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Volume 33 (2003)

Pennsylvania Bulletin  
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# PENNSYLVANIA BULLETIN

Volume 33

Number 20

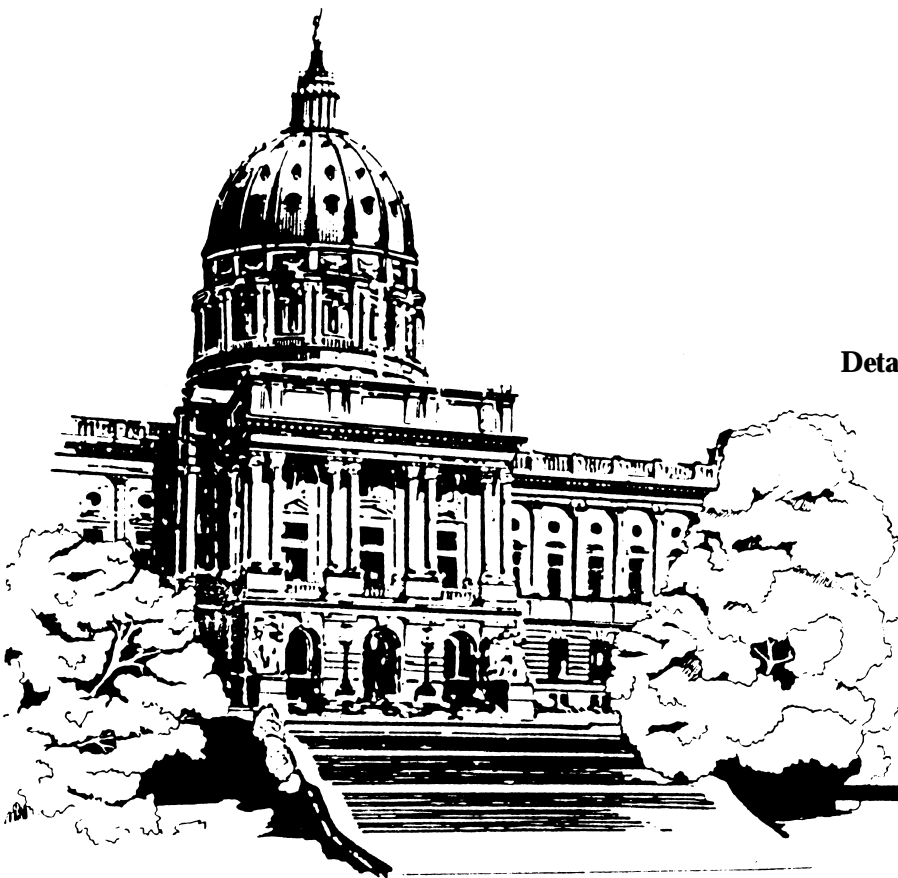
Saturday, May 17, 2003 • Harrisburg, Pa.

Pages 2347—2458

**Agencies in this issue:**

The Courts  
Department of Agriculture  
Department of Banking  
Department of Conservation and Natural  
Resources  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Transportation  
Historical and Museum Commission  
Independent Regulatory Review Commission  
Insurance Department  
Legislative Reference Bureau  
Liquor Control Board  
Milk Marketing Board  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
State Employees' Retirement Board

**Detailed list of contents appears inside.**



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**Latest Pennsylvania Code Reporter  
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**No. 342, May 2003**

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**PENNSYLVANIA**



**BULLETIN**

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 647 Main Capitol Building, State & Third Streets, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Periodicals postage paid at Harrisburg, Pennsylvania.

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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 225—RULES OF EVIDENCE

[225 PA. CODE CH. ART. IV]

### Inadmissibility of Pleas, Plea Discussions and Related Statements

The Committee on Rules of Evidence is planning to recommend that the Supreme Court of Pennsylvania amend Rule of Evidence 410 and approve the revision of the Comment to Rule of Evidence 410.

The Committee proposes this amendment and Comment revision to Rule 410 to provide that the rule applies only to criminal cases except for impeachment of credibility in any proceeding.

The 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 Reports 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 Report.

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

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

Richard L. Kearns  
Staff Counsel  
Supreme Court of Pennsylvania  
Committee on Rules of Evidence  
5035 Ritter Road, Suite 800  
Mechanicsburg, PA 17055

no later than June 30, 2003

By the Committee on Rules of Evidence

CHARLES B. GIBBONS,  
Chair

#### Annex A

#### TITLE 225. RULES OF EVIDENCE

#### ARTICLE IV. RELEVANCY AND ITS LIMITS

#### Rule 410. Inadmissibility of Pleas, Plea Discussions and Related Statements.

(a) *General rule.* Except as otherwise provided in this rule, evidence of the following is not, in any [ **civil or** ] criminal proceeding, admissible against the defendant who made the plea or was a participant in the plea discussions:

\* \* \* \* \*

(3) any statement made in the course of any proceedings under Rules 409, 414, 424, 311, 313, or 590 of the Pennsylvania Rules of Criminal Procedure, Fed.R.Crim.P. 11, or any comparable rule or provision of law of Pennsylvania or any other jurisdiction regarding the pleas identified in subsections (a)(1) and (a)(2) of this rule; or

\* \* \* \* \*

(b) [ *Exception* ] *Exceptions.* [ A statement made in the course of a plea, proceedings or discussions ] This rule does not require the exclusion of a statement identified in subsection (a) [ of this rule is admissible ]:

(1) in any proceeding wherein another statement made in the course of the same plea or plea discussions has been introduced [ **by the defendant** ] and the statement ought in fairness to be considered contemporaneously with it [ , ] ; or

(2) in a criminal proceeding for perjury, false swearing or unsworn falsification to authorities if the statement was made by the defendant, under oath [ , **and in the presence of counsel.** ] ; or

(3) **in any proceeding if offered for the purpose of impeaching credibility.**

#### Comment

[ This rule is similar to F.R.E. 410. References to Rules 409, 414, 424, 311, 313, and 590 of the Pennsylvania Rules of Criminal Procedure and the comparable rules or other provisions of Pennsylvania or other jurisdictions have been added. Unlike the federal rule, subsection (b) of the Pennsylvania rule is set forth separately to indicate that it creates an exception applicable to all of subsection (a). ]

Pa.R.E. 410 reflects present Pennsylvania law. See *Commonwealth v. Jones*, 544 A.2d 54 (1988); *Commonwealth ex rel. Warner v. Warner*, 40 A.2d 886 (Pa. Super. 1945); Pa.R.Crim.P. 311(B), 313(B).

Pa.R.E. 410 does not prohibit the use of a conviction that results from a plea of nolo contendere, as distinct from the plea itself, to impeach in a later proceeding (subject to Pa.R.E. 609) or to establish an element of a charge in a later administrative proceeding. See *Commonwealth v. Snyder*, 182 A.2d 495 (1962) (conviction based on nolo contendere plea could be used to impeach witness in later criminal proceeding); *Eisenberg v. Commonwealth, Dep't. of Public Welfare*, 516 A.2d 333 (Pa. 1986) (conviction based on nolo contendere plea permitted to establish element of charge in administrative proceeding).

In addition, Pa.R.E. 410 does not govern the admissibility of pleas in summary proceedings involving motor vehicle matters, which is addressed in 42 Pa.C.S. § 6142. § 6142 provides:

§ 6142. *Pleas in vehicle matters* ]

This rule differs considerably from F.R.E. 410.

Pa.R.E. 410(a) sets forth the basic rule of exclusion. It is similar to the first sentence of F.R.E. 410, except that the Pennsylvania rule applies only in criminal cases. Citations of applicable Pennsylvania Rules of Criminal Procedure have been added.

The reason for making evidence of plea discussions and related statements inadmissible, despite its relevance, is to encourage plea bargaining in criminal cases. This is necessary to keep the criminal dockets manageable in many counties. Pa.R.E. 410 complements Pa.R.E. 408, which makes evidence of conduct or statements made in compro-

mise negotiations inadmissible, despite its relevance, in order to encourage the settlement of civil disputes.

Pa.R.E. 410(a) does not preclude introduction of evidence of a conviction, as distinguished from a plea. For example, a conviction that is based on a plea of *nolo contendere* may be introduced to impeach the credibility of the person convicted, if the crime involved dishonesty or false statement. See Pa.R.E. 609.

Pa.R.E. 410(b) sets forth three exceptions to the rule of inadmissibility. The first exception is contained in the federal rule. The second exception expands one that is contained in the federal rule. The third exception is not found in the federal rule.

Exception (1) is similar to the federal rule. It is based on concepts of equity and completeness. If a party opens the door by introducing one or more statements that were made during the course of plea bargaining, it is only fair to permit other statements to be introduced to rebut them, or place them in proper context. This exception is consistent with, but broader than, Pa.R.E. 106, which applies only to written and recorded statements.

Exception (2) is broader than the federal rule in that it does not require that a defendant's statement under oath be made in the presence of counsel in order to be admitted in a prosecution for perjury, false swearing, or unsworn falsification to authorities. Under Pennsylvania law, perjury is subject to punishment, whether or not a lawyer is present.

Exception (3) allows a defendant's statement, whether or not under oath, to be offered to impeach credibility, if the defendant testifies inconsistently in subsequent litigation, civil or criminal. The reason for this exception is to discourage the commission of perjury. Although this exception is not contained in the federal rule, the federal courts will enforce an agreement between the prosecution and the defendant to allow any statement that the defendant makes in the plea bargaining process to be used thereafter to impeach the defendant's credibility. See *U.S. v. Mezzanatto*, 513 U.S. 196, 115 S.Ct. 797, 130 L.Ed.2d 697 (1995).

A plea of guilty or *nolo contendere* to a summary offense under The Vehicle Code is made inadmissible in civil cases by statute. 42 Pa.C.S. § 6142 provides:

*Pleas in vehicle matters*

\* \* \* \* \*

**REPORT**

*Proposed Amendment to Rule 410 and revision of Comment*

The Committee is proposing an amendment to Rule 410 and comment revision (Inadmissibility of Pleas, Plea Discussions, and Related Statements).

*I. Introduction*

As part of the continuous monitoring of the Rules of Evidence, the Committee became concerned that a party in any action could testify at odds with testimony in a plea bargain and could not be impeached. Addressing that concern, the Committee is proposing that Rule 410 be amended as follows:

1. The first sentence under (a) be changed to omit the words "civil or."

2. The first sentence in (b) is changed to make clear that the Rule deals with exclusion rather than admissibility of evidence.

3. The words "by the defendant" are deleted from (b)(1).

4. The words "and in the presence of counsel" are deleted from (b)(2).

5. A new paragraph (3) is added to 410(b) dealing with impeachment.

*II. Discussion*

The introductory language in (a) is changed to omit the reference to civil actions. Rule 410 thus applies to criminal cases only except as to impeachment under (b)(3).

The lead in language of Rule 410(b) is changed to be consistent with Rules 403 through 412, all rules of exclusion. Exception (i) has the words "by the defendant" deleted. It should make no difference whether the plea bargain statement is introduced by the defendant or some other party.

Exception (2) has the words "and in the presence of counsel" deleted. Perjury is punishable whether or not committed in front of a lawyer.

Exception (3) is added to discourage perjury so that the statement can be offered to impeach credibility in any proceeding, civil or criminal.

The Comment is completely revised so as to reflect the amendments and to describe the reasoning behind the amendments.

[Pa.B. Doc. No. 03-913. Filed for public inspection May 16, 2003, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [231 PA. CODE CHS. 200 AND 1000]

Amendment of Rules 205.1, 236, 1012 and 1025; No. 388 Civil Procedural Rules; Doc. No. 5

#### Order

*Per Curiam:*

*And Now*, this 29th day of April, 2003, Rules 205.1, 236(a)(2) note, 1012 and 1025 of the Pennsylvania Rules of Civil Procedure are amended to read as follows.

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

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 200. BUSINESS OF COURTS

**Rule 205.1. Filing Legal Papers. Mailing. Personal Presentation by Attorney Not Necessary.**

Any legal paper not requiring the signature of, or action by, a judge prior to filing may be delivered or

mailed to the prothonotary, sheriff or other appropriate officer accompanied by the filing fee, if any. Neither the party nor the party's attorney need appear personally and present such paper to the officer. The signature of an attorney on a paper constitutes a certification of authorization to file it. The endorsement of an address [ **within the Commonwealth** ] where papers may be served in the manner provided by Rule 440(a) shall constitute a sufficient registration of address. The notation on the paper of the attorney's current [ **certificate** ] **Supreme Court identification** number issued by the Court Administrator of Pennsylvania shall constitute proof of the right to practice in the [ **county** ] **Commonwealth**. A paper sent by mail shall not be deemed filed until received by the appropriate officer.

**Official Note:** The address endorsed on the legal paper must be one where the paper may be handed to or mailed to the attorney. See Rule 440(a)(1).

The filing of legal documents prepared on recycled paper of good quality is encouraged.

**Rule 236. Notice by Prothonotary of Entry of Order, Decree or Judgment.**

(a) The prothonotary shall immediately give written notice of the entry of

\* \* \* \* \*

(2) any other order, decree or judgment to each party's attorney of record or, if unrepresented, to each party. The notice shall include a copy of the order, decree or judgment.

**Official Note:** See Rules 1012 and 1025 as to the requirement of an address [ **within the Commonwealth** ] on an appearance and a pleading.

\* \* \* \* \*

**CHAPTER 1000. ACTIONS AT LAW**

**Subchapter A. CIVIL ACTION**

**VENUE AND PROCESS**

**Rule 1012. Entry of Appearance. Withdrawal of Appearance. Notice.**

(a) A party may enter a written appearance which shall state an address [ **within the Commonwealth** ] at which **pleadings and other legal papers** may be served in the manner provided by Rule 440(a)(1) and a telephone number. The appearance may also include a telephone facsimile number as provided in Rule 440(d). Such appearance shall not constitute a waiver of the right to raise any defense including questions of jurisdiction or venue. Written notice of entry of an appearance shall be given forthwith to all parties.

**Official Note:** Entry of a written appearance is not mandatory.

The address endorsed on the entry of appearance must be one where the paper may be handed to or mailed to the attorney. See Rule 440(a)(1).

The inclusion of a telephone number for facsimile transmission constitutes an agreement to accept service of pleadings or other legal papers by that means. See Rule 440(d).

[ (b) An attorney's appearance for a party may not be withdrawn without leave of court unless another attorney has entered or simultaneously

enters an appearance for the party and the change of attorneys does not delay any stage of the litigation. ]

(b)(1) Except as provided in paragraph (2), an attorney may not withdraw his or her appearance without leave of court.

(2) An attorney may withdraw his or her appearance without leave of court if another attorney (i) has previously entered or (ii) is simultaneously entering an appearance on behalf of the party, and the change of attorneys does not delay any stage of the litigation.

(c) Leave of court to withdraw an appearance shall be sought by petition pursuant to subdivision (d) or subdivision (e) as may be applicable.

**Official Note:** Copies of the petition shall be served upon all other parties to the action pursuant to Rule 440.

(d)(1) If the whereabouts of the party on whose behalf the appearance was entered are known, the attorney shall

(i) set forth the address of that party in the petition,

(ii) serve notice of the petition on the party in the manner provided by Rule 440,

(iii) file a certificate of service of the notice with the petition, and

(iv) immediately notify the party by ordinary mail of the entry of an order granting leave to withdraw. The notice shall include a copy of the order.

(2) Other parties may use the address of the party set forth in the petition for the purpose of further proceedings in the action.

(e)(1) If the whereabouts of the party on whose behalf the appearance was entered are unknown, the attorney shall

(i) set forth the last known address of that party in the petition,

(ii) serve notice of the petition on the party by mail to the last known address set forth in the petition,

(iii) file a certificate of service of the notice with the petition. The certificate shall set forth with particularity the efforts made to locate the party and to effect service of the notice, and

(iv) shall immediately notify the party by ordinary mail to the last known address or by such other means as the court may direct of the entry of an order granting leave to withdraw. The notice shall include a copy of the order.

(2) Other parties may use the last known address of the party for the purpose of further proceedings in the action.

(f)(1) The entry of appearance under subdivision (a) shall be substantially in the following form:

Caption  
Praeceptum for Entry of Appearance  
To the Prothonotary:

Enter my appearance on behalf of

(Plaintiff/Defendant/Additional Defendant)

Papers may be served at the address set forth below.

Attorney for Party Named Above and Identification Number

Firm

Address

City, State, Zip Code

Telephone Number

Fax Number for Service of Papers (Optional)

Date: Signature

(2) A praecipe for withdrawal of appearance without leave of court pursuant to subdivision (b)(2)(i) shall be substantially in the following form:

Praecipe for Withdrawal of Appearance Without Leave of Court (Rule 1012(b)(2)(i))

To the Prothonotary:

Withdraw my appearance on behalf of

(Plaintiff/Defendant/Additional Defendant)

has entered his/her appearance for the aforementioned party.

I hereby certify that this change is not intended to, nor will it, delay this proceeding to the best of my knowledge, information and belief.

Date: Signature

(3) The substitution of counsel under subdivision (b)(2)(ii) shall be substantially in the following form:

Caption

Substitution of Counsel Without Leave of Court (Rule 1012(b)(2)(ii))

Praecipe for Entry of Appearance

To the Prothonotary:

Enter my appearance on behalf of

(Plaintiff/Defendant/Additional Defendant)

I hereby certify that this change is not intended to, nor will it, delay this proceeding to the best of my knowledge, information and belief.

Papers may be served at the address set forth below.

Attorney for Party Named Above and Identification Number

Firm

Address

City, State, Zip Code

Telephone Number

Fax Number for Service of Papers (Optional)

Date: Signature

Praecipe for Withdrawal of Appearance To the Prothonotary:

Withdraw my appearance on behalf of

(Plaintiff/Defendant/Additional Defendant)

PLEADINGS

Rule 1025. Endorsement.

Every pleading or other legal paper of a party represented by an attorney shall be endorsed with the name of the attorney, and every pleading or other legal paper of a party not represented by an attorney shall be endorsed with the name of the party, together in each case with an address [ within the Commonwealth ] where pleadings and other legal papers may be served in the manner provided by Rule 440(a) and a telephone number. The appearance may state a telephone facsimile number.

Official Note: The address endorsed on the legal paper must be one where the paper may be handed to or mailed to the attorney or party. See Rule 440(a).

The inclusion of a telephone number for facsimile transmission on an appearance or prior legal paper is an agreement to accept service of pleadings or other legal papers by that means. See Rule 440(d)(1).

EXPLANATORY COMMENT

I. Address within the Commonwealth

Three rules previously required pleadings and other legal papers to include an address within the Commonwealth where papers may be served upon a party or the party's attorney: Rule 205.1 governing the filing of legal papers by mail, Rule 1012(a) governing the entry of appearance and Rule 1025 governing the endorsement of pleadings and other legal papers. In addition, the note to Rule 236(a)(2) contained a cross-reference to this requirement in Rules 1012 and 1025. The requirement of "an address within the Commonwealth" which dates from the promulgation of Rules 1012 and 1025 in 1946 has become obsolete in view of modern transportation and communication.

The former requirement is replaced by "an address where papers may be served in the manner provided by Rule 440(a)." This language establishes the requisites for the address where papers may be served upon the attorney or party entering his or her appearance or filing another legal paper. By cross-referencing Rule 440(a), the address must be one where legal papers may be handed to or mailed to the attorney or party. The new language

achieves a consistency between the rules governing the filing and service of legal papers. The amended rules require the inclusion of a telephone number; however, a facsimile transmission number is optional.

**II. Entry of Appearance**

Rule 1012 governs entry and withdrawal of appearance. The revisions to subdivision (a) were described above.

