with inorganics and lead. The applicant proposes to remediate the site to meet Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Inquirer* on November 1, 2002.

**Cira Centre Site**, City of Philadelphia, **Philadelphia County**. William F. Schmidt, P. E., Pennoni Associates, Inc., 3001 Market St., Philadelphia, PA 19104-2897, on behalf of National Railroad Passenger Corp., William McDowell, III, 30th Street Station, 5th Floor, Southwest, Box 25, Philadelphia, PA 19104, has submitted a Notice of Intent to Remediate site soil contaminated with inorganics, lead, other organics, PAH, PCB and pesticides; and site groundwater contaminated with chlorinated solvents, inorganics, lead, other organics, PAH and PCB. The applicant proposes to remediate the site to meet special industrial area requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on November 7 2002.

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

**Smilko Residence**, City of Pottsville, **Schuylkill County**. Rudy Ghergel, SECI Waste Securities, P. O. Box 265, Orwigsburg, PA 17961 has submitted a Notice of Intent to Remediate (on behalf of Barbara Smilko, Pierce Street, Pottsville, PA) concerning the remediation of soils contaminated with no. 2 fuel oil as the result of an accidental release. The applicant proposes to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate is anticipated to be published in the *Pottsville Republican* or another local newspaper in the near future. A Final Report was simultaneously submitted.

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

**Daloz Safety Inc.**, City of Reading, **Berks County**. ARM Group, Inc., 1129 West Governor Road, P. O. Box 797, Hershey, PA 17033-0797, on behalf of Daloz Safety, Inc., 1150 First Avenue, Parkview Tower, Suite 400, King of Prussia, PA 19406, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with Fuel Oils No. 2, 4, 5 and 6, chlorinated solvents and PAHs. The applicant proposes to remediate the site to meet the requirements of a combination of the Statewide Health and Site Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Reading Eagle* on November 28, 2002.

**Former Tyco Electronics (AMP) Terminix Property**, Swatara Township, **Dauphin County**. Tyco Electronics Corporation, P. O. Box 3608, MS 140-42, Harrisburg, PA 17105-3608 submitted a Notice of Intent to Remediate site soils and groundwater contaminated with chlorinated solvents, inorganics and pesticides. The applicant proposes to remediate the site to meet the requirements of a combination of the Statewide Health and Site Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Patriot News* on December 17, 2002.

**Agere Systems (formerly Lucent Technologies)**, Muhlenberg Township, **Berks County**. ARCADIS G & M, Inc., 3000 Cabot Boulevard West, Suite 3004, Langhorne, PA 19407, on behalf of Agere Systems, 2525 North 12th Street, Reading, PA 19604, submitted a Notice of Intent to Remediate site groundwater contaminated with chlorinated solvents. 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 *Reading Eagle* on November 21, 2002.

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

**Flood City Brass (Former)**, Johnstown, **Cambria County**. Martin Knuth, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Deborah Walter, Johnstown Redevelopment Authority, 401 Washington Street, Johnstown, PA 15901) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with lead, other organics, PAH and PCB. The applicant proposes to remediate the site to meet the special industrial area requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Tribune-Democrat* on November 1, 2002.

**Sterling Packaging Corporation**, City of Jeannette, **Westmoreland County**. David R. Perry, American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668-1848 (on behalf of Todd D. Brice, S&T Bank, 800 Philadelphia Street, Indiana, PA 15701 and Kenneth B. Schulman, Jeannette Packaging, LLC, 108 Main Street, Norwalk, CT 06851) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with inorganics and chlorinated solvents. The applicant proposes to remediate the site to meet the Site-Specific and Statewide Health Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Tribune Review* on October 28, 2002.

**The Buncher Company**, City of Pittsburgh, **Allegheny County**. Frank Benacquista, Earth Sciences, Con-

sultants, Inc., One Triangle Lane, Export, PA 15632 (on behalf of Joseph Jakovic, The Buncher Company, 5600 Forward Avenue, Pittsburgh, PA 15217) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with chlorinated solvents, inorganics, lead, other organics, PAH and PCB. The applicant proposes to remediate the site to meet the Site-Specific and Statewide Health Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Pittsburgh Post Gazette* on October 25, 2002.

**RB&W Inc. Facility (Former)**, Moon Township, **Allegheny County**. Martin C. Knuth, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of John Riley, Moon Township Municipal Authority, 1700 Beaver Grade Road, Moon Township, PA 15108) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with chlorinated solvents, other organics, PCBs and used motor oil. 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 *Pittsburgh Post Gazette* on December 26, 2002.

**Federal Laboratories Eastern Areas**, Saltsburg Borough, **Indiana County**. Kelly R. McIntosh, Geomatrix Consultants, 338 Harris Hill Road, Williamsville, NY 14221 (on behalf of Gerald Harvey, Trans Technology Corporation, 700 Liberty Avenue, Union, NJ 07083-8198) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with chlorinated solvents, inorganics, lead and other organics. 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 *Tribune Review* in January 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 these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the Regional Office identified in this notice. Persons interested in reviewing the application files should contact the appropriate Regional Office to schedule an appointment.

Persons wishing to receive a copy of the proposed Plan Approval or Operating Permit must indicate their interest to the Department Regional Office within 30 days of the date of this notice and must file protests or comments on a Proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be

held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts, which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

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

### PLAN APPROVALS

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

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

**40-328-004B: Williams Generation Co.—Hazleton** (P. O. Box 2848-WRC-A, Tulsa, OK 74101-9567) for modification of a peaking electrical generation facility at 10 Maplewood Drive, Humboldt Industrial Park, Hazle Township, **Luzerne County**.

**45-399-014: Aventis Pasteur, Inc.** (Discovery Drive, Swiftwater, PA 18370) for replacement of a thermal egg dryer and the associated air cleaning device at their facility in Pocono Township, **Monroe County**.

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

**06-03089B: Reading Materials, Inc.** (P. O. Box 1467, Skippack, PA 19474) for modification of a nonmetallic mineral crushing plant controlled by wet suppression in Douglass Township, **Berks County**. The new equipment will be subject to 40 CFR Part 60, Subpart 000—Standards of Performance for New Stationary Sources.

**06-05049B: Fleetwood Industries** (3001 St. Lawrence Avenue, Reading, PA 19606) for modification of a wood furniture surface coating operation controlled by dry filters and low solvent coatings in St. Lawrence Borough, **Berks County**.

**36-03137A: Martin Limestone, Inc.** (404 Martindale Road, Ephrata, PA 17522) for construction of equipment to process recycled asphalt pavement in the production of hot mix asphalt at the Burkholder Asphalt Plant in Earl Township, **Lancaster County**. This source is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities.

**36-03140A: Brubaker Kitchens, Inc.** (1121 Manheim Pike, Lancaster, PA 17601) for installation of two spray booths, containing four associated HVLP spray guns,

controlled by dry filters and an electric drying oven in the City of Lancaster, **Lancaster County**.

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

**14-00014A: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) for construction of a cage mill stone crusher, screen and associated conveyors, the installation of an air cleaning device (a fabric collector) on a primary stone crusher, the construction of a recycled asphalt crusher and screen, the construction of two aggregate bins and a recycled asphalt bin and the modification of a drum mix asphalt concrete plant by using no. 5 and no. 6 fuel oil and waste oil as fuel in addition to the natural gas and no. 2 fuel oil which the plant is currently allowed to burn in Spring Township, **Centre County**. The stone crushing equipment is subject to Subpart 000 and the asphalt plant to Subpart I, both subparts of the Federal Standards of Performance for New Stationary Sources.

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

**43-037A: SQP Industries** (2 North Sixth Street, Sharpsville, PA 16150) for installation of a portable screener and diesel generator in Sharpsville, **Mercer County**.

**42-174D: McKean County Solid Waste Authority** (SR 42034 Hutchins Road, Mt. Jewett, PA 16740) for installation of an active landfill gas collection system and installation of a temporary and permanent control device in Sergeant Township, **McKean County**.

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

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: Michael Safko, Facilities Permitting Chief, (570) 826-2531.*

**54-00041: Silberline Manufacturing Co., Inc.** (130 Lincoln Drive, Tamaqua, PA 18252-0420) for an administrative amendment to Title V operating permit 54-00041 in Rush Township, **Schuylkill County**. The permit is being amended to incorporate changes based on plan approvals 54-399-031 and 54-399-032, which entail the installation of a carbon adsorption unit and the construction of six ball mills, ten vibratory screens, four filter presses and two ribbon mixers, respectively. Administrative Amendment of Title V Operating Permit issued under the Air Pollution Control Act and 25 Pa. Code § 127.450. The amended Title V Operating Permit will contain additional monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

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

**01-03022A: Agricultural Commodities, Inc.** (1585 Granite Station Road, Gettysburg, PA 17325) for construction of a new pellet feed mill at their existing feed mill in Straban Township, **Adams County**. Storage bins will be controlled by fabric filter baghouses and the pellet mill will be controlled by a cyclone. This feed mill is a

non-Title V facility. This facility's operation will result in approximately 16 tpy of particulate matter. This plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

**07-03045A: Youngs, Inc.** (P. O. Box 71, Frederick Road, Roaring Spring, PA 16673) for construction of a new feed mill onto an existing warehouse in Taylor Township, **Blair County**. This new feedmill is a non-Title V (State-only) facility. This construction will result in emissions of less than 12 tpy of particulate matter and less than 6 tpy of PM10. Standard recordkeeping and operating restrictions will be included to keep the facility operating within all applicable air quality requirements.

#### OPERATING PERMITS

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

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

**15-00095: Longwood Gardens, Inc.** (401 East Street Rd., Kennett Square, PA 19348-0501) for operation of a nonprofit horticulture business in East Marlborough Township, **Delaware County**. The permit is for a non-Title V (State-only) facility. The facility's mains sources include: two 800 kW diesel-fired emergency generators, a 200kW emergency diesel-fired generator, a 55kW emergency diesel-fired generator and three combination boilers that burn natural gas and no. 2 fuel oil. The facility has the potential to emit NOx emissions greater 24.9 tpy. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**36-03141: Kellogg Co.** (2050 State Road, Caller Box 3006, Lancaster, PA 17604) for operation of a breakfast cereal manufacturing facility in East Hempfield Township, **Lancaster County**. Actual PM10 emissions are expected to be less than 75 tons per year. 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.

**67-03029: Yorktowne Caskets, Inc.** (654 Lincoln Street, York, PA 17404) for operation of its human crematory in the City of York, **York County**. Actual annual emissions of NOx and PM10 are each expected to be less than 1 ton. The State-only operating permit will include monitoring and recordkeeping requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

#### **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 each application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

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

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

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

#### *Coal Applications Received*

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

**03020116 and NPDES Permit No. PA0250325. Laurel Energy, L. P.** (One Energy Place, Suite 7500,

Latrobe, PA 15650). Application for commencement, operation and reclamation of a bituminous surface mine located in Wayne Township, **Armstrong County**, affecting 181 acres. Receiving streams: unnamed tributaries to North Brach of South Fork Pine Creek to South Fork of Pine Creek; classified for CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received December 30, 2002.

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

**33930110 and NPDES Permit No. PA0211818. McKay Coal Company, Inc.** (R. D. 2, Templeton, PA 16259). Revision to an existing bituminous strip and auger operation to change the post-mining land use from forestland to pastureland or land occasionally cut for hay on the Joseph M. Carney property in Perry Township, **Jefferson County**. Receiving streams: two unnamed tributaries to Foundry Run, classified for CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received December 10, 2002.

#### *Coal Applications Returned*

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

**10020103 and NPDES Permit No. PA0242187. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Commencement, operation and restoration of a bituminous strip and auger operation in Jackson Township, **Butler County** affecting 35.0 acres. Receiving streams: unnamed tributary to Connoquenessing Creek. Application received September 26, 2002. Application withdrawn December 4, 2002.

#### *Noncoal Applications Received*

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

**22890301C3 and NPDES Permit PA0594491. Dauphin Meadows, Inc.** (P. O. Box 68, Route 209, Millersburg, PA 17061). Renewal of NPDES permit for discharge of treated mine drainage in Washington Township, **Dauphin County**, receiving stream: unnamed tributary to Wiconisco Creek, classified for WWF. Application received December 31, 2002.

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

**10020307. Kahle Brothers Enterprises** (P. O. Box 129, Shippenville, PA 16254). Commencement, operation and restoration of a sand and gravel operation in Parker Township and Parker City, **Butler and Armstrong Counties** affecting 71.0 acres. Receiving streams: three unnamed tributaries to Allegheny River, classified for CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received December 31, 2002.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications and requests for Environmental Assessment approval and requests for Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)), requires the State to certify that the involved projects will not violate the applicable provisions of sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) as well as relevant State requirements. Initial requests

for 401 Water Quality Certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Permit, 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 any questions to the office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the office noted before the application.

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

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E22-447. East Hanover Township**, 8848 Jonestown Road, Grantville, PA 17028 in East Hanover Township, **Dauphin County**, ACOE Baltimore District.

To rehabilitate and maintain an existing bridge by replacing the superstructure stabilizing the stream bank across the channel of Bow Creek (WWF) at a point at South Meadow Lane (T-625) (Hershey, PA Quadrangle N: 19.6 inches; W: 3.6 inches) in East Hanover Township, Dauphin County.

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

**E02-1412. Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106. Findlay Township, **Allegheny County**, ACOE Pittsburgh District.

To construct and maintain the following structures and activities as part of the construction of 3.0 miles of new, four-lane, divided, limited access highway known as Section 54A of the Southern Beltway (Findlay Connector); reconstruction and upgrading of 2.5 miles of the Southern Expressway (SR 0060) and reconstruction of 0.5 mile of Clinton Road (SR 3089):

1. A multispan structure consisting of two parallel mainline bridges, each having eight spans at 171.5 feet, 207.0 feet, 197.0 feet, 197.0 feet, 197.0 feet, 197.0 feet and 150.5 feet and minimum underclearances of 103.52 feet and 102.52 feet and three auxiliary ramp



bridges, each having four spans: Ramp A at 130.0 feet, 174.0 feet, 150.12 feet and 110.35 feet; Ramp D at 152.5 feet, 189.0 feet, 189.0 feet and 152.5 feet; and Ramp K at 121.0 feet, 180.25 feet, 188.0 feet and 132.5 feet. Minimum underclearances of 86.51 feet, 99.98 feet and 86.90 feet respectively and all constructed over an unnamed tributary to Montour Run (TSF). Mainline Station 115 + 69 ± (Clinton, PA Quadrangle N: 20.2 inches; W: 3.0 inches).

2. A 250-foot long, 72-inch diameter reinforced concrete pipe in an unnamed tributary to Montour Run (TSF). The pipe will be depressed 0.5 foot and will discharge to a 145-foot long, rock-lined stilling basin and channel. Approximately 40 linear feet of stream channel will be lost due to straightening. Mainline Station 140+ 60 (Clinton, PA Quadrangle N: 19.3 inches; W: 3.8 inches).

3. A 60-foot long, 33-inch diameter culvert extension on the outlet end of an existing 1,050-foot long, 33-inch diameter culvert in an unnamed tributary to Montour Run (TSF). Ramp A Station 239+19. This pipe qualifies for Department waiver 105.12(a)(2) (Clinton, PA Quadrangle N: 19.7 inches; W: 2.0 inches).

4. A 325-foot long, 30-inch diameter culvert extension and a 165-foot long, 40-inch by 65-inch arch culvert extension on the outlet end of an existing 870-foot long, 30-inch diameter culvert in an unnamed tributary to Montour Run (TSF). Ramp KL Station 831+00 Rt. This pipe qualifies for Department waiver 105.12(a)(2) (Clinton, PA Quadrangle N: 20.7 inches; W: 3.0 inches).

5. A 225-foot long, 36-inch diameter culvert extension on the outlet end and a 75-foot long, 36-inch diameter extension on the inlet end of an existing 350-foot long, 36-inch diameter culvert in an unnamed tributary to Raredon Run (WWF). Ramp J Station 975+50 Rt. and Ramp I Station 661+50 Rt. respectively. This pipe qualifies for Department waiver 105.102(a)(2) (Clinton, PA Quadrangle N: 22.4 inches; W: 4.5 inches).

6. A 35-foot long, 18-inch diameter culvert extension on the inlet end of an existing 360-foot long, 18-inch diameter culvert in an unnamed tributary to Montour Run (TSF). SR 0060 South Station 815+60 Lt. This pipe qualifies for Department waiver 105.102(a)(2) (Clinton, PA Quadrangle N: 19.5 inches; W: 1.8 inches).

7. Two temporary stream crossings, one consisting of a 40-foot long, 36-inch diameter corrugated metal pipe and the other consisting of a 50-foot long, 36-inch diameter corrugated metal pipe in an unnamed tributary to Montour Run (TSF). Mainline Station 115+69+ (Clinton, PA Quadrangle N: 20.2 inches; W: 3.0 inches).

8. Two temporary 450-foot long by 100-foot wide wetland crossings constructed for crane access. Mainline Station 115+0 and 116+0 (Clinton, PA Quadrangle N: 20.2 inches; W: 3.0 inches).

9. One temporary stream crossing consisting of two 75-foot long, 30-inch diameter corrugated metal pipes in an unnamed tributary to Montour Run (TSF). Mainline Station 141+82 (Clinton, PA Quadrangle N: 19.2 inches; W: 3.8 inches).

10. A 24-inch diameter reinforced concrete pipe outfall and a 40-inch by 65-inch arch pipe outfall in an unnamed tributary to Montour Run (TSF). McCaslin Road Stations 967+63 and 970+98 respectively (Clinton, PA Quadrangle N: 20.2 inches; W: 3.0 inches).

11. A 24-inch diameter corrugated metal pipe outfall in an unnamed tributary to Montour Run (TSF). Ramp A Station 233+46 (Clinton, PA Quadrangle N: 19.7 inches; W: 2.3 inches).

12. A 24-inch diameter corrugated metal pipe outfall in an unnamed tributary to Montour Run (TSF). Mainline Station 135+98 Rt. (Clinton, PA Quadrangle N: 19.5 inches; W: 3.7 inches).

13. A 24-inch diameter corrugated metal pipe outfall in an unnamed tributary to Montour Run (TSF) Mainline Station 142+54 Rt. (Clinton, PA Quadrangle N: 19.3 inches; W: 3.6 inches).

14. An 18-inch diameter corrugated metal pipe outfall in an unnamed tributary to Raredon Run (WWF). Ramp C/D Station 617+59 Rt. (Aliquippa, PA Quadrangle N: 0.2 inch; W: 4.7 inches).

15. A 24-inch diameter corrugated metal pipe outfall in an unnamed tributary to Raredon Run (WWF). Ramp J Station 975+69 Rt. (Clinton, PA Quadrangle N: 22.4 inches; W: 4.5 inches).

16. An R-6 rock-lined outfall in an unnamed tributary to Montour Run (TSF). Mainline Station 116+05 (Clinton, PA Quadrangle N: 20.1 inches; W: 3.0 inches).

17. A 24-inch diameter corrugated metal pipe outfall in an unnamed tributary to Montour Run (TSF). Mainline Station 117+00 Lt. (Clinton, PA Quadrangle N: 20.3 inches; W: 3.2 inches).

18. An 18-inch diameter corrugated metal pipe outfall in an unnamed tributary to Montour Run (TSF). Ramp A Station 240+00 Lt. (Clinton, PA Quadrangle N: 19.7 inches; W: 2.0 inches).

Also, to permanently place and maintain fill in 1.78 acres of wetland (1.075 acres PEM, 0.075 acre PSS and 0.630 acre PFO) and to temporarily place and maintain fill in 0.939 acre of wetland (0.523 acre PEM, 0.320 acre PSS and 0.096 acre PFO). To compensate for the wetland impacts, the Applicant is proposing creation of 2.448 acres of replacement wetlands in the Raredon Run watershed.

**E02-1413. Richland Industrial Properties, Inc.,** 5535 North Montour Road, Gibsonia, PA 15044-9104. Richland Township, **Allegheny County**, ACOE Pittsburgh District.

To place and maintain fill in 0.15 acre of wetlands located within the Breakneck Creek Watershed (WWF) for a proposed roadway to be known as Froggy Hollow Road. To construct and maintain various stormwater outfalls to Breakneck Creek. The project is located on the east side of Valencia Road approximately .25 mile north of its intersection with Bakerstown Warrendale Road. To meet the wetland replacement requirements the applicant will construct 0.15 acre of replacement wetlands. The project will also culvert approximately 327 feet of Breakneck Creek, this work qualifies for authorization under the Department waiver 105.12(a)(2) (Valencia, PA Quadrangle N: 6.6 inches; W: 13.4 inches).

**E02-1414. Pittsburgh Water and Sewer Authority,** 441 Smithfield Street, Pittsburgh, PA 15222. City of Pittsburgh, **Allegheny County**, ACOE Pittsburgh District.

