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# PENNSYLVANIA BULLETIN

Volume 33

Number 18

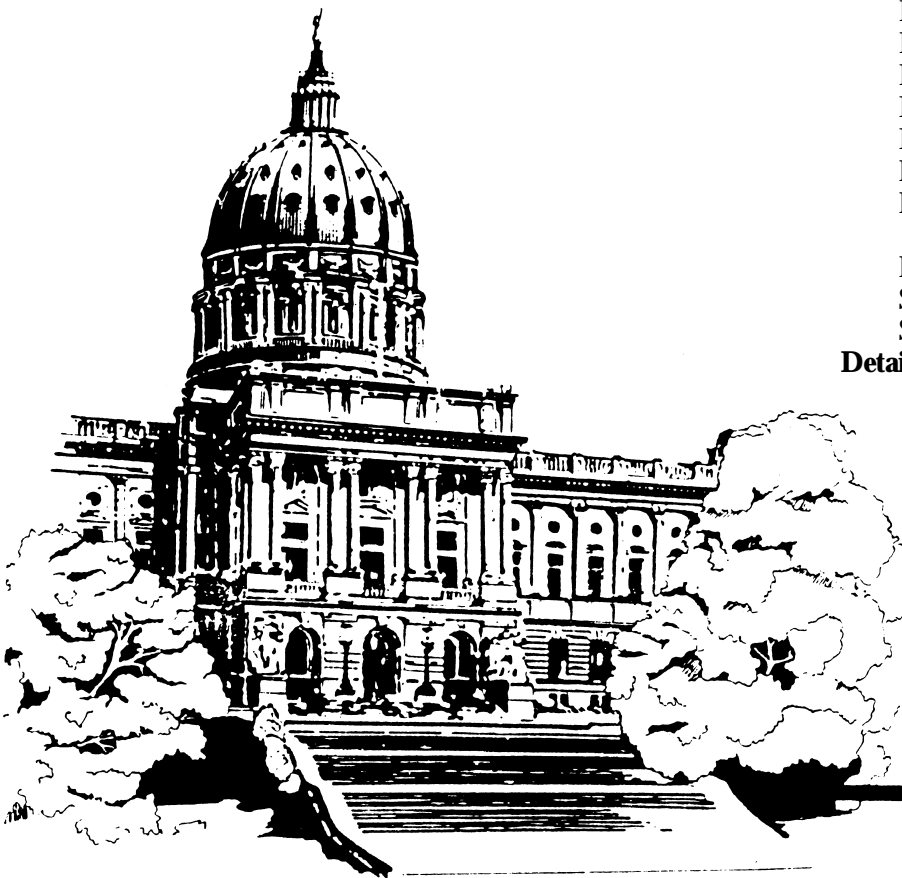
Saturday, May 3, 2003 • Harrisburg, Pa.

Pages 2153—2250

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Delaware River Basin Commission  
Department of Agriculture  
Department of Banking  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Public Welfare  
Department of Revenue  
Health Care Cost Containment Council  
Independent Regulatory Review Commission  
Insurance Department  
Patient Safety Authority  
Pennsylvania Infrastructure Investment  
Authority  
Pennsylvania Public Utility Commission  
State Harness Racing Commission  
State Horse Racing Commission

**Detailed list of contents appears inside.**



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

**No. 342, May 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.

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# THE COURTS

## Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 1 AND 7]

### Post-Sentence Ineffectiveness Assistance of Trial Counsel Claims

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Pa.R.Crim.P. 720 (Post-Sentence Procedures; Appeal) and revise the Comments to Rules 120 (Attorneys—Appearances and Withdrawals) and 122 (Assignment of Counsel) to provide guidance in the Criminal Rules concerning raising ineffective assistance of counsel claims post-sentence in view of *Commonwealth v. Grant*, 813 A.2d 726 (Pa. 2002). This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Report should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed rule changes precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal in writing to the Committee through counsel,

Anne T. Panfil, Chief Staff Counsel  
 Supreme Court of Pennsylvania  
 Criminal Procedural Rules Committee  
 5035 Ritter Road, Suite 800  
 Mechanicsburg, PA 17055  
 fax: (717) 795-2106  
 e-mail: criminal.rules@supreme.court.state.pa.us

no later than Friday, June 6, 2003.

By the Criminal Procedural Rules Committee

JOHN J. DRISCOLL,  
*Chair*

#### Annex A

### TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

#### PART B. Counsel

#### Rule 120. Attorneys—Appearances and Withdrawals.

\* \* \* \* \*

#### Comment

\* \* \* \* \*

Under paragraph (C), the court should make a determination of the status of a case before permitting counsel to withdraw.

**The court should not replace appointed counsel at the post-verdict stage for the purpose of challenging trial counsel's effectiveness unless new**

**counsel is prepared to preserve ineffectiveness issues pursuant to Rule 720.**

\* \* \* \* \*

**Official Note:** Adopted June 30, 1964, effective January 1, 1965; formerly Rule 303, renumbered Rule 302 and amended June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; amended March 22, 1993, effective January 1, 1994; renumbered Rule 120 and amended March 1, 2000, effective April 1, 2001; **Comment revised** , 2003, **effective** , 2003.

*Committee Explanatory Reports:*

\* \* \* \* \*

**Report explaining the proposed Comment revision concerning appointment of counsel published at 33 Pa.B. 2162 (May 3, 2003).**

#### Rule 122. Assignment of Counsel.

\* \* \* \* \*

#### Comment

\* \* \* \* \*

**The court should not replace appointed counsel at the post-verdict stage for the purpose of challenging trial counsel's effectiveness unless new counsel is prepared to preserve ineffectiveness issues pursuant to Rule 720.**

For suspension of Acts of Assembly, see Rule 1101.

**Official Note:** Rule 318 adopted November 29, 1972, effective 10 days hence; replacing prior rule; amended September 18, 1973, effective immediately; renumbered Rule 316 and amended June 29, 1977, and October 21, 1977, effective January 1, 1978; renumbered Rule 122 and amended March 1, 2000, effective April 1, 2001; **Comment revised** , 2003, **effective** , 2003.

*Committee Explanatory Reports:*

\* \* \* \* \*

**Report explaining the proposed Comment revision concerning post-verdict appointment of counsel published at 33 Pa.B. 2162 (May 3, 2003).**

### CHAPTER 7. POST-TRIAL PROCEDURES IN COURT CASES

#### PART B. Post-Sentence Procedures

#### Rule 720. Post-Sentence Procedures; Appeal.

\* \* \* \* \*

(B) OPTIONAL POST-SENTENCE MOTION.

(1) Generally.

\* \* \* \* \*

(c) Issues raised before or during trial shall be deemed preserved for appeal whether or not the defendant elects to file a post-sentence motion on those issues. **If, after the verdict, the defendant retains new counsel or receives new appointed counsel at his or her request, issues of trial counsel's ineffectiveness must be raised in a post-sentence motion to be preserved for further review.**

\* \* \* \* \*

(3) Time Limits for Decision on Motion.

The judge shall not vacate sentence pending decision on the post-sentence motion, but shall decide the motion as provided in this paragraph.

\* \* \* \* \*

(b) Upon motion of the defendant within the 120-day disposition period, for good cause shown, the judge may grant one 30-day extension for decision on the motion. **If the post-sentence motions include claims of trial counsel's ineffectiveness, and the judge determines that the existing record is inadequate to resolve the claims, the judge may grant an additional extension of up to 60 days for further proceedings.** If the judge fails to decide the motion within the [ 30-day ] extension period, the motion shall be deemed denied by operation of law.

\* \* \* \* \*

**Comment**

\* \* \* \* \*

OPTIONAL POST-SENTENCE MOTION

\* \* \* \* \*

**The judge's discretion to permit supplemental motions should be exercised liberally when new counsel seeks to raise the ineffectiveness of trial counsel.**

For procedures governing post-sentence challenges to the sufficiency of the evidence, see Rule 606(A)(6) and (A)(7). For challenges to the weight of the evidence, see Rule 606(A).

\* \* \* \* \*

**Official Note:** Previous Rule 1410, adopted May 22, 1978, effective as to cases in which sentence is imposed on or after July 1, 1978; rescinded March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994, and replaced by present Rule 1410. Present Rule 1410 adopted March 22, 1993 and amended December 17, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996. Comment revised September 26, 1996, effective January 1, 1997; amended August 22, 1997, effective January 1, 1998; Comment revised October 15, 1997, effective January 1, 1998; amended July 9, 1999, effective January 1, 2000; renumbered Rule 720 and amended March 1, 2000, effective April 1, 2001; **amended , 2003, effective , 2003.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Report explaining the proposed changes concerning post-sentence ineffective assistance of counsel claims published at 33 Pa.B. 2162 (May 3, 2003).**

**REPORT**

*Proposed Amendments to Pa.R.Crim.P. 720,  
Revision of the Comments to Pa.Rs.Crim.P. 120 and 122*

POST-SENTENCE INEFFECTIVENESS ASSISTANCE  
OF TRIAL COUNSEL CLAIMS

*Introduction*

The Committee is proposing amendments to Pa.R.Crim.P. 720 (Post-Sentence Procedures; Appeal) and the revision of the Comments to Pa.Rs.Crim.P. 120 (Attorneys—Appearances and Withdrawals) and 122 (Assign-

ment of Counsel) that will provide guidance to the bench and bar concerning the post-verdict appointment of new counsel to raise trial counsel's ineffectiveness, and the procedures for raising trial counsel's ineffectiveness in a post-sentence motion. The Committee concluded these changes are necessary after reviewing the Court's decision in *Commonwealth v. Grant*, 813 A.2d 726 (Pa. 2002) holding, inter alia, that "as a general rule, a petitioner should wait to raise claims of ineffective assistance of trial counsel until collateral review," and "a claim raising trial counsel ineffectiveness will no longer be considered waived because new counsel on direct appeal did not raise a claim related to prior counsel's ineffectiveness," at 738. The Court added in a footnote:

The general rule announced today is limited by the issues raised in this case. Appellant does not raise an allegation that there has been a complete or constructive denial of counsel or that counsel has breached his or her duty of loyalty. Under those limited circumstances, this court may choose to create an exception to the general rule and review those claims on direct appeal. However, as there is no issue raising such a question in this case, such a consideration is more appropriately left to another day. *Id.* at 738, footnote 14.

In analyzing this decision, the Committee made several observations about the interplay of the *Grant* decision and the Criminal Rules, persuading the members changes to the rules are necessary. First, the members noted that, traditionally, judges have allowed lawyers to withdraw from a case at the post-trial stage when the defendant wishes to challenge trial counsel's ineffectiveness, which, until *Grant* was decided, was consistent with the case law that required new counsel to fulfill the purpose of the appointment by actually raising ineffectiveness at the first opportunity. Now, with the Court's holding in *Grant* that ineffectiveness claims generally should be postponed until the post-conviction collateral review process, no purpose is served by appointing new counsel at the post-verdict stage to litigate ineffective assistance of counsel when a defendant wishes to proceed pursuant to the new "general rule" promulgated in *Grant*. In view of this, the Committee reasoned that without referencing this change in procedure, judges by "force of habit" may continue to make new appointments at the post-verdict stage, resulting in extra expense to the court's already limited resources and unnecessary delay, with no benefit for the defendant or the system.

On the other hand, as the Court acknowledged in *Grant*, there may be cases in which the defendant does not wish to delay ineffectiveness litigation for the year or more necessary to complete the direct appeal process. The Committee agreed in these cases, if the defendant seeks to litigate ineffectiveness of trial counsel as soon as possible, the appointment of new counsel would be appropriate at the post-verdict stage. We also concluded in these limited cases when new counsel is appointed at the post-verdict stage, new counsel must raise the ineffectiveness claim in the post-sentence motion in order to preserve the issue for appeal.

*Discussion of Rule Changes*

*A. Amendments to Rule 720*

The Committee is proposing that Rule 720(B)(1)(c) be amended by the addition of the requirement that if new counsel is retained or appointed at the post-verdict stage of the proceedings, the issues of trial counsel's ineffectiveness must be raised in a post-sentence motion to be

preserved for appeal. Recognizing that there may be legitimate needs in some of the cases raising counsel's ineffectiveness for extended hearings or additional time to review the trial transcript because the existing record is inadequate to resolve the claims, the Committee is proposing the judge be authorized to grant one extension to the 120-day time limit on the disposition of the post-sentence motion of up to 60 days for further proceedings on the ineffectiveness claim only. Paragraph (B)(3)(b). The Committee also is proposing a new paragraph be added to the Comment suggesting that supplemental motions should be liberally allowed when new counsel intends to raise trial counsel's ineffectiveness.

*B. Correlative Revision of the Comments to Rules 120 and 122*

The Committee is proposing cautionary language be added to the Comments to Rules 120 and 122 to alert the bench and bar that if new counsel is retained or appointed at the post-verdict stage, pursuant to Rule 720, the new attorney must raise trial counsel's ineffectiveness in the post-sentence motion.

[Pa.B. Doc. No. 03-817. Filed for public inspection May 2, 2003, 9:00 a.m.]

[234 PA. CODE CH. 2]

**Administration of the Oath to Investigating Grand Jury Witnesses**

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Pa.R.Crim.P. Rule 227 (Administering Oath to Witness) to permit a court representative, who has the authority to administer oaths, to administer the oath to all witnesses who are scheduled to testify before an investigating grand jury, except those witnesses who are required to receive constitutional warnings. For these witnesses, the warnings and the oath must be administered by the supervising judge. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Report should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed Rule 227 amendments precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal in writing to the Committee through counsel,

Anne T. Panfil, Chief Staff Counsel  
 Supreme Court of Pennsylvania  
 Criminal Procedural Rules Committee  
 5035 Ritter Road, Suite 800  
 Mechanicsburg, PA 17055  
 fax: (717) 795-2106  
 e-mail: criminal.rules@supreme.court.state.pa.us

no later than Friday, June 6, 2003.

*By the Criminal Procedural Rules Committee*

JOHN J. DRISCOLL,  
*Chair*

**Annex A**

**TITLE 234. RULES OF CRIMINAL PROCEDURE  
 CHAPTER 2. INVESTIGATIONS**

**PART B(1). Investigating Grand Juries**

**Rule 227. Administering Oath to Witness.**

Each witness to be heard by the investigating grand jury shall be sworn [ **by the court** ] before testifying. The witness may elect to be sworn in camera or in open court.

**Comment**

\* \* \* \* \*

**When it is necessary to give constitutional warnings to a witness, the warnings and the oath must be administered by the court.** As to warnings that the court may have to give to the witness when the witness is sworn, see, e.g., *Commonwealth v. McCloskey*, 277 A.2d 764 (Pa. 1971).

**Official Note:** Rule 259 adopted June 26, 1978, effective January 9, 1979; renumbered Rule 227 and Comment revised March 1, 2000, effective April 1, 2001; **amended** , **2003, effective** , **2003.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Report explaining the proposed amendments to concerning administration of the oath published at 33 Pa.B. 2163 (May 3, 2003).**

**REPORT**

*Proposed Amendments to Pa.R.Crim.P. 227*

**ADMINISTRATION OF THE OATH TO INVESTIGATING GRAND JURY WITNESSES**

The Criminal Procedural Rules Committee is proposing changes to Rule 227 (Administering Oath to Witness) that will make the rule clear that (1) when it is necessary to give constitutional warnings to a witness who will testify in an investigating grand jury proceeding, the warnings and the oath must be administered by the supervising judge, and (2) for all other witnesses in the investigating grand jury proceeding, a court representative, who is authorized to administer oaths, is permitted to administer the oath. These changes are intended to protect the rights of those witnesses who under the law are to be afforded constitutional warnings prior to testifying before the investigating grand jury, and to facilitate overall the investigating grand jury proceedings by allowing another court official to administer the oath.

As part of the Committee's ongoing general review of the Criminal Rules, we recently reviewed Rule 227. Several members opined, in view of the manner in which an investigating grand jury proceeding is conducted, that the provision in the rule "by the court" may be archaic, impractical, and unnecessary.<sup>1</sup> In determining whether to propose changes to Rule 227, the Committee reviewed the Committee's rule history. When the Committee originally proposed Rule 227 in 1978, the impetus for the requirement that the court administer the oath to witnesses were concerns of the Committee about the warnings and instructions which should be given to a witness prior to testifying. The members relied on *Commonwealth v. McCloskey*, 277 A.2d 764 (Pa. 1971), in which the Supreme Court stated, inter alia, that "the proper procedure

<sup>1</sup> Rule 227 originally was Rule 259. The rule was renumbered Rule 227 as part of the Court's reorganization and renumbering of the Criminal Rules in 2001. Except for this 2001 change, this rule remains in its original form.

is for the court supervising the investigating grand jury to instruct the witness when administering the oath" about the right to counsel, at 777, as the basis for including the "sworn by the court" language.

In view of this history, the Committee concluded the "sworn by the court" requirement only applies to witnesses who also must be given warnings at the time the oath is administered. The Committee also noted the witnesses who do not require constitutional warnings in most cases are law enforcement officers or other individuals involved in the investigation, and to require them to appear before the supervising judge to be sworn, which is frequently hours before the witness is to testify, is inefficient, an inconvenience to the law enforcement officers, an economic and staffing burden on their departments, and serves no purpose. In view of these considerations and the rule history, the members agreed changing the rule to allow any court official who is authorized to administer oaths to administer the oath to all other investigating grand jury witnesses (1) would not be contrary to what is required by law, (2) would promote judicial economy, and (3) would be a benefit to the other witnesses who would be able to appear at the time scheduled for their testimony rather than at the time the supervising judge is available for the administration of oaths.<sup>2</sup> Accordingly, the Committee is proposing that "by the court" be deleted from the rule, and a cautionary provision be added to the second paragraph of the Comment that explains when it is necessary to give constitutional warnings to a witness, the warnings and oath must be administered by the court.

[Pa.B. Doc. No. 03-818. Filed for public inspection May 2, 2003, 9:00 a.m.]

[234 PA. CODE CH. 6]  
Note Taking by Jurors

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania rescind Pa.R.Crim.P. 644 (Note Taking by Jurors) that prohibits the jurors in a criminal trial from taking notes and replace it with a new Rule 644 (Note Taking by Jurors), and make correlative changes to Rules 646 (Material Permitted in Possession of the Jury) and 647 (Request for Instructions, Charge to the Jury, and Preliminary Instructions). These changes would provide the procedures for jurors to take notes during a criminal trial and use them during deliberations. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Report should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed rule changes precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

<sup>2</sup> From our examination of this matter, we learned that, due to logistical difficulties and the manner in which the proceedings are conducted, frequently the supervising judge is available only one time during the day to administer oaths to the investigating grand jury witnesses.

We request that interested persons submit suggestions, comments, or objections concerning this proposal in writing to the Committee through counsel,

Anne T. Panfil, Chief Staff Counsel  
Supreme Court of Pennsylvania  
Criminal Procedural Rules Committee  
5035 Ritter Road, Suite 800  
Mechanicsburg, PA 17055  
fax: (717) 795-2106  
e-mail: criminal.rules@supreme.court.state.pa.us

no later than Friday, June 6, 2003.

By the Criminal Procedural Rules Committee

JOHN J. DRISCOLL,  
Chair

Annex A

**TITLE 234. RULES OF CRIMINAL PROCEDURE  
CHAPTER 6. TRIAL PROCEDURES IN COURT  
CASES**

**PART C(2). Conduct of Jury Trial**

Rule 644. [ Note Taking by Jurors ] (Rescinded).

[ The jurors shall not be permitted to take notes  
during the course of the trial. ]

[ Comment

**This rule codifies the present Pennsylvania practice that discourages note taking by jurors. Cf. *Fisher v. Strader*, 160 A.2d 303 (Pa. 1960); *Thornton v. Weaber*, 112 A.2d 344 (Pa. 1955) (both involving civil cases); *Commonwealth v. Fontaine*, 128 A.2d 131 (Pa. Super. 1956) (involving a criminal case). ]**

**Official Note:** Rule 1113 adopted January 24, 1968, effective August 1, 1968; renumbered Rule 644 and Comment revised March 1, 2000, effective April 1, 2001. **Rule 644 rescinded , 2003, effective , 2003.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Report explaining the proposed rescission of Rule 644 published at 33 Pa.B. 2166 (May 3, 2003).**

**Rule 644. Note Taking by Jurors.**

**(A) The judge shall instruct the jurors that they may take notes during the trial.**

**(B) The court shall provide materials to the jurors that are suitable for note taking. These are the only materials that may be used by the jurors for note taking.**

**(C) The notes of the jurors shall remain in the custody of the court at all times.**

**(D) The jurors may have access to their notes and use their notes only during the trial and deliberations. The notes shall be collected or maintained by the court at each break and recess, and at the end of each day of the trial.**

**(E) The notes of the jurors shall be confidential and limited to use for the jurors' deliberations.**

**(F) Before announcing the verdict, the jury shall return their notes to the court, and their notes shall be destroyed by court personnel.**

Comment

**This rule was amended in 2003 to permit the jurors to take notes during the course of the trial.**

Pursuant to this amendment, the jury may take notes as a matter of right without the permission of the court. See, e.g., *ABA Standards For Criminal Justice*, Second Edition, Standard 15-3.2 (Note taking by jurors) (1980).

The judge must instruct the jurors concerning the note taking. At a minimum, the judge must explain that the jurors do not need to take notes and they should not permit note taking to interfere with their attentiveness. The judge also must emphasize the confidentiality of the notes.

It is strongly recommended the judge instruct the jurors along the lines of the following:

We will distribute notepads and pens to each of you in the event you wish to take notes during the trial. You are under no obligation to take notes and it is entirely up to you whether you wish to take notes to help you remember what witnesses said and to use during your deliberations.

If you do take notes, remember that one of your responsibilities as a juror is to observe the demeanor of witnesses to help you assess their credibility. Do not become so involved with note taking that it interferes with your ability to observe a witness or distracts you from hearing other answers being given by the witness.

Your notes may help you refresh your recollection of the testimony and should be treated as a supplement to, rather than a substitute for, your memory. Your notes are only to be used by you as memory aids and should not take precedence over your independent recollection of the facts.

Those of you who do not take notes should not be overly influenced by the notes of other jurors. It is just as easy to write something down incorrectly as it is to remember it incorrectly and your fellow jurors' notes are entitled to no greater weight than each juror's independent memory. Although you may refer to your notes during deliberations, give no more or no less weight to the view of a fellow juror just because that juror did or did not take notes. Although you are permitted to use your notes for your deliberations, the only notes you may use are the notes you write in the courtroom during the proceedings on the materials distributed by the court staff.

Each time that we adjourn, your notes will be collected and secured by court staff. Your notes are completely confidential and no one will ever be allowed to read them. After you have reached a verdict in this case, your notes will be destroyed immediately by court personnel. Pennsylvania Bar Association Civil Litigation Update, *Juror Note-taking in Civil Trials: An Idea Whose Time Has Come*, Volume 5, No. 2 (Spring 2002), at 12.

Pursuant to paragraph (C), the jurors are not permitted to remove the notes from the courtroom during the trial.

Pursuant to paragraph (E), the judge must ensure the notes are collected and destroyed immediately after the jury renders its verdict. The court may designate a court official to collect and destroy the notes.

**Official Note:** Rule 1113 adopted January 24, 1968, effective August 1, 1968; renumbered Rule 644 and Comment revised March 1, 2000, effective April 1, 2001. Rule 644 rescinded , 2003, effective , 2003. New Rule 644 adopted , 2003, effective , 2003.

**Committee Explanatory Reports:**

Final report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Report explaining the proposed new Rule 644 allowing note taking by jurors published at 33 Pa.B. 2166 (May 3, 2003).

**Rule 646. Material Permitted in Possession of the Jury.**

\* \* \* \* \*

(C) The jurors shall be permitted to have their notes for use during deliberations.

**Comment**

\* \* \* \* \*

The 1996 amendment adding "or otherwise recorded" in paragraph (B)(2) is not intended to enlarge or modify what constitutes a confession under this rule. Rather, the amendment is only intended to recognize that a confession can be recorded in a variety of ways. See *Commonwealth v. Foster*, 624 A.2d 144 (Pa. Super. 1993).

Paragraph (C) was added in 2003 to make it clear that the notes the jurors take pursuant to Rule 644 may be used during deliberations.

\* \* \* \* \*

**Official Note:** Rule 1114 adopted January 24, 1968, effective August 1, 1968; amended June 28, 1974, effective September 1, 1974; Comment revised August 12, 1993, effective September 1, 1993; amended January 16, 1996, effective July 1, 1996; amended November 18, 1999, effective January 1, 2000 ; renumbered Rule 646 March 1, 2000, effective April 1, 2001; amended , effective .

**Committee Explanatory Reports:**

\* \* \* \* \*

Report explaining the proposed amendment concerning jurors' notes published at 33 Pa.B. 2166 (May 3, 2003).

**Rule 647. Request for Instructions, Charge to the Jury, and Preliminary Instructions.**

\* \* \* \* \*

**Comment**

\* \* \* \* \*

Paragraph (D), added in 1985, recognizes the value of jury instructions to juror comprehension of the trial process. It is intended that the trial judge determine on a case by case basis whether instructions before the taking of evidence or at anytime during trial are appropriate or necessary to assist the jury in hearing the case. The judge should determine what instructions to give based on the particular case, but at a minimum the preliminary instructions should orient the jurors to the trial procedures and to their duties and function as jurors. In addition, it is suggested that the instructions may include such points as **note taking**, the elements of the crime charged, presumption of innocence, burden of proof, and

credibility. Furthermore, if a specific defense is raised by evidence presented during trial, the judge may want to instruct on the elements of the defense immediately after it is presented to enable the jury to properly evaluate the specific defense. See also Pennsylvania Suggested Standard Criminal Jury Instructions, Chapter II (1979).

**Official Note:** Rule 1119 adopted January 24, 1968, effective August 1, 1968; amended April 23, 1985, effective July 1, 1985; renumbered Rule 647 and amended March 1, 2000, effective April 1, 2001; **Comment revised** , 2003, effective 2003.

*Committee Explanatory Reports:*

\* \* \* \* \*

**Report explaining the proposed Comment revision concerning the note taking instruction published at 33 Pa.B. (May 3, 2003).**

### REPORT

*New Pa.R.Crim.P. 644; Rescission of Current Rule 644; and Correlative Changes to Rules 646 and 647*

#### NOTE TAKING BY JURORS

##### *Introduction*

The Criminal Procedural Rules Committee is proposing to recommend the Court adopt new Rule 644 (Note Taking by Jurors) and make correlative changes to Rules 646 (Material Permitted in Possession of the Jury) and 647 (Request for Instructions, Charge to the Jury, and Preliminary Instructions) that would provide the procedures to permit note taking by jurors in a criminal jury trial, and would include provisions governing, inter alia, instructions by the court concerning note taking, confidentiality, and destruction of the jurors' notes prior to the announcement of the verdict.<sup>1</sup> These changes are intended to facilitate jury trial procedures, and align the Pennsylvania "note taking" rule with the procedures in most other state and federal jurisdictions.<sup>2</sup>

Over the past several years, the Committee has visited and revisited the concept of jury trial innovations generally, and specifically the issue of note taking by jurors. The Committee has received correspondence each time another jurisdiction changes the rules or statutes or case law to allow jurors to take notes during trial, and from time to time we also have received correspondence from members of the bench suggesting that the ban on note taking should be removed. The issue of note taking by jurors also has been receiving a lot of attention by the Legislature, the media, and some Pennsylvania trial judges. In addition, in every Legislative session over the past several years, a bill that would provide for jurors to take notes during a trial has been introduced in the Senate.<sup>3</sup>

In view of the increased attention the issue note taking by jurors is receiving, recognizing that there is interest among members of the bench and bar in having this prohibition removed, and concluding, after a review of the studies on note taking, that note taking does serve as an aid to the jurors' comprehension without negative consequences, the Committee agreed that there should be

procedures in place that would permit jurors to take notes and promote uniformity.

##### *Discussion of Proposed Rule Changes*

###### 1. *New Rule 644 (Note Taking by Jurors)*

After the Committee agreed that the ban on note taking should be removed, we encountered some difficulty in determining how to incorporate this change in the Criminal Rules. Since the adoption of Rule 644 in 1968,<sup>4</sup> the prohibition on juror note taking has not changed. The Committee concluded we should propose a completely new rule to emphasize the change. In addition, 1) recognizing that, although recent developments in trial practice have emphasized the necessity of developing procedures to improve jurors' comprehension, which includes permitting juror note taking, there continues to be some opposition to permitting note taking by jurors, 2) attempting to be sympathetic to the sensitivities surrounding this issue, and 3) being cognitive of the Court's goal of statewide uniformity, the Committee identified several areas that needed to be addressed to successfully advance this change.

The Committee first discussed the issue whether juror note taking should be permitted only when the trial judge permits it, or only when counsel agree, or in all cases. The Committee agreed if the decision to permit note taking in a particular case were left to the trial judge, this would neither foster nor promote uniformity and would be likely to create problems when, for example, a judge in one courtroom would permit the jurors to take notes in a case, but a judge in another judicial district, or even another court room in the same judicial district, would not permit the jurors to take notes in a similar type of case, or a case that would take roughly the same amount of time to complete, or a case with the same number of witnesses. The Committee also thought that if note taking only were permitted when counsel agree, the same type of problems would arise. Having fully considered and debated the merits of allowing the trial judges the discretion to decide in what cases to permit juror note taking, or counsel to agree to permit note taking by jurors, the Committee ultimately agreed that juror note taking should be permitted in every case, and the jurors should decide for themselves whether to take notes. Paragraph (A), therefore, would provide that the judge shall instruct the jurors that they may take notes during the trial, and the Comment would augment this new rule by setting forth suggested general topics for the trial judge to instruct the jury concerning note taking, including: 1) taking notes is the juror's decision; 2) the importance of not allowing the note taking to interfere with the juror's observation of the proceedings; 3) parameters for using the notes; and 4) confidentiality, security, and destruction of the notes.<sup>5</sup>

Paragraph (B) would require the court to provide suitable note taking materials to the jurors, and that these "court-supplied" materials are the only materials the jurors may use for note taking. This paragraph makes it clear that the jurors are not permitted to bring outside materials for note taking. For example, a juror could not bring in his or her own laptop computer or palm pilot to

<sup>1</sup> Correlative to this proposal, the Committee is proposing the rescission of Rule 644 (Note Taking by Jurors) that, historically, has prohibited jurors in a criminal trial from taking notes.

<sup>2</sup> From our research, it appears there are only two states that prohibit note taking by jurors, and Pennsylvania is one of them. The Federal Courts and the District of Columbia also permit jurors to take notes during a jury trial.

<sup>3</sup> For example, in at least the last four legislative sessions, a bill has been introduced that would permit juror note taking. See, e.g., Senate Bill 97 (Printer's Number 96) Session of 2003. During previous sessions, the bill was not passed; in this current session, however, the Senate Bill 97 has passed the Senate and is now in the House for consideration.

<sup>4</sup> Rule 644 originally was numbered 1113, but was renumbered 644 as part of the Court's March 18, 2000 Order that reorganized and renumbered the Criminal Rules.

<sup>5</sup> The Committee learned the *Handbook for Pennsylvania Trial Judges* advocates note taking and includes a suggested jury note taking instruction. We agreed a similar suggested juror note taking instruction should be included in the new Rule 644 Comment because of the significant change in practice the new procedure would be. The Committee also agreed using similar language would be helpful for the judges.

“store” his or her notes, which would be distracting to other jurors and would be problematic for the court to control the notes and protect the confidentiality of the notes.

Paragraphs (C), (D), and (E) would require that the jurors’ notes shall remain in the custody of the court at all times, spell out when the jurors may have access to their notes, and emphasize the notes of the jurors are confidential and the use of the notes is limited to deliberations. These paragraphs make it clear that the notes of the jurors are the property of the court, and safeguard misuse, whether intended or unintended, of the notes by ensuring the notes are maintained by the court.

Finally, paragraph (F) would require that before the verdict is announced, the jurors must return their notes to the court, and their notes must be destroyed. This will further protect the confidentiality of the notes, and also prevent the notes from becoming the subject of appeals, which we believe is an inappropriate use of the notes.

2. *Correlative Changes: Rules 646 (Material Permitted in Possession of the Jury) and 647 (Request for Instructions, Charge to the Jury, and Preliminary Instructions)*

The Committee also is proposing correlative changes to Rules 646 and 647. Rule 646 would be amended by the addition of a new paragraph (C) that would make it clear the jury may take their notes for use during deliberations, and the Comment to Rule 647 would be revised to include as “suggested preliminary instructions” the trial judge include instructions on note taking.

[Pa.B. Doc. No. 03-819. Filed for public inspection May 2, 2003, 9:00 a.m.]

## Title 246—MINOR COURT CIVIL RULES

### PART I. GENERAL

#### [246 PA. CODE CH. 100]

#### Order Amending Rule 111 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices; No. 194; Magisterial Doc. No. 1; Book No. 2

The Minor Court Rules Committee has prepared a Final Report explaining the amendment to Rule 111 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices, effective January 1, 2004. This rule change provides for the use of a facsimile or preprinted seal in lieu of an original seal on documents signed by a district justice.

#### Order

*Per Curiam:*

And Now, this 15th day of April, 2003, upon the recommendation of the Minor Court Rules Committee; the proposal having been published before adoption at 32 Pa.B. 5875 (November 30, 2002), and a Final Report to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 111 of the Rules

of Conduct, Office Standards and Civil Procedure for District Justices is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective January 1, 2004.

#### Annex A

### TITLE 246. MINOR COURT CIVIL RULES

#### PART I. GENERAL

#### CHAPTER 100. RULES AND STANDARDS WITH RESPECT TO OFFICES OF DISTRICT JUSTICES

#### Rule 111. Seal.

**A.** Each magisterial district shall have and use a seal, which shall be in the custody of the district justice elected or appointed for [such] the magisterial district. The official acts of [said] the district justice shall be authenticated therewith. There shall be engraved on [such] the seal the same device as is engraved on the great seal of the State, and the words “Commonwealth of Pennsylvania,” the name of the county, the number of the magisterial district, and the words “District Justice.”

**B.** A facsimile or preprinted seal may be used for all purposes in lieu of the original seal.

*Official Note:* This rule was amended in 2003 to provide for the use of a facsimile or preprinted seal for all purposes in lieu of an original seal. See 42 Pa.C.S. § 1512.

Adopted Nov. 28, 1969, effective Jan. 1, 1970; amended June 30, 1982, effective 30 days after July 17, 1982; amended and Note added April 15, 2003, effective January 1, 2004.

#### FINAL REPORT<sup>1</sup>

*Amendment to Rule 111 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices*

#### FACSIMILE SEAL

On April 15, 2003, effective January 1, 2004, upon the recommendation of the Minor Court Rules Committee,<sup>2</sup> the Supreme Court of Pennsylvania amended Rule 111 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices.<sup>3</sup>

#### I. Background

The Committee reviewed Rule 111 at the request of the Special Court Judges Association of Pennsylvania (SCJAP), and in response to the passage of Act 2002-86.<sup>4</sup> Act 86, inter alia, amended Section 1512 of the Judicial Code, 42 Pa.C.S. § 1512, to provide for the use of a facsimile or preprinted seal in lieu of an original seal on documents signed by a district justice.<sup>5</sup>

In 2001, the SCJAP had contacted the Committee and suggested that Rule 111 of the Rules and Standards with Respect to Offices of District Justices be amended to provide for the use of a facsimile seal on documents produced by the District Justice Automated System (DJS), similar to the automated facsimile signature provided for in Rule 113. The SCJAP noted that facsimile or preprinted seals are routinely used on documents origi-

<sup>1</sup> The Committee’s Final Report should not be confused with the official Committee Notes to the Rules. Also, the Supreme Court of Pennsylvania does not adopt the Committee’s Notes or the contents of the Committee’s explanatory Final Reports.

<sup>2</sup> Recommendation No. 1 Minor Court Rules 2003.

<sup>3</sup> Supreme Court of Pennsylvania Order No. 194, Magisterial Docket No. 1, Book No. 2 (April 15, 2003).

<sup>4</sup> The Act of June 28, 2002 (P. L. 518, No. 86) (hereinafter Act 86).

<sup>5</sup> d. § 1.



nating in the courts of common pleas. In addition, the SCJAP asserted that the use of a facsimile seal would increase the efficiency of the district justice courts and would save money by reducing the number of costly engraved seals needed in the courts. While the Committee saw merit in the SCJAP's suggestion, the Committee, at that time, declined to propose such an amendment to Rule 111 because the statutory scheme relating to judicial seals did not appear to allow the use of a facsimile seal at the district justice level.

Specifically, the Committee noted that district justice seals are governed by statute, Section 1512 of the Judicial Code, 42 Pa.C.S. § 1512 (Seal), and by court rule, Rule 111 of the Rules and Standards with Respect to Offices of District Justices (Seal). Section 1512, at that time, stated, "[e]ach magisterial district shall have a seal, which shall be in the custody of the district justice elected or appointed for such district. The official acts of the district justice shall be authenticated therewith. There shall be *engraved* on the seal such inscription as may be specified by general rule." 42 Pa.C.S. § 1512 (West 1981) (emphasis added).

Rule 111 is based on the statute, and prior to the April 15, 2003 amendment stated:

Each magisterial district shall have and use a seal, which shall be in the custody of the district justice elected or appointed for such district. The official acts of said district justice shall be authenticated therewith. There shall be *engraved* on such seal the same device as is engraved on the great seal of the State, and the words "Commonwealth of Pennsylvania," the name of the county, the number of the magisterial district, and the words "District Justice."

Rule 111 of the Rules and Standards with Respect to Offices of District Justices (emphasis added).

The Committee believed that the use of the word "engraved" in both the statute and the rule suggested that the legislature and the Supreme Court contemplated the use of only an engraved, embossed seal.

As noted above, however, the legislature subsequently amended Section 1512 by adding the language, "[a] facsimile or preprinted seal may be used for all purposes in lieu of the original seal." 42 Pa.C.S. § 1512, as amended by Act 86.

Accordingly, the Committee recommended that the Supreme Court amend Rule 111 to provide for the use of a facsimile or preprinted seal in lieu of an original seal.

The Committee's proposal was published for public comment at 32 Pa.B. 5875 (November 30, 2002). The Committee carefully considered all public comments received in formulating its final recommendation. In addition, the Committee sought comment from the Civil Procedural Rules Committee and the Criminal Procedural Rules Committee. Neither committee objected to the proposal.

## II. Discussion of Rule Changes

To provide for the use of a facsimile or preprinted seal, Rule 111 has been divided in two subdivisions. Subdivision A contains the pre-amendment language of the rule, with only minor editorial changes. The new subdivision B incorporates into the Rule the language from Section 1512 allowing the use of the facsimile or preprinted seal "for all purposes in lieu of the original seal." Finally, an official Committee Note has been added to the Rule to explain the 2003 amendment and to cross-reference Section 1512.