New subdivision (b) consisting of two paragraphs has been substituted in place of the former provision. The new subdivision represents a change in the format of the rule rather than a change in procedure. Subdivision (b)(1) states the general rule that, except as provided by subdivision (b)(2), an attorney may not withdraw his or her appearance without leave of court. New subdivision (b)(2) sets forth the two instances when leave of court is not required for an attorney to withdraw an appearance: (1) another attorney has previously entered an appearance for the party or (2) another attorney simultaneously enters an appearance for the party. The change of attorneys without leave of court in both of these instances is conditioned on the requirement that the change not delay the litigation.

New subdivisions (c), (d) and (e) contain the procedural requirements for withdrawal of appearance when leave of court must be obtained. Subdivision (c) requires that leave of court be sought by petition. The proceedings will then follow subdivision (d) if the whereabouts of the party are known and subdivision (e) if the whereabouts of the party are not known. These provisions emphasize the need to notify the represented party of the proposed withdrawal of appearance by the attorney. When leave has been granted an attorney to withdraw his or her appearance, subdivisions (d)(2) and (e)(2) authorize other parties to use the address of the party set forth in the petition or the last known address, as may be appropriate, for further proceedings in the action.

New subdivision (f) provides three forms. The first form set forth in Subdivision (f)(1) is an entry of appearance. The other two forms are withdrawals of appearance to be used when leave of court is not required. Subdivision (f)(2) contains the form for withdrawal of appearance when the new attorney has already entered an appearance on behalf of the party. Subdivision (f)(3) contains the form for substitution of counsel when appearances are being simultaneously withdrawn and entered.

*By the Civil Procedural Rules Committee*

R. STANTON WETTICK, Jr.,  
*Chair*

[Pa.B. Doc. No. 03-914. Filed for public inspection May 16, 2003, 9:00 a.m.]

**[231 PA. CODE CH. 1300]**

**Promulgation of New Rule 1311.1 Governing Procedure on Appeal from Compulsory Arbitration; No. 389 Civil Procedural Rules; Doc. No. 5**

**Order**

*Per Curiam:*

And Now, this 30th day of April, 2003, the Pennsylvania Rules of Civil Procedure are amended as follows:

- 1. Rule 1311 is amended to read as follows.
- 2. New Rule 1311.1 is promulgated to read as follows.

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

**Annex A**

**TITLE 231. RULES OF CIVIL PROCEDURE**

**PART I. GENERAL**

**CHAPTER 1300. COMPULSORY ARBITRATION**

**Subchapter A. RULES**

Rule 1311. Procedure on Appeal. **Generally.**

(a) The trial shall be de novo.

**Official Note:** [The ] Except as otherwise provided by Rule 1311.1, the provisions of Rule 1305 governing conduct of hearing shall not apply on appeal.

\* \* \* \* \*

**Rule 1311.1. Procedure on Appeal. Admission of Documentary Evidence.**

(a) The plaintiff may stipulate to \$15,000.00 as the maximum amount of damages recoverable upon the trial of an appeal from the award of arbitrators. The stipulation shall be filed and served upon every other party at least thirty days from the date the appeal is first listed for trial.

(b) If the plaintiff has filed and served a stipulation as provided in subdivision (a), any party may offer at trial the documents set forth in Rule 1305(b)(1). The documents offered shall be admitted if the party offering them has provided written notice to every other party of the intention to offer the documents at trial at least twenty days from the date the appeal is first listed for trial. The written notice shall be accompanied by a copy of each document to be offered.

**Official Note:** The deadline for providing notice of the intention to use the procedures of this subdivision may be altered by the court upon cause shown, provided that no party is prejudiced.

The term "plaintiff" includes a defendant who is the plaintiff in a counterclaim.

(c) A document which is received into evidence under subdivision (b) may be used for only those purposes which would be permissible if the person whose testimony is waived by this rule were present and testifying at the hearing. The court shall disregard any portion of a document so received that would be inadmissible if the person whose testimony is waived by this rule were testifying in person.

(d) Any other party may subpoena the person whose testimony is waived by this rule to appear at or serve upon a party a notice to attend the trial and any adverse party may cross-examine the person as to the document as if the person were a witness for the party offering the document. The party issuing the subpoena shall pay the reasonable fees and costs of the person subpoenaed to testify, including a reasonable expert witness fee if applicable.

(e) The stipulation required by subdivision (a) shall be substantially in the following form:

**(Caption)**

**Stipulation to Limitation of Monetary Recovery Pursuant to Rule 1311.1**

To: \_\_\_\_\_  
(Name of Party/Parties)

\_\_\_\_\_, plaintiff, stipulates to \$15,000.00 as the maximum amount of damages recoverable upon the trial of the appeal from the award of arbitrators in the above captioned action.

\_\_\_\_\_  
(Name of Plaintiff)

\_\_\_\_\_  
(Attorney for Plaintiff)

\_\_\_\_\_  
Date

*Official Note:* The term "plaintiff" includes a defendant who is the plaintiff in a counterclaim.

A plaintiff may include in a single document the stipulation and the notice of intent to offer documents.

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

**(Caption)**

**Notice of  
Intent to Offer Documentary Evidence  
Pursuant to Rule 1311.1**

To: \_\_\_\_\_  
(Name of Party/Parties)

\_\_\_\_\_, (Plaintiff, Defendant, Additional Defendant), intends to offer the documents attached hereto at the trial of the appeal from the award of arbitrators, in the manner provided by Rule of Civil Procedure 1311.1. The following documents are attached (list all documents to be offered):

1. \_\_\_\_\_ .
2. \_\_\_\_\_ .

\_\_\_\_\_  
(Name of Party)

\_\_\_\_\_  
(Attorney for Party)

\_\_\_\_\_  
Date

**EXPLANATORY COMMENT**

New Rule 1311.1 introduces a new practice with respect to the admission of documentary evidence at the trial of an appeal from the award of arbitrators in compulsory arbitration. The new rule incorporates the concept of Rule 1305 which permits specified documents to be admitted into evidence at the arbitration hearing upon notice by the party offering the documents to every other party accompanied by a copy of the documents.

The new procedure is limited to cases in which the "plaintiff stipulates to \$15,000.00 as the maximum amount of damages recoverable upon the trial of an appeal from the award of arbitrators." Subdivision (a) authorizes this stipulation and subdivision (f) provides a form of "Stipulation to Limitation of Monetary Recovery Pursuant to Rule 1311.1."

Once the plaintiff has filed and served the stipulation, subdivision (b) of the new rule provides that "any party may offer at trial the documents set forth in Rule 1305(b)(1)." In so providing, subdivision (b) is substantially similar to the introductory language of Rule 1305(b)(1). The admission of the documentary evidence is conditioned upon notice to every other party accompanied by a copy of each document to be offered. Subdivision (g) contains a form of "Notice of Intent to Offer Documentary Evidence Pursuant to Rule 1311.1."

Rule 1311.1 draws upon Rule 1305 in two other respects as well. First, subdivision (c) of the new rule tracks Rule 1305(b)(3) stating the purposes for which the documents admitted into evidence may be used and directing the court to disregard "any portion of a document so received that would be inadmissible if the person whose testimony is waived by this rule were testifying in person." Second, subdivision (d) is substantially similar to Rule 1305(b)(4) governing the right of any other party to subpoena the person whose testimony is waived by the rule. Both subdivisions (c) and (d) vary from their counterparts in Rule 1305 only to accommodate the procedural posture of a trial rather than an arbitration hearing.

Rule 1311 governing the procedure on appeal from the award of arbitrators is amended to conform to the new rule by revising the title to read "Procedure on Appeal. Generally" and by adding to the note a cross-reference to the new rule.

*By the Civil Procedural Rules Committee*

R. STANTON WETTICK, Jr.,  
*Chair*

[Pa.B. Doc. No. 03-915. Filed for public inspection May 16, 2003, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Commerce Case Management Program; Administrative Doc. 02 of 2003

*And Now*, this 29th day of April, 2003, it is hereby *Ordered* and *Decreed* that the following protocols shall apply to all civil cases within the Commerce Case Management Program on or after January 1, 2000:

*Commerce Case Management Program:*

*Procedure for Disposition of Commerce Program Cases  
Filed on and after January 1, 2000*

A Commerce Case Management Program ("Commerce Program") has previously been established within the Trial Division of the Court of Common Pleas (Administrative Docket 01 of 1999 and 01 of 2000).

*A. Organization*

1. *Judges.* Three judges shall be assigned by the Administrative Judge to the Commerce Program. The number of Commerce Program Judges may thereafter be adjusted by the Administrative Judge consistent with the caseload of the Program.

2. *Filings & Listings.* Upon consultation with the Administrative Judge, the Civil Supervising Judge and the Commerce Program Judges, with the goal of ease of access by the Commerce Program Judges and their staff, the parties and the public, the Prothonotary shall establish procedures for maintenance of filings and listings in actions assigned to the Commerce Program.

*B. Assignment of Cases Subject to Commerce Program*

1. *Cases Subject to Commerce Program.* Notwithstanding anything to the contrary in General Court Regulation 95-2 (Day Forward Program) or any other General Court Regulation, Jury, Non-Jury & Equity, and Class Action cases filed on or after January 1, 2000, but not Arbitra-

tion cases, shall be assigned to the Commerce Program if they are among the following types of actions:

1. Actions relating to the internal affairs or governance, dissolution or liquidation, rights or obligations between or among owners (shareholders, partners, members), or liability or indemnity of managers (officers, directors, managers, trustees, or members or partners functioning as managers) of business corporations, partnerships, limited partnerships, limited liability companies or partnerships, professional associations, business trusts, joint ventures or other business enterprises, including but not limited to any actions involving interpretation of the rights or obligations under the organic law (e.g., Pa. Business Corporation Law), articles of incorporation, by-laws or agreements governing such enterprises;

2. Disputes between or among two or more business enterprises relating to transactions, business relationships or contracts between or among the business enterprises. Examples of such transactions, relationships and contracts include:

- (1) Uniform Commercial Code transactions;
- (2) Purchases or sales of businesses or the assets of businesses;
- (3) Sales of goods or services by or to business enterprises;
- (4) Non-consumer bank or brokerage accounts, including loan, deposit cash management and investment accounts;
- (5) Surety bonds;
- (6) Purchases or sales or leases of, or security interests in, commercial, real or personal property; and
- (7) Franchisor/franchisee relationships.

3. Actions relating to trade secret or non-compete agreements;

4. "Business torts," such as claims of unfair competition, or interference with contractual relations or prospective contractual relations;

5. Actions relating to intellectual property disputes;

6. Actions relating to securities, or relating to or arising under the Pennsylvania Securities Act;

7. Derivative actions and class actions based on claims otherwise falling within these ten types, and consumer class actions other than personal injury and products liability claims;

8. Actions relating to corporate trust affairs;

9. Declaratory judgment actions brought by insurers, and coverage dispute and bad faith claims brought by insureds, where the dispute arises from a business or commercial insurance policy, such as a Comprehensive General Liability policy, and;

10. Third-party indemnification claims against insurance companies where the subject insurance policy is a business or commercial policy and where the underlying dispute would otherwise be assigned to the Commerce Program, not including claims where the underlying dispute is principally a personal injury claim.

All of the above types of actions may involve individuals named as parties, in addition to business enterprises, so long as all other criteria are met and the essential nature of the litigation is a business dispute. For example, a dispute over a commercial loan may include

individual guarantors as either plaintiffs or defendants, as the case may be, but such a lawsuit would still be a commercial dispute.

2. *Cases Not Subject to the Commerce Program.* The following types of matters are not to be included in the Commerce Program:

1. Matters subject to Compulsory Arbitration in this Court or to the jurisdiction of the Municipal Court, including any appeals.

2. Personal injury, survival or wrongful death matters.

3. Individual (non-class) consumer claims against businesses or insurers, including products liability and personal injury cases.

4. Matters involving occupational health or safety.

5. Environmental claims not involved in the sale or disposition of a business and other than those addressed in Commerce Program types 9 or 10 above.

6. Matters in eminent domain.

7. Malpractice claims, other than those brought by business enterprises against attorneys, or accountants, architects or other professionals in connection with the rendering of professional services to the business enterprise.

8. Employment law cases, other than those referenced in Commerce Program type 3, above.

9. Administrative agency, tax, zoning and other appeals.

10. Petition Actions in the nature of Change of Name, Mental Health Act Petitions, Petitions to Appoint an Arbitrator, Government Election Matters, Leave to Issue Subpoena, or to Compel Medical Examination.

11. Individual residential real estate and non-commercial landlord-tenant disputes.

12. Domestic relations matters, and actions relating to distribution of marital property, custody or support.

13. Any matter required by statute, including 20 Pa.C.S. Chapter 7, §§ 711 & 713, to be heard in the Orphans' Court or Family Court Division of the Philadelphia Court of Common Pleas, or other matter which has heretofore been within the jurisdiction of the Orphans' Court or Family Court Division of this Court.

14. Any criminal matter other than criminal contempt in connection with a Commerce Program action.

15. Such other matters as the Court shall determine.

3. *Assignments Based on the Civil Cover Sheet.* The Civil Cover Sheet, effective January 1, 2000, shall include a box in which the attorney signing the sheet must certify that the action is, or is not, subject to the Commerce Program. A "Commerce Program Addendum to Civil Cover Sheet," a sample of which is Exhibit "A," is hereby required to be filed with all initial filings (i.e., all filings requiring a Civil Cover Sheet) subject to the Commerce Program, filed on or after January 1, 2000. The attorney shall indicate on the Commerce Program Addendum filed with any filing denoted as a Commerce Program matter, the applicable type or types of action which result in the matter being assigned to the Commerce Program. An attorney's signature on the Civil Cover Sheet shall constitute certification that the matter is or is not subject to the Commerce Program, as indicated on the Civil Cover Sheet and Addendum. A copy of the Civil Cover Sheet, including any Commerce Program Addendum, shall be served with the original process served on all parties.



All actions designated into the Commerce Program pursuant to the Commerce Program Addendum are hereby assigned to the Commerce Program and to the individual calendar of one of the Commerce Program Judges, according to a random procedure established by the Administrative Judge or the designee of the Administrative Judge. This assignment shall be noted on the Docket. All further filings in the matter shall state prominently in the caption and on any cover sheets that the matter is "ASSIGNED TO COMMERCE PROGRAM."

4. *Disputes Arising From the Civil Cover Sheet Designation.* If any party disagrees with the designation or lack of designation of a case into the Commerce Program, that party shall file with Civil Motions Clerk in the Prothonotary's Office, 278 City Hall, to be referred to the Administrative Judge, or the designee of the Administrative Judge, for decision (which shall not be subject to appeal), and serve on all parties a Notice of Management Program Dispute, in form as Exhibit "B" and not exceeding three pages, as soon as practical, and no later than the earliest of (a) the filing by that party of any pleading, motion or response to motion, (b) ten days in advance of a noticed case management conference or (c) thirty days after service of process. A copy of the complaint or filing commencing the litigation, shall be attached to the Notice of Management Program Dispute. Any party opposing the Notice of Management Program Dispute may, but need not, submit a response thereto not exceeding three pages (to Civil Motions Clerk, Room 278 City Hall) within seven days of service of the Notice.

In the event of the service of a Notice of Management Program Dispute, a copy of that Notice shall be attached to and referenced in all motions and responses to motions filed by any party pending the resolution of the management program dispute.

#### C. Commencement of Action

All subject actions shall be commenced as provided in Pa. R.C.P. 1007. Philadelphia Civil Rule \*205.2 shall be followed. As noted above, in all cases, not just those designated into the Commerce Program, a copy of the Civil Cover Sheet, including any Commerce Program Addendum, shall be served with original process served on all parties.

All jury demands shall be perfected in accordance with Pa. R.C.P. 1007.1 and Phila. Civ. R. \*1007.1.

A party seeking emergency relief immediately upon commencing an action subject to the Commerce Program shall follow the procedure set forth in part D.6. below (Rules to Show Cause and Emergency Motions and Petitions).

#### D. Case Management Procedures

1. *Authority Over Commerce Program Status.* When there is a dispute as to whether the case is properly assigned to the Commerce Program, the decision will be made by the Administrative Judge or the designee of the Administrative Judge. If the Civil Case Manager conducting a case management conference or any party objects as to the Commerce Program assignment, the Case Manager will forward the dispute to the Administrative Judge or the designee of the Administrative Judge.

2. *Alternative Procedures Available.* The Commerce Program Judge, in his/her discretion, may, upon application of any party or upon his/her own initiative, modify these procedures. Requests for changes in these procedures will be made by filing a Petition for Extraordinary Relief (which Petition calls for a ten-day response time).

3. *The Case Management Conference.* Typically, notice of a Case Management Conference ("CMC") will be sent to counsel and unrepresented parties (sixty days after filing) scheduling the CMC for approximately ninety days after filing. In certain circumstances, the CMC may be scheduled through the Commerce Program Judge.

a. *Presiding Officer.* Unless otherwise ordered, the CMC shall be conducted by a Civil Case Manager designated by the Court, acting on behalf of the assigned Commerce Program Judge.

b. *Issues to be Addressed.* The following subjects, along with other appropriate topics, such as service of process, venue, pleadings, discovery, possible joinder of additional parties, theories of liability, damages claimed and applicable defenses (see also Pa. R.C.P. 213.3), will be discussed.

##### (1) Means for Early Disposition

a. Timing and potential forms of Alternative Dispute Resolution (ADR). The case manager will make available the list of Commerce Program Judges Pro Tempore (as provided by the Business Litigation Committee of the Philadelphia Bar Association).

b. Scheduling pre-discovery dispositive motions, only if oral argument is needed. (Whether to hear oral argument is up to the Commerce Program Judge). The Commerce Program Judge will likely have a half day set aside for hearing Motions and Rules.

c. Scheduling limited-issue discovery in aid of early dispositive motions. The Case Manager will advise counsel of the half day Discovery Program set up for the assigned Commerce Program Judge.

##### (2) Schedules and Deadlines

a. Assignment to a Case Management Track and issuance of a Case Management Order ("CMO"), which will set forth a target trial date, deemed the earliest trial date pursuant to Pa. R.C.P. 212.1.

b. A discovery plan and schedule based on the CMO date for the completion of discovery.

c. Anticipated areas of expert testimony, timing for identification of experts, responses to expert discovery, exchange of expert reports (reference to the CMO).

##### (3) Potential Use of a Commerce Court Judge Pro Tempore

a. On stipulation of all parties for supervision of discovery.

b. For mediation.

c. Identification of a particular Commerce Program Judge Pro Tempore acceptable to all parties.

d. The choice of a particular Judge Pro Tempore for these purposes must be approved by the Court.

e. Use of a Pro Tempore Judge for purposes of discovery or mediation cannot affect the deadlines set forth in the CMO, unless the Commerce Program Judge allows an extension of affected dates.

The Commerce Program Judge may establish any informal procedures to achieve expeditious resolution of discovery disputes and other non-dispositive issues. Prior to the CMC, it shall be the obligation of the parties to confer concerning all of the above matters, for the purposes of reaching agreements.

#### 4. *Case Management Order:*

At the CMC, the Case Manager shall issue a Case Management Order ("CMO") setting forth dates for a Settlement Conference and for a Pretrial Conference (with Pretrial Statements typically to be filed in advance), and for Trial. The CMO will also address cut-off dates for completion of discovery, for the service of expert reports and for the filing of Motions.

Based upon the nature and complexity of the case, the Case Manager with input from the parties at the CMC shall assign the case to a track. The Commerce Program shall typically employ the following management tracks: Commerce Expedited (Target Trial Date within 13 months of Complaint) and Commerce Standard (Target Trial Date within 18 months of Complaint). Only exceptionally complicated cases should be designated Commerce Complex (Target Trial Date within two years of Complaint). In the latter instance, the Commerce Program Judge may schedule status conferences at six month intervals or at other times upon application of the parties, if appropriate.