To remove existing structures, to rehabilitate and maintain approximately 1,370 feet of existing 54 inch sewer line along and across Nine Mile Run (TSF), to reconstruct and maintain approximately 1,570 feet of the same 54 inch sewer line along and across Nine Mile Run and to construct and maintain a 16 inch water line across Nine

Mile Run as part of the Nine Mile Run Aquatic Ecosystem Restoration Project. The project is located between Commercial Avenue and Browns Hill Road (Pittsburgh East, PA Quadrangle N: 9.1 inches; W: 4.4 inches—Project Ends: N: 7.4 inches; W: 5.7 inches).

**E26-303. Georges Township Board of Supervisors,** 1151 Township Drive, Uniontown, PA 15425. Georges Township, **Fayette County,** ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain bridge having a clear span of 12 feet and an underclearance of 5.1 feet across an unnamed tributary to Georges Creek (WWF). The structure is located on East Elm Street approximately 2,000 feet east of North Main Street (Brownfield, PA Quadrangle N: 13.5 inches; W: 16.0 inches).

**E32-323-A1. Evergreen Landfill, Inc.,** P. O. Box 195, Coral, PA 15731. Center Township, **Indiana County,** ACOE Pittsburgh District.

To amend Permit No. E32-323 to include the maintenance of fill in 0.17 acre of wetland and the relocation of 0.99 acre of previously constructed wetland. The proposed work includes the construction of approximately 1.6 acres of replacement wetland. The site is located approximately 2 miles east of the intersection of US Route 119 and SR 2019 (Indiana, PA Quadrangle N: 20.75 inches; W: 1.7 inches).

**DAM SAFETY**

*Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.*

**D06-506. City of Reading—Department of Public Works,** 815 Washington Street, Reading, PA 19601. To

construct, operate and maintain Angelica Lake Dam across Angelica Creek (CWF), for the purpose of reconstructing Angelica Lake Dam in its previous location. The former dam overtopped and failed as a result of a major storm event in June 2001. The new dam will meet current Dam Safety design standards. The new dam's normal pool elevation will be at the former historic normal pool elevation (Reading, PA Quadrangle N: 11.0 inches; W: 6.85 inches) in Cumru Township, **Berks County.**

**STORAGE TANKS**

**SITE-SPECIFIC INSTALLATION PERMITS**

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Land Recycling and Waste Management, Division of Storage Tanks, P. O. Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

**The following application has been received for 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.**

<i>SSIP Application No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
02021	Patrick A. Gallagher Rhody's Fuel Stop Inc. One PGT Way Monaca, PA 15061	Beaver	Potter Township	Two ASTs storing diesel fuel	24,000 total gallons

**ACTIONS**

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

**INDUSTRIAL WASTE AND SEWERAGE WASTEWATER**

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483.

TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

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

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

**WQM Permit No. 1502418**, Sewerage, **East Whiteland Township**, 209 Conestoga Road, Frazer, PA 19355. This proposed facility is located in East Whiteland Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of a new sanitary sewer system to serve single-family residential development.

**WQM Permit No. 1594403**, Sewerage, **West Vincent Township**, P. O. Box 163, Birchrunville, PA 19421. This proposed facility is located in West Vincent Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal of the WQM Permit for Matthews Meadows STP.

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

**WQM Permit No. 5502401**, Sewerage, **Spring Township Municipal Authority**, P. O. Box 133, Beaver Springs, PA 17812. This proposed facility is located in Spring Township, **Snyder County**.

Description of Proposed Action/Activity: The issuance of a water quality management permit with rerated hydraulic and organic capacities for the contact stabilization sewage treatment plant serving the Village of Beaver Springs.

**NPDES Permit No. PA0024759**, Sewerage SIC 4952, **Curwensville Municipal Authority**, 900 Susquehanna Ave., Curwensville, PA 16833. This proposed facility is located in Curwensville Borough, **Clearfield County**.

Description of Proposed Action/Activity: Renewal of NPDES Permit to discharge 0.75 MGD to West Branch Susquehanna River.

**WQM Permit No. 1702405**, Sewerage, SIC 4952, **City of DuBois**, P. O. Box 408, DuBois, PA 15801. This proposed facility is located in the City of DuBois, **Clearfield County**.

Description of Proposed Action/Activity: Issuance of a WQM permit for wastewater flow equalization facilities at the City of DuBois sewage treatment plant.

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

**NPDES Permit No. PA0042102**, Industrial Waste, **Ranbar Electrical Materials, Inc.**, Route 993, Box 607, Manor, PA 15665-0607 is authorized to discharge from a facility located at Electrical Materials Division, Manor Borough, **Westmoreland County** to receiving waters named Bushy Run.

**NPDES Permit No. PA0025003**, Sewage, **United States Army Corps of Engineers, Pittsburgh District**, 1000 Liberty Avenue, Pittsburgh, PA 15222 is authorized to discharge from a facility located at Tub Run Recreation Area STP, Henry Clay Township, **Fayette County** to receiving waters named Youghiogheny River Reservoir.

**NPDES Permit No. PA0094544**, Sewage, **United States Army Corps of Engineers, Pittsburgh Dis-**

**trict**, 1000 Liberty Avenue, Pittsburgh, PA 15222 is authorized to discharge from a facility located at Somerfield South Recreation Area STP, Addison Township, **Somerset County** to receiving waters named Youghiogheny River Reservoir.

**NPDES Permit No. PA0205346**, Sewage, **Regis and Marianne Belback**, 139 Wilma Drive, Apollo, PA 15613 is authorized to discharge from a facility located at Belback residence, Washington Township, **Westmoreland County** to receiving waters named unnamed tributary of Pucketa Creek.

**NPDES Permit No. PA0217646**, Sewage, **Dunbar Borough/Township Sanitary Authority**, 93 Connelville Street, Dunbar, PA 15431 is authorized to discharge from a facility located at Dunbar Borough/Township Sanitary Authority STP, Dunbar Borough, **Fayette County** to receiving waters named Dunbar Creek.

**NPDES Permit No. PA0217697**, Sewage, **Rox Coal, Inc.**, 1576 Stoystown Road, P. O. Box 149, Friedens, PA 15541 is authorized to discharge from a facility located at Sarah Mine STP, Jenner Township, **Somerset County** to receiving waters named Mine Water Treatment Ponds to unnamed tributary of Roaring Run.

**Permit No. 0402402**, Sewage, **Oak Grove Church of Christ**, 169 Ashwood Drive, Industry, PA 15052. Construction of a small flow sewage treatment facility located in Ohiopyle Borough, **Beaver County** to serve Oak Grove Church of Christ STP.

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

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

*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>
PAS10Q248	William A. Sell 4337 Hamilton Blvd. Allentown, PA 18104	Lehigh	North and South Whitehall Townships	Hassen Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10E077	David Augustine Palm Investments, LLC 108 Scott Avenue Glenshaw, PA 15116	Butler	Buffalo Township	UNT to Little Buffalo Creek HQ-TSF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS104117	Snyder Brothers, Inc. P. O. Box 1022 One Glade Park East Kittanning, PA 16201	McKean	Hamilton Township	North Fork and unnamed tributaries to North Fork HQ-CWF

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

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

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

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

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

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

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PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

*General Permit Type—PAG-2*

<i>Facility Location 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>
Lackawanna County City of Scranton	PAR10N135	Scott Linde R. R. 4, Box 118 Pittston, PA 18640	Lackawanna River CWF	Lackawanna County Conservation District (570) 281-9495
Lackawanna County Jessup Borough	PAR10N132	David Perry 141 Franklin St. Dunmore, PA 18512	Unnamed tributary to Sterry Creek CWF	Lackawanna County Conservation District (570) 281-9495
Quaker Valley Estates Phase III Menallen Township	PAR100148	Dennis Bishop 980 New Road Orrtanna, PA 17353	Pleasant Dale Creek WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 (717) 334-0636
Goldenville Estates Butler Township	PAR100149	Irvin Peifer 204 Stone Mill Drive Elizabethtown, PA 17022	Willoughby Run WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 (717) 334-0636
Conewago Valley Estates Conewago Township	PAR100151 Formerly PAR100022	Conewago Valley Partnership 40 York Street Hanover, PA 17331	Plum Creek WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 (717) 334-0636
Columbia County Benton Borough	PAG2041903001	Columbia County Housing Corp. Richard Kisner 700 Sawmill Rd., Suite 101 Bloomsburg, PA 17815	Fishing Creek CWF	Columbia County Conservation District 702 Sawmill Rd. Suite 204 Bloomsburg, PA 17815 (570) 784-1310
Lycoming County Brady Township	PAR103957	Lycoming County Landfill 447 Alexander Dr. Montgomery, PA 17752	UNT to Black Run CWF	Lycoming County Conservation District 542 County Farm Rd. Suite 202 Montoursville, PA 17754 (570) 433-3003
Tioga County Liberty Township	PAR106651	Global Timer Inc. Fred Confair P. O. Box 131 Liberty, PA 16930	Blacks Creek CWF Blockhouse Creek CWF	Tioga County Conservation District 29 East Ave. Wellsboro, PA 16901 (570) 724-1801
Armstrong County	PAR10B049	Allegheny Energy Supply Co., LLC 4350 Northern Pike Monroeville, PA 15146-2841	Limestone Run WWF	Armstrong County Conservation District (724) 548-3425
Armstrong County	PAR10B050	Rayburn Township Municipal Authority 454B R. D. 6 Kittanning, PA 16201	Cowanshannock Creek WWF	Armstrong County Conservation District (724) 548-3425
Beaver County Chippewa Township	PAR100300	Louis Pappan Fourway Properties Limited Partnership 1198 Mulberry St. Bridgewater, PA 15009	UNT to Brady's Run TSF	Beaver County Conservation District (724) 774-7090
Washington County North Franklin Township	PAR10W217	Lewis Keith 2455 Park Avenue Washington, PA 15301	UNT to Chartiers Creek WWF	Washington County Conservation District (724) 228-6774
Fayette County	PAG2051003002	Markleysburg Borough P. O. Box 25 Markleysburg, PA 15459	Pinkham Run CWF	Fayette County Conservation District (724) 438-4497

<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>
Butler County Fairview Township	PAR10E196	Dennis Kelly Beazer East, Inc. 187 Haysville Road Karns City, PA 16051	UNT to South Branch Bear Creek WWF	Butler County Conservation District (724) 284-5270
Butler County Middlesex Township	PAR10E199	Paul T. Kress Middlesex Township Supervisors 133 Browns Hill Road Valencia, PA 16059-3101	Glade Run WWF	Butler County Conservation District (724) 284-5270
Butler County Cranberry Township	PAR10E202	Ronald W. Wolf Maronda Homes, Inc. RIDC Park West 202 Park West Drive Pittsburgh, PA 15275	Wolfe Run WWF	Butler County Conservation District (724) 284-5270
Crawford County Linesville Borough	PAR102326	Richard Astor Conneaut School District 219 West School Drive Linesville, PA 16424	Linesville Creek WWF	Crawford County Conservation District (814) 724-1793
<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>
Hilltown Township Bucks County	PAR200037	Leonard Kunkin Associates P. O. Box 47 Line Lexington, PA 18932	Mill Creek to East Branch of Perkiomen 3E Watershed	Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6130
City of Philadelphia Philadelphia County	PAR800118	Academy Recycling 8901 Torresdale Ave. Philadelphia, PA 19154	Delaware River 3J Watershed	Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Upper Dublin Township Montgomery County	PAR900001	Waste System Authority of Eastern Montgomery County Stoney Creek Office Ctr. Bldg. 3 151 West Marshall St. Norristown, PA 19104	Sandy Run 3F Watershed	Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Hilltown Township Bucks County	PAR800025	BFI Waste Services of PA, LLC 731 East Reliance Rd. Telford, PA 18969	Mill Creek 3E Watershed	Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Bell Township Clearfield County	PAR2248337	Roy Miller Lumber Co. 444 Newtonburg Road Mahaffey, PA 15757	Unnamed tributary to West Branch Susquehanna River CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
North Union Township Fayette County	PAR606188	M. W. Platt Inc. P. O. Box 68 Uniontown, PA 15401	Redstone 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>
Neville Township Allegheny County	PAR706107	Trumbull Corporation 1020 Lebanon Road West Mifflin, PA 15122-1036	Ohio River—Main Stem	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Derry Township Westmoreland County	PAR806225	PADMVA Fort Indiantown Gap Bldg. 11-47 Annville, PA 17003	McGee Run	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>
Bradford Township Clearfield County	PAG045025	Douglas and Toby Walk 53 Walks Lane P. O. Box 71 Mineral Springs, PA 16855	UNT Roaring Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Colebrook Township Clinton County	PAG045026	William C. Smith 50 Mill Hill Road Lock Haven, PA 17745	UNT West Branch Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
<i>General Permit Type—PAG-9</i>				
<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Contact Office and Telephone No.</i>	
Granville Township Mifflin County	PAG093542	Buck Run Farms 87 Buck Run Lane Lewistown, PA 17044	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707	

## SEWAGE FACILITIES ACT PLAN APPROVAL

### Plan Approval Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a).

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

Plan Name: CVSD Intermediate School

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Oxford Township	P. O. Box 86 New Oxford, PA 17350	Adams County

Plan Description: The approved plan provides for the construction of an intermediate school that will generate approximately 15,000 gpd tributary to a new pump station with final discharge to the New Oxford Municipal Authority sewage treatment plant. The proposed develop-

ment is located on the north side of Berlin Rd., 0.5 mile east of Borough of New Oxford, Adams County. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Required NPDES Permits or WQM Permits must be obtained in the name of the authority.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (Act) require

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

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

The Department has received the following final reports:

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

**Former Conduit and Foundation Facility, Flowers Mill Development**, Middletown Township, **Bucks County**. Joseph W. Standen, Jr., Leggette Brashears & Graham Inc., 436 Brandywine Parkway, West Chester, PA 19380, on behalf of Realen Homes, Michael Stadulis, 1040 Stoney Hill Rd., Suite 100, Yardley, PA 19067, has submitted a Final Report concerning remediation of site soil contaminated with used motor oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Diabase Farms**, Upper Makefield Township, **Bucks County**. Richard D. Trimpi, P. G., Trimpi Associates, Inc., 889 Seminary St., Pennsburg, PA 18073, on behalf of Scott Wendle, Natural Lands Trust, 1031 Palmers Mill Rd., Media, PA 19063, has submitted a Final Report concerning remediation of site soil contaminated with Fuel Oil No. 2. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Conrail Morrisville Rail Yard**, Falls Township, **Bucks County**. Robert M. Byer, Jr., P. G., Shaw Environmental & Infrastructure, Inc., 1160 McDermott Dr., Suite 102, West Chester, PA 19380-4022, on behalf of Consolidated Rail Corp., Neil Ferrone, 1000 Howard Blvd., Suite 400, Mount Laurel, NJ 08045 and PA Lines LLC, Karin Stamy (Norfolk Southern), Three Commercial Place, Norfolk, VA 23510, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel, lead, lubricating oil, PAH, PCB and used motor oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Pasquale Property**, Schuylkill Township, **Chester County**. Donald A. Coleman, P. G., Penn Environmental & Remediation, Inc., 2755 Bergey Rd., Hatfield, PA 19440, on behalf of Donald Pasquale, 355 Valley Park Rd., Phoenixville, PA 19460, has submitted a Final Report concerning remediation of site soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Pemberton Site**, Malvern Borough, **Chester County**. Michael J. Edelman, P. G., URS Corp., 2325 Maryland Rd., 2nd Floor, Willow Grove, PA 19090, on behalf of Shirley Pemberton, C104 Westridge Ct., Phoenixville, PA 19460, has submitted a Remedial Investigation and Cleanup Plan concerning remediation of site soil contaminated with PCB.

**760 Moore Road Property**, Upper Merion Township, **Montgomery County**. Samuel J. Kucia, Environmental Consulting, Inc., 500 E. Washington St., Suite 375, Norristown, PA 19401, on behalf of Jerry V. DeRosa, CHMM, PFPC, Inc., 2 PNC Plaza, 19th Fl., 620 Liberty Ave., Pittsburgh, PA 15222-2719, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to demonstrate remediation of the site to meet the Statewide Health Standard.

**Nappen & Associates**, Towamencin Township, **Montgomery County**. Jason Charles, Environmental Maintenance Co., Inc., 1420 E. Mermaid Lane, Glenside, PA 19038, on behalf of Nappen & Associates, 119 Keystone Dr., Montgomeryville, PA 18936, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with Heating Oil No. 2, 4 and 6. The report is intended to demonstrate remediation of the site to meet the Statewide Health Standard.

**Kurz-Hastings Inc.**, City of Philadelphia, **Philadelphia County**. William F. Schmidt, P. E., Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, on behalf of Kurz-Hastings, Inc., 10901 Dutton Rd., Philadelphia, PA 19154, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with volatiles. The report is intended to demonstrate remediation of the site to meet Statewide Health and Site-Specific Standards.

**Anzon Facility**, City of Philadelphia, **Philadelphia County**. Craig Herr, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of Cookson America, Inc., 1 Cookson Pl., Providence, RI 02903, has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning remediation of site soil contaminated with inorganics, lead, other organics and PAH; and groundwater contaminated with chlorinated solvents, inorganics, lead, MTBE, other organics and PAH.

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

**Smilko Residence**, City of Pottsville, **Schuylkill County**. Rudy Ghergel, SECI Waste Securities, P. O. Box 265, Orwigsburg, PA 17961 has submitted a Final Report (on behalf of Barbara Smilko, Pierce Street, Pottsville, PA) concerning the remediation of soils contaminated with no. 2 fuel oil as the result of an accidental release. The report was submitted to document remediation of the site to meet the Statewide Health Standard. A Notice of Intent to Remediate was simultaneously submitted.

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

**LTV Steel Company—East Mills Disposal Area**, Midland Borough, **Beaver County**. Karen E. Souza, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of LTV Steel Company, Inc., 200 Public Square, Cleveland, OH 44114-2308) has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated



with heavy metals and solvents. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Armstrong Landing**, City of Pittsburgh, **Allegheny County**. Scott Rasmussen, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of CDC Properties, Inc., 15 27th Street, Pittsburgh, PA 15222) has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with lead, BTEX, PAHs, chlorinated hydrocarbons and arsenic. The report is intended to document remediation of the site to meet the Site Specific Standard.

**River Park Commons**, City of Pittsburgh, **Allegheny County**. David R. Perry, American Geosciences, Inc., 3925 Reed Blvd., Suite 400, Murrysville, PA 15668 (on behalf of Ronald Taquinio, R. J. Equities, L. P., 2403 Sidney Street, Suite 200, Pittsburgh, PA 15203 and Earl Brandt, Brookwood, Inc., P. O. Box 9269, Myrtle Beach, SC 29578) has submitted a Final Report concerning remediation of site soil and groundwater contaminated with leaded and unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Westinghouse Specialty Coating Division Facility (Former)**, Manor Borough, **Westmoreland County**. Dean Reed, Viacom Inc., 11 Stanwix Street, Pittsburgh, PA 15222 (on behalf of RANBAR Technologies, Harrison City Road, Manor, PA 15665) has submitted a Risk Assessment Report concerning remediation of site soil and groundwater contaminated with lead, solvents, BTEX, PHCs and PAHs. The report is intended to document remediation of the site to meet the Site Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Act. 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 environ-

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

The Department has received the following plans and reports:

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

**Former Alfa Laval, Inc. Site (Groundwater)**, Warminster Township, **Bucks County**. David Kistner, P. G., URS Corp., 1400 Union Meeting Rd., Suite 202, Blue Bell, PA 19422-1972, has submitted a Final Report concerning the remediation of site groundwater contaminated with chlorinated solvents, inorganics and other organics. The report demonstrated attainment of Statewide Health and Background Standards and was approved by the Department on November 11, 2002.

**West Chester Office Plaza**, West Goshen Township, **Chester County**. Elizabeth Schamberger, Synergy Environmental, Inc., 607 Washington St., Reading, PA 19601, on behalf of Bruce Tahsler, High V Limited Partnership, 1853 William Penn Way, P. O. Box 10008, Lancaster, PA, 17605, has submitted a Final Report concerning the remediation of site soil contaminated with PCB. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 14, 2002.

**Springfield Auto Outlet**, Springfield Township, **Delaware County**. Michael A. Christie, P. G., Penn E & R, Inc., 2755 Bergey Rd., Hatfield, PA 19440, on behalf of Baby Superstore, Inc., 461 From Rd., Paramus, NJ 07652, has submitted a Final Report concerning remediation of site soil contaminated with PCB, BTEX, PAH and solvents. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 27, 2002.

**Sunoco, Inc., Darby Creek Tank Farm**, Darby Borough, **Delaware County**. Steve Baggett, SECOR International, Inc., 102 Pickering Way, Suite 200, Exton, PA, on behalf of Sunoco, Inc., Ten Penn Center, 1801 Market

St., Philadelphia, PA, has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with lead, heavy metals, BTEX, PHC, PAH and solvents. The report was approved by the Department on November 23, 2002.

**Former New Age Industries Facility**, Upper Moreland Township, **Montgomery County**. Henry G. Bienkowski, P. G., Mulry & Cresswell Environmental, Inc., 1691 Horseshoe Pike, Suite 3, Glenmoore, PA 19343, on behalf of Lawrence Ferracci, Cagiva USA, 2300 Maryland Rd., Willow Grove, PA 19090, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with leaded gasoline. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 4, 2002.