It is contemplated that the Administrative Office of Pennsylvania Courts (AOPC) will program the District Justice Automated System (DJS) to automatically print a facsimile seal on all DJS-generated documents requiring a seal.<sup>6</sup> This will eliminate the need for an embossed seal on all DJS-generated documents. The district justice courts might, however, need to continue to use an embossed seal on "manual" forms or documents not generated by the DJS.

[Pa.B. Doc. No. 03-820. Filed for public inspection May 2, 2003, 9:00 a.m.]

# Title 255—LOCAL COURT RULES

## YORK COUNTY

### Fees for Adoption Investigations and Information Requirements; No. 67-03-0584

#### Administrative Order Regarding Adoption Procedures

Effective June 1, 2003, *Notice* is hereby given that the minimum compensation for the Court Investigator in adoption proceedings shall be increased to One Hundred Dollars (\$100.00) per investigation and Twenty Dollars (\$20.00) each for additional siblings to be adopted within the household; and

All Petitioners seeking Court approval for Adoptions shall secure a Pennsylvania Criminal History Check and Child Line Clearance Certificate from the Department of Welfare; and

All Petitioners seeking an adoption shall provide within the body of the Petition or by separate attachment, a personal telephone number by which they may be contacted by the Court Investigator in order to schedule the in-home investigation.

This Administrative Order shall be published in the *York County Legal Record*, two (2) certified copies shall be distributed to the Legislative Reference Bureau for publishing in the *Pennsylvania Bulletin*, seven (7) certified copies shall be filed with the Administrative Office of Pennsylvania Courts, and one (1) certified copy with the Orphans' Court Procedural Rules Committee no later than thirty (30) days in advance of the implementation date of June 1, 2003.

*By the Court*

JOHN C. UHLER,  
*Judge*

[Pa.B. Doc. No. 03-821. Filed for public inspection May 2, 2003, 9:00 a.m.]

<sup>6</sup> The January 1, 2004 effective date of this rule change was established to allow sufficient time for the AOPC to make necessary programming changes and revisions to DJS-generated documents to accommodate the facsimile seal.

# PROPOSED RULEMAKING

## DEPARTMENT OF HEALTH

[28 PA. CODE CH. 25]

### Schedules of Controlled Substances

The Department of Health (Department) proposes to amend the schedules of controlled substances under the powers and duties contained in The Controlled Substances, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144) (act). The Department proposes to amend § 25.72 (relating to schedules of controlled substances) to reschedule the substance estazolam from Schedule I to Schedule IV, to reschedule the substance buprenorphine from Schedule V to Schedule III and to schedule butorphanol, sibutramine and zolpidem as Schedule IV controlled substances, to read as set forth in Annex A.

#### A. Purpose of the Proposed Rulemaking

The act recognizes the fact that there is a need to control substances which have potential for abuse while also recognizing that some of those substances have medical uses. The act provides for a system of five schedules of controlled substances as a means of grouping potentially dangerous substances based on their differing potentials for abuse and on their potential for medical use. Penalties for illegal use of the controlled substances vary according to the schedule on which the substance is listed. The health and safety of the public is protected by having a substance placed on the proper schedule. Additionally, proper scheduling ensures appropriate enforcement when a substance is abused or otherwise used illegally.

The act requires that a controlled substance be placed in Schedule I when there is: (1) a high potential for abuse; (2) no currently accepted medical use in the United States; and (3) a lack of accepted safety for use under medical supervision.

The act requires that a controlled substance be placed in Schedule III when there is: (1) a potential for abuse less than the substances listed in Schedules I and II; (2) well documented and currently accepted medical use in the United States; and (3) abuse may lead to moderate or low physical dependence or high psychological dependence.

The act requires that a controlled substance be placed in Schedule IV when there is: (1) a low potential for abuse relative to substances listed in Schedule III; (2) currently accepted medical use in the United States; and (3) limited physical dependence or psychological dependence liability, or both, relative to the substances listed in Schedule III.

The act requires that a controlled substance be placed in Schedule V when there is: (1) a low potential for abuse relative to the substances listed in Schedule IV; (2) currently accepted medical use in the United States; and (3) limited physical dependence or psychological dependence liability, or both, relative to the substances listed in Schedule IV.

The Drug, Device and Cosmetic Board (Board) met on December 12, 2002. The meeting notice was published at 32 Pa.B. 5713 (November 16, 2002).

The Board heard the petition of Abbott Laboratories, which requested that estazolam be rescheduled from Schedule I to Schedule IV. The petition was based on the

fact that the substance is listed by Drug Enforcement Agency (DEA) regulations as a Schedule IV controlled substance, there is a low potential for abuse and it has current acceptable medical use in the United States. Rescheduling would also allow for resolution of conflicting issues between physicians prescribing the substance and law enforcement officials who enforce the act. The Board unanimously approved a motion to authorize the Secretary of Health (Secretary) to reschedule the substance.

The Board also heard the petition of the Department, which requested that buprenorphine be rescheduled from Schedule V to Schedule III. The petition was based on the fact that the DEA has rescheduled the substance from Schedule V to Schedule III, significant abuse and diversion of buprenorphine has been in many countries, the potential for abuse is less than the substances listed in Schedules I and II and there is currently accepted medical use in the United States. Buprenorphine is used in treatment of narcotic addiction. Rescheduling allows access to users for treatment, but adds controls to minimize diversion. The Board unanimously approved a motion to authorize the Secretary to reschedule the substance.

The Secretary, upon being authorized by the Board, directed that the substance estazolam and buprenorphine be rescheduled.

The Board heard the petitions of the Office of Attorney General which requested that butorphanol, including its salts and optical isomers, and sibutramine and zolpidem, be scheduled as a Schedule IV controlled substance.

These substances are currently scheduled by the DEA as Schedule IV controlled substances. The fact that these substances are not scheduled at the State level hinders law enforcement agencies in their prosecution for illegal sale and illegal possession. These substances are abused but have a low potential for abuse relative to substances in Schedule III. There is current accepted medical use in the United States for these substances. Butorphanol is classified as an opiate agonist-antagonist analgesic for the relief of moderate to severe pain. Sibutramine is an amphetamine analog that produces central nervous system stimulation and is used for long-term management of obesity. Zolpidem is a sedative. The Board approved a motion to provide written advice to the Secretary to add these substances to Schedule IV of controlled substances. The Secretary then directed that the substances be scheduled.

The proposed rulemaking would reschedule estazolam, previously listed in Schedule I of the schedule of controlled substances, to Schedule IV, would reschedule buprenorphine, previously listed in Schedule V of the schedule of controlled substances, to Schedule III, and would schedule butorphanol, sibutramine and zolpidem as Schedule IV substances.

#### B. Requirements of the Proposed Rulemaking

This proposed rulemaking would reschedule or schedule substances on the lists of schedules of controlled substances as follows:

- a. The substance estazolam would be deleted from Schedule I and rescheduled on Schedule II.
- b. The substance buprenorphine would be deleted from Schedule V and rescheduled on Schedule III.

c. The substance butorphanol would be scheduled on Schedule IV.

d. The substance sibutramine would be scheduled on Schedule IV.

e. The substance zolpidem would be scheduled on Schedule IV.

C. *Affected Persons*

Patients using and physicians prescribing estazolam would benefit from its being rescheduled. Patients in need of the drug would be able to obtain it more readily and physicians would not be subject to criminal prosecutions for prescribing it.

The general public would benefit from the rescheduling of buprenorphine and the addition of butorphanol, sibutramine and zolpidem to Schedule IV. Rescheduling buprenorphine and including the other drugs in Schedule IV would allow for better enforcement and control of the drug abuse problems in this Commonwealth. Patients in need of buprenorphine for treatment would still have access to it through their physicians and drug abuse treatment clinics, but the changes would allow for stronger controls to minimize the risk that the substance will be diverted for illicit use.

D. *Fiscal Impact*

This proposed rulemaking to the schedules of controlled substances would have no measurable fiscal impact on the Commonwealth, local government, the private sector or the general public.

E. *Paperwork Requirements*

A system already exists for the handling of controlled substances under the act and the proposed rulemaking would not increase paperwork.

F. *Effective Date/Sunset Date*

This proposed rulemaking will become effective immediately upon publication as a final-form rulemaking. There is no sunset date. Section 25.72 will be continually monitored and updated as needed.

G. *Statutory Authority*

The amendment to the schedules of controlled substances is proposed under sections 3 and 4 of the act (35 P. S. §§ 780-103 and 780-104.) The amendment is also proposed under section 2102(g) of The Administrative Code of 1929 (71 P. S. § 532(g)).

Section 3 of the act provides that the Secretary controls all substances listed in Schedules I—V of the act. Section 3(c) of the act provides that the Secretary will not reschedule any controlled substance unless specifically authorized by the Board to do so. The Board has authorized the Secretary to reschedule estazolam and buprenorphine. Section 3(a) of the act provides that the Secretary may add a substance as a controlled substance, and that before doing so, shall request advice in writing from the Board as to whether a substance should be added as a controlled substance. The Secretary sought that advice and the Board provided it following its December 12, 2002, meeting. The Board recommended that the substances butorphanol, sibutramine and zolpidem be added as Schedule IV controlled substances. The Secretary then decided that these substances be scheduled.

H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 17, 2003, the Department

submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare. In addition to submitting the proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

I. *Contact Person*

Interested persons are invited to submit questions, comments, suggestions or objections regarding the proposal to John C. Hair, Director, Bureau of Community Program Licensure and Certification, Department of Health, 132 Kline Plaza, Suite A, Harrisburg, PA 17104, (717) 783-8665, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Persons with a disability who require an alternative format of the proposal, for example, large print, audiotape, Braille, should contact John Hair at (717) 783-8665, for speech or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

ROBERT S. MUSCALUS, D.O.,  
*Acting Secretary*

**Fiscal Note:** 10-173. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 28. HEALTH AND SAFETY**

**PART III. PREVENTION OF DISEASES**

**CHAPTER 25. CONTROLLED SUBSTANCES,  
DRUGS, DEVICES AND COSMETICS**

**SCHEDULES OF CONTROLLED SUBSTANCES**

**§ 25.72. Schedules of controlled substances.**

\* \* \* \* \*

(b) *Schedule I.* In determining that a substance comes within this schedule, the Secretary will find: a high potential for abuse; no currently accepted medical use in the United States; a lack of accepted safety for use under medical supervision. The following controlled substances are included in this schedule:

\* \* \* \* \*

(6) Unless specifically excepted or unless listed in another schedule, a material, compound, mixture or preparation which contains any quantity of the following substances including the salts, isomers and salts of isomers:

\* \* \* \* \*

- |                  |                     |
|------------------|---------------------|
| (x)              | [ <b>Estazolam.</b> |
| (xi) ]           | Ethyl loflazepate.  |
| [ (xii) ] (xi)   | Fludiazepam.        |
| [ (xiii) ] (xii) | Flunitrazepam.      |
| [ (xiv) ] (xiii) | Haloxazolam.        |

- [ (xv) ] (xiv) Ketazolam.
- [ (xvi) ] (xv) Loprazolam.
- [ (xvii) ] (xvi) Lormetazepam.
- [ (xviii) ] (xvii) Medazepam.
- [ (xix) ] (xviii) Nimetazepam.
- [ (xx) ] (xix) Nitrazepam.
- [ (xxi) ] (xx) Nordiazepam.
- [ (xxii) ] (xxi) Oxazolam.
- [ (xxiii) ] (xxii) Pinazepam.
- [ (xxiv) ] (xxiii) Tetrazepam.
- [ (xxv) ] (xxiv) 3, 4-Methylenedioxy-methamphetamine (MDMA).
- [ (xxvi) ] (xxv) 4-methylaminorex.
- [ (xxvii) ] (xxvi) Cathinone.
- [ (xxviii) ] (xxvii) Methcathinone HCL.
- [ (xxix) ] (xxviii) Dimethylamphetamine.

\* \* \* \* \*

(d) *Schedule III.* In determining that a substance comes within this schedule, the Secretary will find: a potential for abuse less than the substances listed in Schedules I and II; well documented and currently accepted medical use in the United States; and abuse may lead to moderate or low physical dependence. The following classes of controlled substances are included in this schedule:

\* \* \* \* \*

**(10) Buprenorphine.**

(e) *Schedule IV.* In determining that a substance comes within this schedule, the Secretary will find: a low potential for abuse relative to substances in Schedule III; currently accepted medical use in the United States; and limited physical or psychological dependence liability relative to the substances listed in Schedule III. The following controlled substances are included in this schedule:

(1) A material, compound, mixture or preparation, unless specifically excepted or unless listed in another schedule, which contains a quantity of the following substances:

\* \* \* \* \*

- (xxv) Estazolam.
- (xxvi) Zolpidem.

\* \* \* \* \*

(3) Unless specifically excepted or unless listed in another schedule, a material, compound, mixture or preparation which contains any quantity of the following substances including its salts, isomers whether optical position or geometric, and salts of the isomers whenever the existence of the salts, isomers and salts of isomers is possible within the specific chemical designation:

\* \* \* \* \*

- (xi) Butorphanol.
- (xii) Sibutramine.

\* \* \* \* \*

(f) *Schedule V.* In determining that a substance comes within this schedule, the Secretary [ **shall** ] **will** find: a low potential for abuse relative to the substances listed in Schedule IV; currently accepted medical use in the United States; and limited physical dependence or psychological dependence liability relative to the substances listed in Schedule IV. The following controlled substances are included in this schedule:

\* \* \* \* \*

(2) [ **Buprenorphine.**

(3) ] Propylhexadrine, except when labeled for over-the-counter drug sale in conformity with 21 CFR 1308.15 (relating to schedule V).

[ (4) ] (3) Pyrovalerone.

[Pa.B. Doc. No. 03-822. Filed for public inspection May 2, 2003, 9:00 a.m.]

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# STATEMENTS OF POLICY

## Title 7—AGRICULTURE

DEPARTMENT OF AGRICULTURE

STATE HARNESS RACING COMMISSION

STATE HORSE RACING COMMISSION

[7 PA. CODE CH. 133]

### Procedures for New or Amended Pari-Mutuel License Applications

The State Horse Racing Commission and the State Harness Racing Commission (Commissions), as departmental administrative commissions within the Department of Agriculture (Department), hereby establish the following statement of policy and procedure for the issuance of licenses to conduct horse race meetings.

#### *Background and Authority*

The Race Horse Industry Reform Act (4 P. S. §§ 325.101—325.402) (act) provides that a corporation may apply to the appropriate commission for a license to conduct horse race meetings at which pari-mutuel wagering is permitted.

The act provides that no more than six corporations may be licensed by the State Horse Racing Commission. The act provides that no more than five corporations shall be licensed by the State Harness Racing Commission.

The Commissions have determined that it is in the public interest under the act and in the best interest of the racing industry in this Commonwealth to establish a process to issue the available licenses and that the process shall treat applicants comparatively as members of a group.

#### *Fiscal Impact*

The statement of policy has no fiscal impact on the Commonwealth, political subdivisions or the general public.

#### *Paperwork Requirements*

The statement of policy does not impose additional paperwork requirements upon the Commonwealth.

#### *Contact Persons*

For information regarding the statement of policy, contact Gregory C. Santoro, Chief Counsel or Jorge M. Augusto, Assistant Counsel, Department of Agriculture, 2301 N. Cameron Street, Room 201, Harrisburg, PA, (717) 787-8744.

#### *Finding*

The Commissions find that the public interest will be served by the establishment of this statement of policy.

#### *Order*

The Commissions, under the act, order that:

(a) The regulations of the Department and the Commissions are amended by adding a statement of policy in 7 Pa. Code §§ 133.1—133.7 to read as set forth in Annex A.

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

(c) The Commission 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*.

DENNIS C. WOLFF,  
*Secretary*

*Department of Agriculture*

ANTON J. LEPLER,

*Executive Secretary*

*State Harness Racing Commission*

BENJAMIN H. NOLT, Jr.,

*Executive Secretary*

*State Horse Racing Commission*

**Fiscal Notes:** 37-21 and 34-65. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 7. AGRICULTURE

#### PART V-A. RULES OF PROCEDURE

#### CHAPTER 133. NEW OR AMENDED PARI-MUTUEL LICENSE APPLICATIONS—STATEMENT OF POLICY

Sec.	
133.1.	Introduction and definitions.
133.2.	Eligibility.
133.3.	Application requirements.
133.4.	Application Notice.
133.5.	Procedure.
133.6.	Public hearing and public comment.
133.7.	Contact information.

#### § 133.1. Introduction and definitions.

(a) The Commissions have authority to issue licenses to conduct horse race meetings.

(b) Any corporation may apply for a license to conduct horse race meetings at which pari-mutuel wagering is permitted.

(c) Applicants should be aware that the act authorizes a limited number of licenses to be issued. Not every applicant will be issued a license.

(d) The license gives its holder the privilege to conduct horse race meetings at which pari-mutuel wagering is permitted. The license does not give its holder a property right.

(e) The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

(1) *Act*—The Race Horse Industry Reform Act (4 P. S. §§ 325.101—325.402).

(2) *Commissions*—The State Harness Commission and the State Horse Racing Commission.

#### § 133.2. Eligibility.

Any corporation is eligible to apply for an available license under this chapter.

#### § 133.3. Application requirements.

The following procedures and requirements are established for license applications:

(1) Applications shall be submitted using the Commission's application form.

(2) Applications shall be submitted by the application closing date, which is published by the appropriate Commission in a notice substantially similar to the Application Notice form set forth in § 133.4 (relating to Application Notice).

(3) An applicant shall follow the procedures and requirements of the Application Notice for the application to be considered.

(4) A Commission may reject an incomplete application. Applicants who submit new applications which the Commissions deem deficient or incomplete will be given the balance of the 60-day time period or 30 days, whichever is longer, to correct the deficiency.

(5) Each Commission reserves the right to:

(i) Request additional information regarding any aspect of the application or the applicant's plan.

(ii) Require explanation or revision of the applicant's plan.

(iii) Require clarification of any aspect of the applicant's plan.

(6) Applications shall be submitted to the following addresses:

(i) State Horse Racing Commission  
c/o Executive Secretary  
2301 N. Cameron Street, Room 304  
Harrisburg, Pennsylvania 17110

(ii) State Harness Racing Commission  
c/o Executive Secretary  
2301 N. Cameron Street, Room 301  
Harrisburg, Pennsylvania 17110

#### § 133.4. Application Notice.

The Application Notice to be published under § 133.3 (relating to application requirements) shall be in substantially the following form:

#### NOTICE

#### PROCEDURES FOR NEW OR AMENDED PARI-MUTUEL LICENSE APPLICATIONS

#### PREMISES

**1. LICENSE REQUIRED FOR ALL HORSE RACE MEETS.** The Race Horse Industry Reform Act (act of December 17, 1981, P.L. 435 No. 135) (4 P.S. Sec. 325.101 et seq.) (Act) provides that no corporation shall have the right to conduct any horse race meet except on obtaining a license from either the State Horse Racing Commission or the State Harness Racing Commission.

**2. LIMITED NUMBER OF THOROUGHBRED RACING LICENSES.** Sec. 325.405(a) of the Act provides that no more than six corporations shall be licensed by the State Horse Racing Commission to conduct a pari-mutuel meet;

**3. LIMITED NUMBER OF HARNESS RACING LICENSES.** Sec. 325.205(b) of the Act provides that no more than five corporations shall be licensed by the State Harness Racing Commission to conduct a pari-mutuel meet;

**4. MORE APPLICATIONS FILED THAN AVAILABLE LICENSES.** The Commissions have received more

applications for thoroughbred and harness licenses than are authorized by the Act. The Commissions do not have the power under the Act to issue licenses to all applicants for thoroughbred and harness licenses. The Commissions are not obligated to issue any license despite the availability of a license. Each Commission will be charged with reviewing the pending applications submitted under its respective jurisdiction as set forth in the Act.

**5. INFORMATION ABOUT APPLICATION PROCEDURE.** The Commissions believe that it is in the public interest under Section 325.209 of Act and the best interests of the racing industry in this Commonwealth to establish an administrative review process to treat the applicants as a comparative group for thoroughbred and harness horse race meeting license applications presently pending before the Commissions as well as any new applications or renewals.

#### IN CONSIDERING THE PRESENT PENDING APPLICATIONS AND ANY NEW APPLICATIONS, THE COMMISSIONS ADOPT A POLICY TO INCLUDE THE FOLLOWING STEPS:

**A. CONSIDERATION GROUP. APPLICATION CLOSING DATES.** The Commissions will consider applications for racing licenses made under Section 325.209 of the Act comparatively as part of a consideration group identified by an application closing date that is published by the Commission. Application closing dates will be published anytime that the respective Commissions receive or have pending before them more than one (1) application for a license.

**B. APPLICATIONS.** In order to qualify to be placed into the consideration group for an available license, each new or amended application must be made using the application form available from the Commissions. At a minimum, each new or amended application must contain the standards set forth in Appendix A.

No consideration shall be given to any application which is deemed to be untimely filed or deficient by the appropriate Commissions.

**C. APPLICATION CLOSING DATE.** The Commissions hereby establish an application closing date of \_\_\_\_\_, 200\_\_, as a due date after which no new applications shall be accepted. Within that same period, any previously submitted application, which the Commission has deemed deficient by notice to the applicant, must be re-submitted to the appropriate Commission with the deficiency corrected;

**D. RESUBMISSION AFTER NOTICE OF DEFICIENCY.** Applicants who submit new applications which the Commissions deem deficient will be given the balance of the 60-day time period or 30 days, whichever is longer, to correct the deficiency;

**E. AMENDMENT OF APPLICATION FORM.** Commissions reserve the right to amend license application forms at any time. If Commissions amend the application forms, Commissions will establish an amended application closing date at least thirty (30) days after the date of the amendment. All applicants with applications pending at the time of the Commissions' amendment to the license application form will have until such amended application closing date to resubmit or supplement their applications; however, no new applications can be received during the amended application period;

**F. GROUP CONSIDERATION BY RESPECTIVE COMMISSIONS.** The Commissions hereby establish a policy in which all new and/or amended applications received by application closing date shall be placed into a single group for comparative consideration by each respective Commission;

**G. PROCESS.** The respective Commissions will consider all written applications within a consideration group, and, after consideration and comparison of all such written applications, may issue available licenses in numbers authorized by the Act to those applicants who, in the sole judgment of the appropriate Commission, will best serve the public interest, convenience and necessity.

**H. ISSUANCE OF LICENSES.** No license shall be issued until all new and/or amended written applications in the respective consideration group have been considered and examined by the appropriate Commission.

**§ 133.5. Procedure.**

(a) All applications received by the application closing date set forth in the Application Notice shall be placed into a single group for comparative consideration by each respective Commission.

(b) No license will be issued until all applications in the respective consideration groups have been examined and considered by the appropriate Commission.

(c) A Commission may hold a hearing and provide for public comment under § 133.6 (relating to public hearing and public comment). The Commission may also hold any other type of hearing(s) it deems necessary and appropriate to allow participation by other interested persons as set forth in the notice in § 133.6

(d) A Commission will notify an applicant by mail that a license has been issued. A Commission shall notify by mail all applicants to whom licenses have not been issued.

(e) An applicant may appeal the denial of a license under the act.

**§ 133.6. Public hearing and public comment.**

(a) Upon the filing of an application by a corporation, and after the application closing date, the Commission will place the following notice or a similar notice in a newspaper of general circulation in the county in which the facility is to be located, if the Commission deems a hearing necessary:

TO WHOM IT MAY CONCERN:

The Pennsylvania State \_\_\_\_\_ Racing Commission hereby gives notice that an application was filed by \_\_\_\_\_ in which the corporation seeks approval to conduct pari-mutuel wagering at \_\_\_\_\_. A public hearing concerning this matter will be held on \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_. Public comment is requested. Interested persons are invited to submit written comments to the Pennsylvania State \_\_\_\_\_ Racing Commission, Agriculture Building, Room \_\_\_\_\_, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110-9408. Public comments may be submitted up to 48 hours prior to the date set for public hearing. The purpose of the public hearing is to assist the Commission in assessing the impact the proposed facility will have on the local community and to assist the Commission in determining whether the public interest, convenience or necessity will be served by approving the license application. A person who believes

the proposed facility will affect his or her business or residence and who wishes to speak at a public hearing must submit name, address, telephone number, and a brief summary of their statement to the Commission at the address set forth above at least 48 hours prior to the time of the public hearing. The Commission may also receive testimony from nonlocal participants either at the above hearing site or at a subsequent hearing date in Harrisburg, Pennsylvania.

(b) The notice of public hearing will be published on at least 4 consecutive days in a prominent section of a newspaper of general circulation for the county in which the facility is to be situated.

(c) The purpose of the public hearing will be to assist the Commission in assessing the impact a proposed facility will have on the local community as required by the act. The public hearing shall be held in the county in which the proposed facility is to be situated.

(d) A person who wishes to speak at the public hearing shall submit the name, address, telephone number and a brief summary of his statement at least 48 hours prior to the time of the public hearing to the respective Commission at one of the following addresses:

(1) State Harness Racing Commission, Agriculture Building, Room 301, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110-9408.

(2) State Horse Racing Commission, Agriculture Building, Room 304, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110-9408.

(e) The Commission may set reasonable limits upon the time allowed for oral statements, may disallow statements not offered for the purpose set forth in subsection (c) and may set general rules for the conduct of the hearings, including how presentations may be made, testimony given, examination and cross-examination of witnesses or any other matter.

**§ 133.7. Contact information.**

Inquiries shall be directed to one of the following:

(1) State Harness Racing Commission  
c/o Executive Secretary  
Agriculture Building, Room 301  
2301 North Cameron Street  
Harrisburg, Pennsylvania 17110

(2) State Horse Racing Commission  
c/o Executive Secretary  
Agriculture Building, Room 304  
2301 North Cameron Street  
Harrisburg, Pennsylvania 17110

**APPENDIX A**

To qualify to be placed into the consideration group for an available license, each new or amended application must, at a minimum, contain:

1. Documentation of an ownership interest (copy of a lease, purchase option or purchase agreement) in the proposed land.

2. A pro-forma financial statement projecting among other things attendance, handle and revenue at the proposed racetrack facility.

3. A detailed itemized list of projected costs of operation for the proposed racetrack facility.

4. A complete and accurate listing of all funding sources, including any and all financial documents and letters and personal contacts.

5. A complete listing of officers, directors, shareholders or other persons having a beneficial or equitable ownership in the applicant or its parent organization.

6. A correct and detailed description of the acreage for the proposed facility, including a detailed description of the physical facility and architectural renderings, where

the applicant proposes to conduct live horse/harness race meetings with pari-mutuel wagering.

7. The number of projected live race days.

8. A detailed construction/project timeline for completion of the proposed facility.

[Pa.B. Doc. No. 03-823. Filed for public inspection May 2, 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 Thursday, May 8, 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's offices at 25 State Police Drive, West Trenton, NJ.

The conference among the commissioners and staff will begin at 9:30 a.m. Topics of discussion will include: an update on development of the Water Resources Plan for the Delaware River Basin, including feedback from the commissioners regarding member "sign-on"; a report by a representative of The Nature Conservancy concerning development of an ecological flow strategy for the Upper Delaware River Basin; a report on Flow Management Technical Advisory Committee activities; a report on the PCB Expert Panel and Toxics Advisory Committee meetings of March 20 and 21, 2003, and the TMDL stakeholder briefing of April 29, 2003; a presentation on New Jersey's Blueprint for Intelligent Growth (BIG) map and its relationship to water resources management; and a proposal for renewal of the Commission's contract with the Northeast-Midwest Institute.

The dockets scheduled for the public hearing to be held during the 1 p.m. business meeting are as follows:

1. *Baer Aggregates, Inc. D-90-18 Renewal.* A renewal of a groundwater withdrawal project to supply up to 38 million gallons (mg)/30 days of water to the applicant's manufacturing plant from existing Wells Nos. 1—4. Well No. 1 is completed in glacial drift sediments; Wells Nos. 2—4 are completed in the Kittatinny Limestone Formation. No increase in allocation is proposed. The project is located in Pohatcong Township, Warren County, NJ.

2. *Grand View Hospital D-92-63 CP Renewal.* A renewal of a groundwater withdrawal project with an increase from 3.6 mg/30 days to 4.32 mg/30 days to supply the applicant's health care facility from existing Wells Nos. 1, 3, 4 and 5 in the Brunswick formation. The project is located in the East Branch Perkiomen Creek Watershed in West Rockhill Township, Bucks County, in the Southeastern Pennsylvania Ground Water Protected Area.

3. *Westampton Property Associates D-94-6 Renewal.* A renewal of a groundwater and surface water withdrawal project to continue withdrawal of 6.7 mg/30 days to supply the applicant's Deerwood Country Club golf course from existing Wells Nos. 1 and 2 and proposed Well No. 3 (all in the Englishtown Formation) to be conjunctively used with three existing surface water intakes, all in the Assiscunk Creek Watershed. The project is located in Westampton Township, Burlington County, NJ.

4. *Township of West Deptford D-99-56 CP.* A project to withdraw up to 17 mg/30 days of surface water from an intake on the tidal Delaware River in Water Quality Zone 4 to provide water for the development known as The Riverwinds at West Deptford, West Deptford Township, Gloucester County, NJ. The applicant proposes to with-

draw this water for a residential and commercial development, including an 18-hole public golf course.

5. *Aventis Pasteur Inc. D-99-71.* A project to expand the capacity of the applicant's existing 0.2 million gallon per day (mgd) industrial wastewater treatment plant (IWTP) to 0.35 mgd utilizing Best Available Technology economically achievable. The original application was for an expansion to 0.45 mgd, but a reduction of flow was realized mainly due to conservation measures. The IWTP will continue to serve the applicant's vaccine production facility located off State Route 314 in Pocono Township, Monroe County. Treated effluent will continue to be discharged to Swiftwater Creek, a tributary of Paradise Creek in the Brodhead Creek Watershed, and to a proposed onsite seasonal spray irrigation disposal area.

6. *Consumers New Jersey Water Company D-2000-37 CP.* A groundwater withdrawal project to supply 30 mg/30 days on a permanent basis, with an additional, temporary (approximately 5 years) groundwater supply allocation of 61 mg/30 days to the applicant's Woolwich public water distribution system. The temporary allocation of 61 mg/30 days is valid until December 31, 2007, or until an alternate supply of surface water is made available under a Consumers New Jersey Water Company (NJWC)/New Jersey American Water Company (NJAWC) agreement. The groundwater will be provided through Wells Nos. 1—7 in the Upper Potomac-Raritan-Magothy Aquifer in the Racoon Creek and Oldman's Creek Watersheds. The project is located in Woolwich Township, Gloucester County, NJ.

7. *Philadelphia Suburban Water Company D-2002-1 (CP).* A groundwater withdrawal project to supply up to 17.4 mg/30 days of water to the applicant's public water supply system from new Well No. EP-A in the Triassic Limestone Fonglomerate Formation. The project is located in the Schuylkill River Watershed in Cumru Township, Berks County.

8. *Nature's Way Purewater Systems, Inc. D-2002-44.* A groundwater withdrawal project to supply up to 4.189 mg/30 days of water for exportation to the applicant's bottling facility from new Wells Nos. BH-1 and BH-2 in the Mauch Chunk Formation. The project is located in the Linesville Creek Watershed in Foster Township, Luzerne County.

9. *Nestlé Waters North America, Inc. D-2002-45.* A groundwater withdrawal project to supply up to 7.0 mg/30 days of water to the applicant's bottled water facility from new Well No. PW-1 in the Epler Formation. The project is located in the Iron Run Watershed in Upper Macungie Township, Lehigh County.

10. *Camp French Woods D-2003-1.* A project to expand a 33,750 gallon per day (gpd) Sewage Treatment Plant (STP) to process 48,000 gpd, while continuing to provide tertiary level of treatment. The project is necessary to serve the increased number of seasonal residents at the applicant's camp for children, located about 2 miles northwest of the intersection of Bouchoux Brook Road and Gilleran Road, in the Town of Hancock, Delaware County, NY. STP effluent will continue to be discharged to Sand Pond on an intermittent tributary of Bouchoux Brook in the Special Protection Waters drainage area.

In addition to the public hearing items, the Commission will address the following at its 1 p.m. business meeting:

minutes of the March 19, 2003, business meeting; announcements; a report on Basin hydrologic conditions; a report by the executive director; a report by the Commission's general counsel; and a resolution authorizing the executive director to renew the Commission's May 2002 contract with the Northeast-Midwest Institute.

Draft dockets and other items scheduled for public hearing on March 19, 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. Additional documents relating to the dockets and other items may be examined at the Commission's offices. Contact Thomas L. Brand at (609) 883-9500 Ext. 221 with any docket-related questions.

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

PAMELA M. BUSH,  
Secretary

[Pa.B. Doc. No. 03-824. Filed for public inspection May 2, 2003, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending April 22, 2003.

### BANKING INSTITUTIONS

#### Conversions

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
4-22-03	North Penn Savings and Loan Association Scranton Lackawanna County	216 Adams Avenue Scranton Lackawanna County	Filed
	<i>To:</i> North Penn Bank Scranton Lackawanna County		
	Application represents conversion from a State-chartered mutual savings and loan association to a State-chartered mutual savings bank.		

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-14-03	Brentwood Bank Bethel Park Allegheny County	Arrowood of Southwestern 500 North Lewis Run Rd. Pleasant Hills Allegheny County (Limited Service Facility)	Opened
4-17-03	The Muncy Bank and Trust Company Muncy Lycoming County	900 N. Loyalsock Ave. Montoursville Lycoming County	Filed
4-18-03	SunBank Lewisburg Union County	1110 East Simpson Ferry Road Mechanicsburg Cumberland County	Filed
4-21-03	Citizens & Northern Bank Wellsboro Tioga County	104 Maynard Street Williamsport Lycoming County	Filed

#### Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-15-03	PeoplesBank, a Codorus Valley Company Glen Rock York County	Normandie Ridge 1700 Normandie Drive West Manchester Twp. York County (Limited Service Facility)	Effective

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

A. WILLIAM SCHENCK, III,  
*Acting Secretary*

[Pa.B. Doc. No. 03-825. Filed for public inspection May 2, 2003, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of May 2003**

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of May 2003 is 6 3/4%.

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

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.32 to which was added 2.50 percentage points for a total of 6.82 that by law is rounded off to the nearest quarter at 6 3/4%.

A. WILLIAM SCHENCK, III,  
*Acting Secretary*

[Pa.B. Doc. No. 03-826. Filed for public inspection May 2, 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 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.*

NPDES No. (Type)	Facility Name and Address	County and Municipality	Stream Name (Watershed No.)	EPA Waived Y/N ?
PA0054607	Debra and Michael Dell'Orefice 65 Willits Way Glen Mills, PA 19342	Delaware County Concord Township	UNT to Green Creek	Y

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

NPDES No. (Type)	Facility Name and Address	County and Municipality	Stream Name (Watershed No.)	EPA Waived Y/N ?
PA0209520 Sewerage	LeRaysville Borough P. O. Box 42 LeRaysville, PA 18829-0042	LeRaysville Borough Bradford County	UNT Rockwell Creek 4-D	Y

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

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

**PA0058645**, Sewage, **Robert Cowherd**, 1101 Bondsville Road, Downingtown, PA 19335. This amendment is for a NPDES permit to discharge treated sewage from small flow sewage treatment plant in Caln Township, **Chester County**. This is a new discharge to an unnamed tributary to Beaver Creek. The amended permit eliminates monitoring and testing for ammonia nitrogen since the permittee completed a hydrogeological study.

The receiving stream is classified for HQ-TSF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 800 gpd are as follows:

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	10	20
Suspended Solids	20	40
Total Residual Chlorine	Monitor and Report	Monitor and Report
Fecal Coliform	200 colonies/100 ml as a geometric average	
pH	Within limits of 6.0—9.0 Standard Units at all times	

The EPA waiver is not in effect.

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

**PA0043648-A2**, Industrial Waste, SIC 4911, **EME Homer City Generation LP**, 1750 Power Plant Road, Homer City, PA 15748-9558. This application is for amendment of an NPDES permit to discharge treated process water from a coal cleaning plant in Center Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary of Cherry Run, 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 Saltsburg Municipal Water Authority, located at Saltsburg, 30 miles below the discharge point.

*Outfall 001: existing discharge, design flow of 0.29 mgd.*

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
Total Suspended Solids			35		70
Iron			3.5		7.0

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Manganese			2.0		4.0
Selenium			0.13		0.26
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA0040011**, Sewage, **United Mobile Homes, Inc.**, 485 Patterson Lane, Belle Vernon, PA 15012. This application is for renewal of an NPDES permit to discharge treated sewage from Port Royal Village STP in Rostraver Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Cedar Creek, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Westmoreland County Municipal Authority—McKeesport.

*Outfall 001*: existing discharge, design flow of 0.0914 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	4.0			8.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.06			0.15
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0094013**, Sewage, **Hilary C. Hoffer**, R. D. 1 Box 177, Mt. Pleasant, PA 15666. This application is for renewal of an NPDES permit to discharge treated sewage from Mutual Mobile Home Park Sewage Treatment Plant in Unity Township, **Westmoreland County**.

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

*Outfall 001*: existing discharge, design flow of 0.00375 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	14.0			28.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	25,000 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.

**PA0094102**, Sewage, **Thom A. Yohe**, 125 Deerfield Road, Washington, PA 15301. This application is for renewal of an NPDES permit to discharge treated sewage from Airways Mobile Home Park Sewage Treatment Plant in South Franklin Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Chartiers 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 Western Pennsylvania Water Company.

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

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	4.5			9.0
(11-1 to 4-30)	13.5			27.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0215937**, Sewage, **RoxCoal, Inc.**, 1576 Stoystown Road, P. O. Box 149, Friedens, PA 15541. This application is for renewal of an NPDES permit to discharge treated sewage from Diamond T Deep Mine Sewage Treatment Plant in Stonycreek Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Lamberts Run, 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 Hooversville Municipal Authority located on Stony Creek.

*Outfall 001:* existing discharge, design flow of 0.0025 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0219461**, Sewage, **Center-West Joint Sewer Authority**, 134 Main Street, West Brownsville, PA 15417. This application is for issuance of an NPDES permit to discharge treated sewage from Center-West Joint Sewer Authority STP in Centerville Borough, **Washington County**.

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

*Outfall 001:* new discharge, design flow of 0.35 mgd.

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

The EPA waiver is in effect.

**PA0219495**, Sewage, **Christ Our Savior Orthodox Church**, 6220 Tanoma Road, Indiana, PA 15701. This application is for issuance of an NPDES permit to discharge treated sewage from Christ Our Savior Orthodox Church in Rayne Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Crooked 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 Buffalo Township Municipal Authority—Freeport.