The Commerce Expedited Track shall consist of matters in which minimal discovery is needed and legal issues are anticipated to be routine. Examples of such actions, in the absence of complicating factors, are actions relating to commercial loans, and contract, UCC and foreclosure matters. Other matters should presumptively be designated Commerce Standard. Actions in which preliminary injunctive relief is sought may be appropriate for any of the tracks, depending upon the circumstances.

A suggested form Case Management Order follows as Exhibit "C." A grid of time standards that will be employed depending upon the applicable track Case Management Order follows as Exhibit "D." Sample Commerce Program Class Action Case Management Order Forms follow as Exhibit "E."

#### 5. *Commerce Court Motions.*

##### a. *Motion Practice and Discovery Motions.*

The Commerce Program Judge to whom the action is assigned will hear all pretrial motions, including discovery motions, except that, to the extent that scheduling or other concerns so require, a Commerce Program Judge may make arrangements for certain discovery and other pretrial motions to be heard by another Commerce Program Judge. All motions (except discovery motions) shall be filed in Motion Court with a designation on the Motion Court Cover Sheet of the assigned Commerce Program Judge. Procedures of the Discovery Court should generally be followed, and filings processed through Room 287. In some instances, the Commerce Program Judge may direct further briefing of complex discovery motions. Any Notice of Management Program Dispute that is pending or is being filed contemporaneously with the Motion filing, should be noted in the Motion Court Cover Sheet. Oral argument is at the discretion of the Commerce Program Judge.

A Commerce Program Discovery List for each Commerce Program Judge shall be established so that discovery matters ordinarily will be heard by that Judge on a particular day of the week. Each Judge may also schedule hearings on non-discovery motions on the discovery day, or at such other times as the Court deems appropriate.

##### b. *Petitions for Extraordinary Relief.*

A Petition for Extraordinary Relief must be filed whenever a party seeks an extension of a deadline imposed by

a case management order. Any party may seek relief from the time requirements by filing the Petition for Extraordinary Relief. This Petition must be filed prior to the deadline that the party is seeking to change. Petitions for Extraordinary Relief are filed with the Motions Court Clerk in the Prothonotary's Office, Second Filing, Room 278, City Hall. Any adverse party has ten (10) days after the filing of the motion to file a response. The Motion Court will forward the pleading to the assigned team leader.

The Petition for Extraordinary Relief is ruled on by the individual team leaders. Counsel must include the name of the team leader for that given case (Sheppard, Cohen, Jones) on the Motion Court Cover Sheet. The party filing the petition must include a proposed order that sets forth the extension requested in months, as well as a copy of the current Case Management Order.

Counsels' agreement to extend deadlines within a Case Management Order is not a recognized basis for an extension. A movant must demonstrate extraordinary and nonforeseeable circumstances justifying the deadline extension request. Requests for extensions of Court ordered deadlines should be utilized only as a last resort and with compelling reasons offered in support thereof.

6. *Rules to Show Cause and Emergency Motions and Petitions.* Rules to show cause in cases assigned to the Commerce Program will be presented in the Motions Court, where they will be reviewed as to form, and forwarded to the assigned Commerce Program Judge for consideration.

Unless there is a dispute as to Commerce Program applicability, emergency motions or petitions in a newly filed action presented in a matter appropriate for assignment to the Commerce Program shall be referred to a Commerce Program Judge for disposition. If there is any dispute regarding Commerce Program applicability, that dispute shall be referred to the Administrative Judge or the designee of the Administrative Judge. Parties are encouraged to give the Motion Court advance notice of an emergency motion or petition, including notice that the action is assigned to the Commerce Program or may be appropriate for such assignment. If the assigned Commerce Program Judge is unavailable, an emergency motion or petition in an action already assigned to Commerce Program shall be heard by the other Commerce Program Judge, if available, with any subsequent hearing referred back to the assigned Commerce Program Judge. If no Commerce Program Judge is available to hear an emergency motion or petition, such motion or petition shall be referred to a Judge assigned to Motion Court (or, if necessary, the Emergency Judge), with any subsequent hearing referred back to the appropriate Commerce Program Judge. An emergency motion heard by a Commerce Program Judge in a case which has not yet gone through the random assignment procedure shall be subject to that procedure prior to any subsequent hearing and the subsequent hearing shall be scheduled before the Commerce Program Judge assigned.

7. *Settlement Conference.* A settlement conference may be expeditiously scheduled in any case in which counsel concur that such a conference may be productive. Such requests shall be made in writing by letter to the assigned Commerce Program Judge, and in all other respects Local Civ. R. \*212.1(B) should be applied.

Except as otherwise provided in Local Civil Rule \*212.3 (Settlement Conferences—Non Jury Cases), Commerce

Program Judges may assist the parties in reaching a fair and reasonable settlement or other resolution of the matter. To that end, the assigned Commerce Program Judge, in his or her discretion, may schedule one or more formal settlement conferences. The Commerce Program Judge may also encourage the parties to engage in settlement discussions and in any form of Alternative Dispute Resolution (ADR), including the assistance of a Commerce Program Judge *Pro Tempore*, that may result in settlement, avoidance of trial or expeditious resolution of the dispute. Except upon order of the Court, the pendency of any form of ADR shall not alter the date for commencement of trial.

8. *Pretrial Conference.* A Pretrial Conference shall be held in all Commerce Program actions. At the conclusion of the Pretrial Conference, a Pretrial Order controlling the conduct of trial may be entered. The Court shall exercise its best efforts to try the matter as soon after the target trial date as practicable.

Typically, the CMO will require the filing of Pretrial Statements (Pa. R.C.P. 212.2) in advance of the Pretrial Conference. Prior to the Pretrial Conference, principal trial counsel shall confer on the matters set forth in Pa. R.C.P. 212.3, and attempt to reach agreement on any such matters.

Following the Pretrial Conference, the Commerce Program Judge shall enter a Trial Scheduling Order, identifying the date by which the matter should be prepared for trial, and, if applicable, the date to be placed into a trial pool or the date of any special listings. The Trial Scheduling Order may further provide specific dates, to the extent not already addressed in the Case Management Order, for such matters as:

a. Exchange of proposed stipulations and filing of stipulations in writing to facts about which there can be no reasonable dispute;

b. Pre-marking and exchanging copies of all documents or other exhibits to be offered in evidence at trial;

c. Service and filing of written objections to any documents or other exhibits as to which a party intends to object at trial, together with the legal basis for such objections;

d. Identification in writing of all deposition testimony, by page and line number, intended to be read into the record at trial, followed by counterdesignations and objections to deposition designations;

e. Exchange of trial briefs and proposed findings of fact and conclusions of law (nonjury) or requested points for jury charge (jury).

At such time prior to trial as may be fixed by the Court, it shall rule on all matters placed in issue under this procedure.

In addition, the Commerce Program Judge may establish procedures consistent with the requirements of each case to ensure close interaction with the parties in order to minimize trial time.

#### *E. Commerce Program Judges Pro Tempore And Alternative Dispute Resolution*

There shall be established in the Commerce Program, an Alternative Dispute Resolution program for Commerce Program actions, which may include, but is not limited to, mediation and the assistance of Commerce Program Judges Pro Tempore.

1. *Panel of Commerce Program Judges Pro Tempore.* The Administrative Judge or designee shall designate a

panel of Commerce Program Judges Pro Tempore from among volunteers nominated and approved by the Philadelphia Bar Association Business Law Section, Business Litigation Committee, who shall be distinguished attorneys engaged in active practice of law with no less than fifteen (15) years trial experience including a practice focused on the type of litigation described in section B.1. above (Cases Subject to Commerce Program). Commerce Program Judges Pro Tempore shall serve without charge. Persons may be added to or removed from the panel as the Administrative Judge or designee may determine consistent with the qualifications above.

The Court may order a Commerce Program case to be assigned for Settlement Conference to a Commerce Program Judge Pro Tempore who shall, on a date certain, hold a Settlement Conference which must be attended by trial counsel representing the parties, as well as any unrepresented parties. Counsel and unrepresented parties shall provide to the Commerce Program Judge Pro Tempore prior to the Settlement Conference a fully completed Settlement Memorandum, in a form to be established by the Commerce Program Judges. The Commerce Program Judge Pro Tempore on such a referral is not authorized to rule on any motions, but will attempt to facilitate a settlement between the parties.

#### *2. Mediation.*

a. *Referral to Mediation and Selection of Mediator.* Commerce Program cases may be referred to nonbinding mediation at the discretion of the Commerce Program Judge, who may make such referrals at the time of the Case Management Conference, at a Pretrial Conference referenced above, or at any other time. Where appropriate and whether or not mediation is pursued at an early stage of the litigation, the Commerce Program Judge has the discretion to refer cases to nonbinding mediation at a later stage of the proceedings.

The Court may permit the parties to choose the mediator from among the panel of Commerce Program Judges Pro Tempore, or agree to pay for a mediator not on the panel. The order of reference to mediation shall not stay or delay any scheduling dates, unless the Court so orders.

b. *Conflicts of Interest.* A mediator to whom a case is assigned must disclose to the parties and to the Court any apparent conflict of interest. Unless the mediator determines consistent with any applicable ethical requirements and guidelines that he or she should preside notwithstanding any such apparent conflict of interest and the parties and the Court agree that such mediator nevertheless shall preside, another mediator shall be selected.

c. *Confidentiality of Mediation.* The order referring an action to mediation shall require that the mediator report to the Court the disposition of the mediation in accordance with a schedule as determined by the Court, under the guidelines below. The order shall also provide that all information received by the mediator as to the merits of the matter, including the submitted memoranda, shall remain confidential and not be reported or submitted to the Court by the mediator or the parties, except as necessary in a stipulation of settlement agreed to by the parties.

d. *Mediation Procedure.* The first mediation session preferably shall be conducted within 30 days of the execution of the order of reference, unless the Court establishes a different schedule. At least ten days before the first session, each party shall deliver to the mediator

a copy of its pleadings, any briefs filed in the action important to the mediation and a memorandum of not more than five pages (double-spaced), setting forth that party's contentions as to liability and damages. The memorandum shall be served on all parties, but shall be marked "Confidential, for Mediation Only," and may not be used, cited, quoted, marked as an exhibit or referenced in any proceedings. Attendance at the first mediation session shall be mandatory, and the mediator may require, in addition to the appearance of the attorneys, the presence of the parties or their representatives with authority to settle. If the first session is successful, the settlement shall be reduced to a stipulation, and the mediator shall submit forthwith the stipulation, the notice of discontinuance and the report of disposition to the Court. The report of disposition shall be on a form prescribed by the Court Administrator.

e. *Report; Extensions.* If the action is not settled upon completion of the first session, the mediator may schedule additional sessions on consent of the parties. However, at the end of the first session, any party or the mediator may terminate the mediation effort, and in that case the mediator shall advise the Court forthwith that mediation has been terminated but shall not disclose the identity of any parties who terminated or did not terminate the mediation.

Except as set forth below, subsequent sessions should be concluded within 15 days from the date by which the first session was to have been held according to the order of reference. The mediator shall report to the Court as to the outcome of the mediation session(s) no later than 20 days from the date by which the first session was to have been held according to the order of reference.

If mediation cannot be concluded within 15 days from the date by which the first session was to have been held according to the order of reference, upon consent of all parties a 30-day extension of time to conduct further sessions may be granted by the mediator. If such extension is granted, the mediator shall report to the Court as to the success or lack of success of the additional sessions as soon as practicable but in any event no later than 5 days after the final mediation session.

All deadlines and relevant procedures shall be set forth in a standard form order of reference.

*By the Court*

JAMES J. FITZGERALD, III  
*Administrative Judge*

This Administrative Docket is promulgated in accordance with the April 11, 1987 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55, Judicial Administration, Docket No. 1, Phila. Civ. \*51 and Pa. R.C.P. 239, and shall become effective immediately. As required by Pa. R.C.P. 239, the original Administrative Docket shall be filed with the Prothonotary in a docket maintained for Administrative Dockets issued by the Administrative Judge of the Trial Division and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the Administrative Docket shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District.

## EXHIBIT A

### COMMERCE PROGRAM ADDENDUM TO CIVIL COVER SHEET

This case is subject to the Commerce Program because it is not an arbitration matter and it falls within one or more of the following types (check all applicable):

— 1. Actions relating to the internal affairs or governance, dissolution or liquidation, rights or obligations between or among owners (shareholders, partners, members), or liability or indemnity of managers (officers, directors, managers, trustees, or members or partners functioning as managers) of business corporations, partnerships, limited partnerships, limited liability companies or partnerships, professional associations, business trusts, joint ventures or other business enterprises, including but not limited to any actions involving interpretation of the rights or obligations under the organic law (e.g., Pa. Business Corporation Law), articles of incorporation, by-laws or agreements governing such enterprises;

— 2. Disputes between or among two or more business enterprises relating to transactions, business relationships or contracts between or among the business enterprises. Examples of such transactions, relationships and contracts include:

— (1) Uniform Commercial Code transactions;

— (2) Purchases or sales of business or the assets of businesses;

— (3) Sales of goods or services by or to business enterprises;

— (4) Non-consumer bank or brokerage accounts, including loan, deposit cash management and investment accounts;

— (5) Surety bonds;

— (6) Purchases or sales or leases of, or security interests in, commercial, real or personal property; and

— (7) Franchisor/franchisee relationships.

— 3. Actions relating to trade secret or non-compete agreements;

— 4. "Business torts," such as claims of unfair competition, or interference with contractual relations or prospective contractual relations;

— 5. Actions relating to intellectual property disputes;

— 6. Actions relating to securities, or relating to or arising under the Pennsylvania Securities Act;

— 7. Derivative actions and class actions based on claims otherwise falling within these ten types, and consumer class actions other than personal injury and products liability claims;

— 8. Actions relating to corporate trust affairs;

— 9. Declaratory judgment actions brought by insurers, and coverage dispute and bad faith claims brought by insureds, where the dispute arises from a business or commercial insurance policy, such as a Comprehensive General Liability policy;

— 10. Third-party indemnification claims against insurance companies where the subject insurance policy is a business or commercial policy and where the underlying dispute would otherwise be subject to the Commerce Program, not including claims where the underlying dispute is principally a personal injury claim.

*Instructions:* Please see Commerce Case Management Program: Procedure for Disposition of Commerce Program

Cases Filed On and After January 1, 2000. Arbitration matters are not subject to the Commerce Program. Note that the following types of matters are not to be included in the Commerce Program:

1. Matters subject to Compulsory Arbitration in this Court or to the jurisdiction of the Municipal Court, including any appeals.
2. Personal injury, survival or wrongful death matters.
3. Individual (non-class) consumer claims against businesses or insurers, including products liability and personal injury cases.
4. Matters involving occupational health or safety.
5. Environmental claims not involved in the sale or disposition of a business and other than those addressed in Commerce Program types 9 or 10 above.
6. Matters in eminent domain.
7. Malpractice claims, other than those brought by business enterprises against attorneys, or accountants, architects or other professionals in connection with the rendering of professional services to the business enterprise.

8. Employment law cases, other than those referenced in Commerce Program type 3 above.

9. Administrative agency, tax, zoning and other appeals.

10. Petition Actions in the nature of Change of Name, Mental Health Act Petitions, Petitions to Appoint an Arbitrator, Government Election Matters, Leave to Issue Subpoena, Compel Medical Examination.

11. Individual residential real estate and non-commercial landlord-tenant disputes.

12. Domestic relations matters, and actions relating to distribution of marital property, custody or support.

13. Any matter required by statute, including 20 Pa.C.S. Chapter 7, §§ 711 & 713, to be heard in the Orphans' Court or Family Court Division of the Philadelphia Court of Common Pleas, or other matter which has heretofore been within the jurisdiction of the Orphans' Court or Family Court Division of this Court.

14. Any criminal matter other than criminal contempt in connection with a Commerce Program action.

15. Such other matters as the Court shall determine.

**EXHIBIT B—NOTICE OF MANAGEMENT PROGRAM DISPUTE**

FIRM NAME  
 BY: ATTORNEY NAME  
 IDENTIFICATION NO.: XXXXX  
 STREET ADDRESS  
 PHILADELPHIA, PA 191XX  
 TELEPHONE NO.: XXX-XXX-XXXX

Attorney for Defendant: XYZ, Inc.

PLAINTIFF

: PHILADELPHIA COUNTY  
 : COURT OF COMMON PLEAS

v.

: \_\_\_\_\_ TERM, 20XX

DEFENDANT

: No: \_\_\_\_\_

NOTICE OF MANAGEMENT PROGRAM DISPUTE

According to the Civil Cover Sheet and Commerce Program Addendum filed by Plaintiff on [date] and served on [date], Plaintiff designated this action as [not subject to the Commerce Program] [or] [subject to the Commerce Program, designating type[s] X [and X]].

[This action is not subject to the Commerce Program because \_\_\_\_\_.]

[or] [This action is subject to the Commerce Program. It is not an arbitration matter and falls within type[s] X [and X] in the Commerce Program types, as identified in the Commerce Program Addendum executed by the undersigned and attached as Exhibit A hereto.]

[Any additional comments, with total document (excluding cert. of service, Commerce Program Addendum and Complaint) not to exceed three pages.]

\_\_\_\_\_  
 Name of Attorney  
 Attorney for Defendant, XYZ, Inc.

[Include a copy of the complaint or other filing commencing the action, along with a Certificate of Service identifying date and manner of service and names and addresses].

**EXHIBIT C—CASE MANAGEMENT ORDER**

IN THE COURT OF COMMON PLEAS OF  
 PHILADELPHIA COUNTY  
 FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
 CIVIL TRIAL DIVISION

caption : Court term and number

COMMERCE PROGRAM  
 CASE MANAGEMENT ORDER  
 \_\_\_\_\_  
 TRACK

AND NOW, this day of \_\_\_\_\_, 200\_, it is ORDERED that:

1. The case management and time standards adopted for the Commerce Program, "\_\_\_\_\_ track" cases shall apply and are incorporated.

2. All discovery shall be completed no later than \_\_\_\_\_.

3. Plaintiff(s) shall identify and submit Curriculum Vitae and Expert Reports for all expert witnesses intended to testify at trial to all other parties not later than \_\_\_\_\_.

4. Defendant(s) and any additional defendant(s) shall identify and submit Curriculum Vitae and Expert Reports of all expert witnesses intended to testify at trial to all other parties not later than \_\_\_\_\_.

5. All Pretrial Motions (other than Motions in Limine) shall be filed not later than \_\_\_\_\_ .

6. A settlement conference may be scheduled at any time after \_\_\_\_\_. On or before that date all parties shall serve on all opposing counsel or pro se parties and file a Settlement Memorandum containing the following:

(a) The plaintiff(s) shall provide a concise statement of the theory of the case. The defendant(s) and additional defendant(s) shall provide a concise statement as to the nature of the defense.

(b) A statement by the plaintiff(s) itemizing all damages sought by categories and amounts.

(c) Defendant(s) and additional defendant(s) shall identify all applicable insurance carriers, together with corresponding limits of liability.

7. A Pretrial Conference may be scheduled at any time after \_\_\_\_\_. Fifteen days prior to the Pretrial Conference, all parties shall file and serve on all opposing counsel or pro se parties a Pretrial Statement containing the following:

(a) The plaintiff(s) shall provide a concise statement of the theory of the case. The defendant(s) and additional defendant(s) shall provide a concise statement as to the nature of the defense;

(b) A list of all witnesses who may be called to testify at trial by name and address. Counsel should expect witnesses not listed to be precluded from testifying at trial;

(c) A list of all exhibits the party intends to offer into evidence. All exhibits shall be numbered and exchanged among counsel prior to the Conference. Counsel should expect any exhibit not listed to be precluded at trial;

(d) Plaintiff(s) shall itemize all damages claimed by category and amount;

(e) Defendant(s) and all additional defendant(s) shall state a position regarding the damages claimed and identify all applicable insurance carriers, together with applicable limits of liability; and

(f) An estimate of the anticipated length of trial.