**309 Washington Street Site**, Conshohocken Borough, **Montgomery County**. Michael Gonshor, P. G., Roux Associates, Inc., 1222 Forest Parkway, Suite 190, West Deptford, NJ 08066, on behalf of Washington Street Associates, LP, 700 S. Henderson Rd., King of Prussia, PA 19406, has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning remediation of site soil and groundwater contaminated with lead, heavy metals and PAH. The reports were approved by the Department on November 14, 2002.

**3111 East Ontario Street Property**, City of Philadelphia, **Philadelphia County**. Jennifer Pesch, Urban Engineers, Inc., 530 Walnut St., 14th Floor, Philadelphia, PA 19106, on behalf of Jon Edelstein, City of Philadelphia, Dept. of Public Property, Municipal Services Bldg., 1401 JFK Blvd., Philadelphia, PA 19102, has submitted a Baseline Environmental Report concerning remediation of site soil contaminated with lead and groundwater contaminated with used motor oil. The report was disapproved by the Department on November 19, 2002.

**Former Hoffman Market**, City of Philadelphia, **Philadelphia County**. James H. Mulry, Mulry and Cresswell Environmental, Inc., 1691 Horseshoe Pike, Suite 3, Glenmoore, PA, on behalf of NA Jerome Blum, 1719 West End Drive, Philadelphia, PA 19151, has submitted a Final Report concerning remediation of site soil contaminated with unleaded gasoline. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 26, 2002.

**Holmesburg Shopping Center**, City of Philadelphia, **Philadelphia County**. Nancy Repetto, Powell-Harpstead, Inc., 800 E. Washington St., West Chester, PA 19380, on behalf of Leon Silverman, Esq., Stein & Silverman, PC, 230 S. Broad St., Philadelphia, PA 19102, has submitted a Final Report concerning remediation of site soil contaminated with Fuel Oil No. 2. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 20, 2002.

**Vacant Parcel (1126-1130 Spring Garden Street)**, City of Philadelphia, **Philadelphia County**. Jeffrey T. Bauer, Whitestone Associates, Inc., 1120 Welsh Rd., North Wales, PA 19454, on behalf of Ross Goldberg, Posel Management Co., 212 Walnut St., Philadelphia, PA 19106, has submitted a Final Report concerning remediation of site soil contaminated with inorganics and PAH. The report did not demonstrate attainment of Site-Specific Standards and was disapproved by the Department on November 27, 2002.

**LHTW Corp.**, City of Philadelphia, **Philadelphia County**. Steven F. Coe, Brown Environmental Services, Inc., 42 Sequoia Dr., Newtown, PA 18940, on behalf of LHTW Corp., 32 Lockerman Square, Suite L-100, Dover, DE 19904, has submitted a combined Remedial Investigation/Risk Assessment/Cleanup Plan Report concerning remediation of site soil and groundwater contaminated with PHC. The report was approved by the Department on November 21, 2002.

**Former Bridgestone/Firestone Retail Store and Western Metal Bed Co. Site**, City of Philadelphia, **Philadelphia County**. Christopher Orzechowski, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of B.D.F. Corp., B. Featherman, D. Featherman, F. Featherman and Bridgestone/Firestone, 4035-4045 Torresdale Ave., Philadelphia, PA, has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning remediation of site soil and groundwater contaminated with solvents. The reports were approved by the Department on November 22, 2002.

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

**Dyno Nobel Inc. (former IRECO Inc. site)**, Pittston Township, **Luzerne County**. Glenn Randall, Senior Project Manager, URS Corporation, 1400 Union Meeting Road, Suite 202, Blue Bell, PA 19422 submitted a Cleanup Plan (on behalf of Dyno Nobel, 50 S. Main Street, Salt Lake City, UT 84144) concerning the remediation of site soils and groundwater found or suspected to have been contaminated with lead and soils found or suspected to have been contaminated with sulfate, ethylene glycol dinitrate and other metals. The plan was submitted in partial fulfillment of a combination of both the Statewide Health and Site-Specific Standards and was approved on January 6, 2003.

**Pearson Property**, Lake Township, **Luzerne County**. James Sposito, Quad Three Group, Inc., 116 North Washington Avenue, Scranton, PA 18503 submitted a Final Report (on behalf of Pamela Pearson, Loyalville Outlet Road, Harveys Lake, PA) concerning the remediation of soils found or suspected to have been contaminated with no. 2 fuel oil. The report documented attainment of the Statewide Health Standard and was approved on December 26, 2002.

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

**Koch Hydrocarbon, Inc., Schaefferstown Facility**, Heidelberg Township, **Lebanon County**. ARCADIS, 26451 Curtiss Wright Parkway, Suite 100, Cleveland, OH 44143, on behalf of Reiss Remediation, 4111 East 37th Street North, Wichita, KS 67220, submitted a combined remedial investigation and final report concerning the remediation of site soils and groundwater contaminated with lead, BTEX, PHCs and PAHs. The final report did not demonstrate attainment of a combination of Statewide Health and Site Specific Standards and the combined report was disapproved by the Department on January 8, 2003.

**Buttonwood Gateway Complex**, City of Reading, **Berks County**. Synergy Environmental, Inc., 607 Washington Street, Reading, PA 19601, on behalf of Reading Redevelopment Authority, Room 303, City Hall, 815 Washington Street, Reading, PA 19601, submitted a Baseline Environmental Report concerning remediation of soils and groundwater contaminated with chlorinated

solvents, inorganics, lead, other organics, PAHs and PCBs. The site is being remediated as a Special Industrial Area. The report was approved by the Department on January 8, 2003.

**Rite Aid Store No. 246**, Derry Township, **Dauphin County**. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of Rite Aid Corporation, 451 South St. John's Church Road, Camp Hill, PA 17011, submitted a final report concerning remediation of site soils and groundwater contaminated with BTEX and PHCs. The final report demonstrated attainment of a combination of the Statewide Health and Site-Specific Standards and was approved by the Department on January 3, 2003.

**Doerrman Property**, Ruscombmanor Township, **Berks County**. Walter B. Satterthwaite Associates, Inc., 720 Old Fern Hill Road, West Chester, PA 19380, on behalf of Patrick and Amy Doerrman, 3638 Pricetown Road, Fleetwood, PA 19522 and State Farm Insurance, 108 West Airport Road, Lititz, PA 17543, submitted a final report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 30, 2002.

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

**LTV Aliquippa Coke Plant (Former)**, Aliquippa Borough, **Beaver County**. Martin C. Knuth, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Bet Tech Inc., 1150 Brodhead Road, Monaca, PA 15061 and Beaver County Corporation for Economic Development, 250 Insurance Street, Beaver, PA 15009) has submitted a Baseline Environmental Report concerning the remediation of site soil and groundwater contaminated with PCBs, heavy metals, solvents, BTEX and PAHs. The Baseline Environmental Report was approved by the Department on November 19, 2002.

**McCullough Farm Site**, Findlay Township, **Allegheny County**. William G. Weir, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Beazer East, Inc., c/o Three Rivers Management, Inc., One Oxford Center, Pittsburgh, PA 15219; Terry Mamone, 434 Route 30, Imperial, PA 15126; and Robert McCullough, Hebron Road, Imperial, PA 15126) has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with PAHs and VOCs. The Remedial Investigation Report was approved by the Department on October 18, 2002.

**Ewing's Mill**, Buffington Township, **Indiana County**. Keith Cessna, McCutcheon Enterprises, Inc., 250 Park Road, Apollo, PA 15613 (on behalf of Thomas Rivosecchi, Simpson, Kablack & Bell, 834 Philadelphia Street, Indiana, PA 15701) has submitted a Final Report concerning the remediation of site soil contaminated with fuel oil no. 4, fuel oil no. 5, fuel oil no. 6 and Pennzoil Brightstock, a heavy lubricating oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 13, 2002.

## INFECTIOUS AND CHEMOTHERAPEUTIC WASTE GENERAL PERMITS

**Permits Revoked under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Infectious and Chemotherapeutic Waste Processing Facilities.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit No. WMGI007R002. Holy Redeemer Hospital and Medical Center**, 1648 Huntingdon Pike, Meadowbrook, PA 19046. This general permit registration was issued in 1999 to Holy Redeemer Hospital and Medical Center for the processing of infectious waste using the ChemClave disinfection system. At the request of the permittee, the Department hereby revokes this general permit registration. This action was taken in the Central Office on January 10, 2003.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

**Permit No. 100739. Western Berks Refuse Authority**, 455 Popular Neck Rd., Birdsboro, PA 19508-9804, Cumru Township, **Berks County**. The permit modification is for the Western Berks Refuse Authority's Radiation Protection Action and Monitoring Plan. The permit was approved by the Southcentral Regional Office on January 7, 2003.

Persons interested in reviewing the general permit may contact John Krueger, Program Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

**Permits Deemed Complete 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.**

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. 101102. Waste Management of Central PA**, 4300 Industrial Park Road, Camp Hill, PA 17011-5749, for Strawser's Transfer Station located in Union Township, **Union County**. A Major Permit Modification was received for a Radiation Protection Plan. The permit was deemed complete by the Williamsport Regional Office on January 6, 2003.

**Permit No. 101252. Waste Management of Central PA**, 4300 Industrial Park Road, Camp Hill, PA 17011-5749, for Picture Rocks Transfer Station located in Pic-

ture Rocks Borough, **Lycoming County**. A Major Permit Modification was received for a Radiation Protection Plan. The permit was deemed complete by the Williamsport Regional Office on January 6, 2003.

**Permit No. 101125. Lycoming County Transfer Station**, Lycoming County Courthouse, 48 West 3rd Street, Williamsport, PA 17701-6536, Williamsport City, **Lycoming County**. A major permit modification was received for a Radiation Monitoring Plan. The permit was deemed complete by the Williamsport Regional Office on January 9, 2003.

**Permit No. 101315. Millville Transfer Station**, R. R. 1, Millville, PA 17846-9801, Madison Township, **Columbia County**. The major permit modification was received for a Radiation Protection Plan. The permit was deemed complete by the Williamsport Regional Office on January 6, 2003.

**Permit No. 101323. Sunbury Transfer Station**, 225 Market Street, Sunbury, PA 17801-3413, Municipal Authority of the City of Sunbury located in **Northumberland County**. A major permit modification was received for a Radiation Monitoring Plan. The permit was deemed complete by the Williamsport Regional Office on January 10, 2003.

Persons interested in reviewing a permit may contact David Garg, P. E., Acting Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3653. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

**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 No. 101571. Mostoller Landfill, Inc.**, 7095 Glades Pike, Somerset, PA 15501. Operation of a municipal waste landfill in Brothervalley and Somerset Townships, **Somerset County**. A permit modification approving the Radiation Monitoring Plan and Meteorological Monitoring Plan was issued in the Regional Office on January 9, 2003.

Persons interested in reviewing the permit may contact the Department of Environmental Protection, Land Recycling and Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; (412) 442-4000; TDD users may contact the Department through the Pennsylvania Relay Service at (800) 654-5984.

**MUNICIPAL AND RESIDUAL WASTE TRANSPORTER AUTHORIZATION**

**Issued applications for Municipal and Residual Waste Transporter Interim Authorization received under the Waste Transportation Safety Act (27 Pa.C.S. §§ 6201—6209) and regulations to transport municipal or residual waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472.*

**Millersville University**, P. O. Box 1002, Millersville, PA 17551. Authorization No. WH0488. Effective January 9, 2003.

**LU Transport Inc.**, 2648 W. 50th St., Chicago, IL 60632. Authorization No. WH0533. Effective January 9, 2003.

**City of Philadelphia**, 100 S. Broad St., 3rd Fl., Philadelphia, PA 19110. Authorization No. WH2421. Effective January 9, 2003.

**Eastern Trucking USA**, 401 Jefferson Ave., Elizabeth, NJ 07001. Authorization No. WH2357. Effective January 9, 2003.

**Emerald Equipment Leasing Inc.**, Broadway King and Essex St., Gloucester City, NJ 08030. Authorization No. WH2351. Effective January 9, 2003.

**Jorcilei J. Depaula**, 850 Frelinghysen Ave., Newark, NJ 07114. Authorization No. WH1832. Effective January 9, 2003.

**Duncannon Borough, Perry County**, P. O. Box 9, 428 N. High St., Duncannon, PA 17020. Authorization No. WH1615. Effective January 9, 2003.

**BCJ Trucking**, 850 Frelinghysen Ave., Newark, NJ 07114. Authorization No. WH1541. Effective January 9, 2003.

**Mario E. Diaz**, 143 Morris Ave., Summit, NJ 07901. Authorization No. WH1224. Effective January 9, 2003.

**EM Trucking Corp.**, 620 North 9 St., Newark, NJ 07107. Authorization No. WH1208. Effective January 9, 2003.

**Hector J. Cardona**, Apt. 7Q, 300 Parsippany Road, Parsippany, NJ 07054. Authorization No. WH1213. Effective January 9, 2003.

**Meade Bros. Trucking Inc.**, 1204 Fifth Ave., McKeesport, PA 15132. Authorization No. WH0602. Effective January 10, 2003.

**Tom Danley's Disposal**, P. O. Box 34, Sunbury, PA 17801-0034. Authorization No. WH1421. Effective January 10, 2003.

**E. K. Eckert**, 159 S. Prospect St., Hallam, PA 17406. Authorization No. WH1422. Effective January 10, 2003.

**Aaron Fry**, Main St., P. O. Box 14, Gipsy, PA 15741. Authorization No. WH1423. Effective January 10, 2003.

**American Disposal Sys. Inc.**, Suite 1A, 4575 Torresdale Ave., Philadelphia, PA 19124-3449. Authorization No. WH1425. Effective January 10, 2003.

**T & J Trucking Inc.**, 2 Westbury Road, Hampton Bays, NY 11946. Authorization No. WH1426. Effective January 10, 2003.

**Casings Inc.**, P. O. Box 731, Catskill, NY 12414-0731. Authorization No. WH1437. Effective January 10, 2003.

**Casings of New Jersey Inc.**, P. O. Box 731, Catskill, NY 12414-0731. Authorization No. WH1438. Effective January 10, 2003.

**Kirk S. Diehl**, 3306 Main Road, Bedford, PA 15522. Authorization No. WH1439. Effective January 10, 2003.

**Todd J. Livengood**, 4970 Main Road, Bedford, PA 15522. Authorization No. WH1440. Effective January 10, 2003.

**Kayle B. Diehl**, 3306 Main Road, Bedford, PA 15522. Authorization No. WH1441. Effective January 10, 2003.

**RB Christel Inc.**, 801 Route 100, Bechtelsville, PA 19505. Authorization No. WH1443. Effective January 10, 2003.

**Mike Spano & Sons Inc.**, 2900 E. Schiller St., Philadelphia, PA 19134. Authorization No. WH1444. Effective January 10, 2003.

**Dickinson College**, P. O. Box 1773, Carlisle, PA 17013-2896. Authorization No. WH1447. Effective January 10, 2003.

**Earth Movers Equipment Co.**, P. O. Box 187, Kylertown, PA 16847-0187. Authorization No. WH1448. Effective January 10, 2003.

**Sylvester's Service Inc.**, 35 Lower Bailey Road, Duncannon, PA 17020. Authorization No. WH1446. Effective January 10, 2003.

**Bill Carson's Disposal**, 621 Capri Road, Lancaster, PA 17603. Authorization No. WH1449. Effective January 10, 2003.

**Eldredge Inc.**, 898 Fernhill Road, West Chester, PA 19380-4202. Authorization No. WH1450. Effective January 10, 2003.

**J E D Service Inc.**, 3000 Grand Ave., Neville Island, PA 15225. Authorization No. WH1452. Effective January 10, 2003.

**Michael Bros. Hauling Inc.**, P. O. Box 157, Bethel Park, PA 15102-0157. Authorization No. WH1453. Effective January 10, 2003.

**Plastic Development Co.**, P. O. Box 4007, Williamsport, PA 17701-0607. Authorization No. WH1454. Effective January 10, 2003.

**MW Farmer & Co.**, 13 Fleming St., South Williamsport, PA 17701. Authorization No. WH1455. Effective January 10, 2003.

**Cook Trucking Co.**, Box 363, Cherry St., Worthington, PA 16262-0363. Authorization No. WH1456. Effective January 10, 2003.

**Walter L. Walters**, 554 Valley Drive, Somerset, PA 15501. Authorization No. WH1457. Effective January 10, 2003.

**Destiny Trucking Inc.**, 11 Mayflower Drive, Sicklerville, NJ 08081. Authorization No. WH1458. Effective January 10, 2003.

**Speicher Roofing Inc.**, 2215 Fleur Lane, Bethlehem, PA 18018. Authorization No. WH1459. Effective January 10, 2003.

**Royers' Sanitation**, 1453 Stanford Road, Bethlehem, PA 18018. Authorization No. WH1460. Effective January 10, 2003.

**C. J. Christiana**, R. R. 5 Box 5240, Lake Ariel, PA 18436-7829. Authorization No. WH1462. Effective January 10, 2003.

**Gary Freiermuth**, R. R. 2 Box 2125, Beach Lake, PA 18405-9708. Authorization No. WH1463. Effective January 10, 2003.

**S & R Hauling**, 958 W. Line Road, Linden, PA 17754. Authorization No. WH1464. Effective January 10, 2003.

**Diamond Material LLC**, 924 S. Herald St., Wilmington, DE 19801. Authorization No. WH1465. Effective January 10, 2003.

**Walter G. Burba Trucking**, 23607 Route 286 Highway East, Glen Campbell, PA 15724. Authorization No. WH1466. Effective January 10, 2003.

**Barry's Disposal Service**, 232 Kashner Road, Danville, PA 17821-9314. Authorization No. WH1467. Effective January 10, 2003.

**Minnier Bros. Disposal**, R. R. 3 Box 18A, Sunbury, PA 17801-9303. Authorization No. WH1468. Effective January 10, 2003.

**Robert A. Cathers**, 140 Belview Road, Phillipsburg, NJ 08865. Authorization No. WH1469. Effective January 10, 2003.

**B & K Trucking**, R. R. 1 Box 170D, Kingsley, PA 18826. Authorization No. WH1470. Effective January 10, 2003.

**Haulitt Disposal Service, Inc.**, 1830 Station Road, P. O. Box 135, Fryburg, PA 16326. Authorization No. WH1413. Effective January 9, 2003.

**Empire Wrecking Company of Reading, PA**, 1420 Clarion Street, Reading, PA 19601-1700. Authorization No. WH1417. Effective January 9, 2003.

**Kevin L. Peacock**, 1585 Wells Road, Williamsport, PA 17702. Authorization No. WH1607. Effective January 9, 2003.

**Eagle Transportation**, 1886 Elimsport Road, Montgomery, PA 17752. Authorization No. WH1608. Effective January 9, 2003.

**Slates Brothers Hauling**, Road 1, Box 2173, Three Springs, PA 17264. Authorization No. WH1621. Effective January 9, 2003.

**Professional Properties Services, Inc.**, 526 S. Queen Street, Lancaster, PA 17603-5620. Authorization No. WH1611. Effective January 9, 2003.

**F. T. Trucking Corporation**, 84 Liberty Boulevard, Valley Stream, NY 11580-5009. Authorization No. WH1622. Effective January 9, 2003.

**J & G Disposal**, 2533 Foxianna Road, Middletown, PA 17057. Authorization No. WH1624. Effective January 9, 2003.

**Trenton City**, 707 Calhoun Street, Trenton, NJ 08618. Authorization No. WH1625. Effective January 9, 2003.

**Joseph G. Bunnell**, 267 Tryon Street, Honesdale, PA 18431. Authorization No. WH1626. Effective January 9, 2003.

**Blue Mountain Sanitary, Inc.**, 3263 Summer Valley Road, New Ringgold, PA 17960. Authorization No. WH1627. Effective January 9, 2003.

**G. L. Williams Sanitation**, P. O. Box 117, Port Matilda, PA 16879. Authorization No. WH1628. Effective January 9, 2003.

**Grover C. Dowdy**, 310 NE 28th Street No. 208, Oklahoma City, OK 73105. Authorization No. WH1629. Effective January 9, 2003.

**CAC Trucking**, 7420 Durham Avenue No. 2, North Bergen, NJ 07047. Authorization No. WH1630. Effective January 9, 2003.

**Bousum's Transport, Inc.**, Bethel Road, P. O. Box 290, Petersburg, PA 16669-0290. Authorization No. WH1664. Effective January 9, 2003.

**Randall L. and Margaret S. Swinger**, 1908 Cambria Avenue, Windber, PA 15963. Authorization No. WH1665. Effective January 9, 2003.

**Ryan F. Creel**, Geidel Road, R. D. 1, Box 195, Ford City, PA 16226-9623. Authorization No. WH1666. Effective January 9, 2003.

**Potts & Monger Sanitation, Inc.**, 18 Potts Road, Pine Grove, PA 17963-9112. Authorization No. WH1668. Effective January 9, 2003.

**Rittenhouse & Sons, Inc.**, P. O. Box 655, 105 W. Paletown Road, Quakertown, PA 18951. Authorization No. WH1670. Effective January 9, 2003.