*Outfall 001*: new discharge, design flow of 0.001 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 application are invited to submit a statement to the office noted before the application, within 15 days from the date of this public notice. Comments received within this 15-day comment period will be considered in making the final decision regarding the application. The comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

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

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

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

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

**WQM Permit No. 5803201, Powers Stone, Inc.,** R. R. 5, Box 124, Montrose, PA 18801-9340. This proposed facility is located in Forest Lake Township, **Susquehanna County**.

Description of Proposed Action/Activity: Construction and operation of two geomembrane-lined settling ponds in

Forest Lake Township, Susquehanna County. There is no process water discharge as all water is recycled for reuse.

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

**WQM Permit No. 0603402, Sewerage, Ontelaunee Township Municipal Authority,** P. O. Box 621, Leesport, PA 19533. This proposed facility is located in Ontelaunee Township and Leesport Borough, **Berks County**.

Description of Proposed Action/Activity: Construction of a sewer extension to provide public sewer service to residents of Ontelaunee Township who are currently using malfunctioning onlot septic systems.

**WQM Permit No. 0603403, Sewerage, Neighborhood Homeowner's Association,** 6350 Daniel Boone Road, Birdsboro, PA 19508. This proposed facility is located in Exeter Township, **Berks County**.

Description of Proposed Action/Activity: Construction of a small flow treatment system to serve five single-family residences on Daniel Boone Road.

**WQM Permit No. 0503202, Industrial Waste, Fish and Boat Commission, Reynoldsdale Fish Culture Station,** 450 Robison Lane, Bellefonte, PA 16823-9620. This proposed facility is located in East St. Clair Township, **Bedford County**.

Description of Proposed Action/Activity: Enhancements to current operational system, modifications within the hatchery to improve the quality of their discharge.

**WQM Permit No. 6790204, Amendment 03-1, Industrial Waste, United Defense, L. P.,** P. O. Box 15512, York, PA 17405-1512. This proposed facility is located in West Manchester Township, **York County**.

Description of Proposed Action/Activity: Installation of a carbon filter system and filter press in building nos. 42 and 36.

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

**WQM Permit No. 4203401, Sewerage, David J. Mays,** 13 Church Street, Westline, PA 16751. This proposed facility is located in Lafayette Township, **McKean County**.

Description of Proposed Action/Activity: This project is for a single residence sewage treatment plant.

#### NPDES Stormwater Individual Permit

The following parties have applied for an NPDES permit to discharge stormwater associated with a con-

struction 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.

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

**NPDES Permit PAI011503030**, Stormwater, **Landscape Design, Inc.**, 408 Elkdale Road, Lincoln University, PA 19352, has applied to discharge stormwater associated with a construction activity located in Lower Oxford Township, **Chester County** to West Branch Elk Creek (HQ-TSF-MF).

**NPDES Permit PAI011503031**, Stormwater, **Nicholas Martell**, 1000 Chesterbrook Boulevard, Suite 100, Berwyn, PA 19312, has applied to discharge stormwater associated with a construction activity located in North Coventry Township, **Chester County** to Pigeon Creek (HQ).

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021303001	James Smith P. O. Box 398 Drums, PA 18222	Carbon	Kidder Township	Dilldown Creek HQ-CWF Mud Run HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023903012	Polaris Park, LP 7562 Penn Dr., Suite 100 Allentown, PA 18106	Lehigh	Upper Macungie and South Whitehall Townships	Little Lehigh Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024503005	Cornerstone Community Baptist Church P. O. Box 129 Brodheads ville, PA 18322	Monroe	Polk Township	Pohopoco Creek HQ-CWF
PAI024503006	Meadow Lake Plaza, LLC P. O. Box 1158 Marshalls Creek, PA 18335	Monroe	Middle Smithfield Township	Pond Creek HQ-CWF

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



<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024803011	Guido and Margaret Bartolacci 3656 Mountainview Ave. Easton, PA 18045	Northampton	Bethlehem Township	Bushkill Creek HQ-CWF

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

*Berks County Conservation District, 1238 County Welfare Road, P. O. Box 520, Leesport, PA 19533-0520, (610) 372-4657, Ext. 201.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAI030603004	Jerome Lendacki 19 Deysher Road Fleetwood, PA 19522	Rockland Township Berks County	Bieber Creek Schuylkill River EV

**PUBLIC WATER SUPPLY (PWS) PERMIT**

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

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

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

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

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

**SAFE DRINKING WATER**

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

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

<b>Permit No. 1503502</b> , Public Water Supply.
Applicant <b>Pennsylvania Suburban Water Company</b>
Township <b>Franklin</b>

Responsible Official	William C. Ross 762 W. Lancaster Avenue Bryn Mawr, PA 19010
Type of Facility	PWS
Consulting Engineer	CET Engineering Services 1240 N. Mountain Road Harrisburg, PA 17112
Application Received Date	April 17, 2003
Description of Action	Construction of a well, well station and a storage tank.

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

<b>Permit No. 4003501</b> , Public Water Supply.	
Applicant <b>RHED Development, Inc.</b>	
Township or Borough <b>Sugarloaf Township, Luzerne County</b>	
Responsible Official	E. Thomas Sandroek, V. P. RHED Development, Inc. 240 West Broad Street Hazleton, PA 18201 (570) 459-0581
Type of Facility	Community Water System
Consulting Engineer	William A. Brown, II, P. E. Environmental Engineering & Management Associates, Inc. P. O. Box 232 Kulpsville, PA 19443 (215) 368-3375
Application Received Date	March 25, 2003
Description of Action	Construction of a booster pump station to serve 44 proposed homes above an elevation of 1,130 feet at The Meadows at the Sugarloaf development.

<b>Permit No. 5203503</b> , Public Water Supply.
Applicant <b>Saville Rustin Water Company</b>
Township or Borough <b>Lehman Township, Pike County</b>

Responsible Official Bettye Gross, Community Manager  
Saville Rustin Water Company  
1103 Pine Ridge Drive  
Bushkill, PA 18324  
(570) 588-9185

Type of Facility Community Water System

Consulting Engineer Charles H. Niclaus, P. E.  
Niclaus Engineering Corporation  
14 North 6th Street, Suite 201  
Stroudsburg, PA 18360  
(570) 422-1240

Application Received Date April 1, 2003

Description of Action Project provides for construction of a new, additional water supply well with associated wellhouse/treatment building and tie-in to the community distribution system serving the Pine Ridge community.

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

**Application No. 5991502-T1—Transfer, Public Water Supply.**

Applicant **Stony Fork Associates, LLC**  
**Sherman T. Hill, Manager**  
4232 Fowler Avenue  
Baltimore, MD 21231

Township Tioga Township

Responsible Official Sherman T. Hill, Manager  
Stony Fork Associates, LLC  
4232 Fowler Avenue  
Baltimore, MD 21231

Type of Facility PWS

Application Received Date April 14, 2003

Description of Action Transfer permit from Thomas A. Taylor/Country Living Mobile Home Park to Stony Fork Associates, LLC.

**Application No. 5989502-T1—Transfer, Public Water Supply.**

Applicant **Stony Fork Associates, LLC**  
**Sherman T. Hill, Manager**  
4232 Fowler Avenue  
Baltimore, MD 21231

Township Tioga Township

Responsible Official Sherman T. Hill, Manager  
Stony Fork Associates, LLC  
4232 Fowler Avenue  
Baltimore, MD 21231

Type of Facility PWS

Application Received Date April 14, 2003

Description of Action Transfer permit from Thomas A. Taylor/Country Living Mobile Home Park to Stony Fork Associates, LLC.

**Application No. 5984504-T1—Transfer, Public Water Supply.**

Applicant **Duncan Township Municipal Water Authority**  
**c/o Shirley Borden, Secretary**  
R. R. 1, Box 55  
Wellsboro, PA 16901

Township Duncan Township

Responsible Official Shirley Borden, Secretary  
Duncan Township Municipal Water Authority  
R. R. 1, Box 55  
Wellsboro, PA 16901

Type of Facility PWS

Application Received Date April 15, 2003

Description of Action Transfer permit from Duncan Township Supervisors to Duncan Township Municipal Water Authority.

**Application No. Minor Amendment—Construction, Public Water Supply.**

Applicant **Frank T. Perano, General Manager**  
**Tiadaghton Mobile Home Park**  
2846 Main Street  
Morgantown, PA 19543

Township Upper Fairfield Township

Responsible Official James Perano, General Manager  
Box 677  
Morgantown, PA 19543

Type of Facility PWS

Consulting Engineer Alex A. McIntyre, P. E.  
1297 Whetland Ave.  
Lancaster, PA 17603

Application Received Date April 16, 2003

Description of Action Addition of 8,000 gallon storage tank to existing system to provide 1 day storage.

#### MINOR AMENDMENT

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

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

**Application No. 1503503, Minor Amendment.**

Applicant **Pennsylvania Suburban Water Company**

Township **Franklin**

Responsible Official Morris Coulter  
762 W. Lancaster Avenue  
Bryn Mawr, PA 19010

Type of Facility PWS

Consulting Engineer CET Engineering Services  
1240 N. Mountain Road  
Harrisburg, PA 17112

Application Received April 18, 2003  
 Date  
 Description of Action Construction of additional  
 backwash holding tank.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

#### **Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department Regional Office after which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office 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:

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

**Former Case Beverage Site, Kingston Borough, Luzerne County.** Martha Fleming, Technical Manager, Environmental Strategies Corporation, 300 Corporate Center Drive, Suite 200, Moon Township, PA 15108 has submitted a Notice of Intent to Remediate (on behalf of Charles Shafer, Crane Road, Shavertown, PA) concerning the remediation of soils and groundwater found or suspected of being contaminated as the result of former railroad roundhouse operations. The applicant proposes to meet a combination of the Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reportedly published in the *Citizen's Voice* on April 11, 2003.

**Stroudsburg Industrial Park, Borough of Stroudsburg, Monroe County.** Joseph T. McNally, P. G., GeoServices, Ltd., 1525 Cedar Cliff Drive, Camp Hill, PA 17011 has submitted a Notice of Intent to Remediate (on behalf of Stroudsburg Park Associates, LP, 14 Springhill Road, Randolph, NJ 07869) concerning the remediation of site soils found or suspected to have been contaminated with chlorinated solvents as the result of historic site operations. The applicant proposes to meet the Site-Specific Standard. A summary of the Notice of Intent to Remediate was reportedly published in the *Pocono Record* on April 15, 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 operat-

ing permit and relevant facts, which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

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

#### PLAN APPROVALS

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

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

**40-399-038B: Fairchild Semiconductor Corp.** (125 Crestwood Road, Mountaintop, PA 18707) for modification of the Fab 8 manufacturing process and installation of an additional air cleaning device at their facility in Crestwood Industrial Park, Wright Township, **Luzerne County**.

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

**01-03029A: Utz Quality Foods, Inc.** (900 High Street, Hanover, PA 17331) for construction of a tortilla chip fryer controlled by a mist eliminator at their King Lane Plant in Conewago Township, **Adams County**.

**07-05033B: Grannas Bros. Stone and Asphalt Co., Inc.** (P. O. Box 488, Hollidaysburg, PA 16648) for modification the operation of the existing No. 2 fuel oil fired hot mix asphalt plant to allow the plant to be fired on No. 2/recycled oil at the Ganister Quarry in Catharine Township, **Blair County**. This source is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities.

**21-03006B: Nestle Purina PetCare** (6509 Brandy Lane, Mechanicsburg, PA 17050) for installation of a pet food production line at their facility in Hampden Township, **Cumberland County**.

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

**17-305-048: Waroquier Coal Co.** (P. O. Box 128, Clearfield, PA 16830) for modification of a coal rail loadout facility by using it at a throughput in excess of 200 tons per day in their Lawrence Township, **Clearfield County** facility.

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

**61-204A: Franklin Bronze and Alloy Company, Inc.** (655 Grant Street, Franklin, PA 16323) for post-

construction of an afterburner attached to a flash fire furnace in their City of Franklin, **Venango County** facility.

**10-001H: AK Steel—Butler Works** (P. O. Box 832, 210 Pittsburgh Road, Butler, PA 16003) for replacement of fume scrubber, blower, ductwork and stack for the number 7 anneal and pickle line in their Butler, **Butler County** facility.

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

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

**46-0112A: Palmer International, Inc.** (2036 Lucon Road, Skippack, PA 19474) installation of four “rocket” vessels, which are to be controlled by an existing thermal oxidizer, at their facility in Skippack Township, **Montgomery County**. The “rocket” vessels will be used as part of a process for making resin materials. The thermal oxidizer will reduce captured VOC emissions by 95%. Emissions of VOCs will not exceed 1 ton per year. Combined with other processes in Building A, emissions of VOCs will be limited to 21 tons per year. This source category will not make the facility a Title V facility. The Plan Approval will contain recordkeeping and further operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

**46-0037Q: Cabot Performance Materials** (County Line Road, P. O. Box 1608, Boyertown, PA 19512-1608) installation of a wet dust collector at their Boyertown facility in Douglass and Colebrookdale Townships, **Montgomery and Berks Counties**. This facility is a Title V facility. The PM emissions from the metal processes will be less than 0.02 grain per standard cubic foot, 1.3 pounds per hour and 5.7 tons per year. There will be no emission increase of any other pollutants. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**09-0124E: Fairless Energy, LLC** (5000 Dominion Boulevard, Glen Allen, VA 23060) for installation of two natural gas preheaters at their USX Industrial Park in Falls Township, **Bucks County** facility. This facility is a Title V facility. This installation is to replace previously approved four smaller natural gas preheaters. This replacement will not result in any emission increases. Only one preheater is allowed to operate at a time. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**09-0009D: Webcraft, LLC** (250 West Pratt Street, Baltimore, MD 21201) for installation of a lithographic printing press and a thermal oxidizer to control VOC emissions from the new and existing presses at their facility at New Britain Township, **Bucks County**. This facility is a Title V facility. This installation will not result in any pollutant emission net changes. VOC emissions from the facility are limit to 49.7 tons per year in a

12-month rolling sum. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**46-0232A: Cemco Lift, Inc.** (2801 Township Line Road, Hatfield, PA 19440) for installation of "Residential Paint Booth" and "Residential Wood Paint Booth" and approval for "Manual Brush Painting," all of which entail the painting of elevator parts. Their facility, located in Hatfield Township, **Montgomery County**, is a non-Title V facility. The paint to be used in the Residential Paint Booth and for Manual Brush Painting shall be a low-VOC paint. PM resulting from overspray in the residential paint booth shall be reduced by 97% by the use of accordion style spray booth filters manufactured by Binks (Model No. 29-356). Manual brush painting will not result in emissions of PM. The residential wood paint booth will utilize low-VOC lacquers and stains. Other emissions are HAPs and PM. PM resulting from over-spray from the residential wood paint booth shall be reduced by 97% by the use of paint arrestors (filters) manufactured by Research Products Corporation.

Total emissions will not exceed 6 TPY for VOCs. PM and HAP emissions will both be less than 1 TPY. The Plan Approval and Operating Permit will contain recordkeeping and operating restrictions designed to keep the facility operating within these emission rates and all applicable air quality requirements.

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

**06-03098: Ralph Good, Inc.** (P. O. Box 924, Adamstown, PA 19501) for installation of a mist eliminator to control particulate emissions from a potato chip fryer in their facility at Borough of Adamstown, **Berks County**. The facility is a non-Title V (State-only) facility. The facility has the potential to emit 2.2 tons of particulate per year and 2.4 tons of NOx per year. The approval will have monitoring, work practice, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements.

**06-05004C: Baldwin Hardware Corp.** (P. O. Box 15048, Reading, PA 19612) for construction of a thermal coating removal unit controlled by a combustion zone and cyclone in their facility at the City of Reading, **Berks County**. The unit will have the potential to emit 3.7 tons per year of particulate, 8.6 tons per year of NOx, 12.2 tons of CO and 2.2 tons per year of VOCs. The approval will include work practices, monitoring, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements. The approval will be incorporated into the Title V operating permit in accordance with 25 Pa. Code § 127.450.

**06-05096A: The Reading Hospital and Medical Center** (Sixth and Spruce Streets, Reading, PA 19612-6052) modification of their three 1,500 kW emergency generators in West Reading Borough, **Berks County**. The proposed operation of these generators will result in approximately 8.32 tons per year of NOx, 1.27 tons per year of CO, 0.9 ton per year of SOx, 0.1 ton per year of PM and 0.2 ton per year of VOC emissions per year. This plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

**36-03069A: Nissin Foods (USA) Co., Inc.** (2901 Hempland Road, Lancaster, PA 17601) for construction of

three natural gas fired boilers in their East Hempfield Township, **Lancaster County** facility. The boilers are subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. The plan approval will include appropriate conditions to keep the sources operating within all applicable air quality requirements.

**67-05101A: Kinsley Construction, Inc.** (P. O. Box 2886, York, PA 17403) for construction of a drum mix asphalt plant in their West Manchester Township, **York County** facility. This hot mix asphalt plant is a non-Title V facility. The facility will limit their emissions to 100 tons per year of PM10, SOx, NOx and CO; 50 tons per year of VOC; 10 tons per year of a single HAP; and 25 tons per year of multiple HAPs. This construction is subject to 40 CFR 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities, Subpart Kb—Standards for Performance for Volatile Organic Liquid Storage Vessels. Requirements for monitoring, recordkeeping and reporting are included to keep the facility operating within the applicable air quality requirements.

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

**41-00005B: Lycoming Engines** (652 Oliver Street, Williamsport, PA 17701). A Title V Operating Permit (41-00005) has been issued for the construction of three aircraft engine parts nitriding (case hardening) furnaces in their facility in the City of Williamsport, **Lycoming County**. The respective facility is a major facility.

The respective three nitriding furnaces (nitriders) actually already exist, having been constructed in 1978, 1985 and 1999, but the required plan approval was not obtained at the time of construction. The nitriders have been operating without air pollution controls and consequently have the potential to emit up to 144 tons of ammonia in any 12 consecutive month period. An air cleaning device, a gas neutralization unit, will now be installed to control these emissions. Following the installation of the gas neutralization unit, the nitriders will emit up to .17 ton of ammonia and 1.39 tons of NOx in any 12 consecutive month period (combined total for all three nitriders).

The Department's review of the information contained in the application indicates that following the installation of the gas neutralization unit, the nitriders will comply with all applicable requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department intends to approve the application and issue plan approval.

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

1. Lycoming Engines shall comply with all terms and conditions of the Consent Order and Agreement entered into with the Department on August 1, 2002.
2. The air contaminant emissions from the three nitriders shall be captured at an efficiency of no less than 100% and ducted to a gas neutralization unit.
3. The burner of the gas neutralization unit shall be fired on natural gas only.

4. The gas neutralization unit shall be equipped with instrumentation to monitor and record the outlet temperature of the neutralization unit on a continuous basis.

5. A gas neutralization unit outlet temperature of at least 1,650°F shall be maintained at any time air contaminant emissions are being ducted to the neutralization unit from any of the nitriders unless it is determined that a higher minimum temperature is required to ensure compliance with the ammonia emission limit specified herein, in which case, that higher temperature must be maintained at all times.

6. The ammonia emissions from the gas neutralization unit shall not exceed a rate of .038 pound per hour.

7. Within 120 days of the completion of installation of the gas neutralization unit, stack testing shall be performed to determine the ammonia emission rate from the gas neutralization unit while the nitriders are operating at the maximum ammonia emission rate Lycoming Engines ever intends to operate them and while the gas neutralization unit is operating at the lowest temperature Lycoming Engines ever intends to operate it (but not less than 1,650°F).

8. Lycoming Engines shall retain all data generated by the continuous gas neutralization unit outlet temperature monitoring and recording system for at least 5 years and shall make the data available to the Department upon request.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.*

**24-009C: Weyerhaeuser Company—Johnsonburg Mill** (100 Center Street, Johnsonburg, PA 15845) for issuance of a Plan Approval to the Company at their Johnsonburg Mill in the Borough of Johnsonburg, **Elk County** in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b). The facility currently has a Title V permit which was issued April 8, 2002. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date.

This application is for air permitting associated with the installation of a wet scrubber on the combined exhaust exiting the electric precipitator from the Pulverized Coal Boilers (nos. 81 and 82) for control of SO<sub>2</sub> emissions.

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

2. The maximum heat input of each boiler shall not exceed 249.9 mmBtu/hr (as stated in the application). The maximum heat input will be determined by the coal, fuel oil or natural gas used.

3. The maximum amount of coal burned in each boiler shall not exceed 9.4 tons per hour. The amount of coal, fuel oil or natural gas used will be recorded on an hourly basis. The records shall be kept on file for 5 years and shall be made available to the Department personnel upon request.

4. Continuous Monitoring System instrumentation shall be installed and maintained to measure the pressure drop across each scrubber, indicate the pH of the scrubbing medium recirculation tank discharge on each scrubber and the caustic/water rate on the spray header to each scrubber.

5. The facility shall monitor and record the pressure drop, caustic/water flow rate and pH of each scrubber on a continuous basis. The data shall be recorded as 1 hour averages based on 1 minute data collection. The records shall be kept for a minimum of 5 years and shall be made available to the Department personnel upon request.

6. Whenever a condition in this permit requires the measurement of pressure drop across any part of the unit or its control device, the gauge employed shall have a scale so that the expected normal reading shall be no less than 20% of full scale.

7. A Continuous Emission Monitoring System (CEMS) analyzer shall be operated for measurement of SO<sub>2</sub> emissions and gas flow from the common exhaust stack. The records shall be kept on file for 5 years and shall be made available to the Department personnel upon request. The CEMS analyzer for SO<sub>2</sub> emissions shall be certified at the same time as stack testing and operated in compliance with current Department's Continuous Source Monitoring Manual.

8. The company shall perform weekly preventative maintenance inspections on both scrubbers. The company shall maintain a log of all preventative maintenance inspections and any maintenance performed on both scrubbers. The records shall be kept on file for 5 years and shall be made available to the Department personnel upon request.

9. SO<sub>2</sub> emissions from the common stack serving boilers 81 and 82 shall not exceed 437 tons per year in any 12 month rolling period, to be verified by CEMS.

10. The SO<sub>2</sub> emissions from the source shall not exceed the following:

Source	30 Day Running Average	Daily Average	Daily Average Maximum
Boiler Nos. 81 and 82	0.20 lb/mmBtu shall not be exceeded at any time	0.22 lb/mmBtu shall not be exceeded more than 2 days in any running 30-day period	0.26 lb/mmBtu shall not be exceeded at any time

11. Within 30 days after beginning operation, test procedures and a sketch with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples shall be submitted to the Department.

12. Within 60 days after beginning operation, a stack test shall be performed in accordance with the provisions of 25 Pa. Code Chapter 139, to demonstrate compliance with the sulfur emission rate in Condition Number 10.

a. EPA Reference Method 6C shall be used to determine the sulfur dioxide concentration.

b. Tests shall be performed at maximum production (defined as between 90% and 100% production).

c. Three 1 hour test runs shall be performed.

13. At least 2 weeks prior to the test, the Department shall be informed of the date and time of the test.

14. Within 60 days after completion of the test, two copies of the complete test report, including all operating conditions, shall be submitted to the Department for approval.

15. If the results of a stack test performed in conformance with Condition No. 11 of this approval exceed the level specified in any condition of this approval, the Permittee shall take appropriate corrective actions. The Permittee shall submit a description of these corrective actions to the Department, within 30 days of receipt of the test results. The Permittee shall take appropriate action to minimize emissions from the affected facility while the corrective actions are being implemented. The Department shall notify the Permittee within 30 days, if the corrective actions taken are deficient. The Permittee shall submit a description of additional corrective actions taken to the Department within 30 days of receipt of the notice of deficiency. The Department reserves the authority to use enforcement activities to resolve noncompliant stack tests.

16. If the results of a stack test performed in conformance with Condition No. 11 of this approval exceed the level specified in any condition of this approval, a retest to demonstrate compliance shall be performed within 120 days of receipt of the original test results. Should the Permittee demonstrate to the Department that retesting in 120 days is not practicable, the Department may extend the retesting deadline. Failure of the second test to demonstrate compliance with the appropriate approval conditions may be grounds for immediate revocation of the approval to operate the affected facility.

17. The facility shall perform an EPA Reference Method 22-like procedure from the common stack from Boilers 81 and 82 daily. If visible emissions are detected during the week, EPA Reference Method 9 procedure shall be performed within 24 hours. If visible emissions are detected during the weekend or on holidays, EPA Reference Method 9 procedure shall be performed within 48 hours. EPA Reference Method 9 procedure shall be performed for 15 minutes. If any readings exceed 20% opacity, the Method 9 procedure shall be continued for a total time of 1 hour. Records of the visual emissions and visible determinations of opacity shall be kept on file for 5 years and shall be made available to the Department personnel upon request.

18. No person shall cause or permit the operation of the sources unless the source and air cleaning devices are operated and maintained in accordance with specifications in the Plan Approval application, manufacturer's specifications and Condition Nos. 1—17. A person may not cause or permit the operation of this source in a manner inconsistent with good operating practices.

19. This plan approval only addresses any changes due to the installation of scrubbers and the SO<sub>2</sub> emissions limits. The coal sulfur content limit of 1.78% by weight based on a 12-month consecutive period of coal analytical results currently in the Facility Title V Operating Permit, Revision No. 2, issued April 8, 2002, Section D No. 004 and Plan Approval No. 24-306-003 shall be eliminated. Except for SO<sub>2</sub> emission limits, all other terms and conditions relating to Boilers 80 and 81 in the Facility Title V Operating Permit remain unchanged.

20. Issuance of an Operating Permit is contingent upon satisfactory compliance with Conditions Nos. 1—19, upon the source being constructed and operated as stated on the application and upon the satisfactory demonstration that the emissions from the source will not be in violation of applicable rules and regulations of the Department.

## 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.**

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

**48-00006: Reliant Energy Mid-Atlantic Power Holdings, LLC** (P. O. Box 1050, Johnstown, PA 15907-1050) for minor modification to the Title V Operating Permit issued to their Portland Generating Station, an electric generating plant in Upper Mt. Bethel Township, **Northampton County**.

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

**36-05031: Bollman Hat Co.** (110 East Main Street, Adamstown, PA 19501) for a Title V Operating Permit renewal to operate their Willow Street hat manufacturing facility in Adamstown Borough, **Lancaster County**. The facility's boilers produce SO<sub>x</sub> and NO<sub>x</sub> emissions. The Title V Operating Permit will contain emission limits along with appropriate monitoring, recordkeeping and reporting requirements to ensure the facility operates in accordance with the applicable air quality requirements.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: Muhammad Zaman, Program Manager, (570) 327-0512.*

**49-00021: American Railcar Industries** (R. R. 4, P. O. Box 4355, Milton, PA 17847-9740) for renewal of their Title V Operating Permit for their facility in West Chillisquaque Township, **Northumberland County**. The facility is currently operating under Title V operating permit 4-00021, which was issued on February 5, 1998. The facility's air contamination sources include 5 no. 2 fuel oil/natural gas fired boilers, 4 no. 2 fuel oil/natural gas fired heaters, 9 natural gas fired heaters, 3 no. 2 fuel oil fired heaters, 2 paint bays, 1 commodity cleaning car operation, 2 stencil/touch-up areas, 1 grit blasting operation, 1 solvent cleanup operation, 40 cutting torches and 3 fuel storage tanks. The facility has the potential to emit major quantities of SO<sub>x</sub>, VOCs and HAPs. The facility has the potential to emit CO, PM<sub>10</sub> and NO<sub>x</sub> below the major emission thresholds. The proposed Title V Operating Permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are also included.

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

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

**46-00135: Yerger Woods Products** (3090 Wentling Schoolhouse Road, East Greenville, PA 18041) for a non-Title V (State-only) Operating Permit for their Upper Hanover Township, **Montgomery County** facility. The facility's sources are wood working processes and a horizontal wood grinding hog and diesel generator. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00175: Hatfield Township Municipal Authority** (3200 Advance Lane, Colmar, PA 18915), for a non-Title V, State-only, Synthetic Minor Operating Permit in their Hatfield Township, **Montgomery County** facility. Hatfield Township Municipal Authority owns and operates a wastewater treatment facility, sewage sludge incinerator, a few boilers and a few emergency generators. The entire facility is limited to emissions of 24.9 tons of NOx per 12-month rolling period. The sewage sludge incinerator is subject to 40 CFR 60 Subpart O, 40 CFR 61 Subparts C and E and 40 CFR 503 Subpart E. A venturi scrubber, an impingement scrubber, a wet electrostatic precipitator and a thermal oxidizer are used to control emissions from the sewage sludge incinerator. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

**15-00075: Lasko Metal Products, Inc.** (820 Lincoln Avenue West Chester, PA 19380) for a non-Title V (State-only) Operating Permit for operation of their home comfort and convenience products manufacturing facility in West Goshen Township, **Chester County**. The facility's main sources include: two natural gas and no. 5 fuel oil fired boilers, a four-nozzle design spray booth, a dryoff/curing oven, a burnoff oven, two spray booths and a phosphate parts cleaning. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**01-05030: Hanover Bituminous Products** (240 Bender Road, Hanover, PA 17331) for an Operating Permit to operate their batch asphalt plant in Conewago Township, **Adams County**. The facility emissions of CO, NOx, SO<sub>2</sub> and PM10 will each be limited to less than 100 tons per year. The facility VOC emissions will be limited to less than 50 tons per year. Facility emissions of individual and aggregate HAPs will be limited to less than 10 tons per year and 25 tons per year, respectively. The State-only Operating Permit will include testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**21-03055: Fry Communications, Inc.** (309 Hempst Road, Mechanicsburg, PA 17055) for an Operating Permit to operate of their lithographic printing operation at Plant Number 4 (Building 4) in Silver Spring Township, **Cumberland County**. Emissions are estimated to be approximately 7.0 and 5.6 tons per year of VOCs and HAPs, respectively. The State-only Operating Permit will contain additional recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**22-03052: Kimmel's Coal and Packaging** (Machamer Avenue, P. O. Box 1, Wiconisco, PA 17097) for an Operating Permit to operate their coal preparation facility controlled by fabric filters in Wiconisco Township, **Dauphin County**. The facility is subject to New Source Performance Standards-Subpart Y—Standards of Performance for Coal Preparation Plants. The State-only Operating Permit will contain appropriate conditions designed to keep the facility operating below Title V thresholds for criteria pollutants and within all other applicable air quality requirements.

**31-05018: Texas Eastern Transmission, LP** (P. O. Box 1642, Houston, TX 77251) for a State-only Operating

Permit to operate a natural gas compressor station at their Entriken Compressor Station in Todd Township, **Huntingdon County**. The primary emissions from the sources are NOx. This permit is a renewal of the expired Title V Permit No. 31-05003 with reduced emissions as a result of modification to the source as per Plan Approval No. 31-05003A. This permit will incorporate Plan Approval No. 31-05003A and it will contain monitoring, recordkeeping and reporting requirements designed to keep the facility operating within the applicable air quality requirements.

**36-05074: New Holland Custom Woodwork, LTD** (313 Prospect Street, New Holland, PA 17557-0217) for an Operating Permit to operate a high quality wood products manufacturing facility in New Holland Borough, **Lancaster County**. Facility emissions of VOCs are limited by the wood surface coating regulations in 25 Pa. Code §§ 129.101—129.107, in addition to those found in 25 Pa. Code § 129.52 for surface coaters, whichever is more stringent. Facility emissions of HAPs are limited to less than 10 tons per year for each HAP and less than 25 tons per year for cumulative HAPs during any consecutive 12-month period. The State-only Operating Permit will include emission limitations, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**36-03116: Wilbur Chocolate Company, Inc.** (48 North Broad Street, Lititz, PA 17543) for an Operating Permit to operate their chocolate manufacturing facility in Mount Joy Borough, **Lancaster County**. There is a potential to emit approximately 63 tons per year of PM, 23 tons per year of SOx, 10 tons per year of NOx, 8.8 tons per year of VOCs and less than 5 tons per year of CO. The Operating Permit shall contain standard recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**36-05062A: Manheim Auto Auction** (1190 Lancaster Road, Manheim, PA 17545) for an Operating Permit to operate their automobile reconditioning facility in Penn Township, **Lancaster County**. Facility emissions of VOCs are limited by the mobile equipment repair and refinishing regulations found in 25 Pa. Code § 129.75. The facility will continue to cap their VOC emissions to less than 50 tons per year. Facility emissions of HAPs are limited to less than 10 tons per year for each HAP and less than 25 tons per year for cumulative HAPs during any consecutive 12-month period. The State-only Operating Permit will include emission limitations, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**36-05106: Premier Custom Built, Inc.** (110 Short Street, New Holland, PA 17557) an Operating Permit for operation of their wood furniture surface coating facility in East Earl Township, **Lancaster County**. This is a non-Title V (State-only) facility. The operating permit will contain appropriate conditions designed to keep the facility operating below Title V thresholds for criteria pollutants and within all other applicable air quality requirements.

**36-05121: Paradise Custom Kitchens, Inc.** (3333 Lincoln Highway East, P. O. Box 278, Paradise, PA 17562) for a State-only Operating Permit for three spray booths in Paradise Township, **Lancaster County**. This is a non-Title V (State-only) facility. The Operating Permit will contain appropriate conditions designed to keep the



facility operating below Title V thresholds for criteria pollutants and within all other applicable air quality requirements.

**36-05130: Masonic Homes** (1 Masonic Home, Elizabethtown, PA 17022) an Operating Permit for operation of boilers and generators in their Elizabethtown Borough, **Lancaster County** facility. The primary emissions from the sources are NOx. This State-only Operating Permit will incorporate the boilers included in General Permit No. GP1-36-05068A and it will contain monitoring, recordkeeping and reporting requirements designed to keep the facility operating within the applicable air quality requirements.

**67-05098: Global Stone PenRoc, LP** (495 Global Stone Drive, York, PA 17405) an Operating Permit for operation of their West Plant limestone crushing operations in West Manchester Township, **York County**. This facility's PM emissions are controlled via wet suppression and by various fabric collectors. The State-only Operating Permit will include emission limitations, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements in addition to the New Source Performance Standards requirements found in 40 CFR, Part 60, Subpart 000.

**67-05099: Kinsley Construction, Inc.** (1110 East Princess Street, York, PA 17403) an Operating Permit for operation of their Kinsley Manufacturing steel fabrication plant in the City of York, **York County**. The facility VOC emissions will be limited to less than 50 tons per year. Facility emissions of individual and aggregate HAPs will be limited to less than 10 tons per year and 25 tons per year, respectively. The State-only Operating Permit will include testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: Muhammad Zaman, Facilities Permitting Chief, (570) 327-0512.*

**18-00016: Susquehanna Valley Animal Hospital** (P. O. Box 62, McElhattan, PA 17748) an Operating Permit for operation of their animal hospital located in Pine Creek Township, **Clinton County**. The facility's main source is a no. 2 fuel oil fired pathological waste incinerator. The facility has the potential to emit SOx, CO, NOx, PM10, VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are also included.

**19-00019: Dillon Floral Corp.** (P. O. Box 180, Berwick Highway Bloomsburg, PA 17815-0180), an Operating Permit for their greenhouse facilities located in Bloomsburg, **Columbia County**. The facility's main sources include two natural gas/fuel oil fired boilers. These sources have the potential to emit major quantities of SOx and NOx. The facility has taken emissions limitations to fall below Title V thresholds. The facility has the potential to emit PM, CO, HAPs and VOCs below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are also included.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: Mark Wayner, Facilities Permitting Chief, (412) 442-4174.*

**32-00230: Texas Eastern Transmission, L. P.** (P. O. Box 1642, Houston, TX 77251) for an Operating Permit to operate their natural gas compressor station in Armagh, West Wheatfield Township, **Indiana County**.

**30-00094: Texas Eastern Gas Pipeline** (P. O. Box 1642, Houston, TX 77251) for an Operating Permit to operate their natural gas compressor station in Waynesburg, Franklin Township, **Greene County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.*

**20-00130: Meadville Forging Company—Meadville Plant** (15309 Baldwin Street Extension, Meadville, PA 16335). Natural Minor Operating Permit for emissions from steel forging operations in their West Mead Township, **Crawford County** facility.

**42-00147: W. R. Case & Sons Cutlery Company** (Owens Way, Bradford, PA 16701) for a Natural Minor Operating Permit for operation of a cutlery manufacturing facility located in their Bradford Township, **McKean County** facility.

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

**S95-071: General Electric International, Inc.** (1040 East Erie Avenue, Philadelphia, PA 19124) for repair of industrial transformers, retrofitting and refilling of railroad transformers, large motor repair and rental of energy producing and HVAC equipment in the City of Philadelphia, **Philadelphia County**. To incorporate applicable regulations for three degreasers. There is no increase in actual emissions. The synthetic minor operating permit was originally issued on September 6, 2002.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (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 such 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 identified in this notice for the respective coal and noncoal applications. In addition to the previous, more restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the previously-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

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

#### *Coal Applications Received*

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

**54930101R2. J & L Coal Company** (1026 Pine Street, Pottsville, PA 17901), renewal of an existing surface mine operation in Branch Township, **Schuylkill County** affecting 102.8 acres, receiving stream: Schaefer Creek. Application received April 14, 2003.

**54813011R4. EOJ, Inc.** (2401 Summer Valley Road, New Ringgold, PA 17960), renewal of an existing surface mine operation in Blythe Township, **Schuylkill County** affecting 344.9 acres, receiving stream: none. Application received April 16, 2003.

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

**32030105 and NPDES Permit No. PA0249131. P & N Coal Co., Inc.**, P. O. Box 332, Punxsutawney, PA 15767-0332, commencement, operation and restoration of a bituminous surface and auger mine and for discharge of treated mine drainage in East Mahoning Township, **Indiana County**, affecting 54.0 acres. Receiving streams: unnamed tributary to Little Mahoning Creek (HQ-CWF). There are no potable water supply intakes within 10 miles downstream. Application received April 3, 2003.

**56693103. Diamond T Coal Company**, P. O. Box 260, Friedens, PA 15541, permit revision to change the land use from pastureland to industrial/commercial in Stonycreek Township, **Somerset County**, affecting 828.8 acres. Receiving streams: to unnamed tributary to Lamberts Run to Lamberts Run; and to Grove Run and

unnamed tributary to Grove Run (CWF). The first downstream potable water supply intake from the point of discharge is Hooversville Borough Municipal Authority Stonycreek Surface Water Withdrawal. Application received April 8, 2003.

**56980102 and NPDES Permit No. PA0234681. Hoffman Mining, Inc.**, P. O. Box 130, 118 Runway Road, Friedens, PA 15541, permit renewal for continued operation of a bituminous surface and auger mine and for discharge of treated mine drainage in Shade Township, **Somerset County**, affecting 92.7 acres. Receiving streams: unnamed tributaries to Oven Run (CWF). The first downstream potable water supply intake from the point of discharge is Hooversville Borough Municipal Authority Stonycreek Surface Water Withdrawal. Application received April 14, 2003.