8. It is expected that the case will be ready for trial \_\_\_\_\_, which is the earliest trial date pursuant to Pa. R.C.P. 212.1, and counsel should anticipate trial to begin expeditiously thereafter.

9. All counsel are under a continuing obligation, and hereby ORDERED to serve a copy of this Order upon all unrepresented parties and upon all counsel entering an appearance subsequent to the entry of this Order.

BY THE COURT,

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

**EXHIBIT D—COMMERCE PROGRAM MANAGEMENT TRACKS**

<i>Case Event</i>	<i>Commerce Program Time Standards by Track</i>		
	<i>Commerce Expedited</i>	<i>Commerce Standard</i>	<i>Commerce Complex</i>
Case Management Conference	3 months	3 months	3 months
Status Conference	Discretionary	Discretionary	Discretionary <sup>1</sup>
Discovery Complete	6 months	11 months	17 months
Plaintiff Expert Reports	6 months	11 months	17 months
Defendant Expert Reports <sup>2</sup>	8 months	13 months	19 months
Motions Filed	8.5 months	13.5 months	19.5 months
Settlement Conference	11 months	16 months	22 months
Pretrial Conference	12 months	17 months	23 months
Trial	13 months	18 months	24 months

**EXHIBIT E—CLASS ACTION CASE MANAGEMENT ORDERS**

*E-1 Stipulated Case Management Order on Preliminary Objections—Class Action*

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
CIVIL TRIAL DIVISION

_____	:	
_____	:	
_____	:	
	:	Plaintiff(s)
	:	
	:	v.
	:	No. _____ - _____
_____	:	
_____	:	
_____	:	
	:	Defendant(s)

<sup>1</sup>A Status Conference may be scheduled at six month intervals if requested by counsel and approved by the Court.  
<sup>2</sup>The Court will provide for rebuttal expert reports to the extent appropriate.

COMMERCE PROGRAM CLASS ACTION
STIPULATED CASE MANAGEMENT ORDER ON
PRELIMINARY OBJECTIONS

AND NOW, in consideration of the Parties' consent to the following case management schedule regarding preliminary objections, it is hereby ORDERED that:

- 1. Defendant shall file its preliminary objections on or before \_\_\_\_\_.
2. If Plaintiff amends a complaint in response to Defendant's preliminary objections, then the following deadlines shall apply:
a. Plaintiff shall file its amended complaint on or before \_\_\_\_\_.
b. Defendant shall file an answer or preliminary objections to such amended complaint on or before \_\_\_\_\_.
c. If Defendant filed preliminary objections in response to such amended complaint, then:
i. Defendant shall file a brief in support of those preliminary objections on or before \_\_\_\_\_.
ii. Plaintiff shall file a response to, and brief in opposition to, those preliminary objections on or before \_\_\_\_\_.
iii. Defendant shall file a reply brief in support of those preliminary objections on or before \_\_\_\_\_.
3. If Plaintiff does not amend the complaint in response to Defendant's preliminary objections, the following deadlines shall apply:
a. Defendant shall file a brief in support of those preliminary objections on or before \_\_\_\_\_.
b. Plaintiff shall file a response to, and brief in opposition to, those preliminary objections on or before \_\_\_\_\_.
c. Defendant shall file a reply brief in support of those preliminary objections on or before \_\_\_\_\_.
4. If any deadline set forth in this Order or any other case management order in this matter falls on a date on which the Court or the Office of the Prothonotary is not open, then the deadline shall be extended, without further Order, to the next day on which the Court and the Office of the Prothonotary are open.
5. The absence of any provision in this Order or any other case management order in this matter for surreply shall not prevent a Party from petitioning the Court for leave to file such surreply.

BY THE COURT,

, J.

DATED:

Agreed to as to form:

Attorneys for Plaintiff

Attorneys for Defendant

E-2 Order on Preliminary Objections—Class Action

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION

Plaintiff(s)
v.
Defendant(s)
No. \_\_\_\_\_ - \_\_\_\_\_

ORDER

AND NOW, this day of 200\_\_, upon consideration of the Defendant's Preliminary Objections to the Plaintiff's Complaint and the Plaintiff's response thereto, it is hereby ORDERED and DECREED as follows:

- 1. The Preliminary Objections are Overruled.
2. The Defendant is directed to file an answer to the Complaint within twenty (20) days of the date of entry of this Order.

3. The Parties shall jointly complete the attached case management order regarding class certification and return a completed copy within thirty (30) days of the date of entry of this Order. If the Parties are unable to arrive at an agreement as to all dates, they shall submit letters to the Court setting forth those dates agreed upon and dates in dispute.

BY THE COURT,

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

*E-3 Stipulated Case Management Order on Class Certification—Class Action*

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
CIVIL TRIAL DIVISION

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Plaintiff(s)  
v.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Defendant(s)

COMMERCE PROGRAM CLASS ACTION  
STIPULATED CASE MANAGEMENT ORDER ON  
CLASS CERTIFICATION

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_ 200 \_\_, upon consideration of the Parties consent to the following case management schedule regarding class certification, it is hereby ORDERED that:

- 1. Plaintiff shall file a motion for class certification on or before \_\_\_\_\_ .
- 2. The period for discovery relating to class certification shall close on \_\_\_\_\_. Deposition shall be noticed to occur, and written discovery requests shall be served, on or before the date referenced in this paragraph.
- 3. Defendant shall file a response to, and brief in opposition to, Plaintiff's motion for class certification on or before \_\_\_\_\_ .
- 4. Plaintiff shall file a reply brief in support of its motion for class certification on or before \_\_\_\_\_ .

BY THE COURT,

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

DATED:

Agreed to as to form:

\_\_\_\_\_  
Attorneys for Plaintiff

\_\_\_\_\_  
Attorneys for Defendant

*E-4 Order on Class Certification*

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
CIVIL TRIAL DIVISION

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Plaintiff(s)  
v.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Defendant(s)

O R D E R

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_ 200 \_\_, upon consideration of the Plaintiff's Motion for Class Certification, the Plaintiff's response thereto, oral argument before the Court and all matters of record, and in accord with the Opinion being filed contemporaneously with this Order, it is ORDERED and DECREED as follows:

- 1. The above captioned action is certified as a class action on the claims for \_\_\_\_\_ .



2. The cases shall consist of the following:

[DESCRIPTION]

3. Plaintiff \_\_\_\_\_ shall serve as class representative.

4. The Parties shall submit proposals for a notification procedure and proposed form of notice for class members within thirty (30) days from the date of entry of this Order.

5. The Parties shall jointly complete the attached case management order regarding dispositive motions and fact and expert discovery and return a completed copy within thirty (30) days of the date of entry of this Order. If the Parties are unable to arrive at an agreement as to all dates, they shall submit letters to the Court setting forth those dates agreed upon and dates in dispute.

BY THE COURT,

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

*E-5 Stipulated Class Management Order on Dispositive Motions and Discovery*

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
CIVIL TRIAL DIVISION

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Plaintiff(s)  
v. \_\_\_\_\_ No. \_\_\_\_\_ - \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Defendant(s)

COMMERCE PROGRAM CLASS ACTION  
STIPULATED CASE MANAGEMENT ORDER ON  
DISPOSITIVE MOTIONS AND  
FACT AND EXPERT DISCOVERY

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 200\_, upon consideration of the Parties' consent to the following case management schedule regarding class certification, it is hereby ORDERED that:

- 1. Fact Discovery: The period for fact discovery shall close on \_\_\_\_\_. Depositions shall be noticed to occur, and written discovery requests shall be served on or before the date referenced in this paragraph.
- 2. Expert Discovery: The Parties shall meet on or before \_\_\_\_\_ to discuss the need for experts in this case. At this meeting, the Parties shall disclose whether they intend to present expert testimony at trial in this matter. In the event either or both of the Parties desire to present expert testimony at trial of this matter, the following deadlines shall apply:
  - a. If the Plaintiff desires to present expert testimony, then:
    - i. Plaintiff shall make its expert disclosures on or before \_\_\_\_\_.
    - ii. Defendant shall make its expert disclosures on or before \_\_\_\_\_.
    - iii. The Parties shall complete expert discovery on or before \_\_\_\_\_.
  - b. If Plaintiff advises at the meeting referenced above that it does not intend to present expert testimony:
    - i. Defendant shall make its expert disclosures on or before \_\_\_\_\_.
    - ii. Plaintiff shall make any responsive expert disclosures on or before \_\_\_\_\_.
    - iii. The Parties shall complete expert discovery on or before \_\_\_\_\_.
  - c. As used herein, the phrase "to make expert disclosures" means to provide, for each expert:
    - i. a Curriculum Vitae or equivalent document;
    - ii. a list of all publications authored by the expert within five (5) years prior to the date of identification;
    - iii. a description of the terms and amount of compensation to be paid to the expert;
    - iv. a list of all cases in which the expert has given sworn testimony at deposition or trial within five (5) years prior to the date of disclosure;
    - v. a report setting forth a complete description of all opinions to be offered by the expert, the basis for those opinions, a description of the materials considered in forming those opinions, and a list of exhibits to be used as a summary of or in support of those opinions.
- 3. Dispositive Motions: If either Party files any dispositive motions, then the following deadlines shall apply:
  - a. Any dispositive motions, including all supporting materials, shall be filed on or before \_\_\_\_\_.

- b. Any response to any such dispositive motion, including all supporting materials, shall be filed on or before \_\_\_\_\_ .
- c. Any reply brief in support of any such dispositive motion shall be filed on or before \_\_\_\_\_ .
- d. If neither Party files any dispositive motion by the deadline set forth in Paragraph 3a of this Order, the Parties shall contact the Court regarding a case management order for the pre-trial and trial stage of this action.

BY THE COURT,

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

DATED:

Agreed to as to form:

\_\_\_\_\_  
Attorneys for Plaintiff

\_\_\_\_\_  
Attorneys for Defendant

*E-6 Order on Summary Judgment—Class Action*

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
CIVIL TRIAL DIVISION

_____	:	
_____	:	
_____	:	
	:	Plaintiff(s)
	:	
	:	v.
	:	No. _____ - _____
	:	
_____	:	
_____	:	
_____	:	
	:	Defendant(s)

O R D E R

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 200\_, upon consideration of the Defendant's Motion for Summary Judgment, the Plaintiff's response thereto and all other matters of record, and in accord with the Opinion being filed contemporaneously with this Order, it is hereby ORDERED and DECREED as follows:

1. The Motion is Denied.
2. The Parties shall contact the Court within thirty (30) days of the date of entry of this Order proposing dates for a settlement conference, a pre-trial conference and trial.

BY THE COURT,

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

*E-7 Stipulated Case Management Order on Pre-Trial and Trial Events—Class Action*

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
CIVIL TRIAL DIVISION

_____	:	
_____	:	
_____	:	
	:	Plaintiff(s)
	:	
	:	v.
	:	No. _____ - _____
	:	
_____	:	
_____	:	
_____	:	
	:	Defendant(s)

COMMERCE PROGRAM CLASS ACTION  
STIPULATED CASE MANAGEMENT ORDER ON  
PRE-TRIAL AND TRIAL EVENTS

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 200\_, upon consideration of the Parties' consent to the following case management schedule regarding class certification, it is hereby ORDERED that:

1. Settlement Conference: A settlement conference shall be held on \_\_\_\_\_. On or before that date, all counsel shall serve all opposing counsel and file a settlement memorandum containing the following:
  - a. The Plaintiff shall provide a concise statement of the theory of the case. The Defendant shall provide a concise statement as to the nature of the defense;

- b. A statement by the Plaintiff itemizing all damages sought by categories and amount; and
  - c. Defendant shall identify all applicable insurance carriers, together with corresponding limits of liability.
2. Pre-Trial Conference: A pre-trial conference shall be held on \_\_\_\_\_. Fifteen days prior to pre-trial conference, all counsel shall serve all opposing counsel and file a pre-trial memorandum containing the following:
- a. The Plaintiff shall provide a concise statement of the theory of the case. The Defendant shall provide a concise statement as to the nature of the defense.
  - b. A list of all witnesses who may be called to testify at trial by name and address. Counsel should expect witnesses not listed to be precluded from testifying at trial;
  - c. A list of all exhibits the party intends to offer into evidence. All exhibits shall be numbered and exchanged among counsel prior to the conference. Counsel should expect any exhibit not listed to be precluded at trial;
  - d. Plaintiff shall itemize all damages claimed by category and amount;
  - e. Defendant shall state a position regarding damages claimed and shall identify all applicable insurance carriers, together with applicable limits of liability; and
  - f. An estimate of the anticipated length of trial.
3. Trial: The trial in this matter is scheduled to begin on \_\_\_\_\_.

BY THE COURT,

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

**EXHIBIT F**

COMMERCE PROGRAM TRACKING FORMULA

*Initial criteria for cases to be tracked:*

- Commencement of an action by Summons or Complaint over \$50,000.00 at time of initial filing.
- At least one attorney of record.
- Case status equal to Active or Deferred.
- Note that the Program embodies both Jury and Non-Jury cases.

*Breakdown by track*

EXPEDITED—litigant count is less than or equal to (4) four, and case type is one of the following:

1C	Contracts (Goods) Enforcement	3O	Real Property—Other
1D	Insurance, Declaratory Judgment	3P	Title to Real Property
1G	Subrogation Action	3R	Rent, Lease or Ejectment
1L	Mechanics Lien	E1	Equity—No Real Estate
1N	Negotiable Instruments	E2	Equity—Real Estate
1O	Contracts—Other	KF	Franchise Disputes
IV	Replevin	7C	Confession of Judgment
3F	Foreclosure	7F	Foreign Judgment
3G	Garnishment (Land)	8Q	Petition to Stay Arbitration
3L	Landlord/Tenant Complaint	8V	Petition to Vacate/Modify Arb Award
3M	Mechanics Lien Enforcement		

STANDARD—where the litigant count is greater than four (4) and the case type are the same as Expedited, or—where the case type (regardless of the number of litigants) is:

KA	Purchase or Sale of Business or the Assets of the Business	KS	Securities Law Actions
1J	Bad Faith	KB	Surety Bond Actions
1T	Construction Contract	KT	Business Torts
1S	Shareholder Suit	KC	Non Complete Agreements/ Trade Secrets
4F	Fraud	KU	Corporate Trust Affairs
		KP	Partnership Disputes

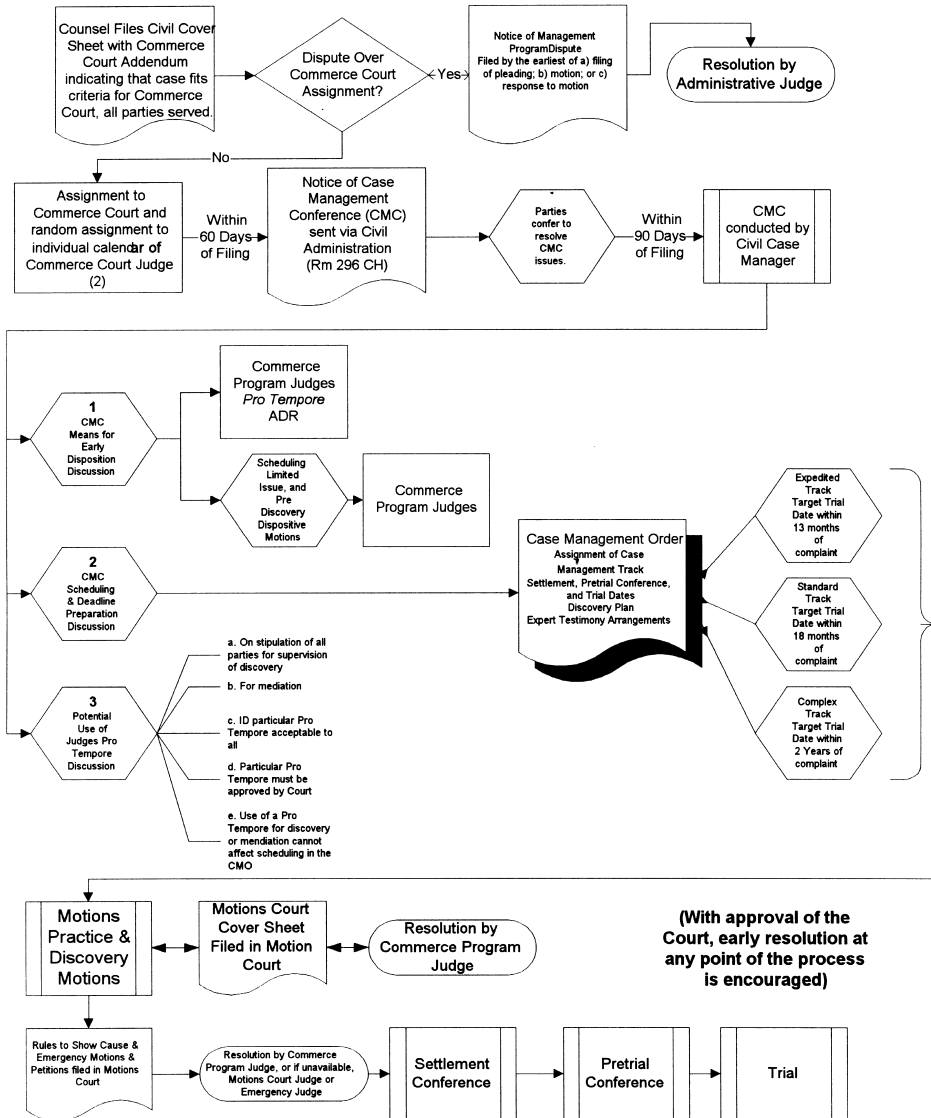
COMPLEX—following case types regardless of the number of litigants:

K1	Intellectual Property Disputes	4L	Malpractice—Legal
4A	Malpractice—Accounting	4Y	Malpractice—Miscellaneous

eff. July 3, 2001

**EXHIBIT G**  
**Trial Division Civil Section**  
**Administrative Docket 01 of 2000**

**Commerce Case Management Program**  
**D. Case Management Procedures**



[Pa.B. Doc. No. 03-916. Filed for public inspection May 16, 2003, 9:00 a.m.]

# Title 255—LOCAL COURT RULES

## BEAVER COUNTY

### Local Rules of Criminal Procedure; No. 88 of 2003 Misc.

#### Order

*And Now*, this 14th day of April, 2003, it is hereby Ordered and Directed that the following Local Rule of Criminal Procedure is hereby adopted and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin* and shall apply to all defendants charged with third degree misdemeanor criminal offenses and higher.

It is hereby Ordered and Directed that the Clerk of Courts of Beaver County, in accordance with Pa.R.Crim.P. 105, shall file seven certified copies with the Administrative Office of Pennsylvania Courts; distribute two certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* and file one certified copy with the Criminal Procedural Rules Committee.

It is further Ordered that this Rule, along with all Local Rules of Criminal Procedure shall be kept available for public inspection and copying in the office of the Clerk of Courts of Beaver County. Upon request and payment of reasonable costs of reproduction and mailing, the Clerk of Courts shall furnish to any person a copy of any Local Rule.