**Arsenberger Trucking Co., Inc.**, P. O. Box 161, 681 Mill Run Road, Mill Run, PA 15464. Authorization No. WH1672. Effective January 9, 2003.

**JPS Equipment Co.**, P. O. Box 788, Edgmont, PA 19028. Authorization No. WH1673. Effective January 9, 2003.

**John Thrower Jr. Trucking Corporation**, 108 Albin Road, Saxonburg, PA 16056. Authorization No. WH1674. Effective January 9, 2003.

**I.G.W.T. Corporation**, 702 Newark Pompton Turnpike, Pompton Plains, NJ 07444. Authorization No. WH1676. Effective January 9, 2003.

**Suburban Waste Services, Inc.**, 4214 Chatham Circle, Aston, PA 19014. Authorization No. WH1677. Effective January 9, 2003.

**Robert M. Scarfone**, 703 Pocono Drive, East Stroudsburg, PA 18301-8787. Authorization No. WH1671. Effective January 9, 2003.

**Joao Decavvalho**, 43 Jefferson Street No. 227, Newark, NJ 07105. Authorization No. WH0977. Effective January 9, 2003.

**Will Haul, Inc.**, P. O. Box 28808, Philadelphia, PA 19151-4023. Authorization No. WH1282. Effective January 9, 2003.

**C & S Trucking Company**, 566 14th Avenue, Paterson, NJ 07504. Authorization No. WH1310. Effective January 9, 2003.

**J. J. Diettrich & Son**, 401 Locust Street, McKees Rocks, PA 15136-3509. Authorization No. WH1376. Effective January 9, 2003.

**Paul Pizzutto**, 352 Dewitt Street, Linden, NJ 07036. Authorization No. WH1381. Effective January 9, 2003.

**Joaquim Matias**, 593 Devon Street, Kearny, NJ 07032. Authorization No. WH1382. Effective January 9, 2003.

**Gurminder Singh**, Apt. 3, 300 Elmira Street, White Haven, PA 18661. Authorization No. WH1383. Effective January 9, 2003.

**Sidnei Jensen**, Apt. 11, 23-25 Mott Street, Newark, NJ 07105. Authorization No. WH1384. Effective January 9, 2003.

**John Seiler d/b/a Gem Trucking**, P. O. Box 445, Branchville, NJ 07826. Authorization No. WH1387. Effective January 9, 2003.

**T. I. Transport, Inc.**, 2 Sycamore Lane, Port Chester, NY 10573. Authorization No. WH1388. Effective January 9, 2003.

**Asbestos Transportation Co., Inc.**, 2 Moriches Middle Island Road, Shirley, NY 11967. Authorization No. WH1389. Effective January 9, 2003.

**Tommel Trucking**, 3709 Dry Run Road, Monongahela, PA 15063. Authorization No. WH1390. Effective January 9, 2003.

**Eliandro B. Ramos**, Apt. 3, 16 Fairview Drive, Danbury, CT 06810. Authorization No. WH1393. Effective January 9, 2003.

**GLR Trucking Co., Inc.**, 216 Brighton Avenue, Kearny, NJ 07032. Authorization No. WH1394. Effective January 9, 2003.

**Laporte Township**, P. O. Box 100, Laporte, PA 18626-0100. Authorization No. WH1395. Effective January 9, 2003.

**Metzler Forest Products, LLC**, 131 Sawmill Road, Belleville, PA 17004. Authorization No. WH1397. Effective January 9, 2003.

**Charlie Jr. Trucking Corporation**, 49 Peck Avenue, Newark, NJ 07107. Authorization No. WH1398. Effective January 9, 2003.

**Edward Express Company**, 887 Park Avenue, Trenton, NJ 08629. Authorization No. WH1399. Effective January 9, 2003.

**Williamsport Sanitary Authority**, 253 West 4th Street, Williamsport, PA 17701-6113. Authorization No. WH1400. Effective January 9, 2003.

**Castro Trucking Corporation**, 318 Hamilton Street, Harrison, NJ 07029. Authorization No. WH1471. Effective January 9, 2003.

**T. J. Trucking Company**, 106 Cat's Lane, Hyndman, PA 15545. Authorization No. WH1472. Effective January 9, 2003.

**Joseph J. Sage**, 17 Middlesex Avenue, Hainesport, NJ 08036. Authorization No. WH1473. Effective January 9, 2003.

**Geraldo Souza**, 504 Harrington Street, Perth Amboy, NJ 08861. Authorization No. WH1474. Effective January 9, 2003.

**John Glenn Sanitation Service, Inc.**, P. O. Box 683, Philipsburg, PA 16866-0683. Authorization No. WH1475. Effective January 9, 2003.

**P & G Mushroom Co., Inc.**, 1011 Kaolin Road, P. O. Box 190, Kennett Square, PA 19348-0190. Authorization No. WH1476. Effective January 9, 2003.

**East Coast Resources LLC**, Suite 200, 6811 Kenilworth Avenue, Riverdale, MD 20737. Authorization No. WH1477. Effective January 9, 2003.

**Delmar System, Inc.**, 6015 Farrington Avenue, Alexandria, VA 22304. Authorization No. WH1478. Effective January 9, 2003.

**Kohler Waste Services, Inc.**, P. O. Box 130, 333 Hollywood Avenue, Gillette, NJ 07933-0130. Authorization No. WH1479. Effective January 9, 2003.

**United Oil Recovery, Inc.**, 14 West Main Street, Meriden, CT 06451. Authorization No. WH1480. Effective January 9, 2003.

**Ruan Transport Corporation**, P. O. Box 855, Des Moines, IA 50304. Authorization No. WH1481. Effective January 9, 2003.

**Environmental Products & Services, Inc.**, 532 State Fair Boulevard, P. O. Box 315, Syracuse, NY 13209-0315. Authorization No. WH1482. Effective January 9, 2003.

**Nappi Trucking Corporation**, 151C Morristown Road, P. O. Box 510, Matawan, NJ 07747-0510. Authorization No. WH1483. Effective January 9, 2003.

**Avilio G. Rodriguez**, Apartment B13, 111 Passaic Avenue, Nutley, NJ 07110. Authorization No. WH1485. Effective January 9, 2003.

**Dagoberto Umanta**, 15 High Street, Nutley, NJ 07110. Authorization No. WH1486. Effective January 9, 2003.

**A. H. Cornell & Son, Inc.**, 2362 York Road, P. O. Box 311, Jamison, PA 18929. Authorization No. WH1487. Effective January 9, 2003.

**Enviro-Waste Solutions, Inc.**, 1033B North Delsea Drive, P. O. Box 255, Clayton, NJ 08312. Authorization No. WH1488. Effective January 9, 2003.

**Miele Sanitation Company**, 60 Railroad Avenue, Cloister, NJ 07624. Authorization No. WH1489. Effective January 9, 2003.

**H & H Disposal, Inc.**, 1411 West Market Street, Williamstown, PA 17098. Authorization No. WH1490. Effective January 9, 2003.

**Recoil Inc.**, 280 East St., York, PA 17403-1292. Authorization No. WH1385. Effective January 10, 2003.

**Hamdania Corp.**, M4B Hensyn Village, Budd Lake, NJ 07828. Authorization No. WH1442. Effective January 10, 2003.

**George Sovern's Trucking**, 339 Breakiron Road, Connelville, PA 15425. Authorization No. WH1445. Effective January 10, 2003.

**Woolrich Inc.**, 2 Mill St., Woolrich, PA 17779. Authorization No. WH1511. Effective January 10, 2003.

**Littlestown Borough, Adams County**, 46 E. King St., Littlestown, PA 17340-1697. Authorization No. WH1512. Effective January 10, 2003.

**Manchester Township, York County**, 3200 Farmtrail Road, York, PA 17402-9699. Authorization No. WH1515. Effective January 10, 2003.

**DLJ Logistics Inc.**, P. O. Box 247, 188 Hillside Ave., Nutley, NJ 07110. Authorization No. WH1519. Effective January 10, 2003.

**Indiana Sanitation Inc.**, 875 Old Route 119 N, Indiana, PA 15701. Authorization No. WH1520. Effective January 10, 2003.

**Beatty Construction & Wreckers Ltd.**, P. O. Box 414, Nazareth, PA 18064. Authorization No. WH1521. Effective January 10, 2003.

**Triad Transport Inc.**, 1630 Diesel Ave., P. O. Box 818, McAlester, OK 74502-0818. Authorization No. WH1522. Effective January 10, 2003.

**World Resource Recovery Sys. Inc.**, 1631 East Ave., Erie, PA 16503-2365. Authorization No. WH1523. Effective January 10, 2003.

**Woolston Co. Inc.**, P. O. Box 86, Bordentown, NJ 08505. Authorization No. WH1526.

**W. W. Friedline Inc.**, 1027 Pleasant Hill Road, Somerset, PA 15501. Authorization No. WH1527. Effective January 10, 2003.

**Environmental Waste Specialists Inc.**, 14325 G. Willard Road, Chantilly, VA 20151. Authorization No. WH1529. Effective January 10, 2003.

**Quality Disposal Inc.**, Welsh Road, P. O. Box 604, Honey Brook, PA 19344. Authorization No. WH1530. Effective January 10, 2003.

**DEL Service Inc.**, 7814 Nixon St., Philadelphia, PA 19128. Authorization No. WH1531. Effective January 10, 2003.

**Pacman Trucking Inc.**, 17 Kamn Ave., South River, NJ 08882. Authorization No. WH1532. Effective January 10, 2003.

**SW Johnson Inc.**, 130 Independence Lane, Mt. Laurel, NJ 08054. Authorization No. WH1535. Effective January 10, 2003.

**Terry L. Shetter**, 365 Musser Road, Shippensburg, PA 17257-9385. Authorization No. WH1537. Effective January 10, 2003.

**CI Stout & Son Inc.**, 624 N. Hanover St., Pottstown, PA 19464-4518. Authorization No. WH1538. Effective January 10, 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; Contact: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**GP3-22-03046A: Haines & Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474) on January 6, 2003, was authorized to operate a portable nonmetallic mineral processing plant under GP3 in Lower Swatara Township, **Dauphin County**.

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

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

**66-301-010: R H Jones Crematory** (2 Twin Drive, Tunkhannock, PA 18657) on December 23, 2002, for construction of a human crematory and associated air cleaning device at their facility in Tunkhannock Township, **Wyoming County**.

**35-318-082: Gentex Corp.** (P. O. Box 315, Carbondale, PA 18407) on January 7, 2003, for installation of an air-cleaning device to control atmospheric emissions from three coating lines at their facility in Fell Township, **Lackawanna County**.

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

**67-05024D: Lehigh Cement Co.** (200 Hokes Mill Road, York, PA 17404) on January 6, 2003, for modification of limestone unloading controlled by a fabric filter in West Manchester Township, **York County**.

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

**08-399-036E: OSRAM SYLVANIA Products, Inc.** (Hawes Street, Towanda, PA 18848) on December 3, 2002, for installation of an air cleaning device (a modular media filtration system) on a plastic mold curing oven in North Towanda Township, **Bradford County**.

**08-303-003C: Eastern Industries, Inc.** (4401 Camp Meeting Road, Center Valley, PA 18034) on December 10, 2002, for modification of a batch mix asphalt concrete

plant by using reprocessed waste oil as fuel in the plant's aggregate dryer in Wysox Township, **Bradford County**.

**60-303-003: Eastern Industries, Inc.** (P. O. Box 177, Winfield, PA 17889) on December 11, 2002, for construction of a virgin no. 2 fuel oil and reprocessed waste oil-fired drum mix asphalt concrete plant and associated air cleaning device (a fabric collector) in Buffalo Township, **Union County**. This plant is subject to Subpart I of the Federal Standards of Performance for New Stationary Sources.

**59-00003A: OSRAM SYLVANIA Products, Inc.** (One Jackson Street, Wellsboro, PA 16901) on December 16, 2002, for construction of a light bulb frosting operation and a frosting solution reclaim system, the modification of an existing light bulb frosting operation, the installation of an air cleaning device (a packed bed scrubber) on both light bulb frosting operations and the frosting solution reclaim system and the construction of a wastewater treatment plant filter press and two lime mixers in Wellsboro Borough, **Tioga County**.

**18-00011E: Croda, Inc.** (8 Croda Way, Mill Hall, PA 17751) on December 17, 2002, for construction of VOC/volatile hazardous air pollutant-containing product loading operations in Bald Eagle Township, **Clinton County**.

**08-399-003E: OSRAM SYLVANIA Products, Inc.** (Hawes Street, Towanda, PA 18848) on December 31, 2002, for installation of an air cleaning device (a venturi/packed tower scrubbing system) on a molybdenum pentachloride reactor in North Towanda Township, **Bradford County**.

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

**16-010A: Owens-Brockway Glass Container** (151 Grand Avenue, Clarion, PA 16214) on December 30, 2002, for installation of a baghouse on the hot end surface treatment process in Clarion, **Clarion County**.

**24-157A: Energy Resources, Mine 33** (Drummond Road, Brockport, PA 15823) on December 24, 2002, for construction of a coal prep plant in Horton Township, **Elk County**.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

**46-0037G: Cabot Performance Materials** (County Line Road, Boyertown, PA 19512) on January 8, 2003, for operation of a boiler house in Douglass Township, **Montgomery County**.

**46-0037D: Cabot Performance Materials** (County Line Road, Boyertown, PA 19512) on January 9, 2003, for operation of Ta and Nb products in Douglass Township, **Montgomery County**.

**46-0037H: Cabot Performance Materials** (County Line Road, Boyertown, PA 19512) on January 9, 2003, for operation of a VOC in Douglass Township, **Montgomery County**.

**46-0014B: Knoll, Inc.** (1235 Water Street, East Greenville, PA 18041) on January 9, 2003, for operation of

a tornado dust collector to exhaust in Upper Hanover Township, **Montgomery County**.

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

**49-317-003: Butter Krust Baking Co., Inc.** (249 North Eleventh Street, Sunbury, PA 17801) on January 2, 2003, for operation of a bread and roll baking line and associated air cleaning device (a catalytic oxidizer) on a temporary basis until May 2, 2003, in Northumberland Borough, **Northumberland County**. The plan approval was extended.

**08-318-027C: Mill's Pride—Pennsylvania** (100 Lamoka Road, Sayre, PA 18840) on January 3, 2003, to extend the plan approval, as well as the authorization to operate two 28.7 million Btu per hour natural gas/woodwaste-fired boilers and associated air cleaning devices (a dual set of multiclones on each boiler in series with an electrostatic precipitator common to both) on a temporary basis, to May 3, 2003, in Athens Township, **Bradford County**. The boilers are subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources.

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

**10-284B: Seneca Landfill, Inc.** (Hartman Road, Mars, PA 16046) on December 31, 2002, for a gas management system in Jackson Township, **Butler County**.

**42-195A: Ram Forest Products, Inc.** (Route 44, Ceres Road, Shinglehouse, PA 16748) on December 30, 2002, for a wood fired boiler in Ceres Township, **McKean County**.

**42-198A: Elkhorn Field Services, Kane Plant** (Clay Street, Kane, PA 16735) on December 31, 2002, for compressor engines in Wetmore Township, **McKean County**.

**42-004A: American Refining Group, Inc.** (77 North Kendall Avenue, Bradford, PA 16701) on December 31, 2002, for construction of the isomer unit in Bradford, **McKean County**.

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

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

**06-0505: Sunoco Pipeline, LP** (1801 Market Street, Philadelphia, PA 19103-1699) for operation of its Montello Pump Station in Spring Township, **Berks County**. On January 8, 2003, the Title V Operating Permit was administratively amended to reflect a change in ownership from Sun Pipe Line Company to Sunoco Pipeline, LP. This is Revision No. 1 of the operating permit.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: Mark Wayner, Facilities Permitting Chief, (412) 442-4174.*

**04-00235: Pennsylvania Power Co.—Bruce Mansfield Station** (76 South Main Street, Akron, OH 44308) for operation of three coal-fired boilers in Shippingport Borough, **Beaver County**. This is a renewal of the Title IV (Acid Rain) operating permit.



*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.*

**10-00311: The F. B. Leopold Co., Inc.** (227 South Division Street, Zelienople, PA 16063-1313) on January 9, 2003, for issuance of a Title V Operating Permit in Zelienople Borough, **Butler County**. The F. B. Leopold Co., Inc. air emission sources are a small gas-fired boiler, a degreaser and the fiberglass spray up area. The facility, because of styrene emissions, is a Title V facility and is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

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

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

**22-03044: Mack Trucks, Inc.** (2800 Commerce Drive, Middletown, PA 17057-3294) on January 8, 2003, for operation of its engine remanufacturing facility in Lower Swatara Township, **Dauphin County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.*

**42-00193: Allegheny Bradford Corp. Manufacturing** (1522 South Avenue, Lewis Run, PA 16738) on January 7, 2003, for a Natural Minor Operating Permit to operate a stainless steel polishing operation in Lewis Run Borough, **McKean County**.

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

**02-002: Cage Graphic Arts** (2781 Roberts Avenue, Philadelphia, PA 19129) on January 2, 2002, for manufacturing of printing plates for the flexographic printing industry in the City of Philadelphia, **Philadelphia County**. The synthetic minor facility's air emission sources include two photo processing units, two plate dryers and two distillation stills.

**95-073: Philadelphia International Airport** (8800 Essington Avenue, Philadelphia, PA 19153) on January 7, 2003, for the operation of an airport in the City of Philadelphia, **Philadelphia County**. The synthetic minor facility's air emission sources include three 23.4 mmBtu/hr no. 2 oil/natural gas dual-fired boilers, one 20.9 mmBtu/hr no. 2 oil/natural gas dual-fired boiler, two 16.9 mmBtu/hr no. 2 oil/natural gas dual-fired boilers, six natural gas-fired boilers each rated at less than 5 mmBtu/hr, 44 natural gas-fired heaters each rated at less than 3 mmBtu/hr and nine diesel-fired emergency generators.

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

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Eric Gustafson, Facilities Permitting Chief, (814) 332-6940*

**61-00193: National Fuel Gas Supply Corp.** (R. D. 2, Stoneboro, PA 16153) on January 7, 2003, to administratively amend the previous Natural Minor operating permit (issued on April 11, 2000) for their Henderson Compressor Station in Mineral Township, **Venango County**. This administrative amendment incorporates the changes authorized by Plan Approval 61-193B.

**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); 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). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).**

*Coal Permits Actions*

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

**02020201 and NPDES Permit No. 0250121. Coal Valley Sales Corp.** (623 West Walheim Road, Pittsburgh, PA 15215). Permit for commencement, operation and reclamation of a bituminous surface coal refuse reprocessing mine located in Plum Borough, **Allegheny County**, affecting 158 acres. Receiving streams: unnamed tributary to Little Plum Creek and Little Plum Creek, classified for WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received April 16, 2002. Permit issued January 7, 2003.

*Noncoal Permits Actions*

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

**7975SM1A1C6 and NPDES Permit PA0045047. Haines & Kibblehouse, Inc.** (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for existing discharge of treated mine drainage in Hilltown Township, **Bucks County**, receiving stream: unnamed run to Morris Run. Application received November 19, 2002. Renewal issued January 7, 2003.

**5278SM2C5 and NPDES Permit PA0595764. Hanson Aggregates Pennsylvania, Inc.** (1900 Sullivan Trail, PA Box 231, Easton, PA 18044), renewal of NPDES Permit for existing discharge of treated mine drainage in Lake Township, **Wayne County**, receiving stream: unnamed tributary to Middle Creek. Application received November 22, 2002. Renewal issued January 7, 2003.

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

**08010816. Konstantinos Economou**, 1321 Deer Run Road, Hatfield, PA 19440. Commencement, operation and

restoration of a Small Industrial Minerals (Flagstone/Bluestone) permit in Stevens Township, **Bradford County** affecting 3.0 acres. Receiving streams: Cold Creek, tributary to Wyalusing Creek. Application received July 13, 2001. Permit issued December 30, 2002.

**08010817. Henry and Martha Meglich**, R. R. 1, Box 100A, Stevensville, PA 18845. Commencement, operation and restoration of a Small Industrial Minerals (Bluestone) permit in Stevens Township, **Bradford County** affecting 3.0 acres. Receiving streams: unnamed tributary to Cold Creek. Application received July 13, 2001. Permit issued December 30, 2002.

**08020807. Donald E. Johnson, Sr.**, R. R. 2, Box 278, Towanda, PA 18848. Commencement, operation and restoration of a Small Industrial Minerals (Bluestone) permit in Asylum Township, **Bradford County** affecting 3.0 acres. Receiving streams: Susquehanna River. Application received June 28, 2002. Permit issued January 3, 2003.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

#### *Blasting Permits Actions*

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

**14024028. CDG Properties, LLC**, Box 11173, State College, PA 16805 for construction blasting, located in Ferguson Township, **Centre County**, with an expected duration of 10 days. Permit issued January 2, 2003.