**11930102. E. P. Bender Coal Company**, Main and Lehmier Streets, P. O. Box 594, Carrolltown, PA 15722, permit renewal for continued operation of a bituminous surface/auger and beneficial use of fly ash mine in Dean Township, **Cambria County**, affecting 275.8 acres. Receiving streams: Little Laurel Run (CWF), an unnamed tributary to Clearfield Creek (CWF) and Clearfield Creek (WWF). There are no potable water supply intakes within 10 miles downstream. Application received April 9, 2003.

**56920110 and NPDES Permit No. PA021229. Svonavec, Inc.**, 150 West Union Street, Suite 201, Somerset, PA 15501, permit renewal for reclamation only and for continued restoration of a bituminous surface mine in Black Township, **Somerset County**, affecting 355.4 acres. Receiving streams: two unnamed tributaries of Coxes Creek, an unnamed tributary of Laurel Run and an unnamed tributary of Wilson Creek, all to Coxes Creek to the Casselman River (WWF). There are no potable water supply intakes within 10 miles downstream. Application received April 15, 2003.

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

**03030103 and NPDES Permit No. PA0250384. AMFIRE Mining Co., LLC** (One Energy Place, Latrobe, PA 15650). Application for commencement, operation and reclamation of a bituminous surface mine located in Sugarcreek Township, **Armstrong County**, affecting 130.2 acres. Receiving streams: unnamed tributaries to Huling Run (TSF). There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received April 10, 2003.

#### *Noncoal Applications Received*

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

**4874SM2T and NPDES Permit PA0123544. Oldcastle Stone Products** (P. O. Box 220, Thomasville, PA 17364), transfer of an existing quarry operation and NPDES Permit for discharge of treated mine drainage in Jackson Township, **York County** affecting 214.7 acres, receiving stream: Little Conewago Creek. Application received April 8, 2003.

**67000301C and NPDES Permit PA0224065. Oldcastle Stone Products** (P. O. Box 220, Thomasville, PA 17364), transfer of an existing quarry operation and NPDES Permit for discharge of treated mine drainage in Jackson Township, **York County** affecting 228.8 acres, receiving stream: Little Conewago Creek. Application received April 8, 2003.

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

**61930301. Cooperstown Sand & Gravel** (P. O. Box 4, Cooperstown, PA 16317). Renewal of NPDES Permit No. PA0211729, Jackson Township, **Venango County**. Receiving streams: Wolf Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received April 15, 2003.

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

**Permit No. 4275SM20 and NPDES Permit No. PA0125334. U. S. Silica Company**, P. O. Box 187, Berkeley Springs, WV 25411, renewal of NPDES Permit, in Brady Township, **Huntingdon County**. Receiving streams: Juniata River (WWF), Saddler Creek (TSF), unnamed tributary to Shaughnessy Run (HQ-CWF) and unnamed tributary of Flush Run (TSF). There are no potable water supply intakes within 10 miles downstream. Application received April 15, 2003.

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

**59030801. Harry Horvath**, R. R. 1, Box 85A East State Road, Covington, PA 16917. Commencement, operation and restoration of a Small Industrial Minerals (Shale) permit in Covington Township, **Tioga County** affecting 5 acres. Receiving streams: unknown tributary, tributary to Tioga River. Application received April 1, 2003.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications and requests for Environmental Assessment approval and requests for Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)), requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Initial requests for 401 Water Quality Certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8 a.m. and 4 p.m. on each working day at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings 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

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

**E45-445. Resorts USA, Inc.**, P. O. Box 447, Bushkill, PA 18324, in Middle Smithfield Township, **Monroe County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a bridge having a single span of 50 feet and an underclearance of approximately 6 feet across Sand Hill Creek (HQ-CWF) for the purpose of providing a road crossing for golf carts and maintenance vehicles. The project is located at Fernwood Resort, northeast of the intersection of SR 0209 and River Road (Bushkill, PA-NJ Quadrangle N: 14.1 inches; W: 3.6 inches).

**E45-447. Jackson Township**, P. O. Box 213, Reeders, PA 18352, in Jackson Township, **Monroe County**, U. S. Army Corps of Engineers, Philadelphia District.

To remove the existing structures and to construct and maintain a concrete box culvert having a span of 17.5 feet and an underclearance of 5 feet with a 1 foot culvert depression in Kettle Creek (HQ-CWF). The project is located along Township Road T471 (Twin Pines Road), just south of T434 (Running Valley Road) (Saylorsburg, PA Quadrangle N: 20.0 inches; W: 7.8 inches).

**EA13-001NE. U. S. Army Corps of Engineers**, Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390, in Kidder Township, **Carbon County**, U. S. Army Corps of Engineers, Philadelphia District.

To modify an existing road which traverses the top of the Francis E. Walter Dam. The project will impact a de minimis area of wetlands equal to 0.01 acre and 140 feet of a tributary to Cider Run (HQ-CWF) (Hickory Run, PA Quadrangle N: 19.5 inches; W: 12.5 inches).

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

**E22-459: Benjamin W. Novinger**, 4915 Colorado Avenue, Harrisburg, PA 17109 in West Hanover Township, **Dauphin County**, ACOE Baltimore District.

Place and maintain fill to install a private residential driveway which will impact 0.25 acre of wetlands, also install and maintain a culvert to cross an unnamed tributary to Manada Creek (WWF) which is authorized by a waiver under 25 Pa. Code § 105.12(a)(2), located approximately 4,000 feet south of the U. S. Route 22, SR 0039 intersection (Hershey, PA Quadrangle N: 14.05 inches; W: 11.90 inches) in West Hanover Township, Dauphin County.

**E36-757: Manheim Borough**, 15 East High Street, Manheim, PA 17545 in Manheim Borough, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a pre-engineered wooden foot bridge having a clear span of 47.5 feet, a maximum rise of 5.61 feet and an instream width of 6 feet to make a crossing of Rife Run (WWF) at a point within Logan Park approximately 800 feet south of SR 772 (Manheim, PA Quadrangle N: 5.7 inches; W: 4.2 inches) in Manheim Borough, Lancaster County.

**E22-458: West Hanover/Lower Paxton Townships**, 7171 Allentown Blvd., Harrisburg, PA 17112/75 South Houcks Road, Harrisburg, PA 17109 in West Hanover and Lower Paxton Townships, **Dauphin County**, ACOE Baltimore District.

To fill and maintain 0.61 acre of wetlands associated with Beaver Creek (WWF) and its unnamed tributaries, also to remove the Piketown Road single span bridge over Beaver Creek and to restore and stabilize the stream banks, to install and maintain three outfalls to Beaver Creek and its unnamed tributaries in accordance with the conditions of General Permit No. 4 and to excavate and regrade the Old Piketown Road bed, all within the

floodplain of Beaver Creek along the existing Piketown Road (Harrisburg East, PA Quadrangle N: 18.4 inches; W: 1.5 inches) in West Hanover Township, Dauphin County.

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

**E17-382. Dominion Transmission, Inc.**, 445 West Main Street, Clarksburg, WV 263012. Dominion LN-50 Gas Transmission Line, Brady, Goshen, Huston, Lawrence and Union Townships, **Clearfield County**, ACOE Baltimore and Pittsburgh District (DuBois, PA Quadrangle N: 1.2 inches; W: 6.1 inches).

To operate and maintain an existing 30-inch diameter pipeline over 29 miles within an existing 75 foot right-of-way for the transmission of natural gas. Replacement or maintenance of the 30-inch diameter pipeline may require 28 stream crossings that are as follows:

<i>Stream</i>	<i>Stream Classification</i>	<i>Latitude</i>	<i>Longitude</i>
Beaver Run	HQ-CWF	41° 00' 25"	78° 47' 39"
UNT Beaver Run	HQ-CWF	41° 00' 58"	78° 47' 01"
UNT East Branch—Mahoning	HQ-CWF	41° 01' 44"	78° 46' 17"
UNT East Branch—Mahoning	HQ-CWF	41° 01' 58"	78° 46' 01"
Stump Creek	CWF	41° 02' 30"	78° 45' 42"
Limestone Run	CWF	41° 03' 24"	78° 45' 3"
Limestone Run	CWF	41° 03' 26"	78° 44' 48"
Limestone Run	CWF	41° 03' 26"	78° 44' 43"
Limestone Run	CWF	41° 03' 27"	78° 44' 37"
Limestone Run	CWF	41° 03' 26"	78° 44' 01"
UNT Luthersburg Branch	CWF	41° 03' 44"	78° 43' 29"
Luthersburg Branch	CWF	41° 03' 47"	78° 43' 25"
UNT Luthersburg Branch	CWF	41° 04' 08"	78° 42' 59"
UNT Luthersburg Branch	CWF	41° 04' 36"	78° 42' 28"
Sugarcamp Run	CWF	41° 05' 04"	78° 41' 37"
Laborer Branch	CWF	41° 05' 58"	78° 40' 03"
Dressler Run	HQ-CWF	41° 06' 38"	78° 39' 04"
UNT South Branch, Bennetts Branch	HQ-CWF	41° 08' 15"	78° 37' 01"
UNT Laurel Run	HQ-CWF	41° 09' 52"	78° 32' 20"
Laurel Run	HQ-CWF	41° 09' 54"	78° 32' 15"
UNT Laurel Run	HQ-CWF	41° 10' 20"	78° 31' 10"
Pray Run	HQ-CWF	41° 10' 42"	78° 30' 36"
Little Laurel Run	HQ-CWF	41° 11' 08"	78° 29' 52"
Saunders Run	HQ-CWF	41° 11' 55"	78° 28' 04"
Little Medix Run	HQ-CWF	41° 12' 51"	78° 25' 45"
Medix Run	HQ-CWF	41° 13' 21"	78° 24' 23"
UNT Jack Dent Branch	HQ-CWF	41° 13' 58"	78° 22' 59"
UNT Jack Dent Branch	HQ-CWF	41° 14' 15"	78° 22' 13"

Gas transmission lines under streambeds shall be replaced so there will be a minimum of 3 feet of cover between the top of the pipe and the lowest point in the streambed. Trench plugs or clay dikes shall be used at every waterway and wetland crossing to ensure the existing hydrology is not altered. If upon investigation the Department determines the gas transmission line approved by this permit is serving to degrade water quality, stream profile, meander pattern or channel geometries, then the permittee shall be required to implement all measures necessary to mitigate the degradation. This permit also authorizes the crossing of any wetland that may occur along the 29 mile pipeline right-of-way; during replacement and maintenance operations, the permittee shall take all precautions necessary to ensure that wetland impacts along the right-of-way are temporary.

**E18-356. Ralph Dotterer, Jr.**, 1074 Dotterer Road, Mill Hall, PA 17751. Stream Crossing and Streambank Stabilization, in Porter Township, **Clinton County**, ACOE Baltimore District (Beech Creek, PA Quadrangle N: 9.3 inches; W: 4.2 inches).

To construct and maintain: (1) a twin 8 foot by 45 foot wood deck bridge on steel I-beams; and (2) R-5 riprap for scour protection on 60 feet of bank upstream of the bridge and under both bridges for bridge bearing surfaces and to remove two gravel bars located under and downstream of the proposed bridge 10 feet by 35 feet by 2 feet and 4 feet by 27 feet by 2 feet. The project will not impact wetlands while impacting a total of approximately 100 linear feet of waterway. Cedar Run (HQ-CWF) is a Class A Wild Trout Stream.

**E53-386. Dominion Transmission, Inc.**, 445 West Main Street, Clarksburg, WV 263012. Dominion LN-20 and LN-16 Gas Transmission Line, Allegany, Genesee, Hebron and Roulette Townships, **Potter County**, ACOE Pittsburgh District (Roulette, PA Quadrangle N: 6.0 inches; W: 10.4 inches).

To replace, operate and maintain an existing 16-inch diameter pipeline over 29 miles within an existing 75 foot right-of-way for the transmission of natural gas. Replacement or maintenance of the 16-inch diameter pipeline may require 30 stream crossings that are as follows:

<i>Stream</i>	<i>Stream Classification</i>	<i>Latitude</i>	<i>Longitude</i>
Burt Hollow	CWF	41° 46' 59"	78° 12' 05"
Card Creek	CWF	41° 47' 12"	78° 11' 17"
Allegheny River	CWF	41° 47' 17"	78° 10' 45"
UNT Allegheny River	CWF	41° 47' 20"	78° 10' 10"
UNT Fishing Creek	CWF	41° 47' 36"	78° 09' 13"
Fishing Creek	CWF	41° 47' 43"	78° 08' 58"
Fishing Creek	CWF	41° 47' 45"	78° 08' 56"
Fishing Creek	CWF	41° 47' 46"	78° 08' 54"
UNT East Branch, Fishing Creek	HQ-CWF	41° 48' 05"	78° 08' 11"
East Branch, Fishing Creek	HQ-CWF	41° 48' 15"	78° 07' 52"
East Branch, Fishing Creek	HQ-CWF	41° 48' 37"	78° 07' 06"
UNT East Branch, Fishing Creek	HQ-CWF	41° 48' 38"	78° 07' 02"
East Branch, Fishing Creek	HQ-CWF	41° 48' 38"	78° 06' 49"
UNT East Branch, Fishing Creek	HQ-CWF	41° 48' 49"	78° 06' 16"
UNT East Branch, Fishing Creek	HQ-CWF	41° 49' 00"	78° 05' 30"
UNT East Branch, Fishing Creek	HQ-CWF	41° 49' 46"	78° 03' 50"
UNT East Branch, Fishing Creek	HQ-CWF	41° 50' 08"	78° 03' 15"
UNT Whitney Creek	EV	41° 51' 00"	78° 01' 47"
UNT South Branch, Oswayo Creek	EV	41° 51' 43"	78° 00' 34"
UNT South Branch, Oswayo Creek	EV	41° 51' 51"	78° 00' 06"
Peet Brook	CWF	41° 51' 49"	77° 56' 35"
UNT Peet Brook	CWF	41° 52' 00"	77° 56' 34"
Peet Brook	CWF	41° 52' 08"	77° 56' 33"
UNT Peet Brook	CWF	41° 52' 13"	77° 56' 32"
UNT Oswayo Creek	CWF	41° 53' 50"	77° 56' 05"
Oswayo Creek	CWF	41° 54' 10"	77° 56' 02"
UNT Hemlock Hollow Run	HQ-CWF	41° 57' 15"	77° 55' 53"
UNT Irish Settlement Brook	HQ-CWF	41° 58' 09"	77° 55' 51"
UNT Irish Settlement Brook	HQ-CWF	41° 58' 24"	77° 55' 50"
UNT Irish Settlement Brook	HQ-CWF	41° 59' 05"	77° 55' 44"

Gas transmission lines under streambeds shall be replaced so there will be a minimum of 3 feet of cover between the top of the pipe and the lowest point in the streambed. Trench plugs or clay dikes shall be used at every waterway and wetland crossing to ensure the existing hydrology is not altered. If upon investigation the Department determines the gas transmission line approved by this permit is serving to degrade water quality, stream profile, meander pattern or channel geometries, then the permittee shall be required to implement all measures necessary to mitigate the degradation. This permit also authorizes the crossing of any wetland that may occur along the 25 miles of pipeline right-of-way; during replacement and maintenance operations, the permittee shall take all precautions necessary to ensure that wetland impacts along the right-of-way are temporary.

**E53-387. Dominion Transmission, Inc.**, 445 West Main Street, Clarksburg, WV 263012. Dominion LN-50 Gas Transmission Line, Stewardson Townships, **Potter County**, ACOE Baltimore District (Tamarack, PA Quadrangle N: 19.4 inches; W: 1.0 inch).

To replace, operate and maintain an existing 30-inch diameter pipeline over 11 miles within an existing 75 foot right-of-way for the transmission of natural gas. Replacement or maintenance of the 30-inch diameter pipeline may require nine stream crossings that are as follows:

<i>Stream</i>	<i>Stream Classification</i>	<i>Latitude</i>	<i>Longitude</i>
Osborne Branch	HQ-CWF	41° 28' 55"	77° 45' 25"
Little Greenlick Run	HQ-CWF	41° 29' 35"	77° 44' 26"
UNT Greenlick Run	HQ-CWF	41° 29' 57"	77° 43' 51"
UNT Greenlick Run	HQ-CWF	41° 30' 20"	77° 43' 15"
Greenlick Run	HQ-CWF	41° 30' 37"	77° 42' 45"
UNT Big Spring Branch	HQ-CWF	41° 31' 25"	77° 40' 54"
Big Spring Branch	HQ-CWF	41° 31' 40"	77° 40' 38"
Big Trestle Run	HQ-CWF	41° 32' 17"	77° 39' 58"
Whitman Branch	HQ-CWF	41° 32' 38"	77° 39' 16"

Gas transmission lines under streambeds shall be replaced so there will be a minimum of 3 feet of cover between the top of the pipe and the lowest point in the streambed. Trench plugs or clay dikes shall be used at every waterway and wetland crossing to ensure the existing hydrology is not altered. If upon investigation the Department determines the gas transmission line approved by this permit is serving to degrade water quality, stream profile, meander pattern or channel geometries, then the permittee shall be required to implement all measures necessary to mitigate the degradation. This permit also authorizes the crossing of any wetland that may occur along the 25 miles of pipeline right-of-way; during replacement and maintenance operations, the permittee shall take all precautions necessary to ensure that wetland impacts along the right-of-way are temporary.

**E53-388. Department of Conservation and Natural Resources, Bureau of Forestry**, P. O. Box 8451, Harrisburg, PA 17105-8451. Bridge Replacement, in Sylvania Township, **Potter County**, ACOE Baltimore District (Wharton, PA Quadrangle N: 12.8 inches; W: 2.5 inches).

To remove the existing steel I-beam superstructure with a wooden deck bridge and an effective span of approximately 30 feet and width of 16 feet; and to construct and maintain a prestressed concrete box beam bridge with a clear span of 27 feet, a width of 16 feet, an underclearance of 6.5 feet and a waterway opening of approximately 156 square feet. Upstream and downstream existing stone wing walls are to be repointed including replacement of missing stones and R6/R4 riprap to be used for wingwall scour protection. The project is located in Big Nelson Run on Nelson Run Road approximately 3 miles from the intersection of Nelson Run Road with SR 872. The project will not impact wetlands while impacting approximately 45 feet of waterway. Big Nelson Run (HQ-CWF) is a Class A Wild Trout Stream.

**E59-439. Mansfield Borough**, 19 East Wellsboro Street, Mansfield, PA 16933. Ellen Run Restoration Project from SR 0015 east to U. S. Army Corps of Engineers Property, in Mansfield Borough, ACOE Baltimore District (Mansfield, PA Quadrangle N: 9.8 inches; W: 12.1 inches).

To realign the stream channel and to construct, operate and maintain 12 in-stream structures for grade control or stabilization of Ellen Run (CWF). The channel relocation and stream restoration project shall be limited to a maximum length of 1,200 feet in Ellen Run. The in-stream structures shall be constructed of large blocky rock in stream flow conditions ample to determine stream flow centerline. The restoration project with impact 1,200 feet of Ellen Run that is located along the south right-of-way of SR 0006 immediately east of SR 0015 and SR 0006 intersection. This permit also authorizes the construction, operation, maintenance and removal of temporary access roads, channel diversions, cofferdams and stockpiles in and along Bennett Branch. All temporary facilities used for project construction shall be removed from floodplain areas; upon project completion, all areas of disturbance shall be restored and stabilized within 20 days. This permit does not authorize any temporary or permanent impact to the wetlands adjacent to project area.

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

**E10-376, Butler County Family YMCA**, 339 N. Washington, Butler, PA 16001. Southwest Butler YMCA,

in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 19.9 inches; W: 12.0 inches).

To conduct the following activities associated with the construction of Southwest Butler YMCA facility east of SR 19 immediately south of Ehrman Road:

1. To construct and maintain a 180-foot long, 84-inch diameter reinforced concrete pipe stream enclosure in a tributary to Brush Creek for an access road extending south from Ehrman Road approximately 600 feet east of SR 19.

2. To fill a total of 0.07 acre of two wetland areas (0.06 acre associated with the construction of the access road and 0.01 acre associated with a multipurpose athletic field).

3. To impact a total of 775 feet of tributaries to Brush Creek having contributory drainage areas of less than 100 acres (275 feet from the construction of a parking area and 500 feet from the multipurpose athletic field).

Project proposes contribution to the Pennsylvania Wetland Replacement Fund for replacement of 0.07 acre of wetland impact.

**E24-233, Toby Creek Watershed Association**, P. O. Box 247, Brockway, PA 15824. Backside of Hayes Run Acid Mine Drainage Passive Treatment System, in Fox Township, **Elk County**, ACOE Pittsburgh District (Brandy Camp, PA Quadrangle N: 15.6 inches; W: 1.3 inches).

The applicant proposes to construct and maintain the backside of Hayes Run acid mine drainage passive treatment system to treat the mine water discharge to an unnamed tributary to Kyler Run (CWF). The project involves: (1) a stream crossing for access having a 60-foot by 2.5-foot overflow weir and four 40-foot long, 4-foot diameter corrugated metal pipe culverts in Kyler Run (CWF) on an access road off of an abandoned railroad grade approximately 0.5 mile northwest of the intersection of SR 2005 and SR 2007; (2) three nonjurisdictional dams and impoundments; (3) an R-5 riprap rock-lined waterway having a length of 860 feet, a width of 18 feet and a depth of 2 feet in an unnamed tributary to Kyler Run; and (4) an outfall having a 0.5 foot diameter PVC plastic pipe discharging to an unnamed tributary of Kyler Run. Kyler Run is a perennial stream and the unnamed tributary to Kyler Run is an intermittent stream. The project proposes to directly affect approximately 40 linear feet of Kyler Run and 860 linear feet of an unnamed tributary to Kyler Run.

**E42-297, David Mays**, 13 Church Street, Westline, PA 16751, David Mays Small Flow Sewage Treatment System Outfall, in Lafayette Township, **McKean County**, ACOE Pittsburgh District (Westline, PA Quadrangle N: 4.8 inches; W: 3.25 inches).

The purpose of the application is to construct an outfall to an unnamed tributary to Kinzua Creek (HQ-CWF) as part of the construction of a single residence-small flow sewage treatment facility. The treatment facility will replace an existing malfunctioning inground system.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA36-007: Eric Samus, Lancaster County Conservation District**, 1383 Arcadia Road, Room 6, Lancaster, PA 17601-3149 in Fulton Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a 4-inch outfall conveying groundwater from a foundation drain to an UNT to Conowingo Creek (HQ-CWF) located on the Daniel K. Miller farm (Wakefield, PA Quadrangle N: 10.4 inches; W: 4.0 inches) in Fulton Township, Lancaster County.

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

**EA32-005SW. Stream Restoration, Inc.**, 3016 Unionville Road, Cranberry Township, PA 16066. Center Township, **Indiana County**, Pittsburgh ACOE District.

To construct and maintain an approximately 0.5 acre passive treatment system to reduce the iron concentration of an abandoned mine discharge, which is referred to as the SR 286 discharge. The project will reportedly affect 0.25 acre of existing wetland (PEM/PSS) within the Aultmans Run Watershed (TSF). The project site is located along SR 286, approximately 3,300 feet from its intersection with SR 217 (McIntyre, PA Quadrangle N: 10.2 inches; W: 1.17 inches).

**EA65-007SW. Sewickley Creek Watershed Association**, P. O. Box 323, Youngwood, PA 15697-0323. Mt. Pleasant Township, **Westmoreland County**, Pittsburgh ACOE District.

To construct and maintain approximately 675 feet of an unnamed tributary to Sewickley Creek (WWF) around a proposed acid mine drainage treatment system and to construct and maintain an acid mine drainage treatment system, consisting of a series of barrier walls, settling basins and wetland cells, in 7.36 acres of wetlands (PEM/PSS) that are reportedly degraded currently by acid mine drainage. The project site is located along Sewickley Creek, near the intersection of Brinkerton Extension Road with SR 2012.

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## ACTIONS

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

#### INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and

of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

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

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

**NPDES Permit No. PA0055620**, Sewage, **David A. Whinfrey**, 60 Chapel Hill Road, Media, PA 19063. This proposed facility is located in Upper Providence Township, **Delaware County**.

Description of Proposed Action/Activity: Renewal to discharge into an unnamed tributary of Ridley Creek-3G.

**NPDES Permit No. PA0054879**, Sewage, **William and Joan Elsing**, 46 Mega Way, Furlong, PA 18925. This proposed facility is located in Wrightstown Township, **Bucks County**.

Description of Proposed Action/Activity: Renewal to discharge into Little Neshaminy Creek-2F Watershed.

**NPDES Permit No. PA0057452**, Sewage, **Dennis Dunlap**, 419 Twinbrook Road, Perkasio, PA 18944. This proposed facility is located in Hilltown Township, **Bucks County**.

Description of Proposed Action/Activity: Renewal to discharge into a dry swale to Pleasant Spring Creek-3E Perkiomen Creek.

**NPDES Permit No. PA0055573**, Sewage, **Sovereign Packaging Group Inc.**, 765 Pike Springs Road, Kimberton, PA 19442. This proposed facility is located in East Pikeland Township, **Chester County**.

Description of Proposed Action/Activity: Renewal and transfer to discharge into an unnamed tributary to French Creek-3D Watershed.

**NPDES Permit No. PAG120005**, CAFO, **Astle Farm**, 560 Lancaster Avenue, Oxford, PA 19363. This proposed facility is located in Lower Oxford Township, **Chester County**.

Description of Proposed Activity: Authorization to operate a 991 AEU's swine farm.

The receiving stream, Leech Run, is in the State Water Plan watershed 7K Pequea Creek and is classified for TSF.

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

The proposed facility will consist of two new barns for new wean to finish swine. Manure produced on this operation will be stored in two 900,000 gallon concrete manure storage facilities located under each of the swine barns. The facilities will have a leak detection system around the perimeter of the structure. The facility will be designed and certified by a Professional Engineer upon completion.

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

**NPDES Permit No. PA0052426**, Sewage, **Allied Utility Services, Inc.**, P. O. Box 1488, Skippack, PA 19474. This proposed facility is located in North Whitehall Township, **Lehigh County** and discharges to an unnamed tributary to Coplay Creek.

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

**NPDES Permit No. PA0043877**, Sewage, **Greater Pottsville Area Sewer Authority**, North Centre Street, P. O. Box 1163, Pottsville, PA 17901-7163. This proposed facility is located in Pottsville City, **Schuylkill County** and discharges to West Branch Schuylkill River.

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

**WQM Permit No. 4803402**, Sewerage, **Forks Township**, 1606 Sullivan Trail, Easton, PA 18040. This proposed facility is located in Forks Township, **Northampton County**.

Description of Proposed Action/Activity: Permit issuance for the construction of sewer extension for Lambert Estates Subdivision.

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

**NPDES Permit No. PA0043028**, Sewage, **Evergreen Enterprises**, Hemlock Acres Court, 1546 Newport Road, Manheim, PA 17545. This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to Chickies Creek in Watershed 7G.

**NPDES Permit No. PA0081566**, Sewage, **York Haven Sewer Authority**, P. O. Box 394, York Haven, PA 17370. This proposed facility is located in York Haven Borough, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to Conewago Creek in Watershed 7F.

**WQM Permit No. 0103401**, Sewerage, **Conewago Valley School District**, 130 Berlin Road, New Oxford, PA 17350. This proposed facility is located in Oxford and Hamilton Townships, **Adams County**.

Description of Proposed Action/Activity: Construction of a suction lift sewage pump station to convey sewage from the new Conewago Valley School District 4-5-6 Intermediate School to the New Oxford Municipal Authority WWTP. Approximately 850 feet of 4-inch PVC force main will be used to convey sewage to the point of connection, an existing manhole on 700 Road.

**WQM Permit No. 3603401**, Sewerage, **Manheim Borough**, 15 East High Street, Manheim, PA 17545. This proposed facility is located in Manheim Borough, **Lancaster County**.

Description of Proposed Action/Activity: Construction of the Oak Street Pumping Station with dual 60 gpm submersible grinder pumps and associated force main.

**WQM Permit No. 0602408**, Sewerage, **Lenhartsville Borough Council**, P. O. Box 238, Lenhartsville, PA 19534. This proposed facility is located in Lenhartsville Borough, **Berks County**.

Description of Proposed Action/Activity: Construction of extended aeration municipal sewage treatment facility and sanitary sewers.

**WQM Permit No. 0503402**, Sewerage, **Broad Top Township Supervisors**, P. O. Box 57, Defiance, PA 16633-0057. This proposed facility is located in Broad Top Township, **Bedford County**.

Description of Proposed Action/Activity: Installation/operation of a sewer extension and four pump stations to service the Defiance, Coledale, Finleyville and Round Knob areas.

**WQM Permit No. 3602202**, Industrial Waste, **Noah W. Kreider and Sons**, 1461 Lancaster Road, Manheim, PA 17545. This proposed facility is located in Penn Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction of spray irrigation of milk and beverage processing wastewater onto 5.95 acres of land located south of the milk processing plant. Spray irrigation will involve three rows of spray headers. Each row will be used no more than once in a 3 day period. Wastewater and soils will be monitored routinely. Groundwater will be monitored at a minimum of four monitoring wells. Concentration limits must be met for the wastewater prior to application.

**NPDES Permit No. PA0007862**, Industrial Waste, **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033-2400. This proposed facility is located in Fairview Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to Yellow Breeches Creek in Watershed 7-E.

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

**NPDES Permit No. PA0228648**, Sewage, **Jackson Township Municipal Authority**, P. O. Box 61, Millerton, PA 16936. This proposed facility will be located in Jackson Township, **Tioga County**.

Description of Proposed Activity: A permit was issued for the discharge of treated effluent from the proposed wastewater collection, conveyance and treatment facilities that will serve Jackson Township. The treatment facilities will have an average daily flow of 0.1 MGD and consist of an activated sludge system. Discharge will be to Hammond Creek (CWF).

**WQM Permit No. 5902411**, Sewerage, **Jackson Township Municipal Authority**, P. O. Box 61, Millerton, PA 16936. This proposed facility will be located in Jackson Township, **Tioga County**.

Description of Proposed Activity: A permit was issued authorizing the construction and operation of wastewater collection, conveyance and treatment facilities that will serve Jackson Township. The treatment facilities will have an average daily flow of 0.1 MGD and consist of an activated sludge system.

**NPDES Permit No. PA0112372**, Sewage, **Shamokin Street Corporation**, 612 North Shamokin Street,



Shamokin, PA 17872. This proposed facility will be located in Shamokin Township, **Northumberland County**.

Description of Proposed Action/Activity: Renewal of NPDES permit authorizing the discharge of treated effluent to an unnamed tributary to Shamokin Creek (CWF) from a facility that will serve the Mayfair Village.

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

**NPDES Permit No. PA0094315**, Sewage, **Thomas I. Wiles**, 110 Sandy Creek Road, Verona, PA 15147-1728, is authorized to discharge from a facility located at Thomas Wiles Sewage Treatment Plant, Municipality of Penn Hills, **Allegheny County** to receiving waters named Sandy Creek.

**NPDES Permit No. PA0205915**, Sewage, **Borough of Dayton**, P. O. Box 396, Dayton, PA 16222 is authorized to discharge from a facility located at Dayton Borough STP, Borough of Dayton, **Armstrong County** to receiving waters named Glade Run.

**Permit No. 6502408**, Sewerage, **Municipal Authority of Washington Township**, 283 Pine Run Church Road, Apollo, PA 15613. Construction of sanitary sewers located in Washington Township, **Westmoreland County** to serve Lower Beaver Run Sewers.

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

**NPDES Permit No. PA0220965**, Sewage, **Jeffrey P. Leri**, 21160 Phelps Road, Meadville, PA 16335. This proposed facility is located in West Mead Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for a single residence discharging to an unnamed tributary to Tamarack Lake.

**NPDES Permit No. PA0101176**, Sewage, **Harvey Wolfe SRSTP**, 1547 Rosely Road, St. Marys, PA 15857. This proposed facility is located in City of St. Marys, **Elk County**.

Description of Proposed Action/Activity: This project is for a single residence discharging to an unnamed tributary to the South Fork of West Creek.

**WQM Permit No. 2503402**, Sewerage, **Gerald S. Zimmer and Lori A. Zimmer**, 9656 Sampson Road, Erie, PA 16314. This proposed facility is located in Greenwood Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for a single residence.

**WQM Permit No. 2003406**, Sewerage, **Eugene G. Walker**, 2804 Perry Highway, Cochranon, PA 16314. This proposed facility is located in Greenwood Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for a single residence.

**WQM Permit No. 4303404**, Sewerage, **Terrence L. Young**, 200 Home Street, Mercer, PA 16137. This proposed facility is located in Jackson Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for a single residence.

**WQM Permit No. 2503404**, Sewerage, **Kevin Luke McCann and Mary E. McCann**, 6065 Bridlewood Drive, Fairview, PA 16415-2709. This proposed facility is located in Fairview Township, **Erie County**.

Description of Proposed Action/Activity: This project is for a single residence.

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

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

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.*

NPDES Permit No.	Applicant Name and Address	County	Municipality	Receiving Water/Use
PAI024803003	Patriot Bank High and Hanover Streets P. O. Box 1090 Pottstown, PA 19464	Northampton	Hanover Township	Monocacy Creek HQ-CWF

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

*Mifflin County Conservation District, 20 Windmill Hill, Room 4, Burnham, PA 17009, (717) 248-4695.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS104512	Timber Development 1060 W. State Road 434 Suite 112 Longwood, FL 32750	Mifflin	Granville Township	Juniata River 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 this Commonwealth; (3) General NPDES Permit Authorizing the Discharge of Stormwater Associated with Construction Activities to Waters of the Commonwealth; (4) Notification for First Use Application of Sewage Sludge.