*By the Court*

ROBERT E. KUNSELMAN,  
*President Judge*

#### Local Rule of Criminal Procedure No. 552

(A.) In all cases in which a defendant has been charged with an offense of a third degree misdemeanor or greater, the defendant shall be required to appear at the Beaver County Regional Booking Center (RBC) located in the Beaver County Jail, 6000 Woodlawn Boulevard, Aliquippa, PA, 15001, to be fingerprinted and photographed prior to the date of his or her preliminary hearing.

(B.) Pursuant to 18 Pa.C.S. 9112, an arresting authority shall be responsible for taking the fingerprints of persons arrested for misdemeanors, felonies or summary offenses which become misdemeanors on a second arrest after conviction of a summary offense. The Regional Booking Center shall serve as the designated fingerprinting site for all arresting authorities in Beaver County.

(C.)(1) In cases in which a defendant has been arraigned at the District Justice office and fails to post bond, the defendant shall be fingerprinted and photographed at the RBC subsequent to his or her commitment at the Beaver County Jail.

(2) In cases in which a defendant has been arrested during night, weekend or holiday hours, unless the charges proceed by summons, the defendant shall be taken directly to the RBC for a video arraignment and booking procedure before being committed to the Beaver County Jail or being released on bond.

(3) In cases which proceed by summons, the defendant shall receive an order at the time of his or her preliminary arraignment from the District Justice to report to the RBC prior to the date of the preliminary hearing to be fingerprinted and photographed. The requirement to

appear at the RBC to be fingerprinted and photographed prior to the date of the preliminary hearing shall be made a condition of bond.

(4) In cases of private prosecutions, the defendant may only be fingerprinted and photographed after conviction of the alleged offense. An order shall issue from the Court of Common Pleas after such conviction directing the Defendant to report to the RBC to be fingerprinted and photographed.

(D.) A booking fee of fifty dollars (\$50.00) shall be assessed and collected by the Beaver County Clerk of Courts after sentencing upon conviction of or plea to a misdemeanor or felony offense or acceptance into the Accelerated Rehabilitation Program. This fee will not apply to those Defendants whose cases are dismissed by the District Justice, withdrawn or nolle prossed by the Commonwealth or who enter a guilty plea to a summary offense at the time of the preliminary hearing.

[Pa.B. Doc. No. 03-917. Filed for public inspection May 16, 2003, 9:00 a.m.]

## CARBON COUNTY

### DNA Detection of Sexual and Violent Offenders Act; No. 065 MI 03 and 100 JV 03

#### Administrative Order 11-2003

*And Now*, this 1st day of May, 2003, pursuant to Act 57 of 2002, provisions relating to DNA Data and Testing, it is hereby

*Ordered and Decreed* that, effective immediately, the Carbon County Correctional Facility be and is hereby *Appointed* as the facility to draw, handle, and submit DNA blood samples from offenders upon conviction, delinquency adjudication and certain ARD cases for a felony sex offense or an attempt, conspiracy or solicitation to commit a felony sex offense under Title 18, Pa.C.S., Chapter 31 (relating to sexual offenses), 18 Pa.C.S., § 4302 (relating to incest), 18 Pa.C.S., § 5902(c)(iii) and (iv) (relating to prostitution and related offenses), 18 Pa.C.S., § 5903(a) (relating to obscene and other sexual materials and performances) where the offense constitutes a felony, 18 Pa.C.S., § 6312 (relating to sexual abuse of children), 18 Pa.C.S., § 6318 (relating to unlawful contact or communication with minor) where the most serious underlying offense for which the defendant contacted or communicated with the minor is graded as a felony, 18 Pa.C.S., § 6320 (relating to sexual exploitation of children) and from offenders upon conviction, delinquency adjudication, and certain ARD cases for other specified offenses or an attempt, conspiracy, or solicitation to commit an offense under Title 18 Pa.C.S., § 2502 (relating to murder), 18 Pa.C.S., § 2709(c)(2)(ii) (relating to harassment and stalking), 18 Pa.C.S., § 2901 (relating to kidnapping), 18 Pa.C.S., § 2910 (relating to luring a child into a motor vehicle) 18 Pa.C.S., § 3126 (relating to indecent assault), 18 Pa.C.S., § 3502 (relating to burglary), and 18 Pa.C.S., § 3701 (relating to robbery).

*It Is Further Ordered and Decreed* that this Court's Administrative Order No. 11-1996 be and is hereby *Vacated*.

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

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

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

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

4. File one (1) certified copy with the Pennsylvania Juvenile Court Procedural Rules Committee.

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

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

7. Keep continuously available for public inspection copies of the Order and Rule in the Clerk of Court's Office and the Juvenile Court Office.

RICHARD W. WEBB,  
*President Judge*

[Pa.B. Doc. No. 03-918. Filed for public inspection May 16, 2003, 9:00 a.m.]

**CARBON COUNTY**

**List of Qualified Counselors and Counseling Services; No. 03-0864 and 03-9147**

**Administrative Order 12-2003**

And Now, this 2nd day of May, 2003, pursuant to 23 Pa.C.S.A., § 3302(d) and § 2505(b) governing the Compi-

lation of a List of Qualified Counselors and Counseling Services, it is hereby

*Ordered and Decreed* that the Court of Common Pleas hereby *Adopts* the attached list of Qualified Counselors and Counseling Services for Carbon County actions in Divorce, Termination, and Adoption proceedings.

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

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

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

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

4. File one (1) certified copy with the Pennsylvania Orphans' Court Procedural Rules Committee.

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

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

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

RICHARD W. WEBB,  
*President Judge*

	<i>Name</i>	<i>Address</i>	<i>Phone</i>	<i>Counseling Services</i>
1	Adoptions for the Heart	2212 Union Blvd. Allentown, PA 18109	1-800-355-5500	Counseling for clients (birthparents, adoptive parents)
2	Adoption Services	C/o Dr. Vincent Berger 28 Central Blvd. Camp Hill, PA 17011	1-800-943-0400	Adoption
3	All Seasons Therapy Center	201 Academy Street Williamsport, PA 17701	(570) 323-6987	Divorce
4	Bridge Youth Services	81 South Church Street Hazelton, PA 18201	(570) 455-1521	Counsel teens on divorce, adoption and termination services
5	Catholic Social Agency	1720 West Market Street Pottsville, PA 17901	(570) 628-0466	Divorce, adoption & foster care
6	Concern Professional Services for Children, Youth & Families	1 West Main Street Fleetwood, PA 19522	(610) 944-0445	Divorce, adoption & termination services
7	Family Guidance Center	1235 Penn Avenue Wyomissing, PA 19610	(610) 374-4963	Adoption & divorce
8	Lutheran Home-Family Life Services	1 South Home Avenue Topton, PA 19562-1399	(610) 682-1337	Divorce (only deal with people that want to be counseled)
9	Family Treatment Associates	117 Broad Street Stroudsburg, PA 18360	(570) 424-6049	Adoption, termination services, divorce
10	Genesis of the Slate Belt	C/o Clay Holland 51 Market Street Bangor, PA 18013	(610) 588-9109	All types of counseling services for all age groups
11	Grace Bohr	749 Harrison Avenue Scranton, PA 18510	(570) 961-3948	Divorce, adoption & termination services
12	Judith Belmont	1259 South Cedar Crest Blvd. Allentown, PA 18103	(610) 807-0218	Divorce

	<i>Name</i>	<i>Address</i>	<i>Phone</i>	<i>Counseling Services</i>
13	Julie Corriere	433 East Broad Street Bethlehem, PA 18018	(610) 807-0218	Divorce & adoption
14	Kathy Juracek	101 Carriage Lane Clarks Summit, PA 18411	(570) 586-3660	Divorce
15	Kidspeace	C/o Jim Dunstan 5300 Kidspeace Drive Orefield, PA 18069	(610) 799-8005	Foster care & associated with the statewide adoption network
16	Kidspeace	C/o Dr. LaSorca 5300 Kidspeace Drive Orefield, PA 18069	(610) 799-8169	Divorce
17	Lisa Breitburg	242 Main Street Emmaus, PA 18049	(610) 965-2752	Family Therapy & Counseling
18	Louise Walsh-Sander	55 Robin Drive Palmerton, PA 18071	(610) 852-3888	Divorce
19	Nancy Dutt	146 West Broad Street Bethlehem, PA 18018	Work number (610) 865-2288 Home number (610) 770-1652	Counsel couples, child foster care & adoption. No family court.
20	Planned Parenthood of Northeast PA	2901 Hamilton Blvd. Suite 300 Allentown, PA 18104	(610) 439-1033	Adoption, termination services
21	Robert Gordon	1259 South Cedar Crest Blvd. Suite 325 Allentown, PA 18103	(610) 821-8015	Insight therapy & assessment
22	Mert at the Counseling Services of Shane Enterprises	P. O. Box 362 Analomink, PA 18320	(570) 476-1059	Counseling Services
23	Steve Farina	3117 Lehigh Street Suite 103 Allentown, PA 18101	(610) 791-9139	Divorce
24	Teen Counseling Concepts Inc.	4912 Shankweiler Road Orefield, PA 18069-2305	(610) 395-6322	Send professional (with Master or PhD degrees) into the home to deal with divorce
25	Tom Collins	19 South 6th Street Stroudsburg, PA 18360	(570) 424-5477	Divorce, foster children & adoption
26	United Charities	107 Madison Avenue West Hazelton, PA 18201	(570) 455-1529	Divorce, general counseling

[Pa.B. Doc. No. 03-919. Filed for public inspection May 16, 2003, 9:00 a.m.]

### SCHUYLKILL COUNTY

#### Amended Criminal Rules of Procedure; Misc. 229-2003

##### Order of Court

*And Now*, this 5th day of May, 2003, at 9:00 a.m., Schuylkill County Criminal Rules of Procedure, Rule 106(a) and Rule 579 are amended for use in the Court of Common Pleas of Schuylkill County, Pennsylvania, Twenty-First Judicial District, Commonwealth of Pennsylvania, effective thirty days after publication in the *Pennsylvania Bulletin*.

The Clerk of Courts of Schuylkill County is Ordered and Directed to do the following:

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

2) File two (2) certified copies of this Order and Rule with the Legislative Reference Bureau for publication in

the *Pennsylvania Bulletin* together with a diskette reflecting the text in the hard copy version.

3) File one (1) certified copy of this Order and Rules with the Pennsylvania Criminal Procedural Rules.

4) Forward one (1) copy to the Law Library of Schuylkill County for publication in the *Schuylkill Legal Record*.

5) Keep continuously available for public inspection copies of this Order and Rule.

It is further *Ordered* that said rule as it existed prior to the amendment is hereby repealed and annulled on the effective date of said rule as amended, but no right acquired thereunder shall be disturbed.

WILLIAM E. BALDWIN,  
*President Judge*

##### Rule 106. Continuances.

(a) Motion by Defendant

Motions for Continuance by the Defendant shall be in writing, upon forms approved by the Court, executed by the defendant and his attorney. At least twenty-four (24)

hours advance notice of the presentation of said motions shall be given to the District Attorney. The motion shall be filed with the Clerk of Courts and contemporaneously a copy shall be served on the District Attorney by the defendant. The Clerk of Courts shall forward all motions for continuance to the Court Administrator, who shall list the motion for hearing on the date when continuance requests shall be heard in accordance with the published Court Calendar.

Upon a defendant's first application for continuance, the presence of the defendant and his or her counsel shall not be required at the hearing on said motion unless the District Attorney has notified the defendant that the continuance motion is opposed. When a motion seeks a second or subsequent continuance, the defendant will be obliged to appear in Court, with counsel, to waive the time requirements under Rule 600.

**Rule 579. Time for Omnibus Pre-Trial Motions.**

All omnibus pre-trial motions shall be filed within thirty (30) days after arraignment in accordance with Pa.R.Crim.P. No. 579. The defendant shall file the original with the Clerk of Courts and contemporaneously serve a copy on the District Attorney. The Clerk of Courts shall forward all motions to the Court Administrator for assignment to a judge.

[Pa.B. Doc. No. 03-920. Filed for public inspection May 16, 2003, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that on April 29, 2003, pursuant to Rule 214(d)(1) of the Pa.R.D.E., George E. Tillerson, III, was placed on temporary suspension by the Supreme Court until further Order of the Court. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 03-921. Filed for public inspection May 16, 2003, 9:00 a.m.]



# RULES AND REGULATIONS

## Title 67—TRANSPORTATION

### DEPARTMENT OF TRANSPORTATION

#### [67 PA. CODE CH. 449]

#### Liquid Fuels Tax Funds

The Department of Transportation (Department), Office of Administration, Bureau of Municipal Services (Bureau) amends Chapter 449 (relating to liquid fuels tax funds) to read as set forth in Annex A.

The Department plans to make these amendments effective upon publication without notice of proposed rulemaking. Notice of proposed rulemaking has been omitted under the authority contained in section 204(1) of the act of July 31, 1968 (P. L. 769, No 240) (45 P. S. § 1204(1)), known as the Commonwealth Documents Law (CDL). The final-omitted rulemaking interprets and incorporates self-executing provisions in the Community and Economic Development Enhancement Act (CEDEA) (71 P. S. §§ 1709.101—1709.2106) and amendments to the municipal and county codes. The procedures specified in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) are, in the circumstances, impracticable, unnecessary and contrary to the public interest.

The authority for this final-omitted rulemaking is 75 Pa.C.S. §§ 6103 and 9511 (relating to promulgation of rules and regulations by the department; and allocation of proceeds) and sections 1—10 of the act of June 1, 1956 (P. L. (1955) 1944, No. 655) (72 P. S. §§ 2615.1—2615.10) (act).

#### *Purpose of the Chapter*

Chapter 449 effects the fair and uniform administration of the provisions of the act and 75 Pa.C.S. § 9511, which provide a permanent allocation of a part of the liquid fuels, fuels and oil company franchise tax proceeds to counties, cities, boroughs, incorporated towns and townships for their road, street and bridge purposes.

#### *Purpose of the Final-Omitted Rulemaking*

The purpose of the final-omitted rulemaking is to update and revise existing provisions of Chapter 449 to be consistent with the CEDEA, which created the Department of Community and Economic Development by the merger of the former Departments of Commerce and Community Affairs. As a result of the merger, the annual reporting forms and documents were changed. These changes are reflected in § 449.12 (relating to annual qualification) and are intended to eliminate the confusion caused by the out dated information in the current regulation. Additionally, amendments to the municipal and county codes have superseded certain provisions of Chapter 449. These statutory amendments have affected townships of the first and second class, third class cities, boroughs, towns, counties of the third through eighth classes and councils of governments. Amendments to § 449.3 (relating to advertising, bidding and bond requirements) reflect the statutory changes from \$4,000 to \$10,000 in the dollar thresholds for determining whether competitive bidding is required in the solicitation and award of contracts, and for determining whether a municipal contract is exempt from bidding, bonding and advertising.

In §§ 449.7 and 449.8 (relating to purchase of materials and equipment; and equipment rental), telephonic price

quotations from at least three qualified and responsible contractors are required for contracts that exceed \$4,000 but are less than the \$10,000 threshold requiring advertising and competitive bidding, consistent with provisions in the statutes. These sections also provide that instead of the price quotations, a memorandum shall be kept on file showing that fewer than three qualified contractors service the market area within which it is practicable to obtain quotations. The file memorandum shall be kept until the completion of an audit by the Department of the Auditor General which includes the transaction. These audits are conducted periodically according to law and regulation.

Additionally, the bond requirement charts included in § 449.7 and § 449.9 (relating to construction and maintenance contracts) have been updated to reflect current statutory bonding requirements. This amendment will eliminate the confusion, which has existed since the statutory changes, over the appropriate advertising, bidding and bonding requirements. Section 449.7(e) has also been revised to include intergovernmental agencies in the sections dealing with advertising, bidding and bonding requirements for piggy-back purchases. This amendment was made to reflect the changes made to 62 Pa.C.S. (relating to Commonwealth Procurement Code). Sections 449.7 and 449.9 have also been updated to include metric measurements.

In developing the final-omitted rulemaking, the Bureau met and discussed the amendments with Statewide municipal associations and with staff of the Auditor General to ensure that the final-omitted rulemaking would not conflict with applicable local laws and would be acceptable to all affected parties.

#### *Persons and Entities Affected*

The final-omitted rulemaking affects all municipal governments in this Commonwealth that seek to qualify and receive Liquid Fuels Tax funds.

#### *Fiscal Impact*

The final-omitted rulemaking does not impose an increased fiscal burden on State or local governments or private entities. The final-omitted rulemaking will facilitate the expeditious review and approval of liquid fuels tax fund activities. This will allow the Department to serve the municipalities of this Commonwealth in a more effective and professional manner and will promote more efficient utilization of liquid fuels tax funds. The final-omitted rulemaking does not impose any additional reporting, recordkeeping or other paperwork requirements on the Commonwealth or local governments.

#### *Sunset Date*

The Department is not establishing a sunset date for the final-omitted rulemaking since the regulations are needed to administer the provisions required under sections 1—4 of the act and 75 Pa.C.S. § 9010 (relating to disposition and use of tax). The Department will, however, continue to closely monitor these regulations for their effectiveness.

#### *Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on March 17, 2003, the Department submitted copies of this final-omitted rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transporta-

tion Committees. On the same date, the final-omitted rulemaking was submitted to the Office of the Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(d) of the Regulatory Review Act, on April 7, 2003, this final-omitted rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, on April 24, 2003, IRRC met and approved this final-omitted rulemaking.

*Contact Person*

The contact person is Richard G. Zerbe, Bureau of Municipal Services, P. O. Box 8211, 400 North Street, 6th Floor, Commonwealth Keystone Building, Harrisburg, PA 17105-8211, (717) 783-8588.

*Findings*

The Department finds that:

(1) Public notice of intention to adopt these amendments has been omitted under section 204(1) and (3) of the CDL and the regulation promulgated thereunder, 1 Pa. Code § 7.4.

(2) This final-omitted rulemaking interprets and incorporates self-executing changes made in the CEDEA and amendments to the various municipal and county codes. The CEDEA merged the former Departments of Commerce and Community Affairs, requiring changes in annual reporting forms and documents to reflect the consolidation of the two former agencies into the new Department of Community and Economic Development. The enactment of the CEDEA itself effected the change, this final-omitted rulemaking is a correction of the requirements to conform them to the changes made by the statute. Similarly, the municipal and county codes have effected changes in the threshold dollar amounts which determine whether municipal contracts must be advertised and bid and require bid or performance bonds, or both. The final-omitted rulemaking simply conforms the requirements specific to municipal contracts involving the expenditure of Liquid Fuels Tax moneys to the changes effected in this final-omitted rulemaking to the statutes.

Under the circumstances, there would be no fruitful purpose to publish these regulatory amendments as proposed rulemaking or to invite public comment. The substance of the regulatory amendments is dictated by the changes already controlling in the amended statutes. It would be impracticable, unnecessary and contrary to the public interest to invoke the provisions of sections 201 and 202 of the CDL in these circumstances.

(3) The adoption of this final-omitted rulemaking, in the manner provided in this order, is necessary and appropriate for the administration and enforcement of the authorizing statutes.

*Order*

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

(a) The regulations of the Department, 67 Pa. Code Chapter 449, are amended by amending §§ 449.2, 449.3, 449.5, 449.7—449.9, 449.11 and 449.12 to read as set forth in Annex A.

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

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

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

ALLEN D. BIEHLER, P. E.,  
*Secretary*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 33 Pa.B. 2325 (May 10, 2003).)*

**Fiscal Note:** 18-371. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 67. TRANSPORTATION**

**PART I. DEPARTMENT OF TRANSPORTATION**

**Subpart B. NONVEHICLE CODE PROVISIONS**

**ARTICLE III. HIGHWAYS**

**CHAPTER 449. LIQUID FUELS TAX FUNDS**

**§ 449.2. Definitions.**

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

*Alley*—A narrow roadway, usually to the rear of abutting properties, designed for the purpose of access to the rear of the properties and not as a thoroughfare; and every roadway less than 16 feet in width.