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

**15024032. Thomas J. Angelozzi, Inc.** (7845 Kabik Court, Woodbine, MD 21797), construction blasting in South Coatesville Borough, **Chester County** with an expiration date of December 31, 2004. Permit issued January 7, 2003.

**45024091. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Hampton Township, **Monroe County** with an expiration date of December 10, 2003. Permit issued January 7, 2003.

**28024042. David H. Martin Excavating, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting in Antrim Township, **Franklin County** with an expiration date of April 17, 2002. Permit issued January 7, 2003.

**39024027. Schlouch Incorporated** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting in Lower Macungie Township, **Lehigh County** with an expiration date of January 31, 2004. Permit issued January 7, 2003.

**28024043. David H. Martin Excavating, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting in Chambersburg Borough, **Franklin County** with an expiration date of July 31, 2002. Permit issued January 7, 2003.

**46024073. Labrador Construction Co., Inc.** (P. O. Box 1379, Marshalls Creek, PA 18335), construction blast-

ing in Worchester Township, **Montgomery County** with an expiration date of July 1, 2003. Permit issued January 7, 2003.

**48024036. Chrin, Inc.** (400 South Greenwood Avenue, Easton, PA 18045), construction blasting in Forks Township, **Northampton County** with an expiration date of August 15, 2003. Permit issued January 8, 2003.

**45024092. Rick Rufe Drilling & Blasting** (R. R. 6 Box 63608, Saylorsburg, PA 18353), construction blasting in Chestnut Hill Township, **Monroe County** with an expiration date of April 26, 2003. Permit issued January 8, 2003.

**46024074. T. H. Properties** (345 Main Street, Harleysville, PA 19438), construction blasting in Upper Providence Township, **Montgomery County** with an expiration date of May 31, 2003. Permit issued January 8, 2003.

**09024036. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in East Rockhill Township, **Bucks County** with an expiration date of January 30, 2004. Permit issued January 8, 2003.

**09024037. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Warrington Township, **Bucks County** with an expiration date of January 30, 2004. Permit issued January 8, 2003.

**6402016. Leeward Construction** (R. R. 6 Box 6825, Honesdale, PA 18431), construction blasting in Honesdale Borough and Texas Township, **Wayne County** with an expiration date of January 31, 2004. Permit issued January 8, 2003.

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

**26034001. DT Construction** (1107 University Dr., Dunbar, PA 15431) for construction of sewage lines located in Bullsken Township, **Fayette County**, with an expected duration of 60 days. Permit issued January 9, 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 to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free

pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law (35 P.S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).** (Note: Water Obstruction and Encroachment Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

### *Permits Issued and Actions on 401 Certifications*

#### **WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E45-425. William A. and Barbara A. Parsons,** 649 Lime Street, Palmerton, PA 18071-9972. Eldred Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain an 8-foot diameter C.M.P. having a 6-inch culvert depression in a tributary to Buckwha Creek to serve as a road crossing for a proposed 71-acre residential subdivision. The project is located at a point approximately 3,000 feet west of the Eldred/Ross Township municipal boundary (Kunkletown, PA Quadrangle N: 21.0 inches; W: 5.5 inches).

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

**E41-516. Glenn O. Hawbaker, Inc.,** 2801 Canfield Lane, Montoursville, PA 17754. Small Projects Water Obstruction and Encroachment Joint Permit Application, in Loyalsock Township, **Lycoming County**, ACOE Susquehanna River Basin District (Montoursville South, PA Quadrangle N: 20.50 inches; W: 9.70 inches).

To construct and maintain a 4.00-acre recreational picnic ground, to include 2,300 cubic yards of fill material in the floodway of the West Branch of Susquehanna River, which is located 1/2 mile south of the intersection of SR 0180 and Canfield Lane, in Loyalsock Township, Lycoming County. This permit was issued under section 105.13(e) "Small Projects."

**E41-517. Glenn O. Hawbaker, Inc.,** 2801 Canfield Lane, Montoursville, PA 17754. Small Projects Water Obstruction and Encroachment Joint Permit Application, in Loyalsock Township, **Lycoming County**, ACOE Susquehanna River Basin District (Montoursville South, PA Quadrangle N: 21.60 inches; W: 9.10 inches).

To construct and maintain a 4.00-acre material processing storage area, to include 8,000 cubic yards of stored materials in the floodway of the West Branch of Susquehanna River, which is located 1/4 mile south of the intersection of SR 0180 and Canfield Lane, in Loyalsock Township, Lycoming County. This permit was issued under section 105.13(e) "Small Projects."

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

**E03-411. North Buffalo Township,** R. D. 4, Box 331 C, Kittanning, PA 16201. North Buffalo Township, **Armstrong County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a 1.0-foot depressed 5.0-foot by 5.0-foot concrete box culvert in Sipes Run (HQ-TSF) for the purpose of improving transportation safety and roadway standards. The project is located on T-300, approximately 0.7 mile south of its intersection with SR 3015 (Worthington, PA Quadrangle N: 4.4 inches; W: 6.1 inches).

**E30-204. Greene County Board of Commissioners,** 93 East High Street, Waynesburg, PA 15370. Cumberland Township, **Greene County**, ACOE Pittsburgh District.

To remove the existing County Bridge No. 4 and to construct and maintain a 46-foot long box culvert having a normal clear span of 20.0 feet and an underclearance of 4 feet in Little Whiteley Creek (WWF). The invert of the culvert will be depressed 1.5 feet and has baffle. The project will affect approximately 103 feet of watercourse, including approximately 57 feet of stream bank protection and riprap apron at the culvert openings. The structure is located on T-517 at a point approximately 0.1 mile west of the intersection of SR 2019. (Masontown, PA Quadrangle N: 20.3 inches; W: 14.9 inches).

**E65-796. Colony Development Company,** 8954 Hill Drive, North Huntingdon, PA 15642. Unity Township, **Westmoreland County**, ACOE Pittsburgh District.

To place and maintain fill in 0.72 acre of wetlands and approximately 750 linear feet of an unnamed tributary to Ninemile Run (WWF) for the purpose of a commercial site development for Wal-Mart and Lowe's Improvement Warehouse. The site is located approximately 0.5 mile south of the intersection of Theater Drive (T-898) and SR 30. Permittee will construct 1.63 acres of replacement wetland (Latrobe, PA Quadrangle N: 6.1 inches; W: 1.1 inches).

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## SPECIAL NOTICES

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### Categorical Exclusions

*Location:* Conneaut Lake Joint Municipal Authority, P. O. Box 277, Conneaut Lake, PA 16316, Sadsbury and Summit Townships, Crawford County.

*Description:* The Pennsylvania Infrastructure Investment Authority (PENNVEST), which administers the Commonwealth's State Revolving Fund is intended to be the funding source for this project. The Authority proposes to rehabilitate sewer lines to prevent wet weather flows, overloading the pump station and overflows at the treatment plant. The Department's review of the project and the information received have not identified any significant, adverse environmental impact resulting from this project. The Department hereby categorically excludes this project from the State Environmental Review Process.

*Location:* East Brady Borough, 502 Ferry Street, Suite 15, East Brady, PA 16028, East Brady Borough, Clarion County.

*Description:* PENNVEST is intended to be the funding source for this project. The Borough proposes to replace a portion of its conveyance system to address wet weather flows and treatment plant overflows. This project is being done as part of the Borough's Corrective Action Plan. The Department's review of the project and the information received have not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

### BUREAU OF DEEP MINE SAFETY

#### Request for Variance

The Department of Environmental Protection (Department), Bureau of Deep Mine Safety (Bureau), has received a request for variance from DLR Mining, Inc. The following notification contains a summary of this request. A complete copy of the variance request may be obtained from Allison Gaida, (724) 439-7469 or from the Bureau website at <http://www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm>.

The Department is publishing a summary of the request to solicit comments from affected parties on the proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance request. Comments will be accepted for 30 days following the publication of this notice. Comments should be addressed to Paul L. Hummel, Acting Director, Bureau of Deep Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401.

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

Section 224(b) of the act and the Governor's Administrative Order dated August 30, 2002, provides drilling procedures for any working place in a mine that approaches within 50 feet of abandoned workings certified by an engineer or within 200 feet of any abandoned workings which cannot be inspected or within 200 feet of any other abandoned workings that have been identified by "hard or credible evidence" or within 500 feet of abandoned mine workings that have not been located by "hard or credible" evidence. Exploratory boreholes shall be drilled at least 20 feet in advance of the face of the working place. Boreholes shall be drilled sufficiently close to each other to insure that the advancing face will not accidentally hole through into the workings. Boreholes shall also be drilled not more than 8 feet apart in the rib of the working place to a distance of at least 20 feet at an angle of 45 degrees. Rib holes shall be drilled in one or both ribs of the working place as may be necessary for adequate protection of persons working in the place.

*Summary of the Request:* DLR Mining, Inc., Ridge Mine requested a variance from section 224(b) of the act to drill in advance of mining when the operator approaches to within 200 feet of an abandoned mine or within 500 feet of an abandoned mine using long hole drilling.

[Pa.B. Doc. No. 03-140. Filed for public inspection January 24, 2003, 9:00 a.m.]

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## DEPARTMENT OF HEALTH

### Application of Geisinger Medical Center For Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Geisinger Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 7.28.B8 (relating to ceiling finishes in the Neuro-Angio suite).

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

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so, should contact the Division of Acute and Ambulatory Care at the numbers listed previously or for speech and/or hearing impaired persons, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
Secretary

[Pa.B. Doc. No. 03-141. Filed for public inspection January 24, 2003, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Innovation and Expansion Grant to Conduct a Baseline Study of OVR Customers' Service Data

The Department of Labor and Industry, Office of Vocational Rehabilitation (OVR), under the Rehabilitation Act of 1973, as amended in 1992, announces that competing applications proposing to conduct a baseline study of OVR customers' service data as reported to the Federal Rehabilitation Services Administration (RSA) between October 1, 2000, and September 30, 2001, will be accepted. The study will record findings relative to race, ethnicity, age, gender and disability of OVR customers, OVR referrals, OVR referral sources and OVR closure statistics.

Funding for this competition is under the auspice of the State Board of Vocational Rehabilitation and the OVR, which will serve as administrator and fiscal agent for the grant awarded under this competition.

Applications will be written to accomplish the following:

- Provide information to assist the OVR in ensuring continuation of a high quality customer-driven public rehabilitation program serving persons with disabilities, including customers from diverse backgrounds and traditionally under-represented populations.
- Identify patterns of "best practices" and/or a success rate profile in relation to customer services and outreach to nontraditional customer populations.
- Establish a starting point for advancement of the OVR's diversity service initiatives, improving vocational rehabilitation service delivery to all persons with disabilities.

#### *Service Information*

This competition will result in one award and funding for a 1-year period beginning July 1, 2003.

The recipient of this grant will be required to work closely with the OVR and with the OVR Multicultural Advisory Committee in examining and analyzing the OVR's FFY 2001 customer service data as reported to the RSA.

The specific objectives of this grant competition are:

- To examine referral source and success rate by race, ethnicity, age, gender and disability code.
- To examine and analyze OVR customer acceptance rate (status 10) by race, ethnicity, age and gender.
- To examine and analyze the type of services received by customers by race, ethnicity, age and gender.
- To examine and analyze OVR customer closure rate (statuses 08, 28, 30 and 26) by race, ethnicity, age and gender.
- To examine and analyze RSA reasons for closure (statuses 08, 28 and 30) by race, ethnicity, age and gender.
- As a result of examination and analysis, consider and report on patterns of best practices or determine a success rate profile.

For purposes of this competition, an eligible applicant is an individual, a for-profit or nonprofit organization incorporated under the laws of the Commonwealth or a government agency or political subdivision experienced in data collection, data organization, data analysis and

reporting. An applicant must have operated in these capacities for a minimum of 5 years for its application to be considered for this competition.

An applicant must demonstrate an understanding of the public vocational rehabilitation program and its attendant services to persons with disabilities. Favorable consideration will be available to applicants who can demonstrate successful history and experience working with minority and similar underserved populations.

Written endorsement of an applicant's credentials, experience and expertise in the areas noted is required.

#### *Application Information*

Applications received by 5 p.m. on Wednesday, March 5, 2003, which are complete and conform to established specifications, will be accepted for review. Applications submitted after this date and time will be ineligible for consideration.

Applications will be evaluated by a panel of reviewers convened for that purpose.

The effective dates for the contract will be July 1, 2003, through June 30, 2004. Final awards made through this competition are subject to the approval of the Executive Director of the OVR.

A complete application package, which includes more detailed information, is available by contacting Jacqueline Lucas, Office of Vocational Rehabilitation, Contracts and Grants Management Section, 1521 North Sixth Street, Harrisburg, PA 17102-2913, (717) 787-7016, fax (717) 705-9345, TDD (717) 783-8917.

#### *Preproposal Conference*

A preproposal conference to deal specifically with technical questions regarding applications will be held for applicants on Wednesday, February 5, 2003, at 10:30 a.m. at the OVR Central Office, 1521 North Sixth Street, Harrisburg, PA. Copies of the application package will also be available at this conference. Persons planning to attend the conference who have special needs that should be considered to participate fully in the conference should contact Jacqueline B. Lucas at (717) 787-7016 at least 1 week in advance of the conference date.

JOHNNY J. BUTLER,  
*Secretary*

[Pa.B. Doc. No. 03-142. Filed for public inspection January 24, 2003, 9:00 a.m.]

## DEPARTMENT OF REVENUE

[Correction]

### Pennsylvania Cash In A Flash Instant Lottery Game

An error occurred in the document which appeared at 32 Pa.B. 6422, 6423 (December 28, 2002). The correct version of paragraph 7(p) is as follows, with ellipses referring to the existing text:

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:

\* \* \* \* \*

7. *Determination of Prize Winners:*

\* \* \* \* \*

(p) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Safe Symbol (SAFE), and a prize play symbol of \$2.<sup>00</sup> (TWO DOL) appears under the Safe Symbol (SAFE), on a single ticket, shall be entitled to a prize of \$2.

\* \* \* \* \*

[Pa.B. Doc. No. 02-2327. Filed for public inspection December 27, 2002, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Additional Restrictions on Fish and Boat Commission Property; Phoenixville Access Area, Chester County and Route 33 Access Area, Chester County

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 53.4(c) (relating to limiting access to Commission property and other restrictions), prohibits the use and possession of beer and alcoholic beverages at two Commission access areas until further notice. The access areas subject to this additional restriction are the Commission's Phoenixville Access Area in the Borough of Phoenixville, Chester County, and the Route 33 Access Area in Bethlehem and Palmer Townships, Northampton County. The additional restriction at both locations will be effective when posted at the sites. It is unlawful to violate restrictions imposed by the Executive Director on behalf of the Commission under 58 Pa. Code § 53.4(c).

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 03-143. Filed for public inspection January 24, 2003, 9:00 a.m.]

### Lake Erie Commercial Fishing—2003

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 69.31(b) (relating to seasons), has determined that the 2003 total allowable commercial catch of walleye from the Commonwealth waters of Lake Erie is 8,000 pounds. The commercial fishing season for walleye on Lake Erie is January 1 to midnight March 15 and 12:01 a.m. the first Saturday in May to December 31. This

season ends when the Executive Director determines that 8,000 pounds of walleye probably have been taken by commercial fishing interests fishing in the Commonwealth waters of Lake Erie.

The Executive Director, acting under the authority of 58 Pa. Code § 69.31(c), has established the total allowable 2003 commercial catch for yellow perch from the Commonwealth waters of Lake Erie. The 2003 total allowable commercial catch for yellow perch is 34,000 pounds. The commercial fishing season for yellow perch on Lake Erie is January 1 until the date the Executive Director determines that 34,000 pounds of yellow perch probably have been taken by commercial fishing interests fishing in the Commonwealth waters of Lake Erie.

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 03-144. Filed for public inspection January 24, 2003, 9:00 a.m.]

## INSURANCE DEPARTMENT

### AAA Mid-Atlantic Insurance Company; Private Passenger Automobile Rate Filing

On January 9, 2003, the Insurance Department (Department) received from AAA Mid-Atlantic Insurance Company a filing for a rate level changes for private passenger automobile insurance.

The company requests an overall 8.1% increase amounting to \$4,649,600 annually, to be effective May 15, 2003, for new business and June 1, 2003, for renewal business.

Unless formal administrative action is taken prior to March 10, 2003, 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. 03-145. Filed for public inspection January 24, 2003, 9:00 a.m.]

### Eligible Surplus Lines Insurer List

In accordance with section 1605(b) of the Insurance Company Law of 1921 (40 P. S. § 991.1605(b)), the Insurance Department hereby publishes the most recent Eligible Surplus Lines Insurer List. This list replaces in its entirety the Eligible Surplus Lines Insurer List as of July 25, 2002, published at 32 Pa.B. 3997 (August 10, 2002).

Persons who have questions concerning this notice should contact Robert Brackbill, Chief, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

As of January 7, 2002

<i>Key #</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10517	Acceptance Insurance Company	301 South 13th Street, Suite 500 Lincoln, NE 68508
10512	Admiral Insurance Company	1209 Orange Street Wilmington, DE 19801
10513	Adriatic Insurance Company	314 East Thayer Avenue Bismarck, ND 58501
39908	Alea London Limited	The Corn Exchange 55 Mark Lane London, England EC3R 7NE
10516	Allianz Underwriters Insurance Company	2350 Empire Avenue Burbank, CA 91504-3350
10519	American Empire Surplus Lines Insurance Company	1209 Orange Street Wilmington, DE 19801
10520	American Equity Insurance Company	7676 East Pinnacle Peak Road Scottsdale, AZ 85255
36855	American Healthcare Specialty Insurance Company	425 W. Capitol Avenue Suite 1800 Little Rock, AR 72201
10521	American International Specialty Lines Insurance Company	1400 West Benson Blvd., Suite 315 Anchorage, AK 99503
18146	American Safety Indemnity Company	600 Bank of Oklahoma Plaza 201 Robert S. Kerr Avenue Oklahoma City, OK 73102
10522	American Western Home Insurance Company	600 Fidelity Plaza Oklahoma City, OK 73102
10524	Appalachian Insurance Company	Allendale Park P. O. Box 7500 Johnston, RI 02919-0500
33748	Arch Excess & Surplus Insurance Company	10306 Regency Parkway Drive Omaha, NE 68113
10587	Arch Specialty Insurance Company	1800 North Point Drive Stevens Point, WI 54481
22348	Assicurazioni Generali Di Trieste	Piazza Duca Degli Abruzzi, 2 Trieste, Italy 34132
22349	Associated Electric & Gas Insurance Services Limited	Liberty International 73 Front Street, 3rd Floor Hamilton, Bermuda HM11
10525	Associated International Insurance Company	21820 Burbank Boulevard, #330 Woodland Hills, CA 91367
41586	Atlantic Casualty Insurance Company	400 Commerce Court Goldsboro, NC 27534
10526	Audubon Indemnity Company	795 Woodways Parkway Suite 310 Ridgeland, MS 39157
41562	AXA Corporate Solutions Assurance	4 Rue Jules Lefebvre Paris, France 75009
22369	British Aviation Insurance Company Limited	Fitzwilliam House 10 St. Mary's Axe London, England EC3A 8EQ

<i>Key #</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10527	Caliber One Indemnity Company	1209 Orange Street Wilmington, DE 19801
10528	Canal Indemnity Company	400 East Stone Avenue Greenville, SC 29601
10529	Centennial Casualty Company	2200 Woodcrest Place Suite 200 Birmingham, AL 35209
10531	Century Surety Company	2400 Corporate Exchange Drive Columbus, OH 43231
22371	CGU International Insurance plc	St. Helen's 1 Undershaft London, England EC3P 3DQ
10532	Chubb Custom Insurance Company	32 Loockeman Square Dover, DE 19901
18617	Clarendon America Insurance Company	224 West State Street Trenton, NJ 08608
22419	CNA Insurance Company Limited	P. O. Box 6 Surrey Street Norfolk, England NR1 3NS
10533	Colony Insurance Company	9201 Forest Hill Avenue Suite 200 Richmond, VA 23235-6865
10582	Colony National Insurance Company	9201 Forest Hill Avenue Suite 200 Richmond, VA 23235-6865
10534	Columbia Casualty Company	CNA Plaza Chicago, IL 60685
10535	Commercial Underwriters Insurance Company	200 Corporate Pointe Suite 300 Culver City, CA 90230
22388	Commonwealth Insurance Company	595 Burrard Street, Suite 1500 Box 49115 Bentall Tower Three Vancouver, B.C., Canada V7X 1G4
10536	Connecticut Specialty Insurance Company	9 Farm Springs Road Farmington, CT 06032
37372	Crum & Forster Specialty Insurance Company	2999 North 44th Street Suite 250 Phoenix, AZ 85018
10538	Crusader Insurance Company	23251 Mulholland Drive Woodland Hills, CA 91364
35611	Dakota Specialty Insurance Company	316 North Fifth Street Bismarck, ND 58502
37001	Discover Specialty Insurance Company	500 West Madison, Suite 2600 Chicago, IL 60661
10541	Empire Indemnity Insurance Company	809 Northwest 36th Street Oklahoma City, OK 73118
10542	Essex Insurance Company	1209 Orange Street Wilmington, DE 19801
10543	Evanston Insurance Company	Ten Parkway North Deerfield, IL 60015
10544	Everest Indemnity Insurance Company	Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
10545	Executive Risk Specialty Insurance Company	82 Hopmeadow Street Simsbury, CT 06070-7683
10546	Fidelity Excess and Surplus Insurance Company	515 Main Street Cincinnati, OH 45202