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

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

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

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

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	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>
Kennett Township Chester County	PAR10G379	Wes Hamilton P. O. Box 142 Landenberg, PA 19350	Red Clay Creek CWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
East Nottingham Township Chester County	PAR10G502	Wilmer Hostetter 481 Limestone Road Oxford, PA 19363	Treed Creek CWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

<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>
West Goshen Township Chester County	PAR10G515	David Yarnall 21 South Church Street West Chester, PA 19382	Westtown Road Run CWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
East Marlborough Township Chester County	PAG2001503024	Douglas White 214 Kirkbrac Road Kennett Square, PA 19348	West Branch Red Clay Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
New Garden Township Chester County	PAG2001503025	Wilkinson Builders 1020 Broad Run Road Landenberg, PA 19350	White Clay Creek CWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Haverford Township Delaware County	PAG2002303019	Haverford Township School District 1801 Darby Road Havertown, PA 19083-3796	Cobbs Creek WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upland Borough Delaware County	PAG2002303020	Crozer Chester Medical Center One Medical Center Boulevard Executive Office, 1st Fl. South Wing Upland, PA 19013	Chester Creek WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Pottstown Borough Montgomery County	PAG2004603033	Hudson Holding Company 2450 Shenango Valley Freeway Hermitage, PA 16148	Manatawny Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Plymouth Township Montgomery County	PAG2004603037	Montgomery County 1 Montgomery Plaza Suite 201 Norristown, PA 19404	Schuylkill River CWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Montgomery Township and County	PAG2004603048	Water Tower Square Associates 350 Sentry Parkway Building 630, Suite 300 Blue Bell, PA 19422	Neshaminy Creek WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Royersford Borough Montgomery County	PAG2004603065	Archdiocese of Philadelphia Lewis Road and Walnut Street Royersford, PA 19468	Mingo Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

## NOTICES

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<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>
Upper Gwynedd Township Montgomery County	PAG2004603043	North Penn School District 700 Penn Street Lansdale, PA 19446	Wissahickon Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Hatfield Township Montgomery County	PAR10T913	Salvatore Lapio 104 Mill Road Sellersville, PA 18950	Neshaminy Creek TSF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lehigh County Whitehall Township	PAG2003903002	Wawa, Inc. 260 W. Baltimore Pike Wawa, PA 19063	Coplay Creek CWF	Lehigh County Conservation District (610) 391-9583
Northampton County Hanover Township	PAG2004803011	Darbin Skeans Imperial Realty 968 Postal Road Allentown, PA 18103	Catasauqua Creek CWF	Northampton County Conservation District (610) 746-1971
Rt. 222 Cooper Tract Fill Site Brecknock Township	PAG2000603015	Donald Cooper 29 Hessian Blvd. Reading, PA 19607	UNT to Little Muddy Creek TSF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533-0520 (610) 376-4657
Werner Estates Subdivision Phases 7—9 Spring Township	PAG2000603021	Walter T. Greth Greth Development Group P. O. Box 305 Temple, PA 19560	UNT to Wyomissing Creek CWF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533-0520 (610) 376-4657
Antietam Creek Valley Exeter Township	PAG2000602002	John G. Smith Forino Co. 555 Mountain Home Rd. Sinking Spring, PA 19608	UNT to Antietam Creek CWF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533-0520 (610) 376-4657
Morgantown Crossings Caernarvon Township	PAR10C355	Steven B. Wolfson Wolfson-Verrichia Group Inc. 1250 Germantown Pike, Ste. 305 Plymouth Meeting, PA 19462	Tributary to Conestoga Creek WWF	Berks County Conservation District 1238 County Welfare Rd. P. O. Box 520 Leesport, PA 19533-0520 (610) 376-4657
1415 Wellgate Lane Mechanicsburg Upper Allen Township Cumberland County	PAG2002103013	Orchard Development Group LLC 1415 Wellgate Lane Mechanicsburg, PA 17055	UNT to Yellow Breeches Creek CWF	Cumberland County Conservation District 43 Brookwood Ave. Suite 4 Carlisle, PA 17013 (717) 240-7812

<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>
New Building and Pole Yard Northeast Corner of SR 522 and SR 35 near Shade Gap Dublin Township Huntingdon County	PAG2003103003	Valley Rural Electric Cooperative P. O. Box 477 Huntingdon, PA 16652	Shade Creek WWF	Huntingdon County Conservation District R. D. 1, Box 7C Rt. 26 S. Huntingdon, PA 16652
Centre County Spring Township	PAG2001403004	Central PA Institute of Science & Technology 540 N. Harrison Rd. Pleasant Gap, PA 16823	Logan Branch CWF	Centre County Conservation District 414 Holmes Ave., Suite 4 Belleville, PA 16823 (814) 355-6817
Northumberland Borough and County	PAG2004903010	Maynard Lahr Garden View Acres R. R. 2, Box 502 (SR 147) Northumberland, PA 17857	Pennsylvania Canal UNT to Susquehanna River WWF	Northumberland County Conservation District R. R. 3, Box 238C Sunbury, PA 17801 (570) 286-7114 Ext. 4
Fayette County South Union Township	PAG2052603007	Widewaters Uniontown Co., LLC 5786 Widewaters Parkway Dewitt, NY 13214	Coal Lick Run WWF	Fayette County Conservation District (724) 438-4497
Butler County Cranberry Township	PAG2001003005	Cranberry Township 2525 Rochester Road Cranberry Township, PA 16066	Wolf Run Tributary to Breakneck Creek WWF	Butler County Conservation District
Butler County Cranberry Township	PAG2001003006	Cranberry Township 2525 Rochester Road Cranberry Township, PA 16066	UNT to Brush Creek WWF	Butler County Conservation District
Connoquenessing Township Butler County	PAG2001003007	Jack Mazzana 147 Hidden Meadows Circle Renfrew, PA 16053	UNT to Connoquenessing Creek WWF	Butler County Conservation District
Harborcreek Township Erie County	PAG2002503008	David Maille 7653 Dutton Road Harborcreek, PA 16421	Seven Mile Creek CWF; MF Eight Mile Creek CWF; MF; HQ-CWF	Erie County Conservation District
Millcreek Township Erie County	PAG2002503013	Michael Peck 5472 Stone Run Drive Fairview, PA 16415	Walnut Creek CWF-MF	Erie County Conservation District
Girard Township Erie County	PAG2002503015	Edgar Schmitz 218 Locust St. Girard, PA 16417	Groundwater Recharge	Erie County Conservation District
City of Erie Erie County	PAG2002503016	Schvaro Reality Company 1314 West 18th Street Erie, PA 16502	McDaniel Run Watershed WWF-MF	Erie County Conservation District
Oliver Township Jefferson County	PAG2003303002	Robert Haag, Jr. R. D. 8 Box 282 Punxsutawney, PA 15767	UNT to Hadden Run CWF	Jefferson County Conservation District
Pine Grove Township Warren County	PAG2006203001	Pine Grove Township Supervisors 113 Liberty Street P. O. Box 125 Russell, PA 16345	Conewango Creek WWF	Warren County Conservation District
Pine Grove Township Warren County	PAG2006203003	Warren County School District 185 Hospital Drive Warren, PA 16365	UNT to Conewango Creek CWF	Warren County Conservation District

## NOTICES

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*General Permit Type—PAG-3*

<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>
Susquehanna County Forest Lake Township	PAR212225	Powers Stone, Inc. R. R. 5, Box 124 Montrose, PA 18801	Tributary to Wyalusing Creek	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
Dauphin County Lykens Borough	PAR203603	Alfa Laval, Inc. P. O. Box 10 Lykens, PA 17048-0010	Wiconisco Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Franklin County Antrim Township	PAR803619	Con-Way Transportation Services (HXG) c/o CNF, Inc. 3240 Hillview Avenue Palo Alto, CA 94304	Conococheague Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Oakmont Borough Allegheny County	PAR116103	Triangle Circuits 931 Third Street Oakmont, PA 15139	Allegheny River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Chartiers Township Washington County	PAR116124	Hankison International 75 Museum Road Washington, PA 15301	Chartiers Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Cecil Township Washington County	PAR206103	Clad Metals Inc. 424 Morganza Road Canonsburg, PA 15317	Chartiers Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
City of Franklin Venango County	PAR118309	Joy Mining Machinery 120 Liberty Street Franklin, PA 16323-1040	Storm Sewer to Allegheny River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Shenango Township Mercer County	PAR808311	Pitt Ohio Express, Inc. 15—27th Street Pittsburgh, PA 15222	Unnamed tributary to Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Paint Township Clarion County	PAR228319	Cavalier Home Builders Shippenville Division 22793 Route 66 Shippenville, PA 16254	Unnamed tributary to Deer Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-4*

<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	PAG045000	Terry and Vicki Trinidad 1207 Mutton Hollow Road Woodland, PA 16881	UNT to Jake Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Bradford Township County Clearfield	PAG045042	Boyd and Alice Walker 333 McDowell Road Woodland, PA 16881	UNT to Roaring Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Croyle Township Cambria County	PAG046172	Gaye Walker 184 Beyers Road Summerhill, PA 15958	Little Conemaugh River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Vernon Township Crawford County	PAG048542	Marvin N. Hamilton 13860 Hickory Lane Conneaut Lake, PA 16316	Watson Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
LeBoeuf Township Erie County	PAG048885	Gerald S. Zimmer and Lori A. Zimmer 9656 Sampson Road Erie, PA 16509	Unnamed tributary to Little Conneauttee Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Greenwood Township Crawford County	PAG048888	Eugene G. Walker 2804 Perry Highway Cochranton, PA 16314	Unnamed tributary to Sandy Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Jackson Township Mercer County	PAG048887	Terrence L. Young 200 Home Street Mercer, PA 16137	Unnamed tributary to Yellow Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Fairview Township Erie County	PAG048889	Kevin Luke McCann and Mary E. McCann 6065 Bridlewood Drive Fairview, PA 16415-2709	Unnamed tributary to Bear Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-8*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Site Name and Location</i>	<i>Contact Office and Telephone No.</i>
Bratton Township Mifflin County	PAG083571	McVeytown Borough Authority South Water Street McVeytown, PA 17051	Robert Plank Farm	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Bern Township Berks County	PAG083522	County of Berks Welfare Tract STP 1088 Berks Road Leesport, PA 19533		DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Washington Township Berks County	PAG083517	Borough of Bally P. O. Box 217 Bally, PA 19503		DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Waynesboro Borough Franklin County	PAG083579	Borough of Waynesboro 57 East Main Street Waynesboro, PA 17268-0310		DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-9*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Contact Office and Telephone No.</i>
Bethel Township Berks County	PAG093517	Peterman Brothers Septic Service 8240 Lancaster Avenue Bethel, PA 19507	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

**PUBLIC WATER SUPPLY PERMITS**

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free

pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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

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

**Operations Permit** issued to **Philadelphia Suburban Water Company**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010, PWS ID 1150180, East Marlborough Township, **Chester County** on April 22, 2003, for the operation of facilities approved under Construction Permit No. 1502503.

**Operations Permit** issued to **Lower Bucks County Joint Municipal Authority**, 7811 New Falls Road, Levittown, PA, PWS ID 1090026, Bristol Township, **Bucks County** on April 15, 2003, for the operation of facilities approved under Construction Permit No. 0901507

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

**Operations Permit** issued to **Pennsylvania Suburban Water Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, PWS ID 3540069, Deer Lake Borough, **Schuylkill County** on March 25, 2003, for the operation of facilities approved under Construction Permit No. 5495502-T1.

**Operations Permit** issued to **Tulpehocken Spring Water, Inc.**, R. R. 1, Box 114T, Northumberland, PA



17857, PWS ID 2406498, Foster Township, **Luzerne County** on April 3, 2003, for the operation of facilities approved under Construction Permit Minor Amendment Request of March 31, 2003.

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

**Permit No. 4496031-Amendment 12—Construction.** Public Water Supply.

Applicant **Tulpehocken Spring Water Co., Inc.**  
**c/o Joseph Malloy, President**  
 R. R. 1 Box 114T  
 Northumberland, PA 17857

Township Point Township  
 County **Northumberland**

Type of Facility PWS—This permit authorizes construction of a distillation unit.

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

Permit to Construct April 16, 2003  
 Issued

**Permit No. 1499505—Operations.** Public Water Supply.

Applicant **Eagle Creek Partnership**  
**c/o Louis Glantz, Partner**  
 1901 East College Avenue  
 State College, PA 16801

Township Union Township  
 County **Centre**

Type of Facility PWS—This permit approves the operation of the water supply system at Eagle Creek Mobile Home Park.

Consulting Engineer Gabriel Pellegrini, P. E.  
 Innovative Consulting Group,  
 Inc.  
 2817 Industrial Avenue  
 Altoona, PA 16601

Permit to Operate April 16, 2003  
 Issued

**Permit No. 140150—Operations.** Public Water Supply.

Applicant **Potter Township Supervisors**  
 124 Short Road  
 Spring Mills, PA 16875

Township Potter Township  
 County **Centre**

Type of Facility PWS—Approves operation of Well No. 2, disinfection facilities, potassium permanganate feed, manganese greensand filtration, booster pump station, finished water storage and distribution system.

Permit to Operate April 8, 2003  
 Issued

**Permit No. 4146292-A14 Operations.** Public Water Supply.

Applicant **CCDA Water, LLC**  
**c/o Shirley Bonsell**  
 1 Aqua Penn Drive  
 P. O. Box 938  
 Milesburg, PA 168530938

Township Boggs Township  
 County **Centre**

Type of Facility PWS—Ultraviolet light disinfection, two-stage reverse osmosis membrane filtration and addition of various chemical treatments.

Permit to Operate April 3, 2003  
 Issued

**Permit No. 4146292-T4 Operations.** Public Water Supply.

Applicant **CCDA Water, LLC**  
**c/o Shirley Bonsell**  
 1 Aqua Penn Drive  
 P. O. Box 938  
 Milesburg, PA 168530938

Township Boggs Township  
 County **Centre**

Type of Facility PWS—Transfer ownership from Danone Waters of North America, Inc.

Permit to Operate April 3, 2003  
 Issued

**Permit No. 4146292-A15 Operations.** Public Water Supply.

Applicant **CCDA Water, LLC**  
**c/o Shirley Bonsell**  
 1 Aqua Penn Drive  
 P. O. Box 938  
 Milesburg, PA 168530938

Township Boggs Township  
 County **Centre**

Type of Facility PWS—Transfer ownership from Danone Waters of North America, Inc.

Permit to Operate April 3, 2003  
 Issued

**Permit No. 4146292-A10-T2 Operations.** Public Water Supply.

Applicant **CCDA Water, LLC**  
**c/o Shirley Bonsell**  
 1 Aqua Penn Drive  
 P. O. Box 938  
 Milesburg, PA 168530938

Township Boggs Township  
 County **Centre**

Type of Facility PWS—Transfer ownership from Danone Waters of North America, Inc.

Permit to Operate April 3, 2003  
 Issued

**Permit No. 4146292-A6-T2 Operations.** Public Water Supply.

Applicant **CCDA Water, LLC**  
**c/o Shirley Bonsell**  
 1 Aqua Penn Drive  
 P. O. Box 938  
 Milesburg, PA 168530938

Township Boggs Township  
 County **Centre**  
 Type of Facility PWS—Transfer ownership from Danone Waters of North America, Inc.

Permit to Operate April 3, 2003  
 Issued

**Permit No. 4146292-A8-T2 Operations.** Public Water Supply.

Applicant **CCDA Water, LLC**  
**c/o Shirley Bonsell**  
 1 Aqua Penn Drive  
 P. O. Box 938  
 Milesburg, PA 168530938

Township Boggs Township  
 County **Centre**  
 Type of Facility PWS—Transfer ownership from Danone Waters of North America, Inc.

Permit to Operate April 3, 2003  
 Issued

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

**Operations Permit** issued to **Springfield Village MHP**, Route 20, West Springfield, PA 16443, PWS ID 6250004, Springfield Township, **Erie County** on April 11, 2003, for the operation of facilities approved under Construction Permit No. 2501502.

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

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

## Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Shippingport Borough	P. O. Box 76 Shippingport, PA 15077	Beaver

Plan Description: The approved plan provides for construction of a 59,100 gallon per day sewage treatment plant and associated collection facilities to serve Shippingport Borough and FENOC Beaver Valley Power Station (domestic waste only). The proposed plant will be located along Ferry Hill Road in Shippingport Borough. The proposed discharge point for the sewage treatment plant is the Ohio River. 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 municipality or authority as appropriate.

## HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

### Proposed Consent Order and Agreement

#### Lake City VOC Site Girard and Lake City Boroughs, Erie County

Under section 1113 of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305) (HSCA), the Department of Environmental Protection (Department) has agreed to a Consent Order and Agreement (CO&A) with SPX Corporation (Settlor) concerning the cleanup of the Lake City VOC Site (Site). The Site is an area of groundwater contaminated with industrial solvents beneath a mixed residential/industrial area, located in Girard and Lake City Boroughs, Erie County. The Settlor owns and operates an approximately 40-acre industrial property (property) within the Site.

In the past, wastes and other materials containing hazardous substances were dumped, spilled or otherwise disposed at the Site and these hazardous substances contaminated the groundwater beneath the Site. The Department investigation thus far has identified that VOCs are present in the groundwater beneath the property. The hazardous substances present at the Site include the VOCs of Dichloroethylene, Trichloroethylene and Tetrachloroethylene. Polychlorinated Biphenyls have also been found in sediments at the property. Each of these substances is defined in section 103 of the HSCA as a "hazardous substance." The presence of these hazardous substances at the property constitutes a "release" and a "threat of release" of a hazardous substance, as defined in section 103 of the HSCA. As a person who owns the property at the time of the release and threat of release of a hazardous substance, the Settlor is a "responsible person" as defined in sections 103 and 701 of the HSCA. The Settlor proposes to resolve any liability it may have concerning the Site with a de minimis settlement of \$160,000.

The specific terms of this settlement are set forth in the CO&A with the Settlor. The Department will receive and consider comments relating to the CO&A for 60 days from the date of this public notice. The Department has the right to withdraw its consent to the CO&A if the comments concerning the CO&A disclose facts or considerations which indicate that the CO&A is inappropriate, improper or not in the public interest. After the public comment period, the Department's settlement with the Settlor shall be effective upon the date that the Department notifies the Settlor, in writing, that this CO&A is final and effective in its present form and that the Department has filed a response to significant written comments to the CO&A or that no comments were received.

The CO&A is available for inspection and copying at the Department's office at 230 Chestnut Street, Meadville, PA. Comments may be submitted, in writing, to Mark Gorman, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6648. TDD users may contact the Department through the Pennsylvania Relay Service at (800) 645-5984.

### MUNICIPAL WASTE GENERAL PERMITS

**Permit 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 Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGM016. County of Lycoming.** Courthouse, 48 West Third Street, Williamsport, PA 17701. General Permit Numbered WMGM016 is for the processing and beneficial use of clean wood (that is, trees, tree stumps, limbs, clean pallets, untreated and unpainted scrap lumber, packing crates and brush) to create wood chips to be further processing for commercial purposes. The general permit was issued by the Central Office on April 22, 2003.

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

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

**In accordance with 25 Pa. Code § 271.142(a)(4), the Department will publish a notice in the *Pennsylvania Bulletin* of justification of overriding county or host municipality recommendations regarding an application for a permit modification under section 504 of the act.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Permit No. 100020. IESI PA Bethlehem Landfill,** 2335 Applebutter Rd., Bethlehem, PA 18015. A permit modification authorizing the increase in daily volume and expansion of this municipal waste landfill located in Lower Saucon Township, **Northampton County.** This permit was issued by the Regional Office on April 18, 2003, with an expiration date of April 18, 2013.

The following is the Department's justification of overriding the host municipality's Lower Saucon Township (LST) recommendations. A more detailed summary of comments received and how they were considered is included in a Comment Response Document issued concurrent with the Phase IV Expansion Permit.

1. In accordance with new Department regulations with regard to stormwater management, it is recommended that, in addition to the standard Developer's Improvements Agreement for initial stormwater system improvements and security, a separate "Covenant" running with the land be entered into to identify the long-term maintenance responsibilities the landowner has to maintain storm control basins and stormwater piping at this property (MS-4—Requiring Best Management Practices and Identification of Maintenance Responsibilities). IESI has NPDES General Permit PAR502205 and is obligated to follow all requirements of that permit. The model ordinance (currently in draft form) is provided to

MS-4 communities to aid in the implementation of their stormwater control programs. The standard Developer's Improvement Agreement referred to is part of that model ordinance. The Department has no authority to enforce the conditions of host agreements or approvals and therefore cannot require a "Covenant." LST may enter into a separate "Covenant" running with the land if they choose to do so.

2. LST believes that two additional groundwater monitoring wells are warranted in the northeast corner of the permit area to define the groundwater contamination in Well CO-1. The need to show locations of the groundwater wells on all plan sheets to identify any potential land development conflicts. The Department has reviewed the need for additional monitoring wells in the northeast corner of the site and has concluded that no additional monitoring wells are needed in this area. Groundwater monitoring wells permitted by this action are shown on the applicable plan sheets.

3. Groundwater Assessment North Slope area has never been satisfactorily completed. LST continues to be concerned about the pollution of groundwater along the north and northeast sides of the Landfill and asks, again, that LST seek the Department's support of groundwater assessment studies, as recommended in the Neversink Environmental, Inc. letter dated February 2, 2003. A groundwater assessment was conducted for the North Slope area by Gannett Flemming in a report dated 1996. The groundwater monitoring plan that has been in effect since 1993 is being modified as part of this permit modification issuance and will continue to be monitored. There is no evidence of contamination in this area that would warrant an additional groundwater assessment.

4. Compliance with existing Department Permit No. 100020 conditions (November 9, 1993). LST identified a number of permit conditions listed in IESI's current permit that must be complied with. Permit conditions remain in effect unless specifically modified in the Phase IV permit modification. No outstanding compliance issues exist. The following LST comment warrants further clarification of the permit condition by the Department.

a. Compliance with permit section IX-2 (page 34 of 68) that requires IESI to conduct periodic training sessions with the local police, emergency squads and the city fire departments. This permit condition does not impose any requirement that IESI conduct periodic training sessions with the local police, emergency squads and the city fire departments.

5. Conditions prior to permit issuance. LST has requested that the following technical issues should be finalized prior to the issuance of the permit:

a. IESI should provide the consolidated conforming permit application document package as their application (not as a condition of the permit). This consolidation and conforming application package should be distributed by IESI and the Department for formal review in accordance with the Department regulations and LST and IESI agreements. As part of the approval of the Phase IV expansion area, IESI will be required to submit to the Department a complete consolidated permit application package inclusive of all plan and narrative revisions that were submitted throughout the permit application package as a condition of permit issuance. This document does not change what was previously submitted, but consolidates all revisions into one document. It is not necessary to conduct another formal review of this document prior to permit issuance.

b. The draft "permit" should be distributed to IESI and LST for Final Comments at least 60 days prior to issuance to help preclude the necessity to file an appeal by IESI or LST on minor wording adjustments that might be agreeable to IESI, LST and the Department. The Phase IV expansion is a major permit modification. All conditions of the existing permit remain valid unless specifically modified. Therefore, it is unnecessary for the Department to distribute the draft approval for this modification prior to issuance.

6. Recommended final permit conditions. LST has requested that the following final permit conditions should be included with the issuance of the permit:

a. The Permittee shall follow all provisions of the Host Community Agreement and any other "conditions" or provisions in LST approvals or permits. The Department has no authority to enforce the Host Community Agreement, as this is an agreement between IESI and LST. This condition is not appropriate.

b. The Permittee shall obtain Department approval of their radiation protection plan and shall install all associated monitoring and protection equipment and shall train all appropriate personnel for implementation action of this plan prior to accepting any waste in Phase IV. The approval of the Phase IV expansion application includes the approval of the radiation protection plan. The permit gives 4 months to order and install the radiation monitoring equipment and enact the implementing procedures. The proposed condition is not appropriate.

c. The permittee shall notify LST and the Department within 24 hours of the discovery of carbonate geology in the uppermost geologic unit, anywhere in the permitted area. The Permittee shall cease work and consult with the Department and LST if carbonate geology is encountered during the installation of the proposed groundwater monitoring wells or earthmoving activities. This issue was reviewed during the review of the application for the current permit issued on November 9, 1993. It has also been addressed by the applicant in the August 3, 2000, expansion application. The information clearly documents that carbonate geology does not underlie the site. Regardless, it is IESI's responsibility to identify and immediately report any encounters with carbonate geology if any is found. The Department does not recognize the need to reiterate a condition that is at least as stringent as what is stated as a condition in a local approval.

d. The permittee shall notify LST 48 hours prior to the drilling of any abatement and/or monitoring well and shall allow the Host Municipal Inspection and Township Geologist to be present during the drilling operation. Condition 13 of the IESI permit requires IESI to notify the Department 2 weeks prior to any major construction activities. LST is copied on all correspondence between IESI and the Department per the Host Agreement. Therefore, no additional permit condition is necessary.

e. The Permittee shall provide a certification for a Pennsylvania Registered Professional Engineer (P. E.) that the liner "interface friction angle" meets the requirements of the stability analysis, which was submitted as part of the permit application. This certification shall be submitted to the Department and LST before the Permittee proceeds with liner construction. IESI has indicated that all actual construction materials have been tested and that they meet or exceed the minimum friction angles that have been utilized in the stability analysis. All construction activities are certified by a P. E. via a

Construction Certification. LST is copied on all correspondence from IESI to the Department. Submission of this additional certification is not necessary.

f. The Permittee shall provide documentation that monitoring well CO-1 meets the requirements of 25 Pa. Code § 273.283. If the permittee cannot provide that documentation, a replacement well (meeting that criteria) shall be provided to the acceptance of any waste in Phase IV. The construction log for CO-1 was submitted to the Department as part of the North Slope Groundwater Assessment Report in 1996. The Department has determined that the monitoring well was properly reconstructed and included within the groundwater monitoring network. This permit condition is not necessary.

g. The Permittee shall complete the North Slope and northeastern groundwater assessment under the existing November 9, 1993, permit conditions within 365 days of the issuance of this permit. The Department has determined that additional groundwater assessment is not necessary for the North Slope area as addressed in Nos. 2 and 3. This permit condition is not necessary.

h. The Permittee shall not allow any reduction in the extent of the continuous hydraulic barrier currently maintained by the existing 13 abatement wells. Any abatement wells proposed to be removed (that is, AB-11 and AB-12) shall be replaced. IESI has indicated and the Department has concurred that abatement wells AB-11 and AB-12 will continue to be operated during the active disposal activities of cells 4A and 4B. Prior to construction of cell 4C, IESI will submit a report containing an evaluation of all groundwater data up to that point. The Department will then render a decision if abatement wells AB-11 and AB-12 could be decommissioned or if they need to be relocated outside and down gradient of the Phase IV disposal area.

i. The Permittee shall perform quarterly sampling of the former Dalrymple well for all listed Department parameters. The Dalrymple well is not located within the permit boundary or part of the current or proposed groundwater monitoring system. It is unnecessary to require quarterly sampling of this well.

j. The Permittee shall monitor the wells on the properties now or formerly of Bowen, Hahn, Klotz, Gardner, in accordance with the requirements of Act 101 even though the properties are not adjacent to the Permittee's facility and even though one or more may be owned by the Permittee. IESI has indicated in their February 3, 2003, response that "To the extent the owners of those private wells in the area of the Landfill desire to have IESI continue to undertake Act 101 testing of their private water supplies, IESI has and will continue to perform such testing." The proposed permit condition exceeds the letter and intent of the Act 101 contiguous well testing provisions and is therefore inappropriate.

k. The Permittee shall not conduct any landfill related activities on the properties now or formerly owned by Dalrymple, Mulliken, Fox or Klotz or other properties the owner may purchase. The Phase IV expansion application does not propose conducting any landfill related activities on these properties and Phase IV permit approval does not include these properties. Therefore, this permit condition is unnecessary.

l. The Permittee shall implement the Transportation Compliance Plan (TCP) and shall provide monthly reports to the Department and to LST to document the effectiveness of the TCP. As part of the reporting requirements, all

traffic related incidents and the action taken by the Permittee to remedy/correct these incidents should be formally reported. Monthly reporting is not required by regulation or called for in the TCP. The Department requires IESI to keep this information as part of the landfill's daily operating records. These records are available to the Department upon request, as well as the host municipal inspector. This permit condition is inappropriate.

m. The Permittee shall not accept any waste from a truck driver or waste hauling company that use the Freemansburg Bridge to access or leave the landfill site, except for local municipal solid waste collection trucks. The Department, the Freemansburg Police, the LST Police and/or the Host Municipal Inspector shall be permitted to identify whether or not a violation of this restriction has occurred and, if it has on three or more times, this condition shall be considered a permit violation under Department regulations. The amount of any Department fine that may be paid separately by the Permittee to the Department, based upon a violation of this nature, shall also be paid separately to the LST and to the Borough of Freemansburg. Each of the three violations shall be considered as a separate permit violation. The TCP has been approved and incorporated into the permit as part of the permit application. The Department will take enforcement action as appropriate if trucks do not follow the approved haul routes. In regards to monetary payments to LST and the Borough of Freemansburg for any violations of the Department permit or regulations, the Department cannot support this request.

n. The Permittee shall provide an annual certification provided by a registered P. E., based upon noise testing of the landfilling operation for a typical days operation, that the noise leaving the landfill property does not exceed LST regulatory levels and/or any Department regulatory levels. This annual certification is not necessary. IESI has demonstrated to the satisfaction of the Department that noise will not exceed LST regulatory levels. Should noise become a nuisance, the Department can require IESI to investigate and take corrective action as necessary. The Department does not have any regulatory requirements for noise, so this permit condition is inappropriate.

o. The Permittee shall provide ten \$1,000 environmental scholarships per year to the students of three area schools. IESI has listed these scholarships as a benefit of the approved Phase IV expansion application and is fully expected to offer them. Permit condition no. 16 requires IESI to give quarterly status reports of the benefits relied upon during the review of this application. The Department believes these factors to be adequate safeguards to insure that the benefit will occur.

p. The Permittee shall provide emergency management capabilities (personnel and equipment) to LST in time of need. IESI has listed emergency management capabilities as a benefit of the approved Phase IV expansion application and is fully expected to offer them. Permit condition no. 16 requires IESI to give quarterly status reports of the benefits relied upon during the review of this application. The Department believes these factors to be adequate safeguards to insure that the benefit will occur.

q. The Permittee shall replace any designated wetland that is damaged or lost by the long-term operation of the landfill onsite or offsite. If the construction of replacement wetlands are not possible onsite, then the Permittee shall financially assist LST or any other responsible agency

approved by LST for their use in creating, purchasing or protecting other wetlands within LST, to a limit of \$10,000 per acres of any wetland damaged or lost. The plans for the Phase IV expansion do not call for any impacts to wetlands. Therefore this permit condition is unnecessary.

r. The Permittee shall conduct two quarters of prefill monitoring for any new monitoring wells constructed. The existing groundwater monitoring system has already characterized the groundwater aquifer in the Phase IV expansion area. No prefill monitoring of any particular length of time is required.

s. The Permittee shall provide LST with automatic updates of the Permittee's Compliance History within 30 days of any update. Updates to the Permittee's Compliance History are routinely distributed in their annual operations report to the Department and at times more frequently. LST receives a copy of the annual reports as well as any other correspondence from IESI to the Department. It is unnecessary to require more frequent updates of the compliance history.

t. The Permittee shall receive all applicable Host Municipal Zoning and Land Development Plan approvals prior to construction and/or use of Phase IV for waste disposal. It is IESI's responsibility to follow all provisions of the Host Community Agreement. The Department has no authority to enforce the Host Community Agreement, as this is an agreement between IESI and LST. This condition is inappropriate.

u. The Permittee shall transfer undertake waste characterization of the woodfill area to identify: the areal extent of the waste; depth of the waste; and character, type and nature of the waste. This shall be completed with a report of the results provided to the Department and LST prior to placement of any waste in cell 4-B. If the Department's review of the waste characteristics results in a finding that the waste must be capped and be removed, then IESI shall provide the engineering design, major permit modification and shall undertake that activity on a schedule approved by the Department. The woodfill area was previously subjected to an extensive investigation that was prepared by Gannett Fleming, Inc. in 1994. The Department does not believe that sufficient evidence exists to warrant another study of the woodfill area at this time.

7. In a letter received by the Department on March 31, 2003, LST identified several technical review comments related to the Modification for Radiation Protection that was issued as part of the Phase IV expansion permit. The comments were addressed previously either by IESI with its January 24, 2003, submittal or by the Department in its December 17, 2002, letter to LST. The Department believes no additional response is necessary.

8. LST requested the following conditions be made part of the Major Modification for Radiation Protection plan in a letter received by the Department on March 31, 2003. The Modification for Radiation Protection was issued as part of the Phase IV expansion permit:

a. That the forthcoming "implementing procedures" document which IESI and the Department have referred to are provided to LST for official review, allowing LST to issue comments to the Department as part of the application review process. That the "implementing procedures" address all previous technical comments made by LST, which to this point have been considered outside of the

scope of Department requirements for the "Plan." The final approved "implementing procedures," having considered all LST comments and concerns, should be identified as written "conditions" of the permit modification that would be issued by the Department. Implementing procedures will be developed by IESI after the radiation protection system has been installed and calibrated and is not part of the technical review of this application. These procedures are not necessarily in the form of a written document that can be submitted to the Department and this is not going to be required of IESI.

b. That all monitoring equipment be installed, tested, fully operational and in use per the approved "implementing procedures" prior to acceptance of any waste in the Phase IV expansion area (if the expansion is approved). This condition is requested as a written condition on the Phase IV expansion permit modification that would be issued by the Department. This was addressed in 6b.

c. That LST is notified "at the time of any alarm." This condition is requested as a written condition on the permit modification that would be issued by the Department. IESI must notify the Department by fax or e-mail at the time of any alarm. As LST is copied on all correspondence to the Department, it is unnecessary to include this as a permit condition.

d. That IESI notify LST of radiation protection training sessions and allow LST participation (up to two individuals) at the sessions with no charge to LST. This is beyond the scope of what the Department can require in its permit.

e. Where the Department may refuse to list the previous permit conditions within the permit modification document; LST will then enter into renegotiations of the Host Agreement to ensure these conditions are met. LST is free to renegotiate its host agreement as it sees fit. The Department will not make this a permit condition.

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

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

**Permit No. 602571. Peck's Septic Service**, 68 Pine School Road, Gardners, PA 17324, South Middleton Township, **Cumberland County**. This permit has been revoked at the request of the permittee for Bream Nos. 1 and 2, Ulsh and Peck Farms in South Middleton Township. The permit was revoked by the Southcentral Regional Office on April 7, 2003.

**Permit No. 603326. Palmyra Borough**, 910 East Broad Street, Palmyra, PA 17078, North Londonderry Township, **Lebanon County**. This permit has been revoked at the request of the permittee for a site in North Londonderry Township. The permit was revoked by the Southcentral Regional Office on April 8, 2003.

**Permit No. 601828. Palmyra Borough**, 910 East Broad Street, Palmyra, PA 17078, North Londonderry Township, **Lebanon County**. This permit has been revoked at the request of the permittee for a site in North Londonderry Township. The permit was revoked by the Southcentral Regional Office on April 8, 2003.

**Permit No. 602913. Palmyra Borough**, 910 East Broad Street, Palmyra, PA 17078, North Londonderry Township, **Lebanon County**. This permit has been revoked at the request of the permittee for a site in North Londonderry Township. The permit was revoked by the Southcentral Regional Office on April 8, 2003.

**Permit No. 601175. Severn Trent Services**, 50 Lititz Run Road, Lititz, PA, 17543, Warwick Township, **Lancaster County**. This permit has been revoked at the request of the permittee for Noah Hurst Farm in Warwick Township. The permit was revoked by the Southcentral Regional Office on April 18, 2003.

**Permit No. 603126. Borough of Bloomfield**, P. O. Box 144, New Bloomfield, PA 17068, Buffalo Township, **Perry County**. This permit has been revoked at the request of the permittee for Sludge Disposal Site No. 1 in Buffalo Township. The permit was revoked by the Southcentral Regional Office on April 18, 2003.

### RESIDUAL WASTE GENERAL PERMITS

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**Department Initiated General Permit under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

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*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGR090.** The Department, Bureau of Land Recycling and Waste Management, authorizes the processing and beneficial use of reclaimed asphalt pavement (RAP) materials, under Residual Waste General Permit WMGR090, as a roadway construction material. This is a Statewide residual waste general permit. This residual waste general permit was issued by the Central Office on April 21, 2003.

The Department is authorized under the Solid Waste Management Act and 25 Pa. Code § 287.611 to issue general permits for any category of beneficial use or processing that results in the beneficial use of residual waste on a Statewide basis when the Department determines that the use does not harm or present a threat of harm to the health, safety or welfare of the public or the environment and the activity can be adequately regulated using standard conditions. The Department has determined reclaimed asphalt pavement materials can be adequately regulated using standard conditions.

Under the terms and conditions of this residual waste general permit, persons or municipalities who are permitted to process and beneficially use the RAP materials will be required to, at a minimum, comply with The Clean Streams Law, the Solid Waste Management Act and the terms and conditions of the general permit.

Persons or municipalities who want to operate under the terms of this general permit, after the issuance of the general permit, must submit a "Registration" request to the Department's Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472 at least 45 days prior to commencing activities authorized under the general permit. At a minimum, the following information must be submitted with the registration request on

Forms, provided by the Department, for our review and consideration:

- a. Name and street address of the registrant.
- b. A description of reclaimed asphalt pavement materials that fully characterizes its composition and properties; the reclaimed asphalt pavement materials generation process; and a plan for screening and managing the reclaimed asphalt pavement materials.
- c. Location where the reclaimed asphalt pavement materials will be generated.
- d. Description of method of beneficial use of the reclaimed asphalt pavement materials.
- e. Number and title of the general permit.
- f. Proof the reclaimed asphalt pavement materials and solid waste management activities are consistent with the general permit.
- g. Signed and notarized statement by the municipality or person who seeks authorization to operate under the terms and conditions of this general permit that states that the person accepts all conditions of this general permit.
- h. An application fee in the amount required under 25 Pa. Code § 287.642(b) made payable to the "Commonwealth of Pennsylvania."
- i. Proof that each municipality, county, county planning agency and county health department, if one exists, in which beneficial use activities are or will be located, has been notified in writing.
 

In compliance with the requirements in this condition for beneficial use activities, a person or municipality registering with Department to operate under the terms and conditions of this general permit shall take the following actions:

  1. Initially, submit to the Department a copy of the notification letter sent to each municipality, county, county planning agency and county health department, if one exists, in which beneficial use activities are or will be located.
  2. Submit proof that copies of the registration have been submitted to each municipality, county, county planning agency and county health department, if one exists, in which beneficial use activities are or will be located.
- j. Information that identifies the registrant (that is, individual corporation, partnership, government agency, association, and the like), including the names and addresses of every officer that has a beneficial interest in or otherwise controls the operation of the company.
- k. A list of all previous permits or licenses issued by the Department or Federal government under the environmental protection acts; the date issued, status and compliance history concerning environmental protection acts.
- l. Proof that any independent contractors retained by the registrant to perform any activities authorized under this permit are in compliance with the Department regulations as required in Condition 11.
- m. Total amount of the reclaimed asphalt pavement materials to be generated and to be stored. The location of the storage areas must also be provided.

## 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.*

**Edwin R. Amaya**, 514 19th St., Union City, NJ 07087. Authorization No. WH3943. Effective April 14, 2003.

**Barcalot Trucking d/b/a Joseph J. Barca**, R. R. 1 Box 1726, Beach Lake, PA 18405. Authorization No. WH4470. Effective April 14, 2003.

**HBI, Inc.**, 2520 West Maple Avenue, Langhorne, PA 19053. Authorization No. WH3462. Effective April 15, 2003.

**Mauriello Disposal, Inc.**, 51 Park Street, Orange, NJ 07050. Authorization No. WH3463. Effective April 15, 2003.

**Eagle Contracting, Inc.**, 306 West Main Street, Clarion, PA 16214-1019. Authorization No. WH3464. Effective April 15, 2003.

**Corporate Facilities, Inc.**, 919 North Fifth Street, Philadelphia, PA 19123. Authorization No. WH3465. Effective April 15, 2003.

**Novitski's Scrap Metal & Hauling, Inc.**, 406 Coates Street, Bridgeport, PA 19405. Authorization No. WH3466. Effective April 15, 2003.

**State Metal Industries, Inc.**, 941 South Second Street, P. O. Box 1407, Camden, NJ 08103-3208. Authorization No. WH3467. Effective April 15, 2003.

**Fecera's, Inc.**, Beech and Evans Streets, Pottstown, PA 19464. Authorization No. WH3468. Effective April 15, 2003.

**Dolphin Ship Services, LTD**, P. O. Box 215, Kirkwood, DE 19708-0215. Authorization No. WH3470. Effective April 15, 2003.

**Bachman Building & Remodeling**, 571 Mountain Home Road, Sinking Spring, PA 19608. Authorization No. WH3472. Effective April 15, 2003.

**Wayne Downes**, 134-20 159th Street, Rochdale, NY 11434. Authorization No. WH3473. Effective April 15, 2003.

**Coplay Borough**, 98 South Fourth Street, Coplay, PA 18037-1304. Authorization No. WH3475. Effective April 15, 2003.

**Jeffrey L. Nagle**, 901 North 8th Street, Bellwood, PA 16617. Authorization No. WH3476. Effective April 15, 2003.

**Dolphin Transportation Company**, 3065 Ripple Road, Monongahela, PA 15063. Authorization No. WH3477. Effective April 15, 2003.

**Department of Transportation, Maintenance Districts 2-6 and 2-4**, 101 Locust Street, Coudersport, PA 16915. Authorization No. WH3478. Effective April 15, 2003.

**Team S Montanelas, Inc.**, Apt. D, 432 Vine Street, Elizabeth, NJ 07202. Authorization No. WH3479. Effective April 15, 2003.

**Phillips Roofing Co., Inc.**, 155 Phillips Park Drive, Williamsport, PA 17702. Authorization No. WH3480. Effective April 15, 2003.

**John W. Gleim, Jr., Inc.**, 625 Hamilton Street, Carlisle, PA 17013-1925. Authorization No. WH3481. Effective April 15, 2003.

**Gerald E. Parsons Enterprises, LLC**, 9 Revelstone Drive, Newark, DE 19711. Authorization No. WH3482. Effective April 15, 2003.

**Upper Montgomery Joint Authority**, 1100 Mensch Dam Road, P. O. Box 6, Pottsville, PA 17073-0006. Authorization No. WH3489. Effective April 15, 2003.

**Accurate Roofing & Siding, Inc.**, Suite 2B, 120 Sanhican Drive, Trenton, NJ 08618. Authorization No. WH3224. Effective April 15, 2003.

**Colonial Builders**, P. O. Box 87, Fairview Village, PA 19409. Authorization No. WH3356. Effective April 11, 2003.

**Cobra Construction Co.**, 2429 Reed Street, Philadelphia, PA 19146. Authorization No. WH3357. Effective April 11, 2003.

**Department of Transportation, District 2-5**, Star Route 1 Box 124, Cyclone, PA 16726. Authorization No. WH3358. Effective April 11, 2003.

**Department of Transportation, District 2-8**, Star Route 1 Box 124, Cyclone, PA 16726. Authorization No. WH3359. Effective April 11, 2003.

**Russell Palmucci Contracting Inc.**, P. O. Box 3215, Mercerville, NJ 08619. Authorization No. WH3362. Effective April 11, 2003.

**Aspromonti LLC**, P. O. Box 3215, Mercerville, NJ 08619. Authorization No. WH3363. Effective April 11, 2003.

**Bella Luna Trucking Inc.**, 195 Treetop Circle, Nanuet, NY 10954. Authorization No. WH3364. Effective April 11, 2003.

**Oppy Construction Inc.**, 101 Wildcat Road, Johnstown, PA 15906-1113. Authorization No. WH3365. Effective April 11, 2003.