*Court*—A dead-end roadway designed to provide access to properties abutting thereon which has a length of less than 250 feet or a vehicle turnaround area with a radius of less than 40 feet.

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

*Intergovernmental agencies*—Councils of government, area governments or other affiliation of governments or government agencies as authorized by 62 Pa.C.S. Chapter 19 (relating to intergovernmental relations) to participate in, sponsor, conduct or administer a cooperative purchasing agreement and which expend public moneys for the procurement of supplies, services and construction.

*Person*—Individual, partnership or corporation; contracts with two or more companies owned or operated by the same person are regarded as one contract.

*Road machinery and road equipment*—Any machinery or equipment used primarily for the maintenance, repair, construction or reconstruction of public roads or streets, including bridges, culverts and drainage structures for which municipalities are legally responsible.

*Roadway*—That portion of a street or highway between the side ditch lines, face of curbs, outside edge of shoulders and gutters, or combination thereof, exclusive of slope areas.

*Secretary*—The Secretary of Transportation.

*Way*—A short stretch of roadway having both terminals in a street or road and designed to provide access to properties abutting thereon.

*Way, court and alley*—Any way, court or alley established after the effective date of this chapter will not be recognized as a road or street for purposes of Liquid Fuels Tax participation.

**§ 449.3. Advertising, bidding and bond requirements.**

(a) *General rule.* Advertising, bidding, and a performance bond are required by statute on purchases and contracts in excess of \$10,000, with certain exceptions indicated in subsection (b). See: sections 1.1 and 1.2 of the act of March 7, 1901 (P. L. 20, No. 14) (53 P. S. §§ 23308.1 and 23308.2); sections 1901—1918 of the act of June 23, 1931 (P. L. 932, No. 317) (53 P. S. §§ 36901—36918); sections 1401—1411 of the act of February 1, 1966 (P. L. (1965) 1656, No. 581) (53 P. S. §§ 46401—46411); the act of May 27, 1953 (P. L. 244, No. 34) (53 P. S. §§ 53201—53209); sections 1801—1811 of the act of June 24, 1931 (P. L. 1206, No. 331) (53 P. S. §§ 56801—56811); sections 801—808 of the act of May 1, 1933 (P. L. 103, No. 69) (53 P. S. §§ 65801—65809); and the Public Works Contractors' Bond Law of 1967 (8 P. S. §§ 191—202).

(b) *Evasion prohibited.* While it is lawful to make a purchase or contract for up to \$10,000 without advertising and bidding, it is unlawful to enter into several less-than \$10,000 contracts with the same person or with several persons merely for the purpose of evading advertising and bidding requirements.

(c) *Bonds.* Bonds shall include the following:

(1) *Bid bond.* A bid bond guarantees that the bidder will execute the contract in the event he is declared the winning bidder.

(2) *Performance bond.* A performance bond guarantees that work, materials and equipment will be provided at the time specified in the contract. A performance bond does not guarantee the quality of the work, materials and equipment.

(3) *Payment bond.* A payment bond guarantees that the contractor or supplier will pay his workers, subcontractors and suppliers.

(d) *Emergency exception to advertising and bidding requirements.* Whenever municipal officials determine that an emergency condition exists rendering it essential to undertake immediate repair or maintenance work to protect the health, safety or welfare of the people, the emergency work may be contracted for by the municipality without the necessity of advertising for competitive bids for the project.

(1) An emergency which will warrant dispensing with advertising for competitive bids must be immediate, unforeseen and existing. A condition which may or may not arise in the future or a condition which should reasonably have been foreseen in time to advertise for bids will not warrant dispensing with normal advertising and bidding requirements.

(2) The determination of the emergency and the actions of the municipal officials in contracting for emergency work shall be fully documented for Department review.

(e) *Exception to advertising, bidding and bonding requirements for home rule charter municipalities.* In the case of any municipality which has adopted a home rule charter, the Department will recognize charter provisions which are contrary to the advertising, bidding and bonding requirements in this chapter or in the various municipal codes.

(f) *Brand names.* In advertising for equipment to be rented or purchased, or for materials to be purchased or delivered in place, it is unlawful to require or specify any particular make or brand thereof, thereby excluding other makes or brands. A particular brand name or its equivalent may be specified if equal consideration is given to all brands which are reasonably similar to the specified brand. The specifications shall be reasonable and not merely imposed to exclude some brands of equipment or material in favor of other brands.

**§ 449.5. Failure to receive bids.**

If a purchase or contract over \$10,000 is advertised and no bids are received, the municipality may not proceed with the purchase or contract unless it is again advertised for bids. If again no bids are received, the municipality may negotiate the purchase or contract on the best terms available within 45 days of the second advertisement if no substantial changes are made in the terms, conditions and specifications contained in the bid proposal. If substantial changes must be made to procure the purchase or contract, the purchase or contract shall be re-advertised and bid on the basis of the changes.

**§ 449.7. Purchase of materials and equipment.**

(a) *Advertisement.* The advertisement for any purchase, whether to be picked up or delivered or, in case of materials, to be applied in place, shall contain a reasonably complete description and estimated quantities of the major items or categories of items. The advertisement shall also indicate the requirement of a bid or performance bond, or both.

(b) *Proposal.* The proposal shall contain the approximate number of items or tons, gallons, square yards, the metric equivalent, or other standard unit of measure, required, as reasonably estimated by the municipality.

(1) The bidder shall insert in the proposal:

(i) The unit price for each item.

(ii) The total price for each item (quantity × unit price).

(iii) The total price for any group of items which the proposal stipulates shall be supplied by a single bidder.

(2) Bids, without quantities, are not acceptable.

(3) Only like items may be required to be supplied by a single bidder.

(i) If this requirement is imposed, the proposal shall so indicate.

(ii) It is not permissible to require a single supplier to provide both tars and asphalts.

(iii) When tar is to be bid, it is not permissible to specify coal tar or to specify water tar.

(4) Liquid asphalt shall be purchased by one of the following:

(i) Weight.

(ii) Volume (gallons or liters) at 60°F or 15.5°C. Use the conversion table contained in the Department Bulletin 25, Publication #27.

(c) *Bonds.* On purchases over \$10,000, suppliers shall provide bonds in accordance with the following chart:

	<i>First, Second, &amp; 2A-Class Cities</i>	<i>Third Class Cities</i>	<i>Boroughs</i>	<i>First Class Townships</i>	<i>Second Class Townships</i>
Bid Bond	*	Discretionary with council in a reasonable amount. (53 P. S. § 36901(f))	Discretionary with council, in an amount determined by council. (53 P. S. § 46402(b)(1))	Not required	Not required
Performance Bond	*	Bond or irrevocable letter of credit, in amount sufficient to council, furnished within 20 days, but not less than 10 days, of award as specified by council. (53 P. S. § 36901(g))	At council's discretion. If required, not less than 10% or greater than 100%, furnished within 20 days, but not less than 10 days, of award as specified by council. (53 P. S. § 46402(c))	Not less than 10% or greater than 100%, furnished within 20 days, but not less than 10 days, of award as specified by township commissioners. (53 P. S. § 56802(c))	Not less than 10% or greater than 100%, as specified by township supervisors, furnished within 20 days of award. (53 P. S. § 68102(g))

\* See appropriate municipal code or charter.

*NOTE:* The Public Works Contractors' Bond Law of 1967 may supersede requirements of municipal codes. Consult the appropriate statutes or consult with the appropriate municipal solicitor, or both, regarding bonding requirements for a particular contract or project.

(d) *Annual estimate of materials.* Each municipality shall make an annual estimate of its requirements of road construction and maintenance materials, and shall advertise for bids on all items and groups of like items ordinarily supplied by a single supplier—see subsection (b)(3)—which are estimated to exceed \$10,000 for the year. For materials estimates between \$4,000 and \$10,000, three telephone price quotes shall be obtained prior to the selection of a supplier. In lieu of the price quotations, a memorandum shall be kept on file showing that fewer than three qualified contractors service the market area within which it is practicable to obtain quotations until a satisfactory audit of the contract is completed by the Department of the Auditor General. If the cost during the year of an unadvertised item or group of like items ordinarily supplied by a single supplier exceeds \$10,000, or if the cost was between \$4,000 and \$10,000 and three price quotes were not obtained, the entire cost shall be ineligible for payment from the Liquid Fuels Tax fund unless it can be shown to the satisfaction of the Secretary that it was reasonably believed that the cost of the year's requirements of that item or group of like items would not exceed \$10,000 or be between \$4,000 and \$10,000 as specified in this section.

(e) *Purchases through Department of General Services or intergovernmental agencies.* Advertising, bidding and bonding requirements do not apply to "piggy back" purchases from suppliers under contracts with the Department of General Services or intergovernmental agencies. Compliance by an intergovernmental agency with the advertising and bonding requirements in this chapter shall be sufficient to relieve a municipality cooperating in the same purchasing agreement from compliance with the advertising, bidding and bonding requirements.

(f) *Purchases of gasoline subject to Federal Energy Administration regulations.* Advertising, bidding and bonding requirements do not apply to gasoline purchases which Federal Energy Administration regulations require be made from specified suppliers if a municipality utilizes 84,000 gallons or more a year.

**§ 449.8. Equipment rental.**

(a) *General rule.* A contract in excess of \$10,000 for the rental of equipment shall be advertised, bid and bonded

and a contract between \$4,000 and \$10,000 shall be awarded only after three telephone price quotes are obtained, unless the work is performed by the municipality's own employee forces. For contracts between \$4,000 and \$10,000, in lieu of the price quotations, a memorandum shall be kept on file showing that fewer than three qualified contractors service the market area within which it is practicable to obtain quotations until a satisfactory audit of the contract is completed by the Department of the Auditor General.

(1) The advertisement shall contain a reasonably complete description of the type of equipment, approximate length of time the equipment will be required and whether the equipment shall be provided with operators.

(2) The proposal shall contain the approximate number of hours, days, and the like that the equipment will be required, as reasonably estimated by the municipality.

(3) Annual contracts for equipment rental and labor shall be permitted.

(4) On equipment rental contracts over \$10,000, suppliers shall provide bonds in accordance with the chart in § 449.7(c) (relating to purchase of materials and equipment).

(5) If rented equipment is subsequently purchased, any rental paid in excess of an annual rate of 25% of the value of the equipment shall be regarded as a part of the purchase price in determining if the purchase must be advertised and bid.

(b) *"Local forces" defined.* "Local forces" are defined as follows:

(1) For the local forces exception to apply to equipment rented with operators, it must be shown that more than one half of the total man-hours of work on the project will be performed by municipal employees.

(2) Bona fide temporary employees of the municipality shall be counted as municipal employees. Employees of a contractor placed on the payroll of a municipality for the duration of a project will not be recognized as municipal employees.

(3) To substantiate a determination that a project is a local forces job, all man-hours shall be identified on payroll records.

(c) *Lease-purchase contracts of equipment.* When equipment is rented for general street and highway construction and maintenance use, rather than for a particular project, it may be desirable to enter into a lease containing a purchase option.

(1) If the total amount of the lease-purchase agreement, including trade-in allowance, all rentals and the amount paid under the purchase option exceeds \$10,000, advertising, bidding and a performance bond are required.

(2) The only Liquid Fuels Tax funds which may be used for a lease-purchase agreement is the 20% portion reserved for the purchase of equipment.

(3) Equipment purchased with Liquid Fuels Tax funds shall be used primarily for street and highway use.

**§ 449.9. Construction and maintenance contracts.**

(a) *Cost comparison.* Before deciding to pave a road or street by purchasing materials and renting equipment with operators, the municipality should compare the cost of having the job done by contract.

(b) *Advertisement.* The advertisement for a construction or maintenance contract shall contain a reasonably complete description of the project, including the scope of the project and the type of work involved, as well as bond requirements as indicated in subsection (f).

(c) *Proposal.* The proposal shall contain the approximate number of tons or square yards of materials, or the

metric equivalents, required, as reasonably estimated by the municipality. The bidder shall insert:

- (1) The unit price of each item.
- (2) The total price for each item (quantity × unit price).
- (3) The total price for any group of items, as to which the proposal requires a total or subtotal.

(d) *Lump sum bids.* In special cases, the Director of the Bureau of Municipal Services of the Department may approve lump sum bids in lieu of the procedure in subsection (c).

(e) *Prevailing wage requirements.* If the estimated cost of a construction contract, as defined in the memorandum of understanding between the Department, the Department of Labor and Industry and the former Department of Justice exceeds \$25,000, the municipality shall:

(1) Determine the prevailing minimum wage rates from the Prevailing Minimum Wage Division of the Department of Labor and Industry.

(2) Indicate in the advertisement issued for the purpose of securing bids for the contract that prevailing wage rates shall be paid on the project.

(3) Specify the prevailing minimum wage rates in the bid proposals for the contract.

(f) *Bonds.* Construction and maintenance contractors are required to provide bonds in accordance with the following chart:

**BOND REQUIREMENTS FOR CONSTRUCTION AND MAINTENANCE**

	<i>First, Second, &amp; 2A-Class Cities</i>	<i>Third Class Cities</i>	<i>Boroughs</i>	<i>First Class Townships</i>	<i>Second Class Townships</i>
Bid Bond	*	Requirement and reasonable amount discretionary with council. (53 P. S. § 36901(f))	Discretionary with council, in an amount determined by council. (53 P. S. § 46402(b)(1))	Not required	Not required
Performance Bond over \$10,000	*	Bond or irrevocable letter of credit, in amount sufficient to council, furnished within 20 days, but not less than 10 days, of award as specified by council. (53 P. S. § 36901(g))	At council's discretion. If required, not less than 10% or greater than 100%, furnished within 20 days, of award as specified by Council. (53 P. S. § 46402(c))	Not less than 10% or greater than 100%, furnished within 20 days, but not less than 10 days, of award as specified by township commissioners. (53 P. S. § 56802(c))	Not less than 10% or greater than 100%, as specified by township supervisors, furnished within 20 days of award. (53 P. S. § 68102(g))
Payment Bond over \$1,500	*	50% to 100% at discretion of city. (53 P. S. § 36907)	50% to 100% at discretion of the borough. (53 P. S. § 46406)	50% to 100% at discretion of the township. (53 P. S. § 56804)	Not required unless covered under the Public Works Contractors' Bond Law of 1967. (53 P. S. § 68105)

\* See appropriate municipal code or charter.

*NOTE:* The Public Works Contractors' Bond Law of 1967 may supersede requirements of municipal codes. Please consult the appropriate statutes or consult with the appropriate municipal solicitor, or both, regarding bonding requirements for a particular contract or project.

(g) *Payment of engineering fees.* Reasonable engineering fees in connection with any contract made by a municipality under this chapter shall be payable out of the Liquid Fuels Tax fund of the municipality. Any fees in excess of 10% of the total contract price shall be docu-

mented and justified to the satisfaction of the Department.

**§ 449.11. Twenty percent funds.**

(a) *Accumulation of 20% funds.* A municipality may

accumulate its road machinery and road equipment funds—20% funds—over a period of years subject to the following limitations:

(1) The full amount of 20% funds to be carried over from one year to the next shall be on deposit in the Liquid Fuels Tax account at the end of the calendar year, and shall be carried as part of the maintenance fund balance as reported on Form MS-965.

(2) If 20% funds are accumulated in an amount in excess of 100% of the most recent Liquid Fuels Tax allotment, the municipal budget shall indicate the kind of road machinery or road equipment which the municipality plans to purchase.

(b) *Payment of loans with 20% funds.* Loans or bond issues made to finance the purchase of road machinery and road equipment may be repaid from 20% funds.

(c) *Reimbursement of general fund expenditures with 20% funds.* Expenditures from the general fund made to finance the purchase of road machinery and road equipment purchased on or after August 6, 1971, may be reimbursed from 20% funds in the same or subsequent years.

**§ 449.12. Annual qualification.**

(a) *Requirements.* To qualify for its annual Liquid Fuels Tax allocation, each municipality shall submit to the Department the following documents and information:

(1) Evidence that its treasurer is bonded in accordance with law, or that its treasurer is a bank requiring no bond. This information is due on or before January 31 each year and shall be submitted on Department Form MS-965.

(2) A report indicating the manner in which its liquid fuels tax allocation was expended in the preceding year, the manner in which it plans to expend its Liquid Fuels Tax allocation in the current year and the amount of funds for road and street purposes to be raised by the levying of taxes in the current year. This information shall be due on or before January 31 each year on Department Form MS-965.

(3) A report of all elected and appointed officials, indicating the official and address to which Liquid Fuels Tax allocations and correspondence shall be forwarded. This information is due on or before January 31 each year and shall be submitted on the appropriate Department of Community and Economic Development forms:

(i) Form DCED-CLGS-19-2 for Cities.

(ii) Form DCED-CLGS-19-3 for Boroughs.

(iii) Form DCED-CLGS-19-4 for First Class Townships.

(iv) Form DCED-CLGS-19-5 for Second Class Townships.

(4) A copy of Form DCED-CLGS-69 (survey of financial condition). This completed form must be received by the Department of Community and Economic Development by March 15 each year.

(b) *Waiver.* The Secretary, for good cause, may waive any of these requirements as prerequisites to qualification for the annual Liquid Fuels Tax allocation.

[Pa.B. Doc. No. 03-922. Filed for public inspection May 16, 2003, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Pennsylvania Vegetable Marketing and Research Program

Under the applicable provisions of 3 Pa.C.S. Chapter 45 (relating to Agricultural Commodities Marketing Act), a review referendum was held from March 17, 2003, to March 31, 2003, to determine if the producers affected by the Pennsylvania Vegetable Marketing and Research Program (program) desired to continue the program for an additional 5 years. To pass, a majority of eligible producers voting had to vote in favor of the program's continuation. An impartial Teller Committee met on April 10, 2003, to count the ballots. The following results were

submitted by the Teller Committee: a total of 533 eligible votes were cast with 418 producers voting in favor of and 115 voting against the continuation of the program. An additional 30 ballots were invalid because they were either unsigned, illegible or postmarked after the formal voting deadline. Votes favoring continuation of the program by number of producers represented 78.4% of eligible votes and votes against continuation of the program represented 21.6% of eligible votes. Because a majority of the votes were cast in favor of the program, it will continue for 5 years, effective immediately.

DENNIS C. WOLFF,  
*Acting Secretary*

[Pa.B. Doc. No. 03-923. Filed for public inspection May 16, 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 May 6, 2003.

#### BANKING INSTITUTIONS Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-2-03	UNB Interim Acquisition Bank Souderton Montgomery County	Souderton	Filed Approved 5-5-03

#### Conversions

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
5-5-03	Huntingdon Valley Bank Huntingdon Valley Montgomery County	2617 Huntingdon Pk. Huntingdon Valley Montgomery County	Approved

*To:*

Huntingdon Valley Bank  
Huntingdon Valley  
Montgomery County

Represents conversion of a Federally-chartered mutual savings association to a State-chartered mutual savings bank.