<i>Key #</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10547	Fireman's Fund Insurance Company of Ohio	312 Walnut Street Suite 1100 Cincinnati, OH 45202
10548	First Financial Insurance Company	528 South Fifth Street Suite 210 Springfield, IL 62701-1822
10549	First Mercury Insurance Company	One South Wacker Drive Suite 2740 Chicago, IL 60606
10550	First Specialty Insurance Corporation	237 East High Street Jefferson City, MO 65102
18477	Gemini Insurance Company	Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
10553	General Agents Insurance Company of America, Inc.	5623 North Western, Suite B Oklahoma City, OK 73118
37373	General Security Indemnity Company	199 Water Street 21st Floor New York, NY 10038
10552	General Security Indemnity Company of Arizona	3636 North Central Avenue Phoenix, AZ 85012
10554	General Star Indemnity Company	695 East Main Street P. O. Box 10354 Stamford, CT 06904-2354
22411	Generali-France Assurances	5, rue de Londres Paris, France 75009
10555	Genesis Indemnity Insurance Company	316 North Fifth Street Bismarck, ND 58501
44715	Glencoe Insurance Ltd.	Renaissance House, 8 East Broadway P. O. Box HM 2527 Hamilton, Bermuda HM GX
10556	Gotham Insurance Company	330 Madison Avenue New York, NY 10017
10514	Great American E & S Insurance Company	The Corporation Trust Company 1209 Orange Street Wilmington, DE 19801
10518	Great American Fidelity Insurance Company	The Corporation Trust Company 1209 Orange Street Wilmington, DE 19801
10540	Great American Protection Insurance Company	One Indiana Square Suite 1800 Indianapolis, IN 46204
22412	Great Lakes Reinsurance (UK) PLC	Upper Ground Floor, 1 Minster Court Mincing Lane London, England EC3R 7AA
36489	Guilford Insurance Company	528 South Fifth Street Suite 210 Springfield, IL 62701-1822
36490	Gulf Insurance Company U.K. Limited	Suite 616, The Lloyds Bldg. 1 Lime Street London, England EC3M 7DQ
10557	Gulf Underwriters Insurance Company	One Tower Square Hartford, CT 06183
44169	Homeland Insurance Company of New York	201 Old Country Road Melville, NY 11747
10559	Houston Casualty Company	13403 Northwest Freeway Houston, TX 77040-6094

<i>Key #</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10560	Illinois Emcasco Insurance Company	815 Commerce Drive Oak Brook, IL 60521-1978
10561	Illinois Union Insurance Company	525 West Monroe Street Chicago, IL 60631
22413	Indemnity Marine Assurance Company Limited	St. Helen's 1 Undershaft London, England EC3P 3DQ
10562	Indian Harbor Insurance Company	Seaview House 70 Seaview Avenue Stamford, CT 06902-6040
10563	INEX Insurance Exchange	1 South Wacker Drive Suite 2720 Chicago, IL 60606-4617
28076	International Insurance Company of Hannover Limited	Hannover House Virginia Water London, England GU 25 4AA
10564	Interstate Fire & Casualty Company	55 East Monroe Street Chicago, IL 60603
10566	ITT Pacific Insurance Company, Limited	Hartford Plaza Hartford, CT 06115
26714	Kemper Indemnity Insurance Company	1 Kemper Drive Long Grove, IL 60049-0001
38900	Kemper Surplus Lines Insurance Company	1 Kemper Drive Long Grove, IL 60049-0001
8967	Landmark American Insurance Company	11032 Quail Creek Road Suite 200 Oklahoma City, OK 73120
10567	Landmark Insurance Company	777 South Figueroa Street Los Angeles, CA 90017
10568	Legion Indemnity Company	190 S. LaSalle Street Chicago, IL 60603
10569	Lexington Insurance Company	1209 Orange Street Wilmington, DE 19801
22415	Liberty Mutual Insurance Company (UK) Limited	4th Floor, One Minster Court Mincing Lane London, England EC3R 7AA
18457	Liberty Surplus Insurance Corporation	175 Berkeley Street Boston, MA 02117
22416	Lloyd's (Underwriters at)	One Lime Street London, England EC3M 7HA
22417	London and Edinburgh Insurance Company Limited	8 Surrey Street Norwich, England NR1 3NG
22418	Marine Insurance Company Limited	St. Mark's Court, Chart Way West Sussex, England RH 12 1XL
22455	Markel International Insurance Company Limited	The Markel Building 49 Leadenhall Street London, England EC3A 2EA
10570	Monticello Insurance Company	1209 Orange Street Wilmington, DE 19801
10571	Mt. Hawley Insurance Company	9025 N. Lindbergh Drive Peoria, IL 61615
10572	NAMIC Insurance Company, Inc.	3601 Vincennes Road Indianapolis, IN 46268
10573	National Fire & Marine Insurance Company	3024 Harney Street Omaha, NE 68131-3580
10574	Nautilus Insurance Company	7273 East Butherus Drive Scottsdale, AZ 85260

<i>Key #</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10575	NIC Insurance Company	One Penn Plaza New York, NY 10119-0002
10537	Noetic Specialty Insurance Company	1111 Plaza Drive Suite 500 Schaumburg, IL 60173
10576	North American Capacity Insurance Company	650 Elm Street Manchester, NH 03101-2524
22420	Northern Assurance Company Limited	St. Helen's 1 Undershaft London, England EC3P 3DQ
10577	Northfield Insurance Company	Monroe House Law Ctr. 237 E. High Street Jefferson City, MO 65101
10578	Nutmeg Insurance Company	Hartford Plaza Hartford, CT 06115
22421	Ocean Marine Insurance Company Limited	St. Helen's 1 Undershaft London, England EC3P 3DQ
10579	Old Republic Union Insurance Company	307 North Michigan Avenue Chicago, IL 60601
10580	Pacific Insurance Company	c/o CT Corp 818 West 7th Street Los Angeles, CA 90017
23150	Princeton Excess and Surplus Lines Insurance Company	2711 Centerville Road Suite 400 Wilmington, DE 19808
10583	Professional Underwriters Liability Insurance Company	50 West Broadway Salt Lake City, UT 84101
22449	QBE International Insurance Limited	Corn Exchange Mark Lane London, England EC3R 7NE
10584	Queensway International Indemnity Company	10199 Southside Boulevard, Bldg. 1 Suite 200 Jacksonville, FL 32256
44436	Red Mountain Casualty Insurance Company, Inc.	100 Brookwood Place, Suite 500 Birmingham, AL 35209
10588	Royal Surplus Lines Insurance Company	500 Winding Brook Drive Glastonbury, CT 06033
10589	SAFECO Surplus Lines Insurance Company	SAFECO Plaza Seattle, WA 98185
10590	Savers Property & Casualty Insurance Company	700 West 47th Street Kansas City, MO 64112-1802
10591	Scottsdale Insurance Company	One Nationwide Plaza Columbus, OH 43215
44276	Seneca Specialty Insurance Company	2999 North 44th Street Suite 250 Phoenix, AZ 85018-7256
10592	Sheffield Insurance Corporation	One South Wacker Drive, Suite 2700 Chicago, IL 60606
33514	Sirius International Insurance Corporation	Birger Jarlsgatan 57B Stockholm, Sweden SE-113 96
10565	Specialty Surplus Insurance Company	1 Kemper Drive Long Grove, IL 60049-0001
22453	SR International Business Insurance Company Limited	71-77 Leadenhall Street London, England EC3A 2PQ
22454	St. Paul Reinsurance Company Limited	52 Lime Street London, England EC3M 7BS

<i>Key #</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10593	St. Paul Surplus Lines Insurance Company	32 Loockerman Square Dover, DE 19901
38980	Starr Excess Liability Insurance Company, Ltd.	1010 Centre Road Wilmington, DE 19850
10594	Steadfast Insurance Company	Suite 202 32 Loockerman Square Dover, DE 19901
10595	Stonewall Insurance Company	580 Walnut Street Cincinnati, OH 45202
22456	Through Transport Mutual Insurance Association Limited	Windsor Place, Queen Street P. O. Box HM655 Hamilton, Bermuda HMCX
10596	TIG Specialty Insurance Company	777 Arnold Drive, Suite 200 Martinez, CA 94553
10597	Travelers Excess and Surplus Lines Company	One Tower Square Hartford, CT 06183
10598	Tudor Insurance Company	91 Court Street Keene, NH 03431
10599	U.S. Underwriters Insurance Company	316 North Fifth Street Sixth Floor Bismarck, ND 58501
10600	ULICO Indemnity Company	320 West Capital Street Suite 1000 Little Rock, AR 72201-3525
10603	United Coastal Insurance Company	40 North Central Avenue Phoenix, AZ 85004
44120	United National Casualty Insurance Company	5253 Hohman Avenue P. O. Box 1150 Hammond, IN 46320
10558	United National Specialty Insurance Company	Three Bala Plaza, East Suite 300 Bala Cynwyd, PA 19004
10605	Voyager Indemnity Insurance Company	3237 Satellite Boulevard, Suite 400 Duluth, GA 30096
10607	Westchester Surplus Lines Insurance Company	Six Concourse Parkway Suite 2500 Atlanta, GA 30328-5346
10608	Western Heritage Insurance Company	6263 N. Scottsdale Road Suite 240 Scottsdale, AZ 85250
10610	Western World Insurance Company	91 Court Street Keene, NH 03431
10604	XL Select Insurance Company	5810 East Skelly Drive Suite 700 Tulsa, OK 74135
22460	Yorkshire Insurance Company Limited	2 Rougier Street York, Scotland YO90 1UU
10611	ZC Specialty Insurance Company	400 West 15th Street Suite 7 Austin, TX 78701
22461	Zurich International (Bermuda) Ltd.	The Zurich Centre, 90 Pitt's Bay Road P. O. Box HM 2268 Hamilton, Bermuda HMJX
22462	Zurich Specialties London Limited	The Zurich Building 90 Fenchurch Street London, England EC3M 4JX

Since publication of the July 25, 2002, Eligible Surplus Lines Insurer List, the following significant changes have occurred:

	<i>(Company Name)</i>	<i>(Eff. Date)</i>
Additions:	United National Casualty Insurance Company	10/15/02
	Homeland Insurance Company of New York	10/18/02
	Seneca Specialty Insurance Company	11/04/02
	Red Mountain Casualty Insurance Company, Inc.	11/19/02
	Glencoe Insurance Ltd.	12/12/02
Deletions:	If Industrial Insurance Ltd.	09/30/02
	Wausau General Insurance Company	10/03/02
Name Changes:	From: Winterthur International Underwriters Insurance Company	01/01/02
	To: XL Select Insurance Company	
	From: Maritime Insurance Company Limited	02/01/02
	To: CNA Insurance Company Limited	
	From: Rock River Insurance Company	08/01/02
	To: Arch Specialty Insurance Company	
	From: Cross River Insurance Company	08/01/02
	To: Arch Excess & Surplus Insurance Company	
	From: Terra Nova Insurance Company Limited	11/04/02
	To: Markel International Insurance Company Limited	

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-146. Filed for public inspection January 24, 2003, 9:00 a.m.]

**Pennsylvania Property and Casualty Insurance Guaranty Association (Jeffrey Herman, D.O.); Prehearing**

**Appeal of Pennsylvania Property and Casualty Insurance Guaranty Association (Jeffrey Herman, D.O.) under the Medical Care Availability and Reduction of Error Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM03-01-011**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

A prehearing telephone conference initiated by this office is scheduled for February 11, 2003, at 10:30 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator by January 21, 2003. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

If an attorney or representative for a party attending the prehearing telephone conference does not have complete settlement authority relative to this matter, the party or persons with full settlement authority shall be available by telephone during the conference. At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

No prehearing memoranda or other written submissions are required for the prehearing telephone confer-

ence; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference. At the prehearing conference, the parties shall be prepared to discuss the need for an evidentiary hearing, additional prehearing procedures and briefing schedules. Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed by January 31, 2003, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed by February 6, 2003.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-147. Filed for public inspection January 24, 2003, 9:00 a.m.]

**Pennsylvania Property and Casualty Insurance Guaranty Association (Michael E. Morris, M.D.); Prehearing**

**Appeal of Pennsylvania Property and Casualty Insurance Guaranty Association (Michael E. Morris, M.D.) under the Medical Care Availability and Reduction of Error Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM03-01-007**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure)

and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

A prehearing telephone conference initiated by this office is scheduled for February 11, 2003, at 10:30 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator by January 21, 2003. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

If an attorney or representative for a party attending the prehearing telephone conference does not have complete settlement authority relative to this matter, the party or persons with full settlement authority shall be available by telephone during the conference. At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

No prehearing memoranda or other written submissions are required for the prehearing telephone conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference. At the prehearing conference, the parties shall be prepared to discuss the need for an evidentiary hearing, additional prehearing procedures and briefing schedules. Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed by January 31, 2003, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed by February 6, 2003.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-148. Filed for public inspection January 24, 2003, 9:00 a.m.]

**Pennsylvania Property and Casualty Insurance Guaranty Association (Eugene J. Romano, M.D.); Prehearing**

**Appeal of Pennsylvania Property and Casualty Insurance Guaranty Association (Eugene J. Romano, M.D.) under the Medical Care Availability and Reduction of Error Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM03-01-001**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

A prehearing telephone conference initiated by this office is scheduled for February 11, 2003, at 10:30 a.m.

Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator by January 21, 2003. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

If an attorney or representative for a party attending the prehearing telephone conference does not have complete settlement authority relative to this matter, the party or persons with full settlement authority shall be available by telephone during the conference. At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

No prehearing memoranda or other written submissions are required for the prehearing telephone conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference. At the prehearing conference, the parties shall be prepared to discuss the need for an evidentiary hearing, additional prehearing procedures and briefing schedules. Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed by January 31, 2003, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed by February 6, 2003.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-149. Filed for public inspection January 24, 2003, 9:00 a.m.]

**JD Pickens (Estate of Jeanette Sherman); Prehearing**

**Appeal of JD Pickens (Estate of Jeanette Sherman) under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 02-178(M); Doc. No. UT03-01-009**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A prehearing telephone conference initiated by this office is scheduled for February 20, 2003, at 10:30 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference by January 24, 2003. A hearing shall occur on March 13, 2003, at 10:30 a.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh

Street, Harrisburg, PA 17102. At the prehearing telephone conference the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter. Pending hearing, parties shall exchange proposed exhibits, the names of witnesses and provide an offer of proof with respect to each witness and informally attempt to resolve undisputed facts by stipulation. By February 6, 2003, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. A report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office. Experts will be permitted to testify only on matters substantially contemplated by reports supplied to the other party in accordance with this paragraph.

Except as established at the prehearing conference, both parties shall appear at the scheduled hearing prepared to offer all relevant testimony or other evidence. Each party must bring documents, photographs, drawings, claims, files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party. Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed by February 27, 2003, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before March 6, 2003.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-150. Filed for public inspection January 24, 2003, 9:00 a.m.]

### **Progressive Northern Insurance Company; Private Passenger Auto Rate Revision**

On January 8, 2003, the Insurance Department (Department) received from Progressive Northern Insurance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 2.4% increase amounting to \$6,484,400 annually, to be effective June 15, 2003.

Unless formal administrative action is taken prior to March 9, 2003, 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. 03-151. Filed for public inspection January 24, 2003, 9:00 a.m.]

### **Surgical Associates of Williamsport; Prehearing**

#### **Appeal of Surgical Associates of Williamsport under the Medical Care Availability and Reduction of Error Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM02-12-022**

The proceeding in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

A prehearing telephone conference initiated by this office is scheduled for February 19, 2003, at 10:30 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator by January 16, 2003. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

No prehearing memoranda or other written submissions are required for the prehearing telephone conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed by February 7, 2003, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed by February 14, 2003.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-152. Filed for public inspection January 24, 2003, 9:00 a.m.]

### William E. Boalton Oil Company, Inc.; Prehearing

#### **Appeal of William E. Boalton Oil Company, Inc. under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 02-194(F); Doc. No. UT03-01-008**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A prehearing telephone conference initiated by this office is scheduled for February 12, 2003, at 1:30 p.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference by January 23, 2003. A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference.

At the prehearing telephone conference the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter. No prehearing memoranda or other written submissions are required for the prehearing telephone conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed by January 29, 2003, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed by February 5, 2003.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to

participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-153. Filed for public inspection January 24, 2003, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board lease will expire:

Philadelphia County, Wine & Spirits Shoppe #5108, 3415 Germantown Avenue, Philadelphia, PA 19140-5311.

*Lease Expiration Date:* May 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space within 1/4 mile radius of the intersection of Allegheny Avenue and Broad Street, Philadelphia.

*Proposals due:* February 14, 2003, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** Robert Jolly, (215) 482-9671

JONATHAN H. NEWMAN,  
*Chairperson*

[Pa.B. Doc. No. 03-154. Filed for public inspection January 24, 2003, 9:00 a.m.]

## PENNSYLVANIA COMMISSION FOR WOMEN

### Meeting Notice

The Pennsylvania Commission for Women has scheduled a quarterly meeting to be held on Monday, January 27, 2003, at 10 a.m. in Room 132, Finance Building, Harrisburg, PA 17120. The public is invited to attend. Persons who need accommodations due to a disability who wish to attend should contact Christine Anderson, Pennsylvania Commission for Women, 205 Finance Building, Harrisburg, PA 17120, (888) 615-7477 at least 24 hours in advance so arrangements can be made.

NORMA GOTWALT,  
*Executive Director*

[Pa.B. Doc. No. 03-155. Filed for public inspection January 24, 2003, 9:00 a.m.]



# PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Clean Water State Revolving Fund Projects; Public Meeting on Federal FY 2003 Intended Use Plan

The Pennsylvania Infrastructure Investment Authority (PENNVEST) and the Department of Environmental Protection (Department) have prepared the Federal fiscal year 2003 Intended Use Plan (IUP) list of municipal wastewater projects to be considered for a construction loan from funds the Commonwealth expects to receive from fiscal year 2003 Federal appropriation acts to capitalize the Clean Water State Revolving Fund (CWSRF) program.

The projects to be considered for a loan from the CWSRF must meet the Federal requirements for funding in accordance with Title II and Title VI of the Water Quality Act. Accordingly, the projects included in the IUP are expected to meet the requirements applicable for use of the CWSRF loan funds, including being on the Commonwealth's approved FY 2002/2003 Project Priority List (PPL), as amended. These projects are expected to proceed to construction in the near future. A project removed from an IUP is maintained on the PPL unless otherwise completed.

The FY 2003 IUP has 31 municipal wastewater construction projects listed with a total dollar value of approximately \$100 million. The CWSRF will be capitalized with approximately \$54 million of Federal FY 2003 funds from the Environmental Protection Agency (EPA) and approximately \$10.8 million of State funds. Some \$37.4 million of CWSRF loan repayments will be used to allow additional project funding opportunities on the FY 2003 IUP. Some \$2.7 million will be set aside for program administration costs, as described in the narrative portion of the IUP.

After the public meeting is held and an assessment is made of the comments received, the Final FY 2003 IUP will be completed. Potentially, it may include other projects from the PPL. A project must appear on the PENNVEST approved IUP before it can receive a loan from the CWSRF. A project's readiness to proceed and the reasonable availability of alternative funds also have a bearing on project selection for the IUP. Consequently, the rank ordered list of projects on the PPL does not dictate the order in which they will be chosen for inclusion in the IUP.

Federal guidance on development of the IUP directs that the project list be subject to public review and comment before being submitted to the EPA.

The Department has scheduled a public meeting for 10 a.m. on February 26, 2003, in the Auditorium of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting is scheduled for the purpose of receiving comments from the public regarding the fiscal

year 2003 IUP. Interested persons are invited to express their views on the priority rating or ranking of projects on the IUP at the public meeting. Persons wishing to offer comments should contact the Administrative Services Section, Division of Municipal Financial Assistance, Bureau of Water Supply and Wastewater Management, 10th Floor, Rachel Carson State Office Building, P. O. Box 8466, Harrisburg, PA 17105-8466, (717) 787-6744 or e-mail Anthony Maisano at amaisano@state.pa.us by 4 p.m. on February 25, 2003. Where written statements are prepared and will be submitted at the meeting, speakers will be asked to restrict the oral portion of the statement to a summary of the written comments. Speakers will be called to present their comments generally in the order of receipt of the notice of intent to appear at the meeting.

It is not necessary to appear at the public meeting to present comments on the narrative portion of the IUP or the IUP list of projects. Interested persons may submit written comments to the Department at the address previously listed. Written comments will be considered equivalent to oral statements presented at the meeting. To be considered by the Department and PENNVEST, the written comments must be received by the Administrative Services Section by the date of the meeting.