**James Associates Paving Inc.**, 1100 Wood Lane, Langhorne, PA 19047. Authorization No. WH3366. Effective April 11, 2003.

**Affordable Dumpsters**, 600 East 2nd Street, Weatherly, PA 18255. Authorization No. WH3189. Effective April 15, 2003.

**SEPTA**, 1234 Market Street, 6th Floor, Philadelphia, PA 19107-4414. Authorization No. WH3398. Effective April 15, 2003.

**Pro Disposal**, 1288 Washington Avenue, Summerhill, PA 15958. Authorization No. WH3399. Effective April 15, 2003.

**Environmental Maintenance Company Inc.**, 1420 East Mermaid Lane, Glenside, PA 19038. Authorization No. WH3403. Effective April 15, 2003.

**Metcalf Construction**, 12731 Mount Pleasant Road, Mercersburg, PA 17236-9745. Authorization No. WH3404. Effective April 15, 2003.

**A. Mastrocco Jr. Moving & Storage Inc.**, 320 Constance Drive 3, Warminster, PA 18974-2877. Authorization No. WH3405. Effective April 15, 2003.

**Toth Land Clearing Inc.**, 124 Simmons Road, Sellersville, PA 18960. Authorization No. WH3406. Effective April 15, 2003.

**Marangi Disposal Inc.**, P. O. Box 495, Valley Cottage, NY 10989. Authorization No. WH3409. Effective April 15, 2003.

**Donato Marangi Inc.**, 175 Route 303, P. O. Box 495, Valley Cottage, NY 10989. Authorization No. WH3410. Effective April 15, 2003.

**Mikes Landscaping & Excavating Inc.**, 363 Park Drive, Reedsville, PA 17084. Authorization No. WH3411. Effective April 15, 2003.

**Robert M. Casturo**, 750 West 5th Avenue, McKeesport, PA 15132. Authorization No. WH3412. Effective April 15, 2003.

**Browns Custom Carpentry Inc.**, 19 Alpine Lake, Henryville, PA 18332. Authorization No. WH3414. Effective April 15, 2003.

**Bradford City, McKean County**, 24 Kennedy Street, Bradford, PA 16701. Authorization No. WH3415. Effective April 15, 2003.

**Buono & Sons Trucking Inc.**, 66-57 79th Pl., Queens, NY 11379-2722. Authorization No. WH2560. Effective April 16, 2003.

**Kenneth P. Auken**, 6 S. Ridge Road, Reinholds, PA 17569. Authorization No. WH2656. Effective April 16, 2003.

**Department of Transportation, Engineering District 50**, 3300 Freemansburg Ave., Easton, PA 18045. Authorization No. WH2877. Effective April 16, 2003.

**Bestrans Inc.**, 1001 Mechanics Valley Road, North East, MD 21901. Authorization No. WH3127. Effective April 16, 2003.

**Nicholas John Kamit, Jr.**, P. O. Box 192, 575 Elk Mills Road, Elk Mills, MD 21620. Authorization No. WH3068. Effective April 16, 2003.

**John William, Hancharick**, 107 Delancy Road, Elkton, MD 21921. Authorization No. WH3070. Effective April 16, 2003.

**Robert Hastings Dunlap, Jr.**, 206 Courtney Road, Elkton, MD 21921. Authorization No. WH3071. Effective April 16, 2003.

**G & G Trucking**, P. O. Box 355, 46 Morris Ave., Mount Tabor, NJ 07878. Authorization No. WH3273. Effective April 16, 2003.

**Weisser Homes Inc.**, 3300 Old Lincoln Highway, Trevese, PA 19053. Authorization No. WH3339. Effective April 16, 2003.

**Deleeuw Trucking Co., LLC**, P. O. Box 485, Pine Island, NY 10969-0485. Authorization No. WH3349. Effective April 16, 2003.

**Thomas L. O'Donnell**, R. R. 3 Box 1526, Mount Union, PA 17066. Authorization No. WH3445. Effective April 16, 2003.

**Alfred W. Hummer, Jr.**, 1293 Dutch Hollow Road, Jersey Shore, PA 17740. Authorization No. WH3530. Effective April 16, 2003.

**Rafael Rodriguez**, Apt. 1, 123 Valentine St., Mount Vernon, NY 10550. Authorization No. WH3646. Effective April 16, 2003.



**Gwyneth Trucking/Jose F. Gomez**, Apt. 5, 53 66th St., West New York, NJ 07093. Authorization No. WH3653. Effective April 16, 2003.

**Jack E. Robinson**, 1133 Moyers Station Road, Pine Grove, PA 17963-9041. Authorization No. WH3704. Effective April 16, 2003.

**Charles L. Miller**, 439 Maple St., Jersey Shore, PA 17740. Authorization No. WH4001. Effective April 16, 2003.

**Crompton & Seitz**, 1721 Loretta Ave., Feasterville, PA 19053. Authorization No. WH4240. Effective April 16, 2003.

**CCS Transport/Christopher C. Sloss**, Colmer Ave., 1206, Easton, PA 18045. Authorization No. WH4295. Effective April 16, 2003.

**Stadium Dirt Designs Inc.**, R. R. 1 Box 543, Elysburg, PA 17824. Authorization No. WH4334. Effective April 16, 2003.

**Juan, Cabreira**, 2nd Floor, 8026 Craig St., Philadelphia, PA 19136. Authorization No. WH4430. Effective April 16, 2003.

**Krevel Trucking Co., Inc.**, 265 Swamp Road, Clymer, PA 15728. Authorization No. WH3540. Effective April 16, 2003.

**Edward C. Krevel**, 265 Swamp Road, Clymer, PA 15728. Authorization No. WH3218. Effective April 16, 2003.

**Alejandro Johnson**, 795 Nchls. Ave., New York, NY 10031. Authorization No. WH3360. Effective April 16, 2003.

**Gaston Coronel**, 953 395 3rd St., Newark, NJ 07107. Authorization No. WH3193. Effective April 16, 2003.

**Tony's Transport Cargo Inc.**, 11 Wallace Street, Freeport, NY 11520. Authorization No. WH3384. Effective April 16, 2003.

**SECO America Corp.**, P. O. Box 29, 156 2nd St., Perth Amboy, NJ 08862. Authorization No. WH4453. Effective April 16, 2003.

**Payne Custom Building**, 710 Weaver Hill Road, Bellefonte, PA 16823. Authorization No. WH4463. Effective April 16, 2003.

**Daniel Miele d/b/a Daniel Miele Construction**, 320 Warden St., Mt. Pleasant, PA 15666. Authorization No. WH4464. Effective April 16, 2003.

**Bruce W. Bates**, 6115 Sullivan Trail, Nazareth, PA 18064. Authorization No. WH4465. Effective April 16, 2003.

**Municipality of Monroeville, Allegheny County**, 200 Starr Drive, Monroeville, PA 15146-2388. Authorization No. WH0878. Effective November 25, 2002.

**Reazers, Inc.**, 2449 Elias Avenue, Lebanon, PA 17046-1436. Authorization No. WH1295. Effective December 20, 2002.

**Javier Macamela d/b/a Edward Express Company**, 887 Park Avenue, Trenton, NJ 08629. Authorization No. WH1399. Effective April 14, 2003.

**Gaston Coronel**, 78-14 87th Avenue, Woodhaven, NY 11421. Authorization No. WH3037. Effective April 14, 2003.

**Joao B. Dasilva**, 208 Whitaker Street, Riverside, NJ 08075. Authorization No. WH3175. Effective April 14, 2003.

**Department of Transportation, Maintenance and Operations Bureau**, Keystone Building, 400 North Street, Floor 6, Harrisburg, PA 17120-0041. Authorization No. WH3314. Effective April 14, 2003.

**Department of Agriculture**, 2301 North Cameron Street, Harrisburg, PA 17110-9408. Authorization No. WH3316. Effective April 14, 2003.

**American Disposal Services of West Virginia, Inc.**, P. O. Box 4117, 404 Glen's Run Road, Wheeling, WV 26003. Authorization No. WH3318. Effective April 14, 2003.

**Department of Transportation, Engineering District 220**, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA 16830-0342. Authorization No. WH3320. Effective April 14, 2003.

**M & A Hauling, LLC**, 140 Main Street, Netcong, NJ 07857. Authorization No. WH3600. Effective April 15, 2003.

**Appaloosa Development Corporation**, P. O. Box 126, Gladwyne, PA 19035-0126. Authorization No. WH3601. Effective April 15, 2003.

**Professional Transporting, Inc.**, 1365 Pottsville Pike, Shoemakersville, PA 19555. Authorization No. WH3602. Effective April 15, 2003.

**Delullo Trucking Corporation**, P. O. Box 497, 1022 Delaum Road, St. Marys, PA 15857. Authorization No. WH3603. Effective April 15, 2003.

**Bonita Transport**, 884 East Main Avenue, Myerstown, PA 17067. Authorization No. WH3604. Effective April 15, 2003.

**Rodger E. Niemeyer, Sr.**, 8939 Jones Road, Wattsburg, PA 16442-9717. Authorization No. WH3605. Effective April 15, 2003.

**Wayne Carmint Landscaping, Inc.**, 340 Crooked Lane, King of Prussia, PA 19406. Authorization No. WH3606. Effective April 15, 2003.

**Northumberland Sewer Authority**, P. O. Box 325, Northumberland, PA 17857-0325. Authorization No. WH3607. Effective April 15, 2003.

**Scranton Textile Recycling Inc.**, 2000 Rosanna Avenue, Scranton, PA 18509. Authorization No. WH3608. Effective April 15, 2003.

**Spoerlein Express Trucking**, P. O. Box 926, Somerset, PA 15501-0926. Authorization No. WH3609. Effective April 15, 2003.

**Elizabeth Cash & Carry, Inc.**, 101 Atlantic Avenue, Elizabeth, PA 15037-1861. Authorization No. WH3610. Effective April 15, 2003.

**A. Giuliani & Company, Inc.**, 1609 Dreshertown Road, Dresher, PA 19025. Authorization No. WH3612. Effective April 15, 2003.

**James J. Greenhalgh, Jr.**, 115 West 24th Street, Chester, PA 19013. Authorization No. WH3613. Effective April 15, 2003.

**Fire Tech Services, Inc.**, 315 East Walnut Street, Lancaster, PA 17602-2402. Authorization No. WH3614. Effective April 15, 2003.

**Department of Transportation, Engineering District 5-1**, 1713 Lehigh Street, Allentown, PA 18103-4727. Authorization No. WH3615. Effective April 17, 2003.

**Ameriwaste, LLC**, Suite B, 7130 Kit Kat Road, Elkridge, MD 21075. Authorization No. WH3616. Effective April 15, 2003.

**Mi-Lee, Inc.**, 91 Firehouse Road, Walnut Bottom, PA 17266. Authorization No. WH3617. Effective April 15, 2003.

**Jay E. Martin**, 5408 Old Philadelphia Pike, Gap, PA 17527-9440. Authorization No. WH3618. Effective April 15, 2003.

**Valley Quarries, Inc.**, P. O. Box J, Chambersburg, PA 17201-0809. Authorization No. WH3619. Effective April 15, 2003.

**Trenton Board of Education**, 255 North Clinton Avenue, Trenton, NJ 08609. Authorization No. WH3620. Effective April 15, 2003.

**RDR Trucking**, 222 Tyrol Pass, Imler, PA 16655. Authorization No. WH3621. Effective April 17, 2003.

**S. A. Yurasek & Son, Inc.**, 199 Polaris Drive, Johnstown, PA 15909-3625. Authorization No. WH3622. Effective April 17, 2003.

**Richard Rathway Trucking**, 479 Rehoboth Church Road, Perryopolis, PA 15473. Authorization No. WH3623. Effective April 17, 2003.

**John Lesjak d/b/a J.L. Builders**, P. O. Box J, Hendersonville, PA 15339. Authorization No. WH3624. Effective April 17, 2003.

**Jones Sanitation**, 310 Orwigsburg Street, Tamaqua, PA 18252. Authorization No. WH3625. Effective April 17, 2003.

**Yost Hauling Company**, 88 Becker Avenue, Northampton, PA 18067-9442. Authorization No. WH3626. Effective April 17, 2003.

**Roadrunner Trucking, LLC**, 7835 Deer Run Road, Glenside, PA 19038-7223. Authorization No. WH3627. Effective April 17, 2003.

**D & B Construction Company**, 929 Woodward Avenue, McKees Rocks, PA 15136. Authorization No. WH3628. Effective April 17, 2003.

**Waynesboro Construction Company, Inc.**, 215 West Fifth Street, P. O. Box 229, Waynesboro, PA 17268. Authorization No. WH3629. Effective April 17, 2003.

**Latona Trucking, Inc.**, 620 South Main Street, Pittston, PA 18640-3219. Authorization No. WH3631. Effective April 17, 2003.

**West Hazleton Borough, Luzerne County**, 12 South 4th Street, West Hazleton, PA 18201-3899. Authorization No. WH3632. Effective April 17, 2003.

**Moyer's Drywall**, R. R. 3, Box 151, Mifflinburg, PA 17844. Authorization No. WH3634. Effective April 17, 2003.

**Geesaman-Rock Construction, Inc.**, P. O. Box 216, Zullinger, PA 17272. Authorization No. WH3636. Effective April 17, 2003.

**C. L. Bristol Excavating**, Firehouse Lane, R. R. 2, Box 419, Troy, PA 16947. Authorization No. WH3637. Effective April 17, 2003.

**Anthony A. Dimuzio Construction, Inc.**, 8 Fickler Place, Berkeley Heights, NJ 07992. Authorization No. WH3638. Effective April 17, 2003.

**Chelita Transport Corporation**, 427 Hamilton Street, Harrison, NJ 07029. Authorization No. WH3639. Effective April 17, 2003.

**Lehman's Egg Service, Inc.**, P. O. Box 99, Greencastle, PA 17225-0099. Authorization No. WH3640. Effective April 17, 2003.

**Gencon Excavating**, 9835 Veree Road, Philadelphia, PA 19115. Authorization No. WH3641. Effective April 18, 2003.

**W. G. C. Trucking Company**, 247 Rattled Road, Townsend, DE 19734. Authorization No. WH3642. Effective April 18, 2003.

**APCO Concrete, Inc.**, 509 Highland Avenue, Morton, PA 19070. Authorization No. WH3643. Effective April 18, 2003.

**Kehoe Construction, Inc.**, 57 East 4th Street, Bridgeport, PA 19405. Authorization No. WH3644. Effective April 18, 2003.

**Anton X. Tomko**, P. O. Box 305, Elizabeth, PA 15037. Authorization No. WH3645. Effective April 18, 2003.

**J. H. Freed, Inc.**, 115 Allentown Road, Elroy, PA 18964-2205. Authorization No. WH3647. Effective April 18, 2003.

**Havertown Roofing & Siding Company**, 575 Willowbrook Road, Havertown, PA 19083. Authorization No. WH3648. Effective April 18, 2003.

**Jordy & Chris Trucking Corporation**, 887 Park Avenue, Trenton, NJ 08629. Authorization No. WH3519. Effective April 17, 2003.

**Maroadi Transfer & Storage Inc.**, 1801 Lincoln Hwy., North Versailles, PA 15137. Authorization No. WH3517. Effective April 17, 2003.

**Fry Brothers Trucking Inc.**, P. O. Box 308, Cherry Tree, PA 15724-0308. Authorization No. WH3518. Effective April 17, 2003.

**Bob's Construction Company**, P. O. Box 304, Clarksburg, NJ 08510. Authorization No. WH3516. Effective April 17, 2003.

**Netrix Inc.**, 329 McBride Avenue, Paterson, NJ 07501. Authorization No. WH3515. Effective April 17, 2003.

**Golden Sanitation LLC**, P. O. Box 4092, Clifton, NJ 07012. Authorization No. WH3514. Effective April 17, 2003.

**Franklin Township, Carbon County**, 900 Fairyland Road, Leighton, PA 18235-9051. Authorization No. WH3512. Effective April 17, 2003.

**E. A. Russell Trucking**, 478 Merrimack Street, Methuen, MA 01844. Authorization No. WH3510. Effective April 17, 2003.

**James P. Fahey Company Inc.**, 1215 North Canal Street, Pittsburgh, PA 15215. Authorization No. WH3509. Effective April 17, 2003.

**Szczerba Excavating Inc.**, 564 Virginia Drive, Belle Vernon, PA 15012. Authorization No. WH3508. Effective April 17, 2003.

**Franklin Township Municipal Sanitary Authority**, 3001 Meadow Brook Road, Murrysville, PA 15668-1627. Authorization No. WH3507. Effective April 17, 2003.

**Talarico Trucking**, Route 36 Box 81, Leeper, PA 16233. Authorization No. WH3506. Effective April 17, 2003.

**Metros Environmental**, 298 Morgantown Street, Uniontown, PA 15401. Authorization No. WH3505. Effective April 17, 2003.

**Ace Demolition Inc.**, 3810 Crooked Run Road, North Versailles, PA 15137-2358. Authorization No. WH3136. Effective April 17, 2003.

**D. Jones Trucking Inc.**, 701 West Lea Boulevard, Wilmington, DE 19802-2501. Authorization No. WH2521. Effective April 18, 2003.

**Dee King Trucking**, 10 Meeting House Lane, Reedsville, PA 17084. Authorization No. WH3522. Effective April 18, 2003.

**Staub Contractors Inc.**, 8 Swallow Road, Holland, PA 18966. Authorization No. WH3523. Effective April 18, 2003.

**Brian Lang Excavating**, 890 Marra Road, Dysart, PA 16636. Authorization No. WH3525. Effective April 18, 2003.

## AIR QUALITY

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

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: Michael Salko, Facilities Permitting Chief, (570) 826-2531.*

**52-310-007GP: Leeward Quarry—Division of ER Linde Construction Corp.** (R. R. 6, Box 6825, Honesdale, PA 18431) for Operating Permit for construction and operation of a portable stone crushing operation and associated air cleaning device at their plant in Lackawaxen Township, **Pike County**.

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

**GP1-01-03027A: Oxford Container** (P. O. Box 98, New Oxford, PA 17350) on April 16, 2003, authorization to operate a small gas and No. 2 oil fired combustion unit under GP1 in their New Oxford Borough, **Adams County** facility.

**GP1-36-03143: Total Energy Leasing Corp.** (800 Plaza Boulevard, Lancaster, PA 17601) on April 14, 2003, authorization to operate a small gas and No. 2 oil fired combustion unit under GP1 at their facility in the City of Lancaster, **Lancaster County**.

**GP1-36-03144: Camino Real Foods, Inc.** (2919 Hempland Road, Lancaster, PA 17601-1324) on April 14, 2003, for authorization to operate a small gas and No. 2 oil fired combustion unit under GP1 in their East Hempfield Township, **Lancaster County** facility.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.*

**62-170: Belden and Blake Corp.—Freehold Station** (Dead Man's Run Road, Bear Lake, PA 16402) on April 30, 2003, for installation of a natural gas fired compressor engine in their Freehold Township, **Warren County** facility.

**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, New Source Review Chief, (570) 826-2531.*

**40-328-004B: Williams Generation Company—Hazleton** (P. O. Box 2848 WRC-A, Tulsa, OK 74101-9567) on April 16, 2003, for modification of three simple cycle turbines and associated air cleaning device at their facility in Hazle Township, **Luzerne County**.

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

**03-00234A: Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) on April 16, 2003, for installation of coal crusher at Yount Surface Mine in Madison Township, **Armstrong County**.

**65-00280A: Kalumetals, Inc.** (P. O. Box 455, Latrobe, PA 15650) on April 18, 2003, for installation of thermal oxidizer/afterburner at Derry Plant in Derry Township, **Westmoreland County**.

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

**25-395A: Eriez Magnetics Co.** (2200 Asbury Road, Erie, PA 16514) on April 1, 2003, for operation of a surface coating process in their Millcreek Township, **Erie County** facility.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

**15-0099: Heckett MultiServ** (Route 82 South, Coatesville, PA 19320) on April 17, 2003, for an Operating Permit for operation of a scrap cutting torch with baghouses in their South Coatesville Borough, **Chester County** facility.

**46-313-057E: Republic Environmental Systems, Inc.** (2869 Sandstone Drive, Hatfield, PA 19440) on April 21, 2003, for an Operating Permit for operation of a hazardous waste TSD in their Hatfield Township, **Montgomery County**.

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

**49-00007A: Merck and Company, Inc.** (P. O. Box 600, Danville, PA 17821-0600) on April 15, 2003, for construction of various pieces of wastewater treatment equipment and authorization to operate various other pieces of wastewater treatment equipment on a temporary basis, until August 13, 2003, in their Riverside Borough, **Northumberland County** facility. The plan approval was extended.

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

**65-00622A: General Carbide Corp.** (P. O. Box C, Greensburg, PA 15601) on April 15, 2003, for modification of a spray dryer in their Hempfield Township, **Westmoreland County** facility. This plan approval was extended.

**11-00252A: C & C Smith Lumber** (197 Tower Road, Summerhill, PA 15958) on April 15, 2003, for modification of a sawdust dehydration unit in their Croyle Township, **Cambria County** facility. This plan approval was extended.

**32-00238A: Weimer's Iron & Scrapmetal** (5639 Tunnelton Road, Saltsburg, PA 15681) on April 11, 2003, for installation of an aluminum melting furnace in Conemaugh Township, **Indiana County**. This plan approval was extended.

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

**43-170E: Werner Company—Greenville Division** (93 Werner Road, Greenville, PA 16125) on April 30, 2003, for modifications to the pultrusion process in their Sugar Grove Township, **Mercer County** facility.

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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.*

**05-05003: JLG Industries, Inc.** (1 JLG Drive, McConnellsburg, PA 17233-9533) on April 14, 2003, renewal of an Operating Permit for a scissor type work platform manufacturing facility in their Bedford Township, **Bedford County** facility.

**22-05022: Department of Public Welfare** (Cameron and Maclay Streets, Harrisburg, PA 17105) on April 14, 2003, a renewal of their Operating Permit for a Natural Gas and/or No. 2 oil fired boilers and emergency generators at their Harrisburg State Hospital in Susquehanna Township, **Dauphin County**.

**36-05018: Lasco Bathware, Inc.** (40 Industrial Road, Elizabethtown, PA 17022) on April 14, 2003, for a renewal of their Operating Permit for a bathware manufacturing facility in West Donegal Township, **Lancaster County**.

**36-05019: Anvil International, Inc.** (1411 Lancaster Avenue, Columbia, PA 17512) on April 16, 2003, for renewal of their Operating Permit for an iron foundry in Columbia Borough, **Lancaster County**.

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

**V95-047: Sunoco Chemicals—Frankford Plant** (4701 Bermuda Street, Philadelphia, PA 19120) on April 17, 2003, for operation of their chemical manufacturing facility in the City of Philadelphia, **Philadelphia County**. The Title V facility's air emission sources include two 60 mmBtu/hr boilers, one 381 mmBtu/hr boiler, one mmBtu/hr boiler, five emergency generators, distillation columns, condensers, oxidation processes, reactors, phenol and alpha-methyl styrene loading and storage tanks. Control devices include scrubbers, charcoal adsorbers, a thermal oxidizer and four catalytic oxidizers.

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**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.**

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

**23-00069: E. I. DuPont de Nemours and Co.** (500 South Ridgeway Avenue, Glenolden, PA 19036) on April 21, 2003, for operation of a Natural Minor Operating Permit in their Glenolden Borough, **Delaware County** facility.

**09-00120: Degussa Construction Chemicals Operation, Inc.** (Route 13 and Beaverdam Road, Bristol, PA 19007) on April 21, 2003, for operation of a Natural Minor Operating Permit in Bristol Township, **Bucks County**.

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

**22-05034: Pennsy Supply, Inc.** (P. O. Box 3331, Harrisburg, PA 17105) on April 17, 2003, for an Operating Permit for a hot mix batch asphalt plant at their facility in Hummelstown Quarry in South Hanover Township, **Dauphin County**.

**22-05040: Pennsy Supply, Inc.** (P. O. Box 3331, Harrisburg, PA 17105) on April 17, 2003, for an Operating Permit for a drum mix asphalt plant at their facility at Fiddlers Elbow Quarry in Lower Swatara Township, **Dauphin County**.

**31-03008: Interforest Lumber Corp.** (P. O. Box 111, Shade Gap, PA 17255) on April 15, 2003, for an Operating Permit for a wood fired boiler and a No. 2 oil fired boiler at their lumber mill in Dublin Township, **Huntingdon County**.

**36-03037: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506-0550) on April 9, 2003, for an Operating Permit for a limestone quarry at their Kurtz Quarry in East Cocalico Township, **Lancaster County**.

**36-03141: Kellogg USA, Inc.** (2050 State Road, Caller Box 3006, Lancaster, PA 17604) on April 17, 2003, an Operating Permit for their breakfast cereal manufacturing facility in East Hempfield Township, **Lancaster County**.

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**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.**

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

**01-03026: Growmark FS, Inc.** (308 North East Front Street, Milford, DE 19963) on April 15, 2003, for a State-only Operating Permit for their fertilizer production facility in Latimore Township, **Adams County**. The permit was administratively amended to reflect a change in ownership.

**06-05088: EJB Paving & Materials Co.** (1119 Snyder Road, West Lawn, PA 19612) on April 11, 2003, for a State-only Operating Permit for their asphalt concrete plant at the Ontelaunee Quarry of Berks Products in Ontelaunee Township, **Berks County**. The operating

permit was administratively amended to incorporate Plan Approvals Nos. 06-05088A and 06-05088B.

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

**V95-024: Sea Gull Lighting Products, Inc.** (25th and Wharton Streets, Philadelphia, PA 19145) administratively amended on April 16, 2003, to note that a degreaser has been shut down and to correct the operating permit number. The Title V operating permit was originally issued on June 12, 2000. The City of Philadelphia, Air Management Services administratively amended operating permits issued under the Air Pollution Control Act and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).**

### Coal Permit Actions

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

**54840105C2. Mine Hill Coal Co. No. 7, Inc.** (P. O. Box 466, Minersville, PA 17954), correction to an existing anthracite surface mine operation in Cass Township, **Schuylkill County** affecting 272.2 acres, receiving stream: Schuylkill River. Application received February 21, 2003. Correction issued April 17, 2003.

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

**10000103. Seneca Landfill, Inc.** (P. O. Box 1080, Mars, PA 16046). Revision to an existing bituminous strip operation to add 4.1 acres to the surface mining permit in Jackson and Lancaster Townships, **Butler County**. Total surface mining permit acreage is now 281.1 acres. Receiving streams: unnamed tributary to Connoquenessing Creek. Application received June 25, 2002. Permit issued April 7, 2003.

**6433-10000103-E-1. Seneca Landfill, Inc.** (P. O. Box 1080, Mars, PA 16046). Application for a stream encroachment to conduct mining activities within 100 feet of unnamed tributary B to Connoquenessing Creek in Jackson and Lancaster Townships, **Butler County**. Receiving streams: unnamed tributary to Connoquenessing Creek. Application received June 25, 2002. Permit issued April 7, 2003.

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

**32020103 and NPDES Permit No. PA0249211. S & M Mining, Inc.**, 15 Rayne Run Road, Marion Center, PA 15759, commencement, operation and restoration of a bituminous surface and auger mine and for discharge of treated mine drainage in Cherryhill Township, **Indiana County**, affecting 138.0 acres. Receiving streams: unnamed tributaries to Two Lick Reservoir—PWS to Two Lick Creek to Blacklick Creek to the Conemaugh River (WWF). The first potable water supply downstream from the site is Two Lick Reservoir. There are no potable water supply intakes within 10 miles downstream. Application received April 15, 2002. Permit issued April 14, 2003.

### Noncoal Permit Actions

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

**8074SM2C3 and NPDES Permit PA0012904. Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422-0464), renewal of NPDES Permit for discharge of treated mine drainage in Whitmarsh Township, **Montgomery County**, receiving stream: Lorraine Run. Application received March 14, 2002. Renewal issued April 14, 2003.

**28840302C3 and NPDES Permit PA0614289. Valley Quarries, Inc.** (P. O. Box J, Chambersburg, PA 17201), renewal of NPDES Permit for discharge of treated mine drainage in Greene Township, **Franklin County**, receiving stream: Conococheague Creek. Application received February 3, 2003.

**28900301C3 and NPDES Permit PA0595861. David H. Martin Excavating, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17201), renewal of NPDES Permit in Greene Township, **Franklin County**, receiving stream: unnamed tributary to Rocky Spring Creek. Application received February 14, 2003. Renewal issued April 16, 2003.

**48980301C and NPDES Permit PA0223875. Chrin Brothers, Inc.** (635 Industrial Drive, Easton, PA 18042), renewal of NPDES Permit for discharge of treated mine drainage in Williams Township, **Montgomery County**, receiving stream: unnamed tributary to Lehigh River. Application received February 14, 2003. Renewal issued April 16, 2003.

**74740303A4C4 and NPDES Permit PA0594334. Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034-9454), renewal of NPDES Permit for discharge of treated mine drainage in Lower Mt. Bethel Township, **Northampton County**, receiving stream: Delaware River. Application received February 24, 2003. Renewal issued April 16, 2003.

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

**31970301, U. S. Silica Company**, R. D. 1, Box 1885, Mapleton Depot, PA 17052, renewal of NPDES Permit No. PA0234583, Brady Township, **Huntingdon County**, receiving streams: Mill Creek and Saddler Run. NPDES renewal application received January 8, 2003. Permit issued April 16, 2003.

**4077SM7, New Enterprise Stone & Lime Company, Inc.**, P. O. Box 77, New Enterprise, PA 16664, renewal of NPDES Permit No. PA0212580, Jenner Township, **Somerset County**, receiving streams Roaring Run and Quemahoning Creek. NPDES Renewal application received February 25, 2003. Permit issued April 16, 2003.

**11020301. Cambria Minerals, Inc.**, 320 Sanrue Drive, Johnstown, PA 15904, commencement, operation and restoration of a noncoal surface mine and for discharge of treated mine drainage in East Taylor Township and City of Johnstown, **Cambria County**, affecting 49.7 acres. Receiving streams: Hinckston Run (WWF). There are no potable water supply intakes within 10 miles downstream. Application received January 17, 2002. Permit issued April 11, 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. 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 Permit Actions*

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

**06034009. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Cumru Township, **Berks County** with an expiration date of December 31, 2004. Permit issued April 15, 2003.

**06034010. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Heidelberg Township, **Berks County** with an expiration date of December 31, 2004. Permit issued April 15, 2003.

**06034011. J. Roy's, Inc.** (Box 125 Bowmansville, PA 17507), construction blasting in Exeter Township, **Berks County** with an expiration date of December 31, 2004. Permit issued April 15, 2003.

**06034012. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Spring Township, **Berks County** with an expiration date of December 31, 2004. Permit issued April 15, 2003.

**06034013. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Amity Township, **Berks County** with an expiration date of December 31, 2004. Permit issued April 15, 2003.

**06034014. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Amity Township, **Berks County** with an expiration date of December 31, 2004. Permit issued April 15, 2003.

**06034015. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Bern Township, **Berks County** with an expiration date of December 31, 2004. Permit issued April 15, 2003.

**06034016. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Exeter Township, **Berks County** with an expiration date of December 31, 2004. Permit issued April 15, 2003.

**06034017. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Heidelberg Township, **Berks County** with an expiration date of December 31, 2004. Permit issued April 15, 2003.

**06034018. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Amity Township, **Berks County** with an expiration date of December 31, 2004. Permit issued April 15, 2003.

**06034019. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Exeter Township, **Berks**

**County** with an expiration date of December 31, 2004. Permit issued April 15, 2003.

**06034020. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Exeter Township, **Berks County** with an expiration date of December 31, 2004. Permit issued April 15, 2003.

**06034021. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Spring Township, **Berks County** with an expiration date of December 31, 2004. Permit issued April 15, 2003.

**36034027. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Warwick Township, **Berks County** with an expiration date of December 31, 2004. Permit issued April 15, 2003.

**67034013. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Manchester Township, **Berks County** with an expiration date of December 31, 2004. Permit issued April 15, 2003.

**35034004. Keystone Drilling & Blasting Specialist, Inc.** (27 Independence Road, Mountaintop, PA 18707), construction blasting in Ransom Township and Taylor Borough, **Lackawanna County** with an expiration date of December 31, 2003. Permit issued April 16, 2003.

**09034006. Allan A. Myers, L. P.** (P. O. Box 98, Worcester, PA 19490), construction blasting in Buckingham Township, **Bucks County** with an expiration date of September 1, 2003. Permit issued April 16, 2003.

**52034001. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Lehman and Delaware Townships, **Pike County** with an expiration date of March 16, 2004. Permit issued April 16, 2003.

**28034010. David H. Martin Excavating, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting in Quincy Township, **Franklin County** with an expiration date of March 19, 2004. Permit issued April 16, 2003.

**36034028. Hall Explosives, Inc.** (1981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Denver Borough, **Lancaster County** with an expiration date of April 25, 2004. Permit issued April 16, 2003.

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

**17034002. Greensburg Environmental Contracting,** 2419 Brownfield Drive, Greensburg, PA 15601 for construction blasting in Lawrence Township, **Clearfield County**, with an expected duration of 10 days. Permit issued April 15, 2003.

#### 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.

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**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.)

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*Permits Issued and Actions on 401 Certifications*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E46-931. Plymouth Township**, 700 Belvoir Road, Plymouth Meeting, PA 19462, Plymouth Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a single span bridge structure over Saw Mill Run Creek (WWF), comprised of concrete box beams, a reinforced concrete slab on reinforced concrete abutments and wing-walls. The proposed structure will span 48 feet, have a roadway width of 38 feet and an underclearance of 7 feet 6 inches. Class R-8 riprap will be placed at each abutment for scour protection and will extend through the structure on both sides to maintain the normal water surface elevation width of the watercourse. This structure will replace an existing bridge structure that spans 20 feet, has a roadway width of 24 feet and an underclearance 7 feet 6 inches (Lansdale, PA Quadrangle N: 0.90 inch; W: 8.29 inches).

**E23-434. Darby Creek Joint Authority**, P. O. Box 999, Chester, PA 19016-0999, Darby Borough, **Delaware County**, ACOE Philadelphia District.

To operate and maintain 54-inch diameter sanitary sewer interceptor line which runs along Darby Creek

(TSF-MF). The work involves excavating along the banks of the creek to expose and repair the pipe at two locations. Temporary installation of filtered bags and construction of a cofferdam will facilitate minimum disturbance to the creek. Upon completion of repairs, the pipe will be backfilled and the stream banks stabilized with riprap. The first site project is located approximately 230 feet west of the intersection Springfield Road and Chester Pike (Lansdowne, PA Quadrangle N: 7.90 inches; W: 1.90 inches) and the second site is located approximately 950 feet south of the intersection Walnut Street and Mill Road (Lansdowne, PA Quadrangle N: 7.51 inches; W: 1.35 inches).

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

**E35-360. Edwin Baldoni**, 790 Northern Boulevard, Suite B, Clarks Summit, PA 18411. Glenburn Township, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To construct and maintain three utility line crossings and a road crossing consisting of clean fill and a 30-inch diameter culvert through 0.23 acre of PEM wetlands tributary to Ackerly Creek (CWF) for the purpose of constructing the Summerfield Village Residential Subdivision. The project is located on the east side of Waverly Road approximately 0.7 mile north of its intersection with Routes 6 and 11 (Dalton, PA Quadrangle N: 3.7 inches; W: 12.4 inches) (Subbasin 4F).

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

**E07-357: Morris Management**, P. O. Box 1252, Altoona, PA 16603 in Logan Township, **Blair County**, ACOE Baltimore District.

To impact directly by fill or excavation 3.42 acres of palustrine emergent, palustrine open water and palustrine scrub shrub wetlands, 4,263 linear feet of perennial and intermittent unnamed tributaries to Brush Run (WWF); secondarily impact through loss of hydrology 0.78 acre of other palustrine emergent and palustrine open water wetlands; construct 8.60 acres of palustrine emergent and palustrine scrub/shrub wetlands onsite as compensation for wetland impacts; and develop a Strategic Area Management Plan and contribute \$300,000 to a fund to benefit the cold water stream resources of Blair County as compensation for stream impacts for the purpose of constructing a regional power town center at a point east of Interstate 99 between the Frankstown Road and 17th Street interchanges of Interstate 99 (Holidaysburg, PA Quadrangle N: 20.2 inches; W: 1.4 inches) in Logan Township, Blair County. The project proposes to affect a total of 4.20 acres of wetlands and 4,263 linear feet of stream channel. Wetland creation of 8.60 acres is proposed.

**E21-340: Upper Mifflin Township**, 455 Whiskey Run Road, Newville, PA 17241 in Upper Mifflin Township, **Cumberland County**, ACOE Baltimore District.

To construct and maintain two concrete cast in place wingwalls each 12 inches in thickness along the abutments of an existing bridge across Three Square Hollow Run (WWF) to prevent scouring of the abutments located on Township Road T-393, 400 feet southwest of its intersection with Bridge Water Road (Newville, PA Quadrangle N: 6.5 inches; W: 16.5 inches) in Upper Mifflin Township, Cumberland County.



**E21-348: Department of Transportation, Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103 in Hopewell Township, **Cumberland County**, ACOE Baltimore District.

To remove the existing culvert and then to construct and maintain a 17-foot by 3-foot concrete box culvert at the channel of Peebles Run and its unnamed tributary (WWF) on SR 0997, Segment 0060, Offset 0214, located about 2 miles north of Newburg Borough (Newburg, PA Quadrangle N: 7.28 inches; W: 9.47 inches) in Hopewell Township, Cumberland County.

**E21-347: Department of Transportation, Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103 in Hopewell Township, **Cumberland County**, ACOE Baltimore District.

To remove the existing culverts and then to construct and maintain a 16-foot by 4-foot and a 12-foot by 4-foot box culverts at the channels of unnamed tributaries to Peebles Run (WWF) on SR 0997, Segment 0070, Offset 1928, located about 2.2 miles north of Newburg Borough (Newburg, PA Quadrangle N: 8.1 inches; W: 7.85 inches) in Hopewell Township, Cumberland County.

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

**E12-135. Charles Farren**, 463 Sizerville Rd., Emporium, PA 15834. Carport Maintenance, in Shippen Township, **Cameron County**, ACOE Baltimore District (Emporium, PA Quadrangle N: 2.5 inches; W: 12.7 inches).

To operate and maintain a 10-foot by 20-foot carport constructed on an existing concrete driveway. The carport roof structure is supported by six 4 inch by 6 inch wooden piers and maintains open sides. This structure is located 0.5 mile north on SR 155 from the intersection with SR 120 and on Sinnemahoning Portage Creek (CWF). This permit was issued under section 105.13(e) "Small Projects."

**E12-136. Fred E. Nelen**, 830 Sizerville Rd., Emporium, PA 15834. Shed Maintenance and Porch Roof Construction, in Shippen Township, **Cameron County**, ACOE Baltimore District (Emporium, PA Quadrangle N: 3.5 inches; W: 12.25 inches).