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-30-03	Farmers and Merchants Trust Company of Chambersburg Chambersburg Franklin County	14-20 N. Hanover St. Suite 1 Carlisle Cumberland County	Filed
5-2-03	Community Banks Millersburg Dauphin County	Normandie Ridge 1700 Normandie Drive York West Manchester Twp. York County	Filed
5-2-03	Pennsylvania State Bank Camp Hill Cumberland County	7040 Jonestown Road Harrisburg West Hanover Twp. Dauphin County	Filed

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-2-03	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Eagle/Upper Uwchlan Acme 400 Sompson Drive Chester Springs Chester County	Opened
5-5-03	S & T Bank Indiana Indiana County	20001 Route 19 Cranberry Township Butler County	Filed
5-5-03	The Legacy Bank Harrisburg Dauphin County	4231 Trindle Road Camp Hill Cumberland County	Opened
5-5-03	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Voorhees Acme 700 Haddonfield-Berlin Road Voorhees Camden County, NJ	Approved
5-5-03	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Cinnaminson Acme 1103 Route 130 South Cinnaminson Burlington County, NJ	Approved
5-5-03	The Dime Bank Honesdale Wayne County	Route 739 Dingmans Ferry Delaware Township Pike County	Approved
5-5-03	S & T Bank Indiana Indiana County	WalMart 1 Hollywood Blvd. Delmont Westmoreland County	Approved
5-5-03	Pennsylvania Business Bank Philadelphia Philadelphia County	1691-1695 Grant Ave. Philadelphia Philadelphia County	Approved
5-5-03	Community Banks Millersburg Dauphin County	Shops at Strawberry Square, First Floor 15-17 North Third St. Harrisburg Dauphin County	Approved
5-5-03	Sun Bank Lewisburg Union County	1110 East Simpson Ferry Road Mechanicsburg Cumberland County	Approved

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
5-5-03	Superior Credit Union, Collegeville, and ARE Federal Credit Union Royersford Surviving Institution— Superior Credit Union, Collegeville	Collegeville	Approved

**Articles of Amendment**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
5-5-03	Pennsylvania State Employees Credit Union Harrisburg Dauphin County	Amendment to Article 8 provides for change in the field of membership.	Approved and Effective

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 03-924. Filed for public inspection May 16, 2003, 9:00 a.m.]



# DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

## Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, May 28, 2003, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

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

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

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 03-925. Filed for public inspection May 16, 2003, 9:00 a.m.]

## Lackawanna Watershed Conservation Plan

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation has approved the Lackawanna Watershed Conservation Plan (Plan) and is placing a portion of the

Lackawanna Watershed in Lackawanna, Luzerne and Wayne Counties on the Pennsylvania Rivers Conservation Registry (Registry).

The Lackawanna River Corridor Association submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the Department has determined that the Pennsylvania Rivers Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

1. A portion of the Lackawanna Watershed located south of the State Route 171 Bridge in the Village of Simpson, Fell Township, Lackawanna County—294 square miles.

2. All tributary streams within the Lackawanna Watershed located south of the State Route 171 Bridge in the Village of Simpson, Fell Township, Lackawanna County.

This action becomes effective May 17, 2003. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Program.

A copy of the final Plan is available for review at the Lackawanna River Corridor Association, 2006 North Main Avenue, Scranton, PA 18501-0368, (570) 207-7608 and the Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17101, (717) 787-2316.

Maps and supporting data are on file at the Lackawanna River Corridor Association.

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 03-926. Filed for public inspection May 16, 2003, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

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### APPLICATIONS

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

### NPDES APPLICATIONS

### PART I PERMITS

Under the Federal Clean Water Act and The Clean Streams Law, the following parties have applied for an NPDES permit or to renew their current permit to discharge controlled wastewaters into the waters of this Commonwealth or to conduct other activities required by the NPDES permit. For renewal applications listed in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements. For new permit applications, renewal applications 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. Oil and gas related permit applications are listed in Section III. 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 a 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 the application. The comment 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.

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

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

### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0032123 Minor Renewal	Department of Conservation and Natural Resources Bureau of Facility Design and Construction 2808 Three Mile Run Road Perkasie, PA 18944	Greene Township Pike County	East Branch Wallenpaupack Creek 1C	Y
PA0029157 Minor Renewal	Keystone College One College Green La Plume, PA 18440	Wyoming County Factoryville Borough	South Branch Tunkhannock Creek 4F	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0084638 IW	Borough of Boyertown 100 S. Washington Street Boyertown, PA 19512-1599	Berks County Earl Township	UNT Ironstone Creek 3D	Y
PA0070319 IW	County of Berks Berks County Fire Training School 895 Morgantown Road Reading, PA 19607	Berks County Reading City	Angelica Creek 3C	Y
PA0082571 SEW	West Penn District Grace Brethren Men., Inc.—Camp Mantowagan Little Valley Road, P. O. Box 95 Saxton, PA 16678	Huntingdon County Todd Township	UNT Tatman Run 11D	Y
PA0044741 IW	Hanover Foods Corporation P. O. Box 334, 1486 York Street Hanover, PA 17331-0334	York County Penn Township	Oil Creek 7H	Y
PA0083151 SEW	Penn Manor School District Marticville Middle School P. O. Box 1001 Millersville, PA 17551	Lancaster County Martic Township	Pequea Creek 7K	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0115291 Public Sewerage	Borough of Snyderstown 42 South Market Street Snyderstown, PA 17877-9999	Northumberland County Borough of Snyderstown	Shamokin Creek SWP 6B	Y
PA0209511	Sullivan Township Supervisors P. O. Box 84 Mainesburg, PA 16932	Tioga County Sullivan Township	Corey Creek 4A	Y

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0208639 Sewerage	Hartleton Borough Municipal Authority P. O. Box 31 Hartleton, PA 17829	Hartleton Borough Union County	Cold Run 6A	Y
PA0114553 Public Sewerage	Millheim Borough Council P. O. Box 421 225 E. Main Street Millheim, PA 16854	Centre County Penn Township	Elk Creek SWP 6A	Y

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

**PA0092304**, Sewage, **Keystone Senior Care LLC**, Suite 150, 4550 Lena Drive, Mechanicsburg, PA 17055. This proposed facility is located in Penn Township, **Butler County**.

Description of Proposed Activity: Renewal and transfer of a permit to discharge treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Zelenople Water Works intake on the Connoquenessing Creek at Zelenople, approximately 25 miles below point of discharge.

The receiving stream, unnamed tributary to Robinson Run, is in watershed 20C and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0094 MGD.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
CBOD <sub>5</sub>	10		20
Total Suspended Solids	10		20
Ammonia-Nitrogen			
(5-1 to 10-31)	3		6
(11-1 to 4-30)	9		18
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	
Phosphorus (as P)			
(4-1 to 10-31)	2		4
Dissolved Oxygen		minimum of 3 mg/l at all times	
Total Residual Chlorine	1.5		3.5
pH		6.0 to 9.0 standard units at all times	

XX—Monitor and Report

The EPA waiver is in effect.

**PA0222909—Amendment No. 1**, Sewage, **Kinzua/Warren County Joint Authority**, P. O. Box 412, Clarendon, PA 16313. This existing POTW is located in Mead Township, **Warren County**.

Description of Proposed Activity: Amendment of an NPDES permit for an existing discharge of treated sewage, to reflect a re-rating from 0.25 to 0.3125 MGD.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Emlenton Water Company and the Allegheny River at Emlenton, approximately 98.5 miles below point of discharge.

The receiving stream, Allegheny River, is in watershed 16-B and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.3125 MGD.

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX				
CBOD <sub>5</sub>	65	104	25	40	50
Total Suspended Solids	78	117	30	45	60
NH <sub>3</sub> -N					
(5-1 to 10-31)	5.7		2.2		4.4
(11-1 to 4-30)	17		6.6		13.2

Parameters	Loadings		Concentrations		
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Fecal Coliform (5-1 to 9-30)			200/100 ml as a geometric average		
(10-1 to 4-30)			100,000/100 ml as a geometric average		
pH			6.0 to 9.0 standard units at all times		

XX—Monitor and Report

The EPA waiver is in effect.

**PA0103136**, Sewage, **Shane L. Kosterman, Woodhaven Mobile Home Park**, 7950 Page Road, Wattsburg, PA 16442. This facility is located in Greene Township, **Erie County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sanitary sewage from the Woodhaven Mobile Home Park.

The receiving stream, an unnamed tributary of Six Mile Creek, is in the Lake Erie watershed and classified for CWF and MF. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, sulfate, chloride and phenolics, the proposed downstream potable water supply considered during the evaluation is the North East Borough, Lake Erie take point, approximately 21 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.030 MGD:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	Monitor and Report		
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N (5-1 to 10-31)	3.0		6.0
(11-1 to 4-30)	9.0		18.0
Dissolved Oxygen	minimum of 3.0 mg/l at all times		
Phosphorus as "P"	1.0		
Total Residual Chlorine	0.50		1.2
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	
pH		6.0 to 9.0 standard units at all times	

The EPA waiver is in effect.

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

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

**PA0063061**, Industrial Waste, SIC 4941, **Ashland Area Municipal Authority**, 501 North Chestnut Street, Ashland, PA 17921-1324. This proposed action is for the renewal of an NPDES permit to discharge treated process wastewater into an unnamed tributary to Little Mahanoy Creek in Butler Township, **Schuylkill County**.

The receiving stream is in the State Water Plan watershed 06B and is classified for CWF, aquatic life, water supply and recreation. There are no downstream public water supply intakes; therefore, the point of protection is at the PA-MD border on the Susquehanna River, approximately 150 miles below the point of discharge.

The proposed effluent limits based on a design flow of 0.019 MGD are:

Parameter	Mass (lb/day)		Concentration (mg/l)	
	Average Monthly	Maximum Daily	Average Monthly	Instantaneous Maximum
Aluminum			4.0	8.0
Manganese			1.0	2.0
Total Iron			2.0	4.0
Total Suspended Solids			30.0	60.0
pH			6.0 to 9.0 Standard Units at all times	

The EPA waiver is in effect.

**PA0061395**, Industrial, **Borough of Schuylkill Haven**, 12 West Main Street, Schuylkill Haven, PA 17972-1900. This proposed facility is located in North Manheim Township, **Schuylkill County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated process wastewater into Tumbling Run.

The receiving stream is in the State Water Plan watershed no. 03A and is classified for CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the Pottstown Borough Water Authority is on the Schuylkill River, approximately 40 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.047 MGD are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>
Aluminum			4.0	8.0
Manganese			1.0	2.0
Total Iron			2.0	4.0
Total Suspended			30.0	60.0
pH	6.0 to 9.0 standard units at all times			

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

**PA0085090**, Industrial Waste, SIC Code 5171, **Berks Products Corporation**, P. O. Box 421, Reading, PA 19603. This facility is located in Muhlenberg Township, **Berks County**.

Description of activity: Renewal of an NPDES permit for an existing discharge of treated industrial waste.

The receiving stream, Bernhart Creek, is in Watershed 3-C and classified for WWF, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Pottstown Borough is on the Schuylkill River. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Recoverable Petroleum Hydrocarbons	XXX	XXX	XXX	Monitor and Report	XXX

The proposed effluent limits for Outfall 002.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Benzene	XXX	XXX	XXX	Monitor and Report	XXX
Toluene	XXX	XXX	XXX	Monitor and Report	XXX
Oil and Grease	XXX	XXX	XXX	Monitor and Report	XXX
Total Recoverable Petroleum Hydrocarbons	XXX	XXX	XXX	Monitor and Report	XXX

Individuals may make an appointment to review the Department files on this case by calling the File Review Coordinator at (717) 705-4732.

The EPA waiver is in effect.

**PA0043257**, Sewage, SIC Code 4952, **New Freedom Borough Authority**, 49 East Main Street, New Freedom, PA 17349. This facility is located in Railroad Borough, **York County**.

Description of activity: Renewal of an NPDES permit for an existing discharge of treated sewage from a sequencing batch reactor facility.

The receiving stream, South Branch Codorus Creek, is in Watershed 7-H and classified for WWF, water supply and recreation and fish consumption. The nearest downstream public water supply intake is for York Water Company is on the South Branch Codorus Creek, approximately 19 miles downstream. The discharge is not expected to affect the water supply.

The proposed final effluent limits for Outfall 001 based on a design flow of 2.3 MGD and decant rate of 7.2 MGD are:

<i>Parameter</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH (S. U.)	XXX	XXX	XXX	From 6.0 to 9.0 inclusive			
Dissolved Oxygen	XXX	XXX	XXX	Minimum of 5.0 mg/l at all times			
Total Residual Chlorine	XXX	XXX	XXX	0.18	XXX	XXX	0.5
Total Suspended Solids	575	863	XXX	30	45	XXX	60
CBOD <sub>5</sub>	288	422	XXX	15	22	XXX	30

Parameter	Mass (lb/day)			Concentration (mg/l)			Instantaneous Maximum
	Average Monthly	Average Weekly	Maximum Daily	Average Monthly	Average Weekly	Maximum Daily	
NH <sub>3</sub> -N							
(5-1 to 10-31)	19	XXX	XXX	1.0	XXX	XXX	2.0
(11-1 to 4-30)	58	XXX	XXX	3.0	XXX	XXX	6.0
Total Phosphorus*	12.5	XXX	XXX	1.0	XXX	XXX	2.0
Total Nitrogen	XXX	XXX	XXX	XXX	XXX	Monitor	XXX
Fecal Coliform							
(5-1 to 9-30)	XXX	XXX	XXX	200/100 ml as a geometric mean			
(10-1 to 4-30)	XXX	XXX	XXX	2,000/100 ml as a geometric mean			
Total Aluminum **	9.4	XXX	18.8	0.49	XXX	0.98	1.22
Total Copper	0.2	XXX	0.4	0.011	XXX	0.022	0.027
Total Zinc	1.8	XXX	3.6	0.095	XXX	0.19	0.237
Bis(2-ethylhexyl)phthalate	0.04	XXX	0.08	0.002	XXX	0.004	0.005
Dichlorobromomethane	0.013	XXX	0.026	0.0007	XXX	0.0014	0.0017

\* For total phosphorus, interim limits of 18.5 lbs/day (average monthly mass limit), 1.5 mg/l (average monthly concentration limit) and 3.0 mg/l (instantaneous maximum limit) are proposed for the first 3 years.

\*\* For Total Aluminum, Total Copper, Total Zinc, Bis(2-ethylhexyl)phthalate and Dichlorobromomethane, interim monitoring requirements are proposed for the first 3 years.

In addition to the effluent limits, the permit contains the following major special conditions: quarterly whole effluent toxicity testing (WETT); implementation of pretreatment program; and post-equalization of effluent discharge.

Individuals may make an appointment to review the Department files on this case by calling the File Review Coordinator at (717) 705-4732.

The EPA waiver is not in effect.

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

**PA0228729**, CAFO, **Hostetter Management Company**, P. O. Box 526, Ephrata, PA 17522. This existing facility is located in Cleveland Township, **Columbia County**.

Description of Existing Activity: The farm comprises 725 sows housed in a swine confinement barn, with liquid manure temporarily collected in shallow pits beneath the barn's slatted floors and periodically released to an outside, HDPE-lined manure storage, with approximately 750,000 gallons of storage. Manure is typically land applied on the Jim Mack farm acreage (owner of property), with some occasionally exported to a neighboring farm. On animals onsite include sows with litter, nursery pigs and boars. Total AEU's is 362.9.

The receiving stream, unnamed tributary to South Branch Roaring Creek, is in the State Water Plan watershed 6B and is classified for HQ-CWF.

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.

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

**PA0005037-A3**, Industrial, **EME Homer City Generation LP**, 1750 Power Plant Road, Homer City, PA 15748-9558 is authorized to discharge from a facility located at the Homer City Generating Station, Center Township, **Indiana County** to receiving waters named Blacklick Creek.

**PA0098779**, Industrial Waste, SIC 4941, **Portage Borough Municipal Authority**, 606 Cambria Street, Portage, PA 15946. This application is for renewal of an NPDES permit to discharge treated process water from a water treatment plant in Portage Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, Trout Run, classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Saltsburg Municipal Authority 90 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.033 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
Flow	Monitor and Report				
TSS			30		60

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Aluminum			2.2		4.4
Iron			2.0		4.0
Manganese			1.0		2.0
TRC			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA0217468**, Industrial Waste, SIC 4941, **Beaver Falls Municipal Authority**, 1425 8th Avenue, P. O. Box 400, Beaver Falls, PA 15010. This application is for renewal of an NPDES permit to discharge treated process water from a water plant in Eastvale Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, the Beaver River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Beaver Falls Municipal Authority in New Brighton, 3 miles below the discharge point.

*Outfall 001*: existing discharge, design flow of 0.853 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
TSS			30		60
Aluminum			4		8
Iron			2		4
Manganese			1		2
TRC			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA0205575**, Sewage, **Pleasant Valley Country Club**, Country Club Road, Connellsville, PA 15425. This application is for renewal of an NPDES permit to discharge treated sewage from Pleasant Valley Country Club STP in Bullsken Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Mountz 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 Westmoreland County Municipal Authority—McKeesport on the Youghiogheny River.

*Outfall 001*: existing discharge, design flow of 0.01 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	19.0			38.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	10,000/100 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.

**PA0206016**, Sewage, **Donald L. Gardner**, 213 Pine Run Road, Amity, PA 15311. This application is for renewal of an NPDES permit to discharge treated sewage from Clearview 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 West View Municipal Authority located on the Ohio River.

*Outfall 001*: existing discharge, design flow of 0.0035 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	1.9			3.8
(11-1 to 4-30)	2.8			5.6
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	0.08			0.18
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0217417**, Sewage, **Kiski Area School District**, 200 Poplar Street, Vandergrift, PA 15690. This application is for renewal of an NPDES permit to discharge treated sewage from Mamont Elementary School STP in Washington Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Beaver Run, which are classified as a HQ-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 Westmoreland County Municipal Authority on Beaver Run Reservoir.

*Outfall 001*: existing discharge, design flow of 0.016 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	3.5			7.0
Phosphorus	1.0			2.0
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			0.13
Dissolved Oxygen	not less than 7.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

### III. Applications for New and Renewal Permits, Oil and Gas Activities

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

**PA0219452**, Industrial Waste, SIC 4925, **CB Energy, Inc.**, 1271 Grandview Road, Oil City, PA 16301. This proposed facility is located in Salem Township, **Westmoreland County**.

Description of Proposed Activity: Discharge of treated groundwater produced by dewatering of coal seams during methane production.

The receiving stream, Crabtree Creek, is classified for aquatic life, WWF, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, chloride and sulfate, the existing downstream water supply considered during the evaluation is located in Freeport, approximately 43.6 miles downstream of the discharge point.

The proposed effluent limits for Outfall 001 are:

Parameter	Monthly Avg.	Limitations Max. Daily	Instantaneous Max.
Flow		0.2 mgd	
Iron (total)	3.5 mg/L		7 mg/L
Oil and Grease	15 mg/L		30 mg/L
TSS	30 mg/L		60 mg/L
Acidity	Monitor Only		
Alkalinity	Greater than Acidity		
pH	6.0 to 9.0		
Chloride	Monitor Only		
TDS	Monitor Only		
Osmotic Pressure	Monitor Only		



**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 the 15-day comment period will be considered in making the final decision regarding an application. 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 application 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.

Copies of the permit applications and proposed plans are on file in the office indicated and are open to public inspection. Appointments to review an application may be made by contacting Records Management at the indicated telephone number.

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

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

**WQM Permit No. 3603203**, CAFO Operations, **Wagner's Pride-N-Joy Farm**, 5800 Wanner Road, Narvon, PA 17555. This proposed facility is in Salisburg Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction of a new dairy freestall barn and the addition of the existing freestall barn and construction of a two stage double lined HDPE and clay manure storage ponds.

**WQM Permit No. 6703404**, Sewerage, **Manchester Township**, 3200 Farmtrail Road, York, PA 17402. This proposed facility is in Manchester Township, **York County**.

Description of Proposed Action/Activity: Replacement of the Emigsville Relief Interceptor and Church Road Interceptor.

**WQM Permit No. 5003401**, Sewerage, **Penn Township Municipal Authority**, 102 Municipal Building Road, Duncannon, PA 17020. This proposed facility is located in Penn Township, **Perry County**.