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

The FY 2003 CWSRF IUP list of projects follows this notice. A copy of the list and the narrative portion of the IUP are available for public review in the following offices and are accessible electronically through the Department's website: [http://www.dep.state.pa.us/dep/deputate/watermgt/WSM/WSM\\_TAO/Finan\\_Tech\\_Asst.htm](http://www.dep.state.pa.us/dep/deputate/watermgt/WSM/WSM_TAO/Finan_Tech_Asst.htm).

DEP—Southeast Region  
Water Management Program Manager  
Lee Park, Suite 6010, 555 North Lane  
Conshohocken, PA 19428  
(610) 832-6131

DEP—Northeast Region  
Water Management Program Manager  
2 Public Square  
Wilkes-Barre, PA 18711-0790  
(570) 826-2553

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

DEP—Northcentral Region  
Water Management Program Manager  
208 West 3rd Street  
Williamsport, PA 17701  
(570) 327-3669

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

DEP—Northwest Region  
Water Management Program Manager  
230 Chestnut Street  
Meadville, PA 16335-3481  
(814) 332-6942

DEP—Bureau of Water Supply and  
Wastewater Management  
Division of Municipal Financial Assistance  
Administrative Services Section  
10th Floor, RCSOB  
400 Market Street  
Harrisburg, PA 17101  
(717) 787-6744

Pennsylvania Infrastructure Investment Authority  
22 S. Third Street  
4th Floor, Keystone Building  
Harrisburg, PA 17101  
(717) 787-8137

DAVID E. HESS,  
*Secretary*  
*Department of Environmental Protection*  
*Vice Chairperson*  
*Pennsylvania Infrastructure Investment Authority*

PAUL K. MARCHETTI,  
*Executive Director*  
*Pennsylvania Infrastructure Investment Authority*

**PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION CLEAN WATER  
STATE REVOLVING FUND**

**FY 2003 INTENDED USE PLAN PROJECT LIST**

EXPLANATION OF COLUMNAR HEADINGS (EXCEPT THOSE THAT ARE SELF-EXPLANATORY)

NEEDS CATEGORY:

I—SECONDARY TREATMENT

II—TREATMENT MORE STRINGENT THAN SECONDARY

IIIA—INFILTRATION/INFLOW CORRECTION

IIIB—MAJOR SEWER SYSTEM REHABILITATION

IVA—NEW COLLECTOR SEWERS AND APPURTENANCES

IVB—NEW INTERCEPTORS AND APPURTENANCES

V—CORRECTION OF COMBINED SEWER OVERFLOWS

PROJECT TYPE:

STP—SEWAGE TREATMENT PLANT

STPMOD—SEWAGE TREATMENT PLANT MODIFICATION

INT—INTERCEPTOR

PS—PUMP STATION

FM—FORCE MAIN

SS—SEWER SYSTEM

SS REH—SEWER SYSTEM REHABILITATION

NPDES PERMIT NUMBER:

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT NUMBER

PROJECT NUMBER:

FEDERAL LOAN PROJECT IDENTIFICATION NUMBER

ELIG. COST:

ESTIMATED LOAN AMOUNT FOR ELIGIBLE PROJECT

**PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 CLEAN WATER STATE REVOLVING FUND  
 FY 2003 INTENDED USE PLAN PROJECT LIST  
 JANUARY 25, 2003**

*APPLICANT INFORMATION*

*NEEDS CATEGORIES*

*PROJECT INFORMATION*

Alexandria-Porter Joint Municipal Authority R.D. 1, Box 80 Alexandria, PA 16611	COUNTY: Huntingdon REGION: SC NPDES NO.:	I: \$0 II: \$0 III: \$0 IIIB: \$0	IV: \$2,937,389 IVB: \$0 V: \$0 ELIG. \$2,937,389 COST:	PROJECT NO.: CS422296-01 PROJ. TYPE: SS PROJECT RATING: 58 PROJECT 2 RANKING:
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PROBLEM DESCRIPTION: Malfunctioning on-lot systems

PROJECT DESCRIPTION: Construction of a collection system

Allegheny Township Municipal Authority 136 Community Building Road Leechburg, PA 15656	COUNTY: Westmoreland REGION: SW NPDES NO.:	I: \$0 II: \$0 III: \$0 IIIB: \$0	IV: \$4,052,145 IVB: \$469,792 V: \$0 ELIG. \$4,521,937 COST:	PROJECT NO.: CS422238-01 PROJ. TYPE: SS INT PS PROJECT RATING: 29 PROJECT 92 RANKING:
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PROBLEM DESCRIPTION: Malfunctioning on-lot systems

PROJECT DESCRIPTION: Construction of a collection and conveyance system

Ambridge Borough Municipal Authority Municipal Building, 600 11th St. Ambridge, PA 15003	COUNTY: Beaver REGION: SW NPDES NO.:	I: \$1,800,000 II: \$0 III: \$0 IIIB: \$0	IV: \$200,000 IVB: \$0 V: \$0 ELIG. \$2,000,000 COST:	PROJECT NO.: CS422322-01 PROJ. TYPE: STPMOD SS PROJECT RATING: 28 PROJECT 118 RANKING:
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PROBLEM DESCRIPTION: Direct sewage discharge into storm sewer system and hydraulic overloading of collection and treatment system

PROJECT DESCRIPTION: Construction of an extension to the collection system and improvements to the collection system and treatment facility

Baldwin Borough Mun. Bldg., 3344 Churchview Ave. Pittsburgh, PA 15227	COUNTY: Allegheny REGION: SW NPDES NO.:	I: \$0 II: \$0 III: \$0 IIIB: \$3,080,000	IV: \$0 IVB: \$0 V: \$0 ELIG. \$3,080,000 COST:	PROJECT NO.: CS422323-01 PROJ. TYPE: SSREH PROJECT RATING: 29 PROJECT 109 RANKING:
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PROBLEM DESCRIPTION: Hydraulic overloading of collection system due to infiltration/inflow and deteriorated sewers

PROJECT DESCRIPTION: Construction of rehabilitation and replacement of a portion of the collection system

Conneaut Lake Joint Municipal Authority P. O. Box 271 Conneaut Lake, PA 16316	COUNTY: Crawford REGION: NW NPDES NO.: N/A	I: \$0 II: \$0 III: \$0 IIIB: \$739,990	IV: \$0 IVB: \$0 V: \$0 ELIG. \$739,990 COST:	PROJECT NO.: CS422036-01 PROJ. TYPE: SSREH PROJECT RATING: 29 PROJECT 114 RANKING:
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PROBLEM DESCRIPTION: Hydraulic overloading of collection system due to infiltration/inflow

PROJECT DESCRIPTION: Construction of rehabilitation and replacement of a portion of the collection system

Curwensville Municipal Authority 900 Susquehanna Avenue Curwensville, PA 16833	COUNTY: Clearfield REGION: NC NPDES NO.:	I: \$828,044 II: \$0 III: \$0 IIIB: \$636,956	IV: \$0 IVB: \$0 V: \$0 ELIG. \$1,465,000 COST:	PROJECT NO.: CS422343-01 PROJ. TYPE: STPMOD SSREH PROJECT RATING: 19 PROJECT 188 RANKING:
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PENNSYLVANIA BULLETIN, VOL. 33, NO. 4, JANUARY 25, 2003

NOTICES

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APPLICANT INFORMATION

NEEDS CATEGORIES

PROJECT INFORMATION

PROBLEM DESCRIPTION: Hydraulic overloading at treatment facility

PROJECT DESCRIPTION: Construction of upgrades to the collection system and treatment facility

Dudley-Carbon-Coalmont Joint Municipal P. O. Box 276 Dudley, PA 16634	COUNTY: Huntingdon REGION: SC NPDES NO.: PA0084883	I: \$0 II: \$1,548,829 III A: \$0 III B: \$0	IVA: \$2,640,171 IVB: \$0 V: \$0 ELIG. \$4,189,000 COST:	PROJECT NO.: CS421581-01 PROJ. TYPE: STP SS INT PROJECT RATING: 34 PROJECT RANKING: 70
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PROBLEM DESCRIPTION: Malfunctioning on-lot systems and discharges of sewage into streams

PROJECT DESCRIPTION: Construction of a collection system and treatment facility

East Brady Borough 502 Ferry Street, Suite 15 East Brady, PA 16028	COUNTY: Clarion REGION: NW NPDES NO.:	I: \$0 II: \$0 III A: \$0 III B: \$624,297	IVA: \$0 IVB: \$0 V: \$0 ELIG. \$624,297 COST:	PROJECT NO.: CS422332-01 PROJ. TYPE: SSREH PROJECT RATING: 19 PROJECT RANKING: 189
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PROBLEM DESCRIPTION: Hydraulic overloading at treatment facility due to infiltration/inflow into collection system

PROJECT DESCRIPTION: Construction of replacement of a portion of the collection system

East Earl Sewer Authority P. O. Box 339 Blue Ball, PA 17506	COUNTY: Lancaster REGION: SC NPDES NO.:	I: \$798,900 II: \$0 III A: \$0 III B: \$0	IVA: \$1,639,300 IVB: \$0 V: \$0 ELIG. \$2,438,200 COST:	PROJECT NO.: CS422346-01 PROJ. TYPE: STP SS PROJECT RATING: 57 PROJECT RANKING: 3
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PROBLEM DESCRIPTION: Malfunctioning on-lot systems and well contamination

PROJECT DESCRIPTION: Construction of a collection and conveyance system and treatment facility

Edgewood Borough 2 Race Street Edgewood, PA 15218	COUNTY: Allegheny REGION: SW NPDES NO.:	I: \$0 II: \$0 III A: \$0 III B: \$359,880	IVA: \$0 IVB: \$0 V: \$0 ELIG. \$359,880 COST:	PROJECT NO.: CS422325-01 PROJ. TYPE: SSREH PROJECT RATING: 27 PROJECT RANKING: 124
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PROBLEM DESCRIPTION: Discharge of sewage into stormwater system due to cross connections and deteriorated sanitary sewers

PROJECT DESCRIPTION: Construction of replacement of a portion of the collection system

Fox Township Municipal Authority 116 Irishtown Road, P. O. Box 186 Kersey, PA 15846	COUNTY: Elk REGION: NW NPDES NO.: N/A	I: \$0 II: \$3,138,560 III A: \$0 III B: \$0	IVA: \$3,807,484 IVB: \$0 V: \$0 ELIG. \$6,946,044 COST:	PROJECT NO.: CS422129-01 PROJ. TYPE: STP PS SS PROJECT RATING: 16 PROJECT RANKING: 213
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PROBLEM DESCRIPTION: Malfunctioning on-lot systems and effluent violations at treatment facility

PROJECT DESCRIPTION: Construction of a collection and conveyance system extension and treatment facility expansion

Glen Campbell Borough P. O. Box 43 Glen Campbell, PA 15706	COUNTY: Indiana REGION: SW NPDES NO.:	I: \$0 II: \$426,400 III A: \$0 III B: \$0	IVA: \$1,092,000 IVB: \$45,600 V: \$0 ELIG. \$1,564,000 COST:	PROJECT NO.: CS422326-01 PROJ. TYPE: STP PS INT SS PROJECT RATING: 41 PROJECT RANKING: 25
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PROBLEM DESCRIPTION: Wildcat sewers discharging sewage into streams

PROJECT DESCRIPTION: Construction of a collection system and treatment facility

APPLICANT INFORMATION

Greater Uniontown Joint Sewage Authority  
90 Romeo Lane  
Uniontown, PA 15401

COUNTY: Fayette  
REGION: SW  
NPDES NO.:

NEEDS CATEGORIES

I: \$14,807,670  
II: \$0  
III: \$0  
IIIB: \$0  
IVA: \$0  
IVB: \$0  
V: \$0  
ELIG. \$14,807,670  
COST:

PROJECT INFORMATION

PROJECT NO.: CS422327-01  
PROJ. TYPE: STPMOD  
PROJECT RATING: 29  
PROJECT RANKING: 103

PROBLEM DESCRIPTION: Hydraulic overloading at treatment facility

PROJECT DESCRIPTION: Construction of an expansion project to double the size of the treatment facility

Indiana County Municipal Services Authority  
827 Water Street  
Indiana, PA 15701

COUNTY: Indiana/  
REGION: Cambria  
NPDES NO.:

I: \$1,536,000  
II: \$0  
III: \$0  
IIIB: \$0  
IVA: \$2,285,000  
IVB: \$480,000  
V: \$0  
ELIG. \$4,301,000  
COST:

PROJECT NO.: CS422339-01  
PROJ. TYPE: STP PS SS  
PROJECT RATING: 35  
PROJECT RANKING: 55

PROBLEM DESCRIPTION: Malfunctioning on-lot systems and discharges of sewage into streams

PROJECT DESCRIPTION: Construction of a collection and conveyance system and treatment facility

Johnsonburg Municipal Authority  
520A Market Street  
Johnsonburg, PA 15845

COUNTY: Elk  
REGION: NW  
NPDES NO.:

I: \$235,020  
II: \$0  
III: \$0  
IIIB: \$3,644,426  
IVA: \$0  
IVB: \$0  
V: \$0  
ELIG. \$3,879,446  
COST:

PROJECT NO.: CS422333-01  
PROJ. TYPE: STPMOD  
SSREH  
PROJECT RATING: 26  
PROJECT RANKING: 136

PROBLEM DESCRIPTION: Hydraulic overloading of collection system and treatment facility due to infiltration/inflow

PROJECT DESCRIPTION: Construction of replacement of a portion of the collection system and improvements at the treatment facility

Laurel Highlands Municipal Authority  
164 Jubilee Street  
Rockwood, PA 15557

COUNTY: Somerset  
REGION: SW  
NPDES NO.:

I: \$459,000  
II: \$0  
III: \$0  
IIIB: \$0  
IVA: \$1,221,000  
IVB: \$0  
V: \$0  
ELIG. \$1,680,000  
COST:

PROJECT NO.: CS422328-01  
PROJ. TYPE: STP SS  
PROJECT RATING: 38  
PROJECT RANKING: 45

PROBLEM DESCRIPTION: Wildcat sewers discharging sewage into a stream

PROJECT DESCRIPTION: Construction of a collection system and treatment facility

Lilly Borough Sewer Authority  
417 Cleveland Street  
Lilly, PA 15938

COUNTY: Cambria  
REGION: SW  
NPDES NO.:

I: \$1,627,000  
II: \$0  
III: \$0  
IIIB: \$0  
IVA: \$1,503,600  
IVB: \$1,264,400  
V: \$0  
ELIG. \$4,395,000  
COST:

PROJECT NO.: CS422340-01  
PROJ. TYPE: SS INT  
PROJECT RATING: 35  
PROJECT RANKING: 54

PROBLEM DESCRIPTION: Wildcat sewers discharging sewage into streams

PROJECT DESCRIPTION: Construction of a collection system

Lock Haven City  
20 E. Church Street  
Lock Haven, PA 17745

COUNTY: Clinton  
REGION: NC  
NPDES NO.:

I: \$2,536,011  
II: \$0  
III: \$0  
IIIB: \$592,719  
IVA: \$0  
IVB: \$0  
V: \$0  
ELIG. \$3,128,730  
COST:

PROJECT NO.: CS422294-01  
PROJ. TYPE: STPMOD SS  
PROJECT RATING: 26  
PROJECT RANKING: 138

PROBLEM DESCRIPTION: Hydraulic overloading at treatment facility

PROJECT DESCRIPTION: Construction of improvements to treatment facility and collection system

APPLICANT INFORMATION

NEEDS CATEGORIES

PROJECT INFORMATION

Middlesex Township 133 Browns Hill Road Valencia, PA 16059	COUNTY: Butler REGION: NW NPDES NO.: N/A	I: \$5,050,000 II: \$0 III A: \$0 III B: \$0	IVA: \$5,352,000 IVB: \$598,000 V: \$0 ELIG. \$11,000,000 COST:	PROJECT NO.: CS422122-01 PROJ. TYPE: STP SS PS INT PROJECT RATING: 34 PROJECT RANKING: 66
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PROBLEM DESCRIPTION: Malfunctioning on-lot systems

PROJECT DESCRIPTION: Construction of a collection and conveyance system and treatment facility

Mill Creek Area Municipal Authority HCR 61, Box 509A Mill Creek, PA 17060	COUNTY: Huntingdon REGION: SC NPDES NO.:	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$1,380,000 IVB: \$0 V: \$0 ELIG. \$1,380,000 COST:	PROJECT NO.: CS422297-01 PROJ. TYPE: SS PROJECT RATING: 40 PROJECT RANKING: 32
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PROBLEM DESCRIPTION: Malfunctioning on-lot systems and wildcat sewers

PROJECT DESCRIPTION: Construction of a collection system

Muncy Creek Township Authority 575 Route 442 Highway Muncy, PA 17756	COUNTY: Lycoming REGION: NC NPDES NO.:	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$4,549,517 IVB: \$802,851 V: \$0 ELIG. \$5,352,368 COST:	PROJECT NO.: CS422289-01 PROJ. TYPE: INT SS PROJECT RATING: 26 PROJECT RANKING: 135
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PROBLEM DESCRIPTION: Malfunctioning on-lot systems

PROJECT DESCRIPTION: Construction of extensions to the collection systems

New Florence Borough/St. Clair Twp. San. P. O. Box 369 New Florence, PA 15944	COUNTY: Westmoreland REGION: SW NPDES NO.: N/A	I: \$750,000 II: \$0 III A: \$0 III B: \$0	IVA: \$3,000,000 IVB: \$1,650,000 V: \$0 ELIG. \$5,400,000 COST:	PROJECT NO.: CS422167-01 PROJ. TYPE: STPMOD PS INT SS PROJECT RATING: 35 PROJECT RANKING: 53
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PROBLEM DESCRIPTION: Wildcat sewers discharging sewage into a stream

PROJECT DESCRIPTION: Construction of collection and conveyance system and treatment facility expansion

Peters Township Sanitary Authority 3244 Washington Road McMurray, PA 15317	COUNTY: Washington REGION: SW NPDES NO.:	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$582,408 IVB: \$0 V: \$0 ELIG. \$582,408 COST:	PROJECT NO.: CS422341-01 PROJ. TYPE: SS PROJECT RATING: 32 PROJECT RANKING: 80
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PROBLEM DESCRIPTION: Malfunctioning on-lot systems

PROJECT DESCRIPTION: Construction of an extension to the collection system

Sandy Township 12th and Chestnut Ave., P. O. Box 267 DuBois, PA 15801	COUNTY: Clearfield REGION: NC NPDES NO.:	I: \$0 II: \$0 III A: \$0 III B: \$0	IVA: \$1,305,000 IVB: \$145,000 V: \$0 ELIG. \$1,450,000 COST:	PROJECT NO.: CS422344-01 PROJ. TYPE: PS INT SS PROJECT RATING: 14 PROJECT RANKING: 232
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PROBLEM DESCRIPTION: Malfunctioning on-lot systems and treatment facility

PROJECT DESCRIPTION: Construction of a collection and conveyance system

Saxton Borough Municipal Authority	COUNTY: Bedford	I: \$0	IVA: \$0	PROJECT NO.: CS422347-01
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APPLICANT INFORMATION

P. O. Box 173  
Saxton, PA 16678

REGION: SC  
NPDES NO.:

NEEDS CATEGORIES

II: \$410,000  
III A: \$0  
III B: \$0

IVB: \$0  
V: \$0  
ELIG. \$410,000  
COST:

PROJECT INFORMATION

PROJ. TYPE: STPMOD  
PROJECT RATING: 16  
PROJECT 226  
RANKING:

PROBLEM DESCRIPTION: Lack of adequate solids dewatering at treatment facility

PROJECT DESCRIPTION: Construction of treatment facility improvements

Scranton City Sewer Authority  
307 N. Washington Avenue  
Scranton, PA 18503

COUNTY: Lackawanna  
REGION: NE  
NPDES NO.:

I: \$344,958  
II: \$0  
III A: \$0  
III B: \$2,529,693

IV A: \$0  
IV B: \$0  
V: \$0  
ELIG. \$2,874,651  
COST:

PROJECT NO.: CS422331-01  
PROJ. TYPE: STPMOD  
SSREH  
PROJECT RATING: 34  
PROJECT 74  
RANKING:

PROBLEM DESCRIPTION: Deteriorated collection system allows discharge of sewage into stream; collection system inadequate to convey increasing flows from adjacent authority

PROJECT DESCRIPTION: Construction of collection system and treatment facility improvements

Snake Spring Township Municipal Authority  
624 Penn Knoll Road  
Everett, PA 15537

COUNTY: Bedford  
REGION: SC  
NPDES NO.:

I: \$0  
II: \$0  
III A: \$0  
III B: \$0

IV A: \$193,700  
IV B: \$0  
V: \$0  
ELIG. \$193,700  
COST:

PROJECT NO.: CS422348-01  
PROJ. TYPE: SS  
PROJECT RATING: 55  
PROJECT 7  
RANKING:

PROBLEM DESCRIPTION: Malfunctioning on-lot systems

PROJECT DESCRIPTION: Construction of an extension to the collection system

Titusville City  
107 N. Franklin Street  
Titusville, PA 16354

COUNTY: Crawford  
REGION: NW  
NPDES NO.:

I: \$0  
II: \$0  
III A: \$0  
III B: \$541,191

IV A: \$0  
IV B: \$0  
V: \$3,449,309  
ELIG. \$3,990,500  
COST:

PROJECT NO.: CS422278-01  
PROJ. TYPE: STPMOD PS  
INT SS  
PROJECT RATING: 18  
PROJECT 205  
RANKING:

PROBLEM DESCRIPTION: Hydraulic overloading of collection system and treatment facility due to combined sewers and infiltration/inflow

PROJECT DESCRIPTION: Construction of improvements to collection system and treatment facility

Todd Township  
22622 Great Cove Road  
McConnellsburg, PA 17233

COUNTY: Fulton  
REGION: SC  
NPDES NO.:

I: \$196,775  
II: \$0  
III A: \$0  
III B: \$0

IV A: \$0  
IV B: \$0  
V: \$0  
ELIG. \$196,775  
COST:

PROJECT NO.: CS422337-01  
PROJ. TYPE: STPMOD  
PROJECT RATING: 22  
PROJECT 169  
RANKING:

PROBLEM DESCRIPTION: Deteriorated treatment facility which fails to meet effluent limits

PROJECT DESCRIPTION: Construction of treatment facility improvements

Westmoreland County Industrial Park  
601 Courthouse Square  
Greensburg, PA 15601

COUNTY: Westmoreland  
REGION: SW  
NPDES NO.:

I: \$0  
II: \$904,400  
III A: \$0  
III B: \$0

IV A: \$0  
IV B: \$0  
V: \$0  
ELIG. \$904,400  
COST:

PROJECT NO.: CS422329-01  
PROJ. TYPE: STPMOD  
PROJECT RATING: 23  
PROJECT 145  
RANKING:

PROBLEM DESCRIPTION: Effluent violations at treatment facility

PROJECT DESCRIPTION: Construction of an extension to the treatment facility effluent pipe to discharge effluent into a larger stream, meeting effluent limits



*APPLICANT INFORMATION*

Youngwood Borough Authority  
17 S. 6th Street  
Youngwood, PA 15697

*NEEDS CATEGORIES*

COUNTY:	Westmoreland	I:	\$57,500	IVA:	\$143,750
REGION:	SW	II:	\$0	IVB:	\$151,220
NPDES NO.:		IIIA:	\$0	V:	\$0
		IIIB:	\$2,855,145	ELIG. COST:	\$3,207,615

*PROJECT INFORMATION*

PROJECT NO.:	CS422330-01
PROJ. TYPE:	STPMOD SSREH SS
PROJECT RATING:	26
PROJECT RANKING:	139

PROBLEM DESCRIPTION: Hydraulic overloading of collection system due to infiltration/inflow; malfunctioning on-lot systems

PROJECT DESCRIPTION: Construction of improvements and an extension to the collection system

[Pa.B. Doc. No. 03-156. Filed for public inspection January 24, 2003, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Railroad Crossing With Hearing

**A-00119372. O'Hara Township.** Application of O'Hara Township for approval of the construction of a public crossing, where a rail crossing existed on Riverfront Drive, at grade, the tracks of Norfolk Southern Corporation located in O'Hara Township, Allegheny County, PA.

An initial hearing on this matter will be held Tuesday, March 4, 2003, at 10 a.m. in a hearing room, 11th Floor, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-157. Filed for public inspection January 24, 2003, 9:00 a.m.]

## Wastewater Service

**A-230073F0007. Pennsylvania-American Water Company, Wastewater Division.** Application of Pennsylvania-American Water Company, Wastewater Division, for approval of the right to offer, render, furnish or supply wastewater service to the public in portions of West Caln Township, Chester County, PA.

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 of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, by February 10, 2003. 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-American Water Company, Wastewater Division

*Through and By Counsel:* Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-158. Filed for public inspection January 24, 2003, 9:00 a.m.]

## Water Service

**A-212285F0110. Pennsylvania-American Water Company.** Application of Pennsylvania-American Water Company for approval of the right to offer, render, furnish or supply water service to the public in portions of West Caln Township, Chester County, PA.

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 of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, by February 10, 2003. 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-American Water Company

*Through and By Counsel:* Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-159. Filed for public inspection January 24, 2003, 9:00 a.m.]

# PHILADELPHIA REGIONAL PORT AUTHORITY

## Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept faxed bids for Project #03-003.P, Asphalt Requirements, until 2 p.m. on Thursday, February 6, 2003. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available January 28, 2003. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 03-160. Filed for public inspection January 24, 2003, 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.

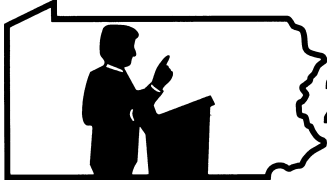
Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) 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

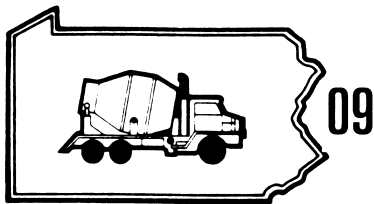
## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room G13 Finance Building  
 Harrisburg, PA 17120  
 717-787-2990  
 1-800-252-4700

BARBARA HAFER,  
 State Treasurer

## SERVICES



### Construction & Construction Maintenance

**TRA-01** The PA DOC Training Academy is need of two separate paving projects. Project #1--consists of repaving of "Academy Drive." The area to be repaved is approximately 3,757 sq. yd. Edging, sweeping, and an application of a tack coat is mandatory. Project #2--Stone and pave a new parking area approximately 30' X 80'. This area will also need to tie into the existing roadway. A site visit is mandatory, and the projects must be bid separately.

**Department:** Corrections  
**Location:** PA DOC Training Academy, 1451 N. Market Street, Elizabethtown, PA 17022  
**Duration:** Projects must be 100 complete no later than 90 days of contract date.  
**Contact:** Mr. Donald Dimeler, (717) 361-4337

**DGS A 990-6** PROJECT TITLE: Somerset Historical Center. BRIEF DESCRIPTION: Construct a new paved parking lot. Work shall include all grading, base courses, final surfacing and striping as required for ADA parking requirements. It will include an appropriate drainage collection and runoff system. ESTIMATED RANGE: Under \$100,000.00. Paving Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents with 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, Tel: (717) 787-3923. Bid Date: WEDNESDAY, February 5, 2003 at 11 a.m. All bidders must be registered to secure plans and specifications. Register at: [www.vendorregistration.state.pa.us](http://www.vendorregistration.state.pa.us)

**Department:** General Services  
**Location:** Somerset Historical Center, Lincoln Township, Somerset County, PA  
**Duration:** 150 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**DGS A 208-18** PROJECT TITLE: Repair Paving. BRIEF DESCRIPTION: Repair and resurface existing bituminous parking areas. ESTIMATED RANGE: Under \$100,000.00. Miscellaneous Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, Tel: (717) 787-3923. Bid Date: Wednesday, February 5, 2003 at 1 p.m. All Bidders must be registered to secure plans and specifications. Register at: [www.vendorregistration.state.pa.us](http://www.vendorregistration.state.pa.us)

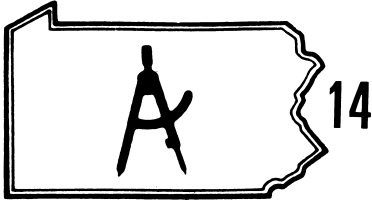
**Department:** General Services  
**Location:** Pennsylvania State Police - Troop N, Hazleton, Luzerne County, PA  
**Duration:** 105 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contact and Bidding Unit, (717) 787-6556

**SU-2001-37** Invitation To Bid - Shippensburg University: SU-2001/37: Franklin Science Center Casework. Shippensburg University of the State System of Higher Education invites General, Plumbing, and Electrical Contractors to request bid documents for this project. Work includes all work necessary for selective demolition of existing casework and replacement of laboratory casework. Prospective Bidders may obtain project plans for a nonrefundable fee of \$200.00 from Burt Hill Kosar Rittelmann Associates, 1735 Market Street, 53rd Floor, Philadelphia, PA 19103, Phone: (215) 751-2900, FAX: (215) 751-2901. Pre-Bid Meeting with site visit immediately to follow will be held on January 23, 2003 at 10 a.m. in Reed Operations Center Conference Room. Bids Due: February 13, 2003 at 4 p.m. in Old Main Room 300. Public Bid Opening: February 14, 2003 at 2 p.m., Old Main Room 203A. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and of the PA State System of Higher Education.

**Department:** State System of Higher Education,  
**Location:** Shippensburg University, Shippensburg, PA 17257  
**Duration:** Phase I - 8-12-03, Phase II - 8-17-04  
**Contact:** Deborah K. Martin, (717) 477-1121

**DGS A 199-68** PROJECT TITLE: Sludge Storage Tank BRIEF DESCRIPTION: Construction of an above ground steel aerated sludge holding tank at the Tylersville Fish Culture Station. ESTIMATED RANGE: \$100,000.00 to \$500,000.00. General Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, Tel: (717) 787-3923. Bid Date: Wednesday, February 5, 2003 at 2 p.m. All Bidders must be registered to secure plans and specifications. Register at: [www.vendorregistration.state.pa.us](http://www.vendorregistration.state.pa.us)

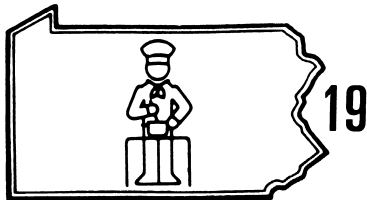
**Department:** General Services  
**Location:** Tylersville Fish Culture Station, Logan Township, Clinton County, PA  
**Duration:** 120 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit, (717) 787-6556



### Engineering Services

**PennDOT-ECMS** The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at [www.dot2.state.pa.us](http://www.dot2.state.pa.us).

**Department:** Transportation  
**Location:** Various  
**Contact:** [www.dot2.state.pa.us](http://www.dot2.state.pa.us)



### Food

**#AC 8398 A-L** Perishable Food Items as follows: #AC 8398--A Meat and Meat Products, #AC 8398-B Poultry and Poultry Products, #AC 8398-C Miscellaneous Foods, #AC 8398-D Produce, #AC 8398-E Prepared Salads, #AC 8398-F Fruits and Vegetables, Frozen, #AC 8398-G Dairy Products, #AC 8398-H Cheese, #AC 8398-I Fish and Fish Products, #AC 8398-J Frozen Juices, #AC 8398-K:Ice Cream-Sherbert and Related Novelties and #AC 8398-L Shell Eggs. Commodities and quantities available from the Purchasing Office, Ebensburg Center, Rt. 22 West, P. O. Box 600, Ebensburg, PA 15931. Awards will be made in the best interest of the Commonwealth.

**Department:** Public Welfare  
**Location:** Altoona Center (Storeroom), Department of Public Welfare, 1515 Fourth Street, Altoona, PA 16601  
**Duration:** April 1, 2003--June 30, 2003  
**Contact:** Nannette McCreary, Clerk Typist 3, (814) 472-0290

**#8397 A-K** Perishable Food Items as follows: #8397-A Meat and Meat Products, #8397-B Poultry, #8397-C Miscellaneous Foods, #8397-D Produce, #8397-E Prepared Salads, Fresh, #8397-F Fruit and Vegetables, Frozen, #8397-G Dairy Products, #8397-H Cheese, #8397-I Fish and Fish Products, #8397-J Frozen Juices, #8397-K Ice Cream and Sherbert and Related Novelties. Commodities and quantities available from the Purchasing Office, Ebensburg Center, Rt. 22 W., P. O. Box 600, Ebensburg, PA 15931. Awards will be made in the best interest of the Commonwealth.

**Department:** Public Welfare  
**Location:** Ebensburg Center (Dietary Building), Department of Public Welfare, Rt. 22 W., P. O. Box 600, Ebensburg, PA 15931  
**Duration:** April 1, 2003--June 30, 2003  
**Contact:** Nannette McCreary, Clerk Typist 3, (814) 472-0290

**4061** Miscellaneous Frozen Foods Contract for April, May and June 2003. Please send a fax with your company name, address, telephone and fax numbers and Federal ID Number to 570-587-7108 to request a bid package. Bid packages cannot be faxed.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505  
**Duration:** April 1, 2003--June 30, 2003  
**Contact:** Stanley Rygelski, PA, (570) 587-7291

**4062** Frozen Juice Drinks, 4 oz. Containers for April, May and June 2003. Please send a fax with your company name, address, telephone and fax numbers and Federal ID Number to 570-587-7108 to request a bid package. Bid packages cannot be faxed.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505  
**Duration:** April 1, 2003--June 30, 2003  
**Contact:** Stanley Rygelski, PA, (570) 587-7291

**4053** Frozen Meat Contract for April, May and June 2003. Please send a fax with your company name, address, telephone and fax numbers and Federal ID Number to 570-587-7108 to request a bid package. Bid packages cannot be faxed.

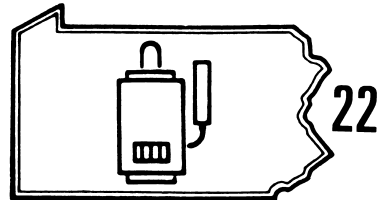
**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505  
**Duration:** April 1, 2003--June 30, 2003  
**Contact:** Stanley Rygelski, PA, (570) 587-7291

**4058** Dairy Contract for April, May and June 2003. Please send a fax with your company name, address, telephone and fax numbers and Federal ID Number to 570-587-7108 to request a bid package.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505  
**Duration:** April 1, 2003--June 30, 2003  
**Contact:** Stanley Rygelski, PA, (570) 587-7291

**4054** Frozen Poultry Contract for April, May and June 2003. Please send a fax with your company name, address, telephone and fax numbers and Federal ID number to 570-587-7108 to request a bid package. Bid packages cannot be faxed.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505  
**Duration:** April 1, 2003 - June 30, 2003  
**Contact:** Stanley Rygelski, PA, (570) 587-7291



### HVAC Services

**SPC-03-007** Contractor to provide service and repairs on and "on-call" basis to the Emergency Generator and transfer switch located at the Gino J. Merli Veterans Center. For complete specifications, please send request via e-mail to [bpartyka@state.pa.us](mailto:bpartyka@state.pa.us) or via fax to (570) 961-4400.

**Department:** Military Affairs  
**Location:** Gino J. Merli Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213  
**Duration:** July 1, 2003--June 30, 2006 with renewal option  
**Contact:** Barbara Partyka, PA-1, (570) 961-4354

**SPC-03-001** Contractor to provide service for a Total Maintenance Contract for HVAC System at the Gino J. Merli Veterans Center. For complete specifications please send request via e-mail to [bpartyka@state.pa.us](mailto:bpartyka@state.pa.us) or by fax at (570) 961-4400

**Department:** Military Affairs  
**Location:** Gino J. Merli Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213  
**Duration:** July 1, 2003--June 30, 2005  
**Contact:** Barbara Partyka, PA-1, (570) 961-4354

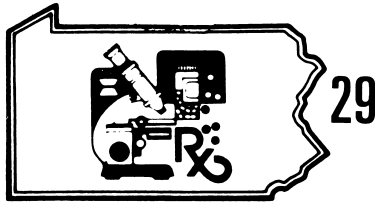


### Lodging/Meeting Facilities

**SP3520030126** Provide lodging, meeting rooms and meals for one (and possibly two), two-day client workshops for the Department of Environmental Protection, Bureau of Land Recycling and Wastewater Management. The tentative dates are as follows: March 25-26, 2003; March 26-27, 2003; April 8-9, 2003; April 9-10, 2003; April 15-16, 2003; April 16-17, 2003

**Department:** Environmental Protection  
**Location:** The contract(s) shall be awarded to the lowest responsible bidder within a 20-mile radius of downtown Harrisburg, or within a 15-mile radius of King of Prussia and/or a 30-mile radius of downtown Pittsburgh, PA

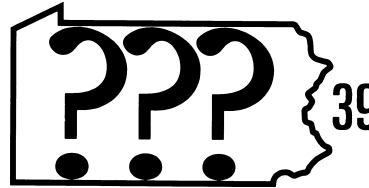
**Duration:** Through 6/30/03, with option to renew  
**Contact:** Sherry Morrow, (717) 772-1216



### Medical Services

**SPC-03-004** Contractor to provide services of an ophthalmologist and optometrist/optician to all residents at the Gino J. Merli Veterans Center. For detailed specifications, please send request via e-mail to [bpartyka@state.pa.us](mailto:bpartyka@state.pa.us) or via fax (570) 961-4400.

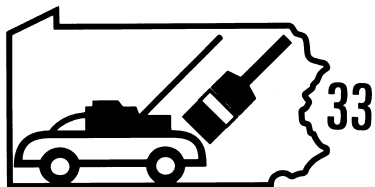
**Department:** Military Affairs  
**Location:** Gino J. Merli Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213  
**Duration:** July 1, 2003 through June 30, 2006  
**Contact:** Barbara Partyka, PA-1, (570) 961-4354



### Miscellaneous

**SPC-03-003** Contractor to supply Funeral Services for indigent residents of the Gino J. Merli Veterans Center. For detailed specifications, please send request via e-mail to [bpartyka@state.pa.us](mailto:bpartyka@state.pa.us) or via fax to (570) 961-4400.

**Department:** Military Affairs  
**Location:** Gino J. Merli Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213  
**Duration:** July 1, 2003—June 30, 2007  
**Contact:** Barbara Partyka, PA-1, (570) 961-4354



### Property Maintenance

**041155** Seed bed preparation for wildflower planting on approximately 85 acres. Plant bed preparation and bulb plantings on approximately 25 acres. All work performed in District 4-0; Lackawanna, Luzerne, Pike Susquehanna, Wayne and Wyoming counties. Contractor must be a department prequalified landscape contractor. Specifications may be obtained by calling District 4-0 Roadside Unit from 8 a.m. to 3 p.m., Monday through Friday, (570) 963-4016 or by faxing company name and address, to (570) 963-4245.

**Department:** Transportation  
**Location:** Lackawanna, Luzerne, Pike, Susquehanna, Wayne and Wyoming Counties  
**Duration:** One (1) year contract with renewal options  
**Contact:** Bill Fives, (570) 963-4016

**2-2-00058 REBID NOTE\*** THIS IS A REBID. This contract will provide manpower, equipment and all guiderail material for the emergency repair of approximately 5,000 linear feet of strong and/or weak post guiderail (and other guiderail components as needed) at accident damage sites located on Interstate 80, within Clearfield County. The contractor shall be responsible for the removal and disposal of damaged guiderail and installation of new guiderail at accident sites within 5 working days after notification by department personnel on an as needed basis. All requests for bid packages must be requested by fax (814) 768-0735 or telephone (814) 765-0524. Attention: Debbie Swank, Purchasing Agent. All bidders must be prequalified to bid on this contract. PA Prevailing Wage does apply.

**Department:** Transportation  
**Location:** Interstate 80, District 2-2, Clearfield County  
**Duration:** One year contract with an option of One (1) Year Renewal  
**Contact:** Debbie Swank, Purchasing Agent, (814) 765-0524

**202-R-1939056312** The Department of State is interested in securing and retaining the services of a qualified professional testing organization that can develop, prepare, administer and grade theory examinations for real estate salespersons and brokers and provide related examination administration services to the Department and its candidates.

**Department:** State  
**Location:** 308 North Office Building, Harrisburg, PA 17120  
**Duration:** Five years  
**Contact:** Kathye Bilyeu, (717) 783-7220

**SPC-03-002(a)** Contractor to provide Protestant chaplaincy services for the residents of the Protestant faith at the Gino J. Merli Veterans Center. For complete specifications, please send request via e-mail to [bpartyka@state.pa.us](mailto:bpartyka@state.pa.us) or by fax (570) 961-4400.

**Department:** Military Affairs  
**Location:** Gino J. Merli Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213  
**Duration:** July 1, 2003—June 30, 2005  
**Contact:** Barbara Partyka, PA-1, (570) 961-4354

**RFP-2002-BE-01** Concessionaire to develop, manage and operate boating facilities. Pre-proposal questions - February 4, 2003. Pre-proposal conference - February 6, 2003 (Mandatory). Bid Opening - February 28, 2003.

**Department:** Fish and Boat Commission  
**Location:** Frankford Arsenal Boat Lunch, 5601 Tacony Street, Philadelphia, PA 10-year license and concession agreement (one-year term with nine automatic renewals)  
**Contact:** Dennis Grove, (717) 705-7915

**IFB 03-I-001** The services of a certified public accountant or certified public accounting firm are required for the auditing of campaign finance statements and reports for the Bureau of Commissions, Elections and Legislation.

**Department:** State  
**Location:** Bureau of Finance and Operations, Room 308, North Office Building, Harrisburg, PA 17120  
**Duration:** 2 years  
**Contact:** Judith L. Holjes, (717) 783-7210

[Pa.B. Doc. No. 03-161. Filed for public inspection January 24, 2003, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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|--|---|
| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
|--|---|

KELLY POWELL LOGAN,  
*Secretary*