To operate and maintain a 12-foot by 22-foot shed constructed on skids. The permit also authorizes the construction, operation and maintenance of the 12-foot by 44-foot roof over an existing concrete patio. The roof shall be supported by 4 inch by 4 inch posts and will maintain open sides. These structures are located 0.7 mile north on SR 155 from the intersection with SR 120 and on Sinnemahoning Portage Creek (CWF). This permit was issued under section 105.13(e) "Small Projects."

**E12-137. Lynn A. Crosby**, 829 Sizerville Road, Emporium, PA 15834. Addition Construction, in Shippen Township, **Cameron County**, ACOE Baltimore District (Emporium, PA Quadrangle N: 3.5 inches; W: 12.5 inches).

To construct, operate and maintain a 11-foot by 30-foot single story addition on an existing structure. The structure will have a concrete floor constructed at grade. The project is located 0.7 mile north on SR 155 from the intersection with SR 120 and on Sinnemahoning Portage Creek (CWF). This permit was issued under section 105.13(e) "Small Projects."

**E12-138. West Penn Power d/b/a Allegheny Power**, 800 Cabin Hill Road, Greensburg, PA 15601. Floodway Fill, in Emporium Borough, **Cameron County**, ACOE Baltimore District (Emporium, PA Quadrangle N: 3.5 inches; W: 12.25 inches).

To operate and maintain 70 cubic yards of compacted fill in the floodway of the Driftwood Branch of Sinnemahoning Creek (TSF). The fill was placed on an existing work area for operation and maintenance of the Emporium Substation. This project is located on the corner of Front Street and Maple Street. This permit was issued under section 105.13(e) "Small Projects."

**E17-379. Mosquito Creek Sportsmen Association**, P. O. Box 218, Frenchville, PA 16836. Duck Marsh Acid Rain Abatement System in Girard Township, **Clearfield County**, ACOE Baltimore District (The Knobs, PA Quadrangle N: 18.8 inches; W: 10.4 inches).

To construct, operate and maintain a vertical flow wetland system in and along an unnamed tributary to Mosquito Creek (HQ-CWF) for an alkaline addition to abate acid precipitation. The vertical flow wetland system shall be constructed with a water intake structure in the channel of the unnamed tributary to Mosquito Creek; a nonjurisdictional 3-foot high concrete dam across the waterway; a 6-inch diameter supply line and an earthen embankment wetland cell along the waterway; and a broad-based, rock-lined outlet channel across a wetland associated to the waterway. Construction of the water intake structure and concrete dam shall be conducted during stream low flow. The project is located along the western right-of-way of Ardell Road approximately 1.63 miles south of SR 2004 and Ardell Road intersection. If the operation of alkaline addition discontinues or the vertical flow wetland system is to be abandoned, the permittee shall completely remove the water intake structure and 3-foot high dam restoring the natural and unobstructed stream flow. Construction of the water intake structure and dam permanently impact 16-feet of the waterway. Construction of the rock-lined outlet channel permanently impacts 0.005-acre of wetland, which is deemed a de minus impact and replacement of the wetland shall not be required.

**E17-380. Jeffery and Patricia Kavelak**, P. O. Box 1288, Clearfield, PA 16830. Demolition and reconstruction of Dinger's Grand Slam Grille & Grogery in the floodway of the West Branch of the Susquehanna River, in Clearfield Borough, **Clearfield County**, ACOE Baltimore District (Clearfield, PA Quadrangle N: 4.9 inches; W: 8.95 inches).

To demolish an existing commercial building with deck footings; then to construct, operate and maintain Dinger's Grand Slam Grille & Grogery and commercial dining deck with foundation footings and piers in the floodway of the West Branch of the Susquehanna River (WWF). Reconstruction of the commercial facility shall be completed with the existing basement being filled to accommodate a new first floor at or above an elevation of 1,105.5 feet. Reconstruction of that portion of Dinger's Grand Slam Grille & Grogery in the floodway shall not result in any additional loss of floodplain storage over the loss incurred by the former facility. The project is located along the western right-of-way of SR 0153 approximately 300 feet north of SR 0322 and SR 0153 intersection. This permit does not authorize the construction, operation or maintenance of the commercial facility or appurtenances in the West Branch of the Susquehanna River. This permit was issued under section 105.13(e) "Small Projects."

**E18-352. Crawford Township Supervisors**, 2774 Rauchtown Road, Jersey Shore, PA 17740. Pine Mountain Road Stream Crossing, in Crawford Township, **Clinton County**, ACOE Baltimore District (Jersey Shore, PA Quadrangle N: 1.1 inches; W: 0.95 inch).



To: (1) remove an existing 48-inch diameter metal culvert; and (2) construct and maintain twin 60-foot long 48-inch diameter HDPE culverts with the associated inlet headwall and the 35-foot by 53.5-foot R-7 riprap energy dissipater in an unnamed tributary to Antes Creek located on Pine Mountain Road 1.3 miles west of SR 0880. The project proposes to permanently impact 100 feet of the unnamed tributary to Antes Creek (CWF). This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E19-234. John C. Sobeck**, 31 Ruddle Street, Wilkes-Barre, PA 18702. Shed construction, in Montour Township, **Columbia County**, ACOE Baltimore District (Catawissa, PA Quadrangle N: 19.0 inches; W: 16.7 inches).

To construct and maintain on the right stream side: (1) a 25 foot by 50 foot storage building; and (2) a 25 foot by 35 foot by 3 foot deep stormwater detention basin with a 160 foot long stormwater collection trapezoidal channel 4 feet wide on top and 2 feet wide on bottom with a 15 inch diameter outfall pipe in the floodway of an unnamed tributary to Montour Run (CWF). The total disturbed acreage will be approximately 0.3 acre. The project is located off the north side of Route 11 approximately 1 mile south of the Route 42 interchange (Catawissa, PA Quadrangle N: 19.0 inches; W: 16.7 inches). The proposed project will not impact wetlands or waterways. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E57-100. Game Commission**, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797. Bridge Replacement, in Davidson Township, **Sullivan County**, ACOE Baltimore District (Redrock, PA Quadrangle N: 11.10 inches; W: 14.53 inches).

To remove the existing wood bridge and to break up the existing concrete abutment walls and to construct and maintain: (1) two 83 inch by 57 inch by 30 foot long CMP arch culvert pipes depressed 1 foot in the streambed; (2) to place 12 inch thick hand laid stone on a slope of 1 to 1 1/2 as inlet and outlet headwalls; and (3) to place the broken up concrete from the existing abutment walls downstream of the culvert as a splash pad in Blackberry Run (HQ-CWF) on TR 725 approximately 1.7 miles from the intersection of TR 725 with SR 4049. The project will not impact wetlands while impacting approximately 60 feet of waterway. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E02-1399. Allegheny County Department of Public Works**, Room 401, County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219-5386. West Deer Township, **Allegheny County**, Pittsburgh ACOE District (New Kensington West, PA Quadrangle N: 21.7 inches; W: 10.8 inches). The applicant proposes to remove accumulated sedimentation from six locations, to construct and maintain two fish mounds, to construct and maintain three aeration diffusers, to construct and maintain handicap access paths around Lake No. 3. To remove existing structures and to construct and maintain two replacement bridges across tributaries to Little Deer Creek (TSF), the first bridge is Bridge Number 2, it will have a span of 30.1 feet and underclearance of 2.7 feet and is located across the upper end of Lake No. 2. The other

bridge is Bridge Number 5, it will have a span of 57.5 ft. and underclearance of 10 feet and is located across the upper end of Lake Number 3. Bridge Number 4, located across the channel below Lake Number 3, will be removed and not replaced. To construct a temporary crossing across Lake Number 2 discharge channel. This work is part of the Deer Lake Parks improvements to aquatic habitat to Lake No. 3. The project is located on the south side of Mehaffey Road (SR 1019) approximately 1,200 feet northeast of its intersection with Little Deer Creek Valley Road (SR 1015).

**E02-1408. Mirric Realty, LLC**, 8199 McKnight Road, Pittsburgh, PA 15211. Etna Borough, **Allegheny County**, Pittsburgh ACOE District (Glenshaw, PA Quadrangle N: 0.1 inch; W: 9.6 inches). The applicant proposes to construct and maintain a retail building and to place and maintain fill on the right bank and in the floodway of Pine Creek (TSF) for the purpose of constructing the Etna Towne Center. The project is located on the east side of Butler Street, approximately 600 feet northeast from the intersection of Butler Street and Maplewood Street. This permit also authorizes the construction and maintenance of an outfall structure on the right bank of said stream.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA6713-148. Orphan Dam**, Warrington and Dover Township, **York County**, ACOE Baltimore District.

To breach and remove the Detters Mill Dam (also known as Emigs Mill Dam) across the Conewago Creek (WWF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 700 feet upstream from the existing Harmony Grove Road bridge (SR 4014) over Conewago Creek in Detters Mill (Wellsville, PA Quadrangle N: 2.55 inches; W: 7.20 inches).

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## SPECIAL NOTICES

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### 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 T. J. S. 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, Room 167, Fayette County Health Center, 100 New Salem Road, 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 242(c) of the act states that where belt conveyors are installed, main stoppings and regulators shall be

so arranged as to reduce the quantity of air traveling in the belt conveyor entry to a minimum for effective ventilation and to provide an intake air split as an escapeway from the face are to the main air current.

*Summary of the Request:* T. J. S. Mining, Inc. requests a variance to use point carbon monoxide early warning fire detection system and entries in common with the belt conveyor entry at the Rossmoyne No. 1 Mine.

[Pa.B. Doc. No. 03-827. Filed for public inspection May 2, 2003, 9:00 a.m.]

### Oil and Gas Technical Advisory Board Workgroup Meetings

The Department of Environmental Protection (Department) Oil and Gas Technical Advisory Board Workgroup has scheduled meetings to be held on May 7, 2003, and May 28, 2003, at the Ramada Inn, DuBois, PA. The meetings will start at 10 a.m. and are being held to discuss combining the NPDES stormwater permit application and the oil and gas well permit application.

Questions concerning the meetings should be directed to James Erb, (717) 772-2199, [jerb@state.pa.us](mailto:jerb@state.pa.us). Information is also available through the Public Participation Center on the Department's website at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact James Erb or Joyce Williams at (717) 772-2199 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Acting Secretary*

[Pa.B. Doc. No. 03-828. Filed for public inspection May 2, 2003, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Contractors; Removal of Mixed Scrap Metals, Scrap Drums, Batteries, Aluminum, Waste Oil, Anti-Freeze and Tires

The Department of General Services, State Surplus Property, is seeking contractors to remove mixed scrap metals, scrap drums, batteries, aluminum, waste oil/anti-freeze and tires from State agencies throughout this Commonwealth. Some of these contracts begin on July 1, 2003. For more information, contact, prior to the bid opening on May 16, 2003, Department of General Services, State Surplus Property, Room G-12, 2221 Forster St., Harrisburg, PA 17125, (717) 787-4085, [mthrush@state.pa.us](mailto:mthrush@state.pa.us).

DONALD T. CUNNINGHAM, Jr.,  
*Secretary*

[Pa.B. Doc. No. 03-829. Filed for public inspection May 2, 2003, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Availability of Draft Maternal and Child Health Services Block Grant Application for Federal Fiscal Year 2003

The Draft Maternal and Child Health Services Block Grant application for Federal Fiscal Year 2003, under 42 U.S.C.A. § 705, is available for review and comment on the Department of Health's (Department) website. This application is the Commonwealth's request to the United States Department of Health and Human Services for block grant funding.

The block grant application describing proposed services, program goals and objectives and activities can be obtained at <http://www.health.state.pa.us/php/2003Blockgrant.htm>.

The draft block grant application can also be obtained by contacting the Department, Bureau of Family Health (Bureau) at (717) 787-7192. Persons with a disability who require an alternative format of the application (such as, large print, audio tape, Braille) should also contact the Bureau at (717) 787-7192, [V/TT]; (717) 783-6514 or Pennsylvania AT&T Relay Service at (800) 654-5584 [TT].

Comments may be submitted to Sara A. Baker, M.S.W., Director, Bureau of Family Health, Department of Health, Room 733 Health and Welfare Building, P. O. Box 90, Harrisburg, PA 17108. Comments are due by June 4, 2003. Persons with a disability who desire to comment in alternative format should notify the Bureau using one of the telephone numbers listed in this notice.

ROBERT S. MUSCALUS, D.O.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-830. Filed for public inspection May 2, 2003, 9:00 a.m.]

### Health Research Advisory Committee Meeting

The Health Research Advisory Committee (Committee), established by section 903(b) of the Tobacco Settlement Act (35 P. S. § 5701.903(b)), will hold a public meeting on May 14, 2003, from 9:30 a.m. to 4:30 p.m. in Room 100, Labor and Industry Building, Commonwealth Avenue and Forster Street, Harrisburg.

The Committee will finalize the research priorities for the nonformula funds. This meeting is open to the public. No reservations are required. The meeting is not a public hearing and therefore public testimony and/or comments are not part of the meeting agenda.

For additional information, or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Patricia W. Potrzebowski or Robin C. Cohick, (717) 783-2548 or for speech and/or hearing impaired persons, V/TT (717)783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

ROBERT S. MUSCALUS, D.O.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-831. Filed for public inspection May 2, 2003, 9:00 a.m.]

### Out-of-Hospital Do-Not-Resuscitate Items Vendor

Under 28 Pa. Code § 1051.21(c) (relating to securing out-of-hospital DNR orders, bracelets and necklaces), the Department of Health (Department) has contracted with Philip Levin Company to serve as the vendor from which physicians and their agents may purchase out-of-hospital do-not-resuscitate (DNR) order forms, bracelets and necklaces to provide to qualified patients or the surrogates of those patients. An out-of-hospital DNR order, bracelet or necklace may be issued for a qualified patient only by a physician who has primary responsibility for the medical care and treatment of that patient. A displayed out-of-hospital DNR order, bracelet and necklace directs emergency medical services providers to withhold providing cardiopulmonary resuscitation to the patient in the event the patient experiences cardiac or respiratory arrest.

Forms to purchase out-of-hospital DNR order forms, bracelets and necklaces may be secured from Philip Levin Company, 3301-C Hoffman Street, Harrisburg, PA 17110, (717) 233-8844. Alternatively, the form may be secured from the Department's website, [www.health.state.pa.us](http://www.health.state.pa.us), through the link pertaining to out-of-hospital DNR orders. Upon completion of the Out-of-Hospital DNR Supply Order Form, physicians or their agents may send the completed form to Philip Levin Company by fax to (717) 233-6574 or mail.

Persons with a disability who require an alternate format of this notice (for example, large print, audiotape, Braille) should contact Robert Gaumer, Department of Health, Emergency Medical Services Office, Room 1032, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-8740. Speech or hearing impaired persons may use V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. MUSCALUS, D.O.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-832. Filed for public inspection May 2, 2003, 9:00 a.m.]

### Request for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Covenant at South Hills  
1250 Bower Hill Road  
Pittsburgh, PA 15243

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, [paexcept@health.state.pa.us](mailto:paexcept@health.state.pa.us).

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address listed in this notice.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotape, Braille) should contact the Division of Nursing Care Facilities at the address or phone numbers listed in this notice, 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. MUSCALUS, D.O.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-833. Filed for public inspection May 2, 2003, 9:00 a.m.]

### Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board, established under the Federal Traumatic Brain Injury Act of 1996 (Pub. L. No. 104-66), will hold a public meeting on Wednesday, May 21, 2003, from 10:30 a.m. to 3 p.m. at the Department of Health, Conference Room 907, Seventh and Forster Streets, Harrisburg, PA.

For additional information, contact Elaine M. Terrell, Program Administrator, Head Injury Program, Division of Child and Adult Health Services, (717) 772-4959.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Elaine Terrell at (717) 772-4959, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

This meeting is subject to cancellation without notice.

ROBERT S. MUSCALUS, D.O.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-834. Filed for public inspection May 2, 2003, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Federal Poverty Income Guidelines for 2003

The Department of Public Welfare (Department) announces the implementation in this Commonwealth of the 2003 Federal Poverty Income Guidelines (FPIGs) which were issued by the Department of Health and Human Services and were published at 68 FR 6456 on February 7, 2003.

The FPIGs are the basis for the income eligibility limits for several categories of Medicaid whose regulations are published in 55 Pa. Code (relating to public welfare) and administered by the Department. These categories include Healthy Beginnings for Pregnant Women and Qualified Children (55 Pa. Code Chapter 140, Subchapter A), Healthy Horizons for the Elderly and Disabled (55 Pa. Code Chapter 140, Subchapter B) and Extended Medical Coverage under Categorically Needy TANF-Related Categories (55 Pa. Code Chapter 140, Subchapter C).

The percentages for the Medicaid categories of Healthy Beginnings and Healthy Horizons are set forth as follows:

Persons	100% of FPIG		120% of FPIG		133% of FPIG		135% of FPIG	
	Month	Annual	Month	Annual	Month	Annual	Month	Annual
1	\$ 749	\$ 8,980	\$ 898	\$10,776	\$ 996	\$11,944	\$ 1,011	\$12,123
2	\$1,010	\$12,120	\$1,212	\$14,544	\$1,344	\$16,120	\$1,364	\$16,362
3	\$1,272	\$15,260	\$1,526	\$18,312	\$1,692	\$20,296	\$1,717	\$20,601
4	\$1,534	\$18,400	\$1,840	\$22,080	\$2,040	\$24,472	\$2,070	\$24,840
5	\$1,795	\$21,540	\$2,154	\$25,848	\$2,388	\$28,649	\$2,424	\$29,079
6	\$2,057	\$24,680	\$2,468	\$29,616	\$2,736	\$32,825	\$2,777	\$33,318
7	\$2,319	\$27,820	\$2,782	\$33,384	\$3,084	\$37,001	\$3,130	\$37,557
8	\$2,580	\$30,960	\$3,096	\$37,152	\$3,432	\$41,177	\$3,483	\$41,796
Each Additional Person	\$ 262	\$ 3,140	\$ 314	\$ 3,768	\$ 349	\$ 4,177	\$ 354	\$ 4,239

Persons	185% of FPIG		200% of FPIG		235% of FPIG		250% of FPIG	
	Month	Annual	Month	Annual	Month	Annual	Month	Annual
1	\$1,385	\$16,613	\$1,497	\$17,960	\$1,759	\$21,103	\$1,871	\$22,450
2	\$1,869	\$22,422	\$2,020	\$24,240	\$2,374	\$28,482	\$2,525	\$30,300
3	\$2,353	\$28,231	\$2,544	\$30,520	\$2,989	\$35,861	\$3,180	\$38,150
4	\$2,837	\$34,040	\$3,067	\$36,800	\$3,604	\$43,240	\$3,834	\$46,000
5	\$3,321	\$39,849	\$3,590	\$43,080	\$4,219	\$50,619	\$4,488	\$53,850
6	\$3,805	\$45,658	\$4,114	\$49,360	\$4,834	\$57,998	\$5,142	\$61,700
7	\$4,289	\$51,467	\$4,637	\$55,640	\$5,449	\$65,377	\$5,796	\$69,550
8	\$4,773	\$57,276	\$5,160	\$61,920	\$6,063	\$72,756	\$6,450	\$77,400
Each Additional Person	\$ 485	\$ 5,809	\$ 524	\$ 6,280	\$ 615	\$ 7,379	\$ 655	\$ 7,850

These percentages apply as follows:

*Healthy Beginnings—*

- a. 185% for pregnant women and infants up to 1 year of age.
- b. 133% for children 1—5 years of age.
- c. 100% for children 6 years of age and older who were born after September 30, 1983.

*Healthy Horizons—*

- a. 100% for those persons eligible for the categorically needy and Medicare cost-sharing benefits.
- b. 120% for those persons eligible for the Specified Low-Income Medicare Beneficiaries and Medically Needy Only benefits.
- c. 135% for those persons eligible for the Qualifying Individuals Beneficiaries benefits.

(There are different resource limits for each of these programs.)

Additional information on the specific program is available at the county assistance offices.

*Effective Date*

This notice shall take effect upon publication in the *Pennsylvania Bulletin* and apply retroactively to February 7, 2003.

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-359. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 55. PUBLIC WELFARE**  
**PART II. PUBLIC ASSISTANCE MANUAL**  
**Subpart C. ELIGIBILITY REQUIREMENTS**  
**CHAPTER 140. SPECIAL MA ELIGIBILITY PROVISIONS**  
**Subchapter C. ELIGIBILITY PROVISIONS FOR EMC UNDER THE CATEGORICALLY NEEDY PROGRAM FOR AFDC/AFDC-U RELATED CATEGORIES**  
**APPENDIX A**  
**EXTENDED MEDICAL COVERAGE (EMC) MONTHLY INCOME LIMITS**  
**185% OF THE 2003 FEDERAL POVERTY INCOME GUIDELINES**

Family Size	185% of the Federal Poverty Income Guidelines
1	\$1,385
2	\$1,869
3	\$2,353
4	\$2,837
5	\$3,321
6	\$3,805
7	\$4,289
8	\$4,773
Each Additional Person	\$ 485

[Pa.B. Doc. No. 03-835. Filed for public inspection May 2, 2003, 9:00 a.m.]

# DEPARTMENT OF REVENUE

## Pennsylvania Cash Bonanza Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Cash Bonanza.

2. *Price:* The price of a Pennsylvania Cash Bonanza instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania Cash Bonanza instant lottery game ticket will contain one play area featuring a “Lucky Numbers” area and a “Your Numbers” area. The play symbols and their captions located in the “Lucky Numbers” area and the “Your Numbers” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWININ) and 30 (THIRTY).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the “Your Numbers” area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN) and BONANZA (10K/MTH/YR).

5. *Prizes:* The prizes that can be won in this game are \$5, \$10, \$15, \$20, \$25, \$50, \$100, \$200, \$500 and \$120,000 (10K/MTH/YR). The player can win up to 15 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 3,600,000 tickets will be printed for the Pennsylvania Cash Bonanza instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Lucky Numbers” play symbols and a prize play symbol of BONANZA (10K/MTH/YR) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$10,000 a month for a year. The top prize will be paid as a lump-sum, cash payment.

(b) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Lucky Numbers” play symbols and a prize play symbol of \$500 (FIV HUN) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Lucky Numbers” play symbols and a prize play symbol of \$200 (TWO HUN) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$200.

(d) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Lucky Numbers” play symbols and a prize play symbol of \$100 (ONE HUN) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Lucky Numbers” play symbols and a prize play symbol of \$50\$ (FIFTY) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(f) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Lucky Numbers” play symbols and a prize play symbol of \$25\$ (TWY FIV) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$25.

(g) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Lucky Numbers” play symbols and a prize play symbol of \$20\$ (TWENTY) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Lucky Numbers” play symbols and a prize play symbol of \$15\$ (FIFTN) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(i) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Lucky Numbers” play symbols and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets upon which any one of the “Your Numbers” play symbols matches any of the “Lucky Numbers” play symbols and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Win With Prize(s) of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 3,600,000 Tickets</i>
\$5 × 2	\$10	1:50	72,000
\$10	\$10	1:50	72,000
\$5 × 3	\$15	1:42.86	84,000
\$5 + \$10	\$15	1:42.86	84,000
\$15	\$15	1:150	24,000

<i>Win With Prize(s) of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 3,600,000 Tickets</i>
\$5 × 2 + \$10	\$20	1:150	24,000
\$5 × 4	\$20	1:75	48,000
\$15 + \$5	\$20	1:150	24,000
\$10 × 2	\$20	1:150	24,000
\$20	\$20	1:150	24,000
\$5 × 5	\$25	1:30	120,000
\$20 + \$5	\$25	1:50	72,000
\$5 × 3 + \$10	\$25	1:50	72,000
\$25	\$25	1:150	24,000
\$5 × 10	\$50	1:4,000	900
\$10 × 5	\$50	1:4,000	900
\$10 + \$20 × 2	\$50	1:4,000	900
\$50	\$50	1:4,800	750
\$5 × 10 + \$10 × 5	\$100	1:120	30,000
\$10 × 10	\$100	1:120	30,000
\$20 × 5	\$100	1:120	30,000
\$100	\$100	1:120	30,000
\$10 × 10 + \$20 × 5	\$200	1:120,000	30
\$20 × 10	\$200	1:120,000	30
\$50 × 4	\$200	1:120,000	30
\$200	\$200	1:120,000	30
\$50 × 10	\$500	1:120,000	30
\$100 × 5	\$500	1:120,000	30
\$500	\$500	1:120,000	30
CASH BONANZA \$10K/MTH/YR	\$120,000	1:1,200,000	3

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Cash Bonanza instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Cash Bonanza, prize money from winning Pennsylvania Cash Bonanza instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Cash Bonanza instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Cash Bonanza or through normal communications methods.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 03-836. Filed for public inspection May 2, 2003, 9:00 a.m.]

### Pennsylvania High Stakes Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania High Stakes.

2. *Price:* The price of a Pennsylvania High Stakes instant lottery game ticket is \$5.00.

3. *Play Symbols:* Each Pennsylvania High Stakes instant lottery game ticket will contain a “Dealer’s Total” area and a “Your Hands” area. The “Your Hands” area will feature 10 hand areas. Each hand is played separately. The play symbols and their captions located in the “Dealer’s Total” area are: 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the “Your Hands” area are: 2 (TWO), 3 (THR), 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN), 8 (EGT), 9 (NIN), 10 (TEN), J (JCK), Q (QUN), K (KNG) and A (ACE). A = 11, J, Q and K = 10.

4. *Prize Play Symbols:* The prize play symbols and their captions located in the 10 “Prize” areas are: \$2<sup>00</sup> (TWO DOL), \$5<sup>00</sup> (FIV DOL), \$7<sup>00</sup> (SVN DOL), \$10<sup>00</sup> (TEN DOL), \$12\$ (TWELV), \$14\$ (FORTN), \$21\$ (TWY ONE), \$52\$ (FTY TWO), \$210 (TWOHUNTEN) and \$52,000 (FTYTWOTH).

5. *Prizes:* The prizes that can be won in this game are \$2, \$5, \$7, \$10, \$12, \$14, \$21, \$42, \$52, \$210 and \$52,000. The player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 3,360,000 tickets will be printed for the Pennsylvania High Stakes instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets where the sum of any of "Your Hands" beats the "Dealer's Total," and a prize play symbol of \$52,000 (FTYTWO THO) appears in the "Prize" area under that hand, on a single ticket, shall be entitled to a prize of \$52,000.

(b) Holders of tickets where the sum of any of "Your Hands" beats the "Dealer's Total," and a prize play symbol of \$210 (TWO HUN TEN) appears in the "Prize" area under that hand, on a single ticket, shall be entitled to a prize of \$210.

(c) Holders of tickets where the sum of any of "Your Hands" beats the "Dealer's Total," and a prize play symbol of \$52 (FTY TWO) appears in the "Prize" area under that hand, on a single ticket, shall be entitled to a prize of \$52.

(d) Holders of tickets where the sum of any of "Your Hands" equals 21, and a prize play symbol of \$21 (TWY ONE) appears in the "Prize" area under that hand, on a single ticket, shall be entitled to a prize of \$42.

(e) Holders of tickets where the sum of any of "Your Hands" beats the "Dealer's Total," and a prize play symbol of \$21 (TWY ONE) appears in the "Prize" area under that hand, on a single ticket, shall be entitled to a prize of \$21.

(f) Holders of tickets where the sum of any of "Your Hands" equals 21, and a prize play symbol of \$7 (SVN DOL) appears in the "Prize" area under that hand, on a single ticket, shall be entitled to a prize of \$14.

(g) Holders of tickets where the sum of any of "Your Hands" beats the "Dealer's Total," and a prize play symbol of \$14 (FORTN) appears in the "Prize" area under that hand, on a single ticket, shall be entitled to a prize of \$14.

(h) Holders of tickets where the sum of any of "Your Hands" beats the "Dealer's Total," and a prize play symbol of \$12 (TWELV) appears in the "Prize" area under that hand, on a single ticket, shall be entitled to a prize of \$12.

(i) Holders of tickets where the sum of any of "Your Hands" equals 21, and a prize play symbol of \$5 (FIV DOL) appears in the "Prize" area under that hand, on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets where the sum of any of "Your Hands" beats the "Dealer's Total," and a prize play symbol of \$10 (TEN DOL) appears in the "Prize" area under that hand, on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets where the sum of any of "Your Hands" beats the "Dealer's Total," and a prize play symbol of \$7 (SVN DOL) appears in the "Prize" area under that hand, on a single ticket, shall be entitled to a prize of \$7.

(l) Holders of tickets where the sum of any of "Your Hands" beats the "Dealer's Total," and a prize play symbol of \$5 (FIV DOL) appears in the "Prize" area under that hand, on a single ticket, shall be entitled to a prize of \$5.

(m) Holders of tickets where the sum of any of "Your Hands" beats the "Dealer's Total," and a prize play symbol of \$2 (TWO DOL) appears in the "Prize" area under that hand, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When the Sum of Any of Your Hands Beat the Dealer's Total, Win With Prize(s) of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 3,360,000 Tickets</i>
\$5	\$5	1:9.23	364,000
\$7	\$7	1:28.57	117,600
\$10	\$10	1:150	22,400
\$5 (w/21)	\$10	1:100	33,600
\$2 x 5	\$10	1:37.50	89,600
\$5 x 2	\$10	1:150	22,400
\$12	\$12	1:600	5,600
\$10 + \$2	\$12	1:600	5,600
\$5 x 2 + \$2	\$12	1:600	5,600
\$7 + \$5	\$12	1:600	5,600
\$14	\$14	1:200	16,800
\$7 x 2	\$14	1:200	16,800
\$7 (w/21)	\$14	1:150	22,400
\$21	\$21	1:150	22,400
\$7 x 3	\$21	1:150	22,400
\$7 (w/21) + \$7	\$21	1:33.33	100,800
\$14 + \$7	\$21	1:150	22,400
\$52	\$52	1:315.79	10,640
\$5 x 8 + \$12	\$52	1:363.64	9,240
\$14 x 3 + \$5 x 2	\$52	1:363.64	9,240
\$21 x 2 + \$5 x 2	\$52	1:363.64	9,240
\$21 (w/21) + \$10	\$52	1:300	11,200
\$210	\$210	1:20,000	168
\$21 x 10	\$210	1:20,000	168
\$52,000	\$52,000	1:840,000	4

(w/21) = Double the prize

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania High Stakes instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania High Stakes, prize money from winning Pennsylvania High Stakes instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania High Stakes instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania High Stakes or through normal communications methods.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 03-837. Filed for public inspection May 2, 2003, 9:00 a.m.]

### Pennsylvania Sunny Money Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Sunny Money.

2. *Price:* The price of a Pennsylvania Sunny Money instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Sunny Money instant lottery game ticket will contain one play area featuring a “Winning Number” area and a “Your Numbers” area. The play symbols and their captions located in the “Winning Number” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE) and 10 (TEN). The play symbols and their captions located in the “Your Numbers” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN) and a Sunglasses Symbol (SNGLASS).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the five “Prize” areas are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15\$ (FIFTN), \$25\$ (TWY FIV), \$50\$ (FIFTY) and \$500 (FIV HUN).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$5, \$10, \$15, \$25, \$50 and \$500. A player can win up to five times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 14,400,000 tickets will be printed for the Pennsylvania Sunny Money instant lottery game.

#### 7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the “Your Numbers” play symbols matches the “Winning Number” play symbol and a prize play symbol of \$500 (FIV HUN) appears in the “Prize” area under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(b) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Sunglasses Symbol (SNGLASS), and a prize play symbol of \$500 (FIV HUN) appears in the “Prize” area under the Sunglasses Symbol (SNGLASS) on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets upon which any one of the “Your Numbers” play symbols matches the “Winning Number” play symbol and a prize play symbol of \$50\$ (FIFTY) appears in the “Prize” area under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(d) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Sunglasses Symbol (SNGLASS), and a prize play symbol of \$50\$ (FIFTY) appears in the “Prize” area under the Sunglasses Symbol (SNGLASS) on a single ticket, shall be entitled to a prize of \$50.

(e) Holders of tickets upon which any one of the “Your Numbers” play symbols matches the “Winning Number” play symbol and a prize play symbol of \$25\$ (TWY FIV) appears in the “Prize” area under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$25.

(f) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Sunglasses Symbol (SNGLASS), and a prize play symbol of \$25\$ (TWY FIV) appears in the “Prize” area under the Sunglasses Symbol (SNGLASS) on a single ticket, shall be entitled to a prize of \$25.

(g) Holders of tickets upon which any one of the “Your Numbers” play symbols matches the “Winning Number” play symbol and a prize play symbol of \$15\$ (FIFTN) appears in the “Prize” area under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(h) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Sunglasses Symbol (SNGLASS), and a prize play symbol of \$15\$ (FIFTN) appears in the “Prize” area under the Sunglasses Symbol (SNGLASS) on a single ticket, shall be entitled to a prize of \$15.

(i) Holders of tickets upon which any one of the “Your Numbers” play symbols matches the “Winning Number” play symbol and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appears in the “Prize” area under the matching “Your Numbers” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets upon which any one of the “Your Numbers” play symbols is a Sunglasses Symbol (SNGLASS), and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appears in the “Prize” area under the Sunglasses Symbol (SNGLASS) on a single ticket, shall be entitled to a prize of \$10.



(k) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Winning Number" play symbol and a prize play symbol of \$5<sup>.00</sup> (FIV DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(l) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Sunglasses Symbol (SUNGLASS), and a prize play symbol of \$5<sup>.00</sup> (FIV DOL) appears in the "Prize" area under the Sunglasses Symbol (SUNGLASS) on a single ticket, shall be entitled to a prize of \$5.

(m) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Winning Number" play symbol and a prize play symbol of \$3<sup>.00</sup> (THR DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(n) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Sunglasses Symbol (SUNGLASS), and a prize play symbol of \$3<sup>.00</sup> (THR DOL) appears in the "Prize" area under the Sunglasses Symbol (SUNGLASS) on a single ticket, shall be entitled to a prize of \$3.

(o) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Winning Number"

play symbol and a prize play symbol of \$2<sup>.00</sup> (TWO DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(p) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Sunglasses Symbol (SUNGLASS), and a prize play symbol of \$2<sup>.00</sup> (TWO DOL) appears in the "Prize" area under the Sunglasses Symbol (SUNGLASS) on a single ticket, shall be entitled to a prize of \$2.

(q) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Winning Number" play symbol and a prize play symbol of \$1<sup>.00</sup> (ONE DOL) appears in the "Prize" area under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1.

(r) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Sunglasses Symbol (SUNGLASS), and a prize play symbol of \$1<sup>.00</sup> (ONE DOL) appears in the "Prize" area under the Sunglasses Symbol (SUNGLASS) on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

*When Any of Your Numbers Match The Winning Number, Win With Prize(s) of:*

<i>When Any of Your Numbers Match The Winning Number, Win With Prize(s) of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 14,400,000 Tickets</i>
\$1 (SUNGLASSES)	\$1	1:15.79	912,000
\$1	\$1	1:16.67	864,000
\$1 x 2	\$2	1:37.50	384,000
\$2 (SUNGLASSES)	\$2	1:75	192,000
\$2	\$2	1:75	192,000
\$1 x 3	\$3	1:600	24,000
\$1 + \$2	\$3	1:600	24,000
\$3 (SUNGLASSES)	\$3	1:600	24,000
\$3	\$3	1:600	24,000
\$1 x 5	\$5	1:300	48,000
\$2 + \$3	\$5	1:600	24,000
\$5 (SUNGLASSES)	\$5	1:300	48,000
\$5	\$5	1:600	24,000
\$2 x 5	\$10	1:300	48,000
\$5 x 2	\$10	1:300	48,000
\$10 (SUNGLASSES)	\$10	1:150	96,000
\$10	\$10	1:150	96,000
\$3 x 5	\$15	1:3,000	4,800
\$5 x 3	\$15	1:3,000	4,800
\$10 + \$5	\$15	1:3,000	4,800
\$15 (SUNGLASSES)	\$15	1:3,000	4,800
\$15	\$15	1:3,000	4,800
\$5 x 5	\$25	1:3,000	4,800
\$25 (SUNGLASSES)	\$25	1:3,000	4,800
\$25	\$25	1:3,000	4,800
\$10 x 5	\$50	1:120,000	120
\$50 (SUNGLASSES)	\$50	1:120,000	120
\$50	\$50	1:120,000	120
\$500 (SUNGLASSES)	\$500	1:205,714	70
\$500	\$500	1:205,714	70

(SUNGLASSES) = win prize automatically

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Sunny Money instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Sunny Money, prize money from winning Pennsylvania Sunny Money instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Sunny Money instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Sunny Money or through normal communications methods.

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 03-838. Filed for public inspection May 2, 2003, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Meetings Scheduled

The Health Care Cost Containment Council (Council) has scheduled the following meetings: Wednesday, May 7,

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
43-9	Public School Employees' Retirement Board Optional Alternate Retirement Plans (33 Pa.B. 882 (February 15, 2003))	3/17/03	4/17/03
31-2	State Employees' Retirement Board Optional Alternate Retirement Plans (33 Pa.B. 892 (February 15, 2003))	3/17/03	4/17/03
50-118	Pennsylvania Securities Commission Banking and Savings and Loan Institutions (33 Pa.B. 884 (February 15, 2003))	3/17/03	4/17/03

2003, Data Systems Committee Meeting—10 a.m., Education Committee Meeting—1 p.m.; Thursday, May 8, 2003, Council Meeting—10 a.m. The meetings will be held in the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons who need accommodation due to a disability who wish to attend the meetings should contact Cherie Elias, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

MARC P. VOLAVKA,  
*Executive Director*

[Pa.B. Doc. No. 03-839. Filed for public inspection May 2, 2003, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(d) of the Regulatory Review Act (71 P. S. § 745.5 (d)) provides that the designated standing Committees may issue comments within 20 days of the close of the public comment period and the Commission may issue comments within 10 days of the close of the Committee comment period. The Commission comments are based upon the criteria contained in section 5.1(h) and (i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

**Public School Employees' Retirement Board  
Regulation No. 43-9**

**Optional Alternate Retirement Plans**

**April 17, 2003**

We submit for consideration comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which have not been met. The Public School Employees' Retirement Board must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

**Section 215.36. Optional alternate retirement programs.—Clarity.**

We have identified the following sentences or phrases which could be deleted or reformatted to improve clarity:

- The last sentence in subsection (a) appears to be unnecessary and could be deleted.
- The phrase "as otherwise provided by law," which appears at the end of the last sentence in proposed subsection (a)(1), is unnecessary and should be deleted.
- In proposed subsection (a)(2), the second sentence which begins with the phrase "When an employee later is employed in a capacity . . ." is long and confusing. Clarity would be improved by breaking the sentence into subparagraphs consistent with the guidelines in Chapter 2 of the *Pennsylvania Code and Bulletin Style Manual*.

**State Employees' Retirement Board  
Regulation No. 31-2**

**Optional Alternate Retirement Plans**

**April 17, 2003**

We submit for consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which have not been met. The State Employees' Retirement Board must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

**Section 249.58. Optional alternate retirement program.—Clarity.**

We have identified the following sentences or phrases which could be deleted or reformatted to improve clarity:

- The last sentence in the opening paragraph of this section appears to be unnecessary and could be deleted.
- In the last sentence in proposed paragraph (1), the phrases "as aforesaid" and "as provided by law" are unnecessary and should be deleted. Also, the phrase "he shall have" should be changed to "they have."
- In proposed paragraph (2), the second sentence which begins with the phrase "If the employee later becomes employed by the Commonwealth in a capacity . . ." is long and confusing. Clarity would be improved by breaking the sentence into subpara-

graphs consistent with the guidelines in Chapter 2 of the *Pennsylvania Code and Bulletin Style Manual*.

**Pennsylvania Securities Commission Regulation  
No. 50-118**

**Banking and Savings and Loan Institutions**

**April 17, 2003**

We submit for consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which have not been met. The Pennsylvania Securities Commission (PSC) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

**1. Section 102.041. Bank holding companies; banks in organization.—Clarity and lack of ambiguity**

Subsection (b)(2) includes the following: "Whether an entity is a 'bank' or 'bank-in-organization' *should* be determined in accordance with the interpretation of the primary regulatory authority responsible for administration of the banking laws . . ." (emphasis added) The term "should" is nonregulatory language and indicates that this provision is optional. Regulations establish binding norms of general applicability and future effect. The PSC could clarify this subsection by replacing the word "should" with the word "shall."

**2. Section 102.112. SEPs, IRAs and KEOUGHS as institutional investors.—Clarity and lack of ambiguity.**

Paragraph (2) includes the phrase "a person knowledgeable and experienced in financial and business matters." This phrase is ambiguous. The PSC should clarify this paragraph by listing acceptable credentials a person must possess to be considered knowledgeable and experienced in financial and business matters.

**3. Section 202.030. Commercial paper.—Clarity and lack of ambiguity.**

Subsection (b) states that "prime quality" means that the commercial paper has been rated in one of the top three rating categories by a Nationally recognized statistical rating organization. How will it be determined if a statistical rating organization is nationally recognized? It is our understanding that the Securities and Exchange Commission (SEC) designates statistical ratings organizations as Nationally recognized. To improve clarity, we recommend that the final-form regulation either list the specific statistical rating organizations or reference statistical rating organizations that are approved by the SEC.

**4. Section 203.161. Debt securities of nonprofit organizations.—Clarity and lack of ambiguity.**

Subsection (b) includes the following: "In preparing an offering document to meet the requirements of this section, the Commission *suggests* that issuers include information that is elicited by Part VII of the Statement of Policy regarding Church Bonds adopted April 14, 2002, by the North American Securities Administrators Association, Inc. and any successor policy thereto ("NASAA Guidelines") and in the format *suggested* therein." (Emphasis added.) The terms "suggests" and "suggested" are not binding regulatory language. The PSC should clarify this provision by either making the inclusion of the information a requirement or by deleting the suggestion.

**5. Section 305.011. Supervision of agents, investment adviser representatives and employees.— Clarity and lack of ambiguity.**

Subsection (c)(10) includes the following: "The obligation of diligent supervision required by this section *may require* that one or more locations of a broker-dealer or investment adviser in this Commonwealth receive more inspections or be on a periodic inspection cycle different than other locations of the broker-dealer or investment adviser in the Commonwealth and that inspections be unannounced." (Emphasis added.) Under what circumstances would more frequent inspections be required?

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 03-840. Filed for public inspection May 2, 2003, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). To obtain a copy of the regulation, contact the promulgating agency.

*Final-Omit*

16A-7012	State Board of Certified Real Estate Appraisers Continuing Education for Appraisers and Broker/ Appraisers	4/21/03
100-16	Pennsylvania Health Care Cost Containment Council Uniform Claims and Billing Form Manual, Severity Methodology	4/22/03

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 03-841. Filed for public inspection May 2, 2003, 9:00 a.m.]

## INSURANCE DEPARTMENT

**Agency Contract Termination of Advantage One Insurance & Financial Services, Inc. under Act 143; Shelby/Vesta Insurance Companies; Doc. No. AT03-04-035**

A pre-review telephone conference initiated by this office is scheduled for May 28, 2003, at 10:30 a.m. Each party shall provide the Hearings Administrator with a telephone number to be used for the telephone conference on or before May 1, 2003. A review shall occur on June 24, 2003, at 1 p.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. At the pre-review conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the review, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

On or before May 21, 2003, each party shall file with the Administrative Hearings Office a pre-review 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.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 12, 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 June 19, 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. 03-842. Filed for public inspection May 2, 2003, 9:00 a.m.]

**Application for Domestic Certificate of Authority**

Professional Casualty Association has applied for a Certificate of Authority to operate as a domestic insurance reciprocal exchange in this Commonwealth. The filing was made under the requirements in The Insurance Company Law of 1921 (40 P. S. §§ 341—999). Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, [rbrackbill@state.pa.us](mailto:rbrackbill@state.pa.us).

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-843. Filed for public inspection May 2, 2003, 9:00 a.m.]

**David R. Cunningham; Hearing**

**Appeal of David R. Cunningham under the Motor Vehicle Financial Responsibility Law; Catastrophic Loss Benefits Continuation Fund; Doc. No. CF03-04-034**

A telephone prehearing conference initiated by this office shall be conducted on June 12, 2003, at 2 p.m. The hearing shall occur on July 9, 2003, at 1:30 p.m. in Room 200, Administrative Hearing 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.

On or before May 29, 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. Any 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.

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 on or before June 26, 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 July 3, 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. 03-844. Filed for public inspection May 2, 2003, 9:00 a.m.]

### Roman and Janet Gutman; Hearing

#### Order to Show Cause; Doc. No. SC01-03-036

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 conference is scheduled for June 3, 2003, at 1 p.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street,

Harrisburg, PA. A hearing shall occur on June 17, 2003, at 10:30 a.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA.

On or before May 20, 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. Any 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.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 6, 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 June 13, 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. 03-845. Filed for public inspection May 2, 2003, 9:00 a.m.]

### David Kaufmann, M.D.; Prehearing

#### Appeal of David Kaufmann, M.D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM03-04-017

On or before May 29, 2003, the appellant shall file a concise statement setting forth the factual and/or legal basis for his disagreement with MCARE's March 6, 2003, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages.

A prehearing telephone conference initiated by this office is scheduled for June 5, 2003, at 1:30 p.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before April 30, 2003. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 21, 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 May 28, 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. 03-846. Filed for public inspection May 2, 2003, 9:00 a.m.]

### **Mercy Hospital (CHP Liability Self Insurance Trust); Prehearing**

#### **Appeal of Mercy Hospital (CHP Liability Self Insurance Trust) under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM03-04-015**

On or before May 27, 2003, the appellant shall file a concise statement setting forth the factual and/or legal basis for a disagreement with MCARE's February 28, 2003, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages.

A prehearing telephone conference initiated by this office is scheduled for June 3, 2003, at 9:30 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before April 30, 2003. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 16, 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 May 23, 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. 03-847. Filed for public inspection May 2, 2003, 9:00 a.m.]

### **Howard Pindell; Hearing**

#### **Order to Show Cause; Doc. No. SC03-02-011**

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).

On or before April 25, 2003, Howard Pindell shall file a further answer to the Order to Show Cause, specifically admitting or denying facts in each numbered paragraph together with explanation of each answer, if appropriate. Failure to specifically deny any fact will result in that fact being deemed admitted for the purpose of these proceedings. A prehearing conference is scheduled for May 29, 2003, at 10 a.m. in Room 200, Administrative

Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA. A hearing shall occur on June 18, 2003, at 1:30 p.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA.

On or before May 14, 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. Any 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.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 4, 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 June 11, 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. 03-848. Filed for public inspection May 2, 2003, 9:00 a.m.]

### **Review Procedure Hearings; Cancellation or Refusal of Insurance**

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

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

Appeal of Robert F. Meyer; file no. 03-265-01327; State Farm Insurance Company; doc. no. PH03-04-030; June 10, 2003, 11:30 a.m.

Appeal of Gloria Allen-Edwards; file no. 03-267-00966; American Independent Insurance Company; doc. no. PH03-04-023; June 10, 2003, 1:30 p.m.

Appeal of Michael J. Tabas; file no. 03-210-01029; Progressive Northern Insurance Company; doc. no. PH03-04-025; June 11, 2003, 9 a.m.

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

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-849. Filed for public inspection May 2, 2003, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

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

Appeal of State Farm Insurance Company; file no. 03-215-01108; Tammy L. Devine; doc. no. PH03-04-024; June 10, 2003, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, wit-

nesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-850. Filed for public inspection May 2, 2003, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insureds' policy. The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Frank X. and Patricia L. Hoban; file no. 03-188-03191; West American Insurance Company; doc. no. P03-04-038; May 29, 2003, 1:30 p.m.

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

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Com-

missioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-851. Filed for public inspection May 2, 2003, 9:00 a.m.]

### St. Francis Health System; Hearing

#### **Appeal of St. Francis Health System under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM03-04-013**

On or before May 15, 2003, the appellant shall file a concise statement setting forth the factual and/or legal basis for a disagreement with MCARE's February 14, 2003, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages.

A prehearing telephone conference initiated by this office is scheduled for June 5, 2003, at 10:30 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before April 30, 2003.

A hearing shall occur on June 19, 2003, at 1 p.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA.

On or before May 22, 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. Any 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.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 22, 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 May 29, 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. 03-852. Filed for public inspection May 2, 2003, 9:00 a.m.]

## PATIENT SAFETY AUTHORITY

### Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.303), enacted on March 20, 2002, announces a meeting of the Authority's 11 member board to be held in Hearing Room 3, North Office Building, Commonwealth and North Streets, Harrisburg at 5 p.m. on Wednesday, May 7, 2003.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority, (717) 346-0469.

ALAN B.K. RABINOWITZ,  
*Administrator*

[Pa.B. Doc. No. 03-853. Filed for public inspection May 2, 2003, 9:00 a.m.]

## PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Clean Water State Revolving Fund; Federal FY 2002 and 2003 Project Priority List

The Pennsylvania Infrastructure Investment Authority (PENNVEST) and the Department of Environmental Protection (Department) have amended the combined Federal fiscal year (FY) 2002/2003 Clean Water State Revolving Fund (CWSRF) Project Priority List (List) of municipal sewage construction projects.

The FY 2002/2003 List was prepared in conformance with the requirements of Title II and Title VI of the Water Quality Act and Federal guidance and was previously approved by the Environmental Protection Agency (EPA). The projects included on the List have a project priority rating established under the Department's EPA approved 25 Pa. Code Chapter 103 (relating to financial assistance) project priority rating system. The Clean Water Act stipulates that states must maintain a list of municipal sewage projects from which to develop the annual CWSRF Intended Use Plan (IUP) list of projects to be funded.



The projects added to the List will not replace any project currently on the approved FY 2002/2003 List. Projects were placed in the appropriate ranking slot in relation to other rated and ranked projects on the List. The rank order standing of projects on the List does not dictate the order in which projects are chosen for funding in the CWSRF program. A project may be selected from any numerical rank position on the List for funding. A project's readiness to proceed and the reasonable availability of alternative sources of funds have a bearing on project selection for funding in the program.

Some projects added to the FY 2002/2003 List are expected to proceed to construction in the near future, and others are being added as potential projects for future construction loan consideration. The projects expected to be ready for loan funding in the near future have submitted applications for funding and may be placed on an IUP to: (1) replace projects that have not proceeded timely toward initiation of project construction and/or; (2) to fill funding gaps that have developed as a result of cost savings. Projects removed from an IUP will remain on the List and be considered for CWSRF loan funds in the future.

Projects are being removed from the FY 2002/2003 List because they have received CWSRF funding and are now either in some stage of construction or have been completed.

Interested persons are invited to express their views on the priority rating or ranking of projects on the revised FY 2002/2003 List. Persons who wish to offer comments should submit them in writing to 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, amaisano@state.pa.us.

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

A copy of the amended FY 2002/2003 List that shows all municipal sewage projects in priority and ranked order is available for public review in the following offices and is accessible electronically through the Department's website at [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

PENNVEST  
22 S. Third Street, 4th Floor, Keystone Building  
Harrisburg, PA 17101  
(717) 787-8137

KATHLEEN A. MCGINTY,  
*Acting Secretary*  
*Department of Environmental Protection*  
*Acting Vice Chairperson*  
*Pennsylvania Infrastructure Investment Authority*  
PAUL K. MARCHETTI,  
*Executive Director*  
*Pennsylvania Infrastructure Investment Authority*

[Pa.B. Doc. No. 03-854. Filed for public inspection May 2, 2003, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Fuel Cost Recovery Surcharge

Public Meeting held  
April 17, 2003

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice Chairperson; Aaron Wilson, Jr.;  
Terrance J. Fitzpatrick; Kim Pizzingrilli

*Creation of Fuel Cost Recovery Surcharge Special  
Permission 28207*

#### Order

*By the Commission:*

Tristate Household Goods Tariff Conference, Inc., (Tristate) a tariff publishing agency, represents approximately 275 PUC household goods carriers. See 52 Pa. Code § 23.121. On February 11, 2003, Tristate filed with the Commission a request to change the current rates for its membership in order to implement a Fuel Cost Recovery Surcharge as a result of increasing fuel costs incurred by its members. Tristate seeks permission to temporarily increase, for a period of 1 year, the rates applicable to moves over 40 miles (weight and distance)

and to moves that are 40 miles or less (hourly) by the use of the proposed Fuel Cost Recovery Surcharge.

In support of its proposed surcharge, Tristate has submitted data from its members establishing that fuel prices have increased an average 44% per gallon from March 2002. Diesel prices have risen from \$1.355 in March of 2002, to a current \$1.949 in March of 2003, as reported by Diesel Prices Weekly and the Federal Energy Information Administration. In addition, the Federal Department of Transportation has responded to escalating fuel costs for interstate household goods carriers by approving a fuel surcharge on a sliding scale. The Federal fuel surcharge became effective May 15, 2000, and continues in effect.

Tristate proposes a multifaceted formula for calculating the fuel cost recovery surcharge. The formula attempts to approximate the amount of fuel used on a particular trip and multiplies that amount by the increased cost of fuel, allowing the carrier to recover only the additional fuel charges incurred. The formula includes the following constant factors: (1) base price per gallon of fuel<sup>1</sup>; (2) average vehicle fuel consumption of 5 miles per gallon; and (3) a terminal factor which allows the carrier to recover the additional cost of fuel used in traveling to and from the carrier's terminal to the origin point of the move. The formula also includes one variable factor, the current month's diesel fuel price.<sup>2</sup>

Moves of 40 miles or less will be divided into four categories according to average mileage: 5 mile average for trips ranging from 1 to 10 miles, 15 mile average for trips ranging from 10 to 20 miles, 25 mile average for trips ranging from 20 to 30 miles and 35 mile average for trips ranging from 30 to 40 miles. An example calculation for an 8 mile move is as follows<sup>3</sup>:

Origin of move to destination	= 5 miles average
Terminal factor	= 40 miles
Total miles	= 45 miles
Average miles per gallon	= 5
Fuel used	= 9 gallons
DOE current Fuel Price as of 3/17/03	= \$1.949
Base fuel Price	= \$1.267
Fuel price difference	= \$ .682
Gallons × Fuel price difference	= 9 × .682 = \$6.14

Moves of more than 40 miles will be calculated using actual mileage from the move's origin to destination and return. An example calculation for a 100 mile move is as follows:

Origin of move to destination	= 100 miles
Empty Return (dest. to origin)	= 100 miles
Terminal factor	= 40 miles
Total miles	= 240 miles
Average miles per gallon	= 5
Fuel used	= 48 gallons
DOE current Fuel Price as of 3/17/03	= \$1.949
Base fuel Price	= \$1.267
Fuel price difference	= \$ .682
Gallons × Fuel price difference	= 48 × .682 = \$32.75

Under 66 Pa.C.S. § 1301, the Commission is required to ensure that all rates charged by a public utility are

<sup>1</sup> The proposed base price is \$1.267, which was the price of a gallon of diesel fuel according to the Department of Energy report of Retail On-Highway Diesel Prices for the Central Atlantic Region as of February 15, 2002. Tristate proposes this as a base price since fuel prices have steadily increased from that date.

<sup>2</sup> This figure is determined by the Department of Energy's report of Retail On-Highway Diesel Prices for the Central Atlantic Region. The current month's diesel fuel price will be effective beginning the 15th day of each month through the 14th day of the subsequent month.

<sup>3</sup> All fuel surcharges shall be calculated and provided to the customer as part of the Estimate of Charges.

just and reasonable. In the case of common carriers, the Commission has traditionally examined the operating ratio to determine the propriety of a rate increase. 66 Pa.C.S. § 1311(d); 52 Pa. Code §§ 23.63—23.67. Based on the surcharge formula proposed by Tristate, a household goods carrier is permitted to recoup fuel expenses based on reasonable approximation of its increased fuel costs. By using an indexing system, the surcharge adjusts to rising or falling fuel prices. The methodology also limits the fuel surcharge to the fuel cost component of the overall charge. In this fashion, the increased revenues will approximate each carrier's increased expenses and, as such, will serve to maintain any operating ratios that were deemed reasonable in prior rate filings. While we recognize the approval of the proposed surcharge may unduly benefit those carriers which have recently received rate increases, we are mindful that cost justification across all segments of the industry is not required to implement a fuel surcharge. We also need to bear in mind our obligation to address an industry-wide problem "without creating a chaotic rate structure impossible to manage or police." *Emergency Fuel Surcharge*, 47 Pa.P.U.C. 389, 391 (1974).

Based on our review, it appears that the Fuel Cost Recovery proposal is an appropriate means to address this regulatory problem and that its implementation will result in just and reasonable rates. In order to prevent financial hardship it is imperative that household goods carriers in this Commonwealth be afforded an opportunity to temporarily adjust rates to offset escalating fuel expenditures using the proposed Fuel Cost Recovery Surcharge and, accordingly, we shall allow the proposed surcharge to become effective. *Therefore*,

*It Is Ordered That:*

1. Tristate members rendering service under authority of this Commission shall charge a Fuel Cost Recovery Surcharge on transportation provided for over 40 mile charges and for 40 mile or less hourly charge in accordance with all other tariff rules of this Commission. The Fuel Cost Recovery Surcharge is to become effective immediately.

2. The Fuel Cost Recovery Surcharge shall be in effect for 1 year to April 17, 2004, unless changed, cancelled or extended by the Commission.

3. Copies of this order shall be served by the Secretary to the Office of Consumer Advocate and the Office of Small Business Advocate. The Secretary shall forward this Order to the *Pennsylvania Bulletin* for publication.

4. Each carrier shall post a copy of this Order at its place of business in a conspicuous place. In addition, each carrier shall include the surcharge as a separate line item of the Estimate of Charges provided to prospective shippers.

5. The rates collected pursuant to the Fuel Cost Recovery Surcharge are subject to refund in the event that any formal complaints are filed, within 30 days of the date of publication of this Order, and are successful in challenging the surcharge.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-855. Filed for public inspection May 2, 2003, 9:00 a.m.]

**Railroad  
With Hearing**

**A-00109103. Department of Transportation.** Application of the Department of Transportation for approval of: (1) the alteration of the crossings AAR 870 125 A and AAR 870 127 N by the removal and replacement of the existing structures where Conshohocken Road (SR 3013) crosses at two locations, above grade, the tracks of Upper Merion and Plymouth Railroad located in Plymouth Township, Montgomery County, and the allocation of costs incident thereto; and (2) exemption from the minimum overhead clearance requirement of 52 Pa. Code § 33.121 (relating to overhead clearances).

An initial hearing on this matter will be held on Tuesday, July 8, 2003, at 10 a.m. in an available hearing room, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, 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. 03-856. Filed for public inspection May 2, 2003, 9:00 a.m.]

**Railroad  
With Hearing**

**A-00115728. Department of Transportation.** Application of the Department of Transportation for approval of the alteration of the crossing where SR 3022 crosses above grade (AAR 528 490 G) the tracks of Allegheny and Eastern Railroad, Inc. in Brokenstraw Township, Warren County, and the allocation of costs incident thereto.

An initial hearing on this matter will be held on Friday, June 13, 2003, at 10 a.m. in the 11th Floor Hearing Room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-857. Filed for public inspection May 2, 2003, 9:00 a.m.]

**Telecommunications**

**A-310906F7001. Verizon North Inc. and ACN Communications Services, Inc.** Joint petition of Verizon North Inc. and ACN Communications Services, Inc. for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North Inc. and ACN Communications Services, Inc., by its counsel, filed on April 18, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania

Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and ACN Communications Services, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-858. Filed for public inspection May 2, 2003, 9:00 a.m.]

**Telecommunications**

**A-310557F7001. Verizon North Inc. and Access Point Inc.** Joint petition of Verizon North Inc. and Access Point Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and Access Point Inc., by its counsel, filed on April 17, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and Access Point Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-859. Filed for public inspection May 2, 2003, 9:00 a.m.]

**Telecommunications**

**A-311191F7001. Verizon North Inc. and BullsEye Telecom, Inc.** Joint petition of Verizon North Inc. and BullsEye Telecom, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and BullsEye Telecom, Inc., by its counsel, filed on April 15, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and BullsEye Telecom, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director,  
Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-860. Filed for public inspection May 2, 2003, 9:00 a.m.]

The contact person is Cheryl Walker Davis, Director,  
Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-862. Filed for public inspection May 2, 2003, 9:00 a.m.]

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### Telecommunications

**A-310827F7001. Verizon North Inc. and D-Tel, LLC.** Joint petition of Verizon North Inc. and D-Tel, LLC for approval of amendment no. 1 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and D-Tel, LLC, by its counsel, filed on April 14, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and D-Tel, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director,  
Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-861. Filed for public inspection May 2, 2003, 9:00 a.m.]

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### Telecommunications

**A-310906F7000. Verizon Pennsylvania Inc. and ACN Communications Services, Inc.** Joint petition of Verizon Pennsylvania Inc. and ACN Communications Services, Inc. for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and ACN Communications Services, Inc., by its counsel, filed on April 18, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and ACN Communications Services, Inc. joint petition are on file with the Commission and are available for public inspection.

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### Telecommunications

**A-310824F7000. Verizon Pennsylvania Inc. and DSLnet Communications LLC.** Joint petition of Verizon Pennsylvania Inc. and DSLnet Communications LLC for approval of an amended, extended and restated interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and DSLnet Communications LLC, by its counsel, filed on April 14, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amended, extended and restated interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and DSLnet Communications LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director,  
Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-863. Filed for public inspection May 2, 2003, 9:00 a.m.]

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### Telecommunications

**A-310482F7000. Verizon Pennsylvania Inc. and Metro Teleconnect Companies d/b/a Metro Teleconnect.** Joint petition of Verizon Pennsylvania Inc. and Metro Teleconnect Companies d/b/a Metro Teleconnect for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Metro Teleconnect Companies d/b/a Metro Teleconnect, by its counsel, filed on April 16, 2003, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Metro Teleconnect Companies d/b/a Metro Teleconnect joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director,  
Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-864. Filed for public inspection may 2, 2003, 9:00 a.m.]

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### Telecommunications

**A-310651F7000. Verizon Pennsylvania Inc. and Service Electric Telephone Company.** Joint petition of Verizon Pennsylvania Inc. and Service Electric Telephone Company for approval of amendment no. 1 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Service Electric Telephone Company, by its counsel, filed on April 14, 2003, at the Pennsylvania Public Utility Commission (Commis-

sion), a joint petition for approval of amendment no. 1 to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Service Electric Telephone Company joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director,  
Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-865. Filed for public inspection May 2, 2003, 9:00 a.m.]

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# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

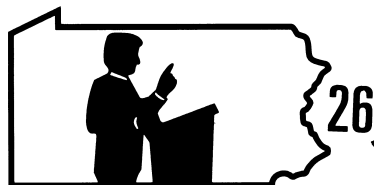
30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
PA Department of Community and Economic Development  
374 Forum Building  
Harrisburg, PA 17120  
800-280-3801 or (717) 783-5700

### Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
Location: Harrisburg, Pa.  
Duration: 12/1/93-12/30/93  
Contact: Procurement Division 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:  
Vendor Services Section  
717-787-2199 or 717-787-4705

### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

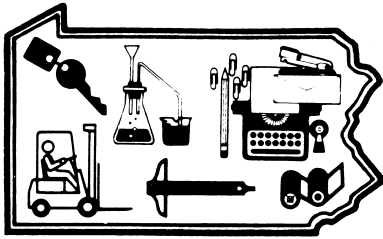
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room G13 Finance Building  
 Harrisburg, PA 17120  
 717-787-2990  
 1-800-252-4700

BARBARA HAFER,  
*State Treasurer*



### Commodities

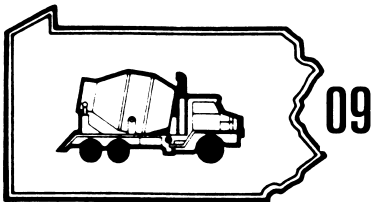
CN 00002633 Furnish Best Brand locks, cylinders, cores, etc.

**Department:** Public Welfare  
**Location:** North Central Secure Treatment Unit, Green Building, 210 Clinic Road, Danville, PA 17821, located on the grounds of the Danville State Hospital.  
**Contact:** Nikki Koser, Purchasing Agent, (717) 789-5508

CN 00002632 Furnish acoustical tiles, tees, wall angle and tension clips.

**Department:** Public Welfare  
**Location:** North Central Secure Treatment Unit, Green Building, 210 Clinic Road, Danville, PA 17821, located on the grounds of the Danville State Hospital.  
**Contact:** Nikki Koser, Purchasing Agent, (717) 789-5508

## SERVICES



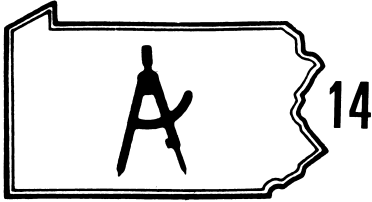
### Construction & Construction Maintenance

63-0204 West Chester University of the State System of Higher Education is soliciting bids for Project 63-0204, Re-Roofing of Ehinger Office Annex and Maintenance Garage. The work under this project consists of removing the existing built-up roof systems and providing a new EPDM roof on each of the two buildings. A site visit is scheduled for May 5, 2003 at 10:00 a.m. at West Chester University, Facilities, Planning and Construction, 201 Carter Drive, Suite 100, West Chester, PA. Prevailing Wages apply. A bid bond and contract bonds will be required. The University encourages responses from MBE/WBE firms. The project is estimated at \$80,000.00. A Bid Package is available from the Construction Procurement Office on or around April 25, 2003. Please fax your request to 610-436-2720.

**Department:** State System of Higher Education  
**Location:** West Chester University, West Chester, PA  
**Duration:** Completion time is within 30 days of the Notice to Proceed for Ehinger Office Annex and within 60 days of the Notice to Proceed for the Maintenance Garage.  
**Contact:** Barb Cooper, Contract Specialist, (610) 436-2706

MI-847 Perimeter Road MI-847 Perimeter Road, Millersville University of PA of the State System of Higher Education invites General Construction and Electrical Construction Contractors to request bid documents for this project. General construction work includes field layout; excavation of soil for walkways, bikeways, curbing and installation of roadway; storm drainage structures and connection to existing system; final grading and seeding; erosion and sediment control. Electrical construction work includes installing light fixtures, poles and concrete bases; modifying existing light fixtures and wiring; connection to installed and relocated light fixtures. Prospective bidders may obtain bidding documents, at no charge, by submitting your request on-line at: [http://muweb.millersville.edu/~purchase/current\\_bid\\_opportunities.html](http://muweb.millersville.edu/~purchase/current_bid_opportunities.html) or by fax 717-871-5622. The University will conduct two prebid/site visits: #1 - 05/06/03 at 10:00 AM, #2 - 05/16/03 at 2:00 PM. Public Bid Opening: 05/30/03 at 10:00 AM. MBE/WBE Participation and Prevailing Wages are applicable. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth of PA and the State System of Higher Education.

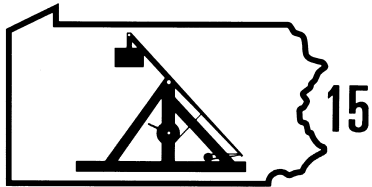
**Department:** State System of Higher Education  
**Location:** Millersville University of PA, Main Campus, Millersville, PA  
**Duration:** 90 calendar days from the date of the Notice to Proceed  
**Contact:** Jill M. Coleman, (717) 872-3730



### 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)

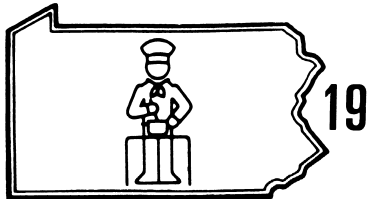


### Environmental Maintenance Service

**OSM 56(2520)105.1** Abandoned Mine Land Reclamation Project, North Central City. The principal items of work include 1,200 c.y. portal backfill. This project issues on May 2, 2003, and bids will be opened May 22, 2003, at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent.

**Department:** Environmental Protection  
**Location:** Shade Township, Somerset County  
**Duration:** 180 calendar days after notice to proceed. An additional 120 days of actual time required will be added if an NPDES permit is applied for and received by the Contractor.

**Contact:** Construction Contracts Section, (717) 783-7994



### Food

**30015974** The successful vendor will be required to provide a non-smoking dining area and meals served in a clean, safe, family atmosphere for a minimum of four and maximum of six persons Thursday through Sunday every week of the calendar year.\* Meals must be served no later than 4:15 PM so that Lottery Officials and Senior Citizen witnesses may depart no later than 5 PM. The restaurant can not be more than 3 miles from the WHP TV Studio located at 3300 N. 6th Street, Harrisburg. Vendor menu must offer a variety of at least six hot entrees/dinners and six sandwich platters on a nightly basis, as well as hot and cold beverages, soups, salads and desserts. Upon request, the vendor must be able to accommodate special dietary restrictions and needs. The cost of each entree may not exceed \$10.00. In the case of inclement weather, vendor must provide take-out meals/beverages. Adequate parking space must be available. \* Bids should clearly reflect any and all days on which service may be unavailable.

**Department:** Revenue  
**Location:** Department of Revenue, Pennsylvania Lottery, 2850 Turnpike Industrial Drive, Middletown, PA 17057  
**Duration:** The contract will be effective from July 1, 2003, through June 30, 2004. The contract may be extended by mutual agreement for additional periods.  
**Contact:** Donna Fry, (717) 986-4772

**30015987** The successful vendor will be required to provide a non-smoking dining area and meals served in a clean, safe, family atmosphere for a minimum of four and maximum of six persons Monday through Wednesday every week of the calendar year.\* Meals must be served no later than 4:15 PM so that Lottery Officials and Senior Citizen witnesses may depart no later than 5 PM. The restaurant can not be more than 3 miles from the WHP TV Studio located at 3300 N. 6th Street, Harrisburg. Vendor menu must offer a variety of at least six hot entrees/dinners and six sandwich platters on a nightly basis, as well as hot and cold beverages, soups, salads and desserts. Upon request, the vendor must be able to accommodate special dietary restrictions and needs. The cost of each entree may not exceed \$10.00. In the case of inclement weather, vendor must provide take-out meals/beverages. Adequate parking space must be available. \* Bids should clearly reflect any and all days on which service may be unavailable.

**Department:** Revenue  
**Location:** Department of Revenue, Pennsylvania Lottery, 2850 Turnpike Industrial Drive, Middletown, PA 17057  
**Duration:** The contract will be effective from July 1, 2003, through June 30, 2004. The contract may be extended by mutual agreement for additional periods.  
**Contact:** Donna Fry, (717) 986-4772

**#8399-A-K** Perishable Food Items as Follows; #8399-A-K: Meat-A, Poultry-B, Miscellaneous Foods-C, Produce-D, Prepared Salads-E, Frozen Fruit and Veg-F, Dairy Products-G, Cheese-H, Fish-I, Frozen Juices-J and Ice Cream and Sherbert-K. 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:** July 1, 2003, through September 30, 2003  
**Contact:** Nannette McCreary, Clerk Typist 3, (814) 472-0290

**CN00002634** Dairy Products.

**Department:** Public Welfare  
**Location:** Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821  
**Duration:** July 1, 2003 - September 30, 2003  
**Contact:** Tina Robbins, (570) 271-4578

**CN00002635** Miscellaneous Foods.

**Department:** Public Welfare  
**Location:** Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821  
**Duration:** July 1, 2003 - September 30, 2003  
**Contact:** Tina Robbins, (570) 271-4578

**#AC 8400-A-L** Perishable Food Items as Follows; #AC 8400-A-L: Meat-A, Poultry-B, Miscellaneous Foods-C, Produce-D, Prepared Salads-E, Frozen Fruit and Veg-F, Dairy Products-G, Cheese-H, Fish-I, Frozen Juices-J and Ice Cream and Sherbert-K and Shell Eggs-L. 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:** Altoona Center (Storeroom), Department of Public Welfare, 1515 Fourth Street, Altoona, PA 16601  
**Duration:** July 1, 2003, through September 30, 2003  
**Contact:** Nannette McCreary, Clerk Typist 3, (814) 472-0290

**#8401** Perishable Food Items as Follows: Bread, Rolls and Doughnuts. 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 West, P.O. Box 600, Ebensburg, PA 15931  
**Duration:** July 1, 2003, through December 31, 2003  
**Contact:** Nannette McCreary, Clerk Typist 3, (814) 472-0290

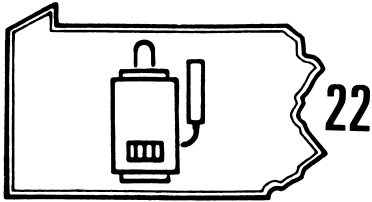
**CN00002637** Poultry.

**Department:** Public Welfare  
**Location:** Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821  
**Duration:** July 1, 2003 - September 30, 2003  
**Contact:** Tina Robbins, (570) 271-4578

**CN00002636** Miscellaneous Meats.

**Department:** Public Welfare  
**Location:** Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821  
**Duration:** July 1, 2003 - September 30, 2003  
**Contact:** Tina Robbins, (570) 271-4578





### HVAC Services

**CN 00002631** Furnish automatic temperature controls for five (5) separate Trane air handling units.

**Department:** Public Welfare  
**Location:** North Central Secure Treatment Unit, Green Building, 210 Clinic Road, Danville, PA 17821, located on the grounds of the Danville State Hospital.  
**Contact:** Nikki Koser, Purchasing Agent, (717) 789-5508

**060043** The Department of Transportation (District 6) is accepting bids for the maintenance and repair of existing lighting and electrical facilities at the PA Department of Transportation's Salt Stockpile facilities in Bucks, Chester, Delaware, Montgomery and Philadelphia Counties. Interested Hospital Vendors may obtain bidding packages by faxing your company name, address, and phone/ fax numbers to Louis J. Porrini, Highway Maintenance Manager, at 610-205-6909, or E-mail your name, address and phone/fax numbers to Louis J. Porrini at lporrini@state.pa.us. A Pre-Bid Conference is scheduled to be held in the District Office located at 7000 Geerdes Blvd., Maintenance Unit, 4th Floor, King of Prussia, PA 19406-1525 on May 14, 2003, at 10:00 a.m. The bids will be opened in the District Office on May 21, 2003.

**Department:** Transportation  
**Location:** County Maintenance Stockpile locations in Bucks, Chester, Delaware, Montgomery and Philadelphia Counties.  
**Duration:** Two (2) years with an option to renew.  
**Contact:** Louis J. Porrini, Highway Maintenance Manager, (610) 205-6703

**30872001** Control/Metering equipment maintenance (maintain, calibrate, adjust, repair and/or replace components of the Boiler Plant Control System). Site visit required.

**Department:** Public Welfare  
**Location:** Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821  
**Duration:** Anticipated to begin 7/1/03 - 6/30/06  
**Contact:** Doris Cavallini, (570) 271-4579

**CN 00002650** Furnish and Install Automatic Temperature Controls manufactured by Honeywell Controls Inc. Controlling devices and software must be compatible with existing systems Honeywell Systems currently in use. Site Visit Required. Installation must be completed before upcoming heating season. Please send a fax with your company name, address, Federal ID Number, telephone and fax numbers and state vendor 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:** May 30 - Dec. 31, 2003.  
**Contact:** Stanley Rygelski, PA, (570) 587-7291



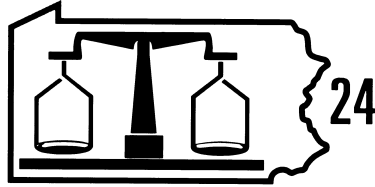
### Janitorial Services

**461482** Walk Off Mat Services. Vendor to furnish, pickup, clean and even exchange every week for the contract period.

**Department:** Transportation  
**Location:** Equipment Division, 17th St. and Arsenal Blvd., Harrisburg, PA 17120  
**Duration:** 5 Year Contract  
**Contact:** Sherri Linen, (717) 787-3959

**010G50** This contract is for the daily cleaning of the PennDOT District 1-0 Office located at 255 Elm Street, Oil City, PA 16301. All requests for bid packages MUST BE received via fax at 814-678-7051, Attn: Amy Judson-Burak.

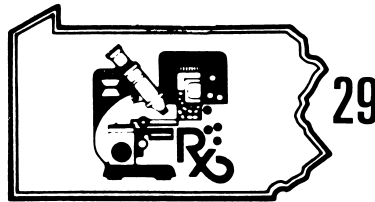
**Department:** Transportation  
**Location:** PennDOT 1-0, 255 Elm Street, Oil City, PA 16301  
**Duration:** One year with two 2-year renewals. Total of 5 years.  
**Contact:** Amy Judson-Burak, (814) 678-7185



### Laboratory Services

**30872006** Laboratory Services.

**Department:** Public Welfare  
**Location:** Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821  
**Duration:** Anticipated to begin 7/1/03 - 6/30/06  
**Contact:** Doris Cavallini, (570) 271-4579



### Medical Services

**30872008** Portable x-rays to patients at Danville State Hospital.

**Department:** Public Welfare  
**Location:** Danville State Hospital, 200 State Hospital Drive, Danville, PA 17821  
**Duration:** Anticipated to begin 7/1/03 - 6/30/05  
**Contact:** Doris Cavallini, (570) 271-4579

[Pa.B. Doc. No. 03-866. Filed for public inspection May 2, 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> |
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DONALD T. CUNNINGHAM, Jr.  
*Secretary*