Description of Proposed Action/Activity: Construction of Lower Cove and Perdix collection system and Cove wastewater treatment plant upgrade.

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

**Application No. 1103402**, Sewerage, **Pyramid Healthcare Inc.**, 1512 12th Avenue, Altoona, PA 16601. Application for the construction and operation of a sewerage treatment plant to serve Pyramid Healthcare, 1232 Skyline Drive, Reade Township, **Cambria County**.

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

**WQM Permit No. 2503411**, Sewerage, **Harborcreek Township Sewer Authority**, 5601 Buffalo Road, Harborcreek, PA 16421. This proposed facility is located in Harborcreek Township, **Erie County**.

Description of Proposed Action/Activity: This project is for the construction of a duplex submersible sewage pump station and approximately 4,100 lineal feet of 6-inch diameter PVC forcemain to serve an existing and proposed development on the south side of SR 20, Buffalo Road.

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**NPDES Stormwater Individual Permit**

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

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

Persons wishing to comment on a 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 the 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.

Applications and related documents, including the erosion and sediment control plans 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.

### MUNICIPAL SEPARATE STORM SEWER SYSTEMS

#### NPDES PHASE II

##### General Permits

The following NPDES Phase II municipalities have submitted Notices of Intent to obtain a General Permit for Municipal Separate Storm Sewer Systems under 25 Pa. Code § 92.2 and 40 CFR 122.26(a)(16). This notice initiates a 30 day review and comment period. Submit comments by June 16, 2003, to the Department of Environmental Protection, Southwest Regional Office, Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

<i>County</i>	<i>Municipality</i>	<i>Department Protocol (Yes/No)</i>
Allegheny	Avalon Borough	Yes
Allegheny	Baldwin Borough	Yes
Allegheny	Baldwin Township	Yes
Allegheny	Bethel Park Borough	Yes
Allegheny	Blawnox Borough	Yes
Allegheny	Brackenridge Borough	Yes
Allegheny	Bridgeville Borough	Yes
Allegheny	Carnegie Borough	Yes
Allegheny	Castle Shannon Borough	Yes
Allegheny	Chalfant Borough	Yes
Allegheny	Collier Township	Yes
Allegheny	Coraopolis Borough	Yes
Allegheny	Crescent Township	Yes
Allegheny	Dravosburg Borough	Yes
Allegheny	Duquesne City	Yes
Allegheny	Elizabeth Borough	Yes
Allegheny	Findlay Township	Yes
Allegheny	Franklin Park Borough	Yes
Allegheny	Harrison Township	Yes
Allegheny	Haysville Borough	Yes
Allegheny	Homestead Borough	Yes
Allegheny	Kennedy Township	Yes
Allegheny	Kilbuck Township	Yes
Allegheny	Liberty Borough	Yes
Allegheny	McCandless Township	Yes
Allegheny	Millvale Borough	Yes
Allegheny	Monroeville Borough	Yes
Allegheny	Munhall Borough	Yes
Allegheny	Neville Township	Yes
Allegheny	North Braddock Borough	Yes
Allegheny	Penn Hills Township	Yes
Allegheny	Pennsbury Village Borough	Yes
Allegheny	Pine Township	Yes
Allegheny	Pitcairn Borough	Yes
Allegheny	Plum Borough	Yes
Allegheny	Port Vue Borough	Yes
Allegheny	Reserve Township	Yes
Allegheny	Robinson Township	Yes
Allegheny	Scott Township	Yes
Allegheny	Sewickley Borough	Yes
Allegheny	Shaler Township	Yes
Allegheny	South Versailles Township	Yes
Allegheny	Springdale Borough	Yes
Allegheny	Springdale Township	Yes
Allegheny	Swissvale Borough	Yes
Allegheny	Turtle Creek Borough	Yes

<i>County</i>	<i>Municipality</i>	<i>Department Protocol (Yes/No)</i>
Allegheny	West Mifflin Borough	Yes
Allegheny	West View Borough	Yes
Allegheny	Wilkins Township	Yes
Allegheny	Wilkesburg Borough	Yes
Armstrong	Freeport Borough	Yes
Beaver	Ambridge Borough	Yes
Beaver	Beaver Borough	Yes
Beaver	Big Beaver Borough	Yes
Beaver	Brighton Township	Yes
Beaver	Darlington Borough	Yes
Beaver	Darlington Township	Yes
Beaver	Daugherty Township	Yes
Beaver	Fallston Borough	Yes
Beaver	Freedom Borough	Yes
Beaver	Harmony Township	Yes
Beaver	Hopewell Township	Yes
Beaver	Monaca Borough	Yes
Beaver	New Brighton Borough	Yes
Beaver	Pulaski Township	Yes
Beaver	Rochester Borough	Yes
Beaver	Vanport Township	Yes
Cambria	Conemaugh Township	Yes
Cambria	Jackson Township	Yes
Cambria	Stonycreek Township	Yes
Fayette	Dawson Borough	Yes
Fayette	Dunbar Borough	Yes
Fayette	Everson Borough	Yes
Fayette	Georges Township	Yes
Fayette	Newell Borough	Yes
Fayette	Vanderbilt Borough	Yes
Somerset	Paint Borough	Yes
Washington	Allenport Borough	Yes
Washington	California Borough	Yes
Washington	Canonsburg Borough	Yes
Washington	Cecil Township	Yes
Washington	Charleroi Borough	Yes
Washington	Coal Center Borough	Yes
Washington	Cokeburg Borough	Yes
Washington	Dunlevy Borough	Yes
Washington	Fallowfield Township	Yes
Washington	Monongahela City	Yes
Washington	North Charleroi Borough	Yes
Washington	Peters Township	Yes
Washington	Speers Borough	Yes
Westmoreland	East Huntingdon Township	Yes
Westmoreland	Hunker Borough	Yes
Westmoreland	Irwin Borough	Yes
Westmoreland	Ligonier Borough	Yes
Westmoreland	Lower Burrell City	Yes
Westmoreland	Madison Borough	Yes
Westmoreland	Mt. Pleasant Borough	Yes
Westmoreland	North Irwin Borough	Yes
Westmoreland	Penn Township	Yes
Westmoreland	Scottdale Borough	Yes
Westmoreland	South Huntingdon Township	Yes
Westmoreland	Trafford Borough	Yes
Westmoreland	Washington Township	Yes
Westmoreland	Youngwood Borough	Yes

The following NPDES Phase II municipalities and college have submitted Notices of Intent to obtain coverage under the General Permit for Municipal Separate Storm Sewer Systems (PAG-13) under 25 Pa. Code § 92.2 and 40 CFR 122. This notice initiates a 30 day review and comment period. Submit comments by June 21, 2003, to the Department of Environmental Protection, Northcentral Field Office, Water Management, 208 West Third Street, Suite 101, Williamsport, PA 17701.

<i>County</i>	<i>Municipality</i>	<i>Department Protocol (Yes/No)*</i>
Lycoming	Dubois Borough	Yes
Lycoming	Loyalsock Township	Yes

<i>County</i>	<i>Municipality</i>	<i>Department Protocol (Yes/No)*</i>
Lycoming	Montoursville Borough	Yes
Lycoming	Old Lycoming Township	Yes
Lycoming	South Williamsport Borough	Yes
Lycoming	City of Williamsport	Yes
Lycoming	Pennsylvania College of Technology	Yes

\* Indicates whether the MS4 application indicated that it would follow the Department Stormwater Management Protocol—a recommended approach for implementing the six elements of an MS4 stormwater management program required by the regulations—or develop its own program, which is described in the application documentation.

#### Waivers

The following NPDES Phase II municipalities have submitted Notices of Intent to obtain a Waiver from the Permit requirement under 25 Pa. Code § 92.2 and 40 CFR 122.26(a)(16). This notice initiates a 30 day review and comment period. Submit comments by June 16, 2003, to the Department of Environmental Protection, Southwest Regional Office, Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

<i>County</i>	<i>Municipality</i>
Allegheny	Baldwin Township
Allegheny	Blawnox Borough
Allegheny	Brackenridge Borough
Allegheny	Bridgeville Borough
Allegheny	Carnegie Borough
Allegheny	Chalfant Borough
Allegheny	Haysville Borough
Allegheny	Kilbuck Township
Allegheny	Millvale Borough
Allegheny	North Braddock
Allegheny	Pennsbury Village Borough
Allegheny	Reserve Township
Allegheny	South Versailles Township
Allegheny	Springdale Township
Allegheny	Turtle Creek Borough
Allegheny	Wilkins Township
Beaver	Beaver Borough
Beaver	Big Beaver Borough
Beaver	Darlington Borough
Beaver	Darlington Township
Beaver	Fallston Borough
Beaver	Monaca Borough
Fayette	Dawson Borough
Fayette	Dunbar Borough
Fayette	Dunbar Township
Fayette	Everson Borough
Fayette	Georges Township
Fayette	Newell Borough
Fayette	Vanderbilt Borough
Washington	Allenport Borough
Washington	Coal Center Borough
Washington	Cokeburg Borough
Washington	Dunlevy Borough
Westmoreland	Ligonier Borough
Westmoreland	Madison Borough
Westmoreland	South Huntingdon Township
Westmoreland	Washington Township

The following NPDES Phase II municipalities have submitted Notices of Intent to obtain a Waiver from the Permit requirement under 25 Pa. Code § 92.2 and 40 CFR 122.26(a)(16). This notice initiates a 30 day review and comment period. Submit comments by June 21, 2003, to the Department of Environmental Protection, Northcentral Field Office, Water Management, 208 West Third Street, Suite 101, Williamsport, PA 17701.

<i>Municipality</i>	<i>County</i>
Fairfield Township	Lycoming
Hepburn Township	Lycoming
Lycoming Township	Lycoming
Piatt Township	Lycoming
Woodward Township	Lycoming

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

**NPDES Permit PAI011503032**, Stormwater, **Uwchlan Township**, 715 North Ship Road, Exton, PA 19341, has applied to discharge stormwater associated with a construction activity located in Uwchlan Township, **Chester County** to Pickering Creek (HQ-TSF).

**NPDES Permit PAI011503033**, Stormwater, **Liberty Property Trust**, 65 Valley Stream Parkway, Malvern, PA 19355, has applied to discharge stormwater associated with a construction activity located in Tredyffrin Township, **Chester County** to Valley Creek (EV).

**NPDES Permit PAI011503034**, Stormwater, **Chester Valley Golf Club**, 430 Swedsford Road, Malvern, PA 19355 has applied to discharge stormwater associated with a construction activity located in East Whiteland Township, **Chester County** to Valley Creek (EV).

**NPDES Permit PAS10G173-R**, Stormwater, **Southern Chester County Medical Center**, 1 Sycamore Drive, West Grove, PA 19390 has applied to discharge stormwater associated with a construction activity located in Penn Township, **Chester County** to unnamed tributary to East Branch Big Elk Creek (HQ).

**NPDES Permit PAI011503035**, Stormwater, **Robert Dunlap**, 421 Compass Road, Parkesburg, PA 19365-2124, has applied to discharge stormwater associated with a construction activity located in West Brandywine Township, **Chester County** to unnamed tributary to West Branch Brandywine Creek (HQ).

**NPDES Permit PAI011503036**, Stormwater, **Guinta Enterprises**, 797 East Lancaster Avenue, Downingtown, PA 19335, has applied to discharge stormwater associated with a construction activity located in Honey Brook Township, **Chester County** to West Branch Brandywine Creek (HQ-TSF-MF).

**NPDES Permit PAI011503037**, Stormwater, **Michail Stolper**, Chester Pike, Edgemont, PA 19028, has applied to discharge stormwater associated with a construction activity located in Willistown Township, **Chester County** to Ridley Creek (HQ-TSF).

**NPDES Permit PAI011503038**, Stormwater, **Richard and Jacqueline Dilworth**, 235 Election Road, Oxford, PA 19363, has applied to discharge stormwater associated with a construction activity located in East Nottingham Township, **Chester County** to Little Elk Creek (HQ-TSF).

**NPDES Permit PAI011503039**, Stormwater, **Phoenixville Area School District**, 1120 South Gay Street, Phoenixville, PA 19460, has applied to discharge stormwater associated with a construction activity located in Schuylkill Township, **Chester County** to Pickering Creek (HQ-TSF).

**NPDES Permit PAI011503040**, Stormwater, **Forcine Concrete**, 2443 Yellow Springs Road, Malvern, PA 19352-1411, has applied to discharge stormwater associated with a construction activity located in Tredyffrin Township, **Chester County** to unnamed tributary to Valley Creek (EV).

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

*Luzerne County Conservation District: R485 Smith Pond Road, Lehman, PA 18627-0250, (570) 674-7991.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024003002	J. G. R. Enterprises, Inc. 26 North Ridge St. Denville, NJ 07834	Luzerne	Butler Township	Nescopeck Creek 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>
PAI023903013	East Penn School District 800 Pine St. Emmaus, PA 18049	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF
PAI023903014	Trinity United Church of Christ P. O. Box 494 Spinnerstown, PA 18968	Lehigh	Lower Milford Township	Unami Creek HQ-TSF

*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>
PAI024503008	B. Land Co., LLC 2005 City Line Rd., Ste. 2000 Bethlehem, PA 18017	Monroe	Ross Township	Lake Creek HQ-CWF

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

*Clinton County Conservation District, 45 Cooperation Lane, Mill Hall, PA 17751, (570) 726-3798, Ext. 5.*

<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAS101922R	Trout Unlimited Kettle Creek Watershed Assoc. 32 Longbow Lane Mill Hall, PA 17751	Clinton County Noyes and Leidy Townships	Two Mile Run EV Shintown Run EV
PAI2041803002	Coploff & Stern Partnership 7930 Nittany Valley Dr. Mill Hall, PA 17751	Clinton County Lamar Township	Cedar Run HQ

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

*Clearfield Conservation District: 650 Leonard Street, Clearfield, PA 16830, (814) 765-2629.*

**NPDES Permit PAI0717030001**, Stormwater, **EOG Resources, Inc.**, Southpointe Plaza One, 400 Southpointe Blvd., Suite 300, Canonsburg, PA 15317 has applied to discharge stormwater associated with a construction activity located in Bell Township, **Clearfield County** to Whiskey Run (CWF), Glover Run (HQ-CWF) and Laurel Run (CWF).

**PUBLIC WATER SUPPLY (PWS) PERMIT**

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

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

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

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

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

**SAFE DRINKING WATER**

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

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

**Permit No. 6703507**, Public Water Supply.

Applicant	<b>Exelon Generation</b>
Municipality	Delta Borough
County	<b>York</b>
Responsible Official	Gordon L. Johnston, Nuclear Plant Manager 1848 Lay Road Delta, PA 17314
Type of Facility	PWS
Consulting Engineer	Walter J. Bieter, P. E. Sargent & Lundy 1313 North Market Street Wilmington, DE 19801
Application Received Date	March 26, 2003

Description of Action Construction Permit application for modification of disinfection and instrumentation facilities. Disinfection modifications will include a new sodium hypochlorite injection system and installation of additional storage to increase chlorine contact time.

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

**Application No. Minor Amendment—T1**, Public Water Supply.

Applicant	<b>Bellefonte Borough Authority</b> 236 W. Lamb St. Bellefonte, PA 16823
Responsible Official	Robert D. Davis, Authority Chairperson Bellefonte Borough Authority 236 W. Lamb St. Bellefonte, PA 16823
Type of Facility	PWS

Consulting Engineer Herbert, Rowland & Grubic, Inc.  
474 Windmere Dr., Suite 100  
State College, PA 16801

Application Received Date April 30, 2003

Description of Action Transfer from Bellefonte  
Borough, Big Spring Cover.

**Application No. Minor Amendment—T1**, Public Water Supply.

Applicant **Bellefonte Borough Authority**  
236 W. Lamb St.  
Bellefonte, PA 16823

Responsible Official Robert D. Davis, Authority  
Chairperson  
Bellefonte Borough Authority  
236 W. Lamb St.  
Bellefonte, PA 16823

Type of Facility PWS

Consulting Engineer Herbert, Rowland & Grubic, Inc.  
474 Windmere Dr., Suite 100  
State College, PA 16801

Application Received Date April 30, 2003

Description of Action Transfer from Bellefonte  
Borough, covering Allegheny St.  
Reservoir.

**Application No. 268-W-008—T1**, Public Water Supply.

Applicant **Bellefonte Borough Authority**  
236 W. Lamb St.  
Bellefonte, PA 16823

Responsible Official Robert D. Davis, Authority  
Chairperson  
Bellefonte Borough Authority  
236 W. Lamb St.  
Bellefonte, PA 16823

Type of Facility PWS

Consulting Engineer Herbert, Rowland & Grubic, Inc.  
474 Windmere Dr., Suite 100  
State College, PA 16801

Application Received Date April 30, 2003

Description of Action Transfer from Bellefonte  
Borough, three Allis-Chalmers  
centrifugal pumps.

**Application No. 266-W-018—T1**, Public Water Supply.

Applicant **Bellefonte Borough Authority**  
236 W. Lamb St.  
Bellefonte, PA 16823

Responsible Official Robert D. Davis, Authority  
Chairperson  
Bellefonte Borough Authority  
236 W. Lamb St.  
Bellefonte, PA 16823

Type of Facility PWS

Consulting Engineer Herbert, Rowland & Grubic, Inc.  
474 Windmere Dr., Suite 100  
State College, PA 16801

Application Received Date April 30, 2003

Description of Action Transfer from Bellefonte  
Borough, two 1,500 gpm pumps.

**Application No. 266-W-008—T1**, Public Water Supply.

Applicant **Bellefonte Borough Authority**  
236 W. Lamb St.  
Bellefonte, PA 16823

Responsible Official Robert D. Davis, Authority  
Chairperson  
Bellefonte Borough Authority  
236 W. Lamb St.  
Bellefonte, PA 16823

Type of Facility PWS

Consulting Engineer Herbert, Rowland & Grubic, Inc.  
474 Windmere Dr., Suite 100  
State College, PA 16801

Application Received Date April 30, 2003

Description of Action Transfer from Bellefonte  
Borough, dry feed fluoridation.

**Application No. 265-W-011—T1**, Public Water Supply.

Applicant **Bellefonte Borough Authority**  
236 W. Lamb St.  
Bellefonte, PA 16823

Responsible Official Robert D. Davis, Authority  
Chairperson  
Bellefonte Borough Authority  
236 W. Lamb St.  
Bellefonte, PA 16823

Type of Facility PWS

Consulting Engineer Herbert, Rowland & Grubic, Inc.  
474 Windmere Dr., Suite 100  
State College, PA 16801

Application Received Date April 30, 2003

Description of Action Transfer from Bellefonte  
Borough, gas chlorine at Big  
Spring.

**Application No. 5857—T1**, Public Water Supply.

Applicant **Bellefonte Borough Authority**  
236 W. Lamb St.  
Bellefonte, PA 16823

Responsible Official Robert D. Davis, Authority  
Chairperson  
Bellefonte Borough Authority  
236 W. Lamb St.  
Bellefonte, PA 16823

Type of Facility PWS

Consulting Engineer Herbert, Rowland & Grubic, Inc.  
474 Windmere Dr., Suite 100  
State College, PA 16801

Application Received Date April 30, 2003

Description of Action Transfer from Bellefonte  
Borough, Big Spring, existing  
Big Spring pump station.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

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

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Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of 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.*

**Harry Gensemer Property**, Borough of Pine Grove, **Schuylkill County**. Robert W. Hoeveler, Jr., Project Manager, Storb Environmental, 410 North Easton Road, Willow Grove, PA 19090-2511 has submitted a Notice of Intent to Remediate (on behalf of Harry Gensemer, P. O. Box 166, Pine Grove, PA) concerning the remediation of soils found to have been accidentally contaminated with home heating oil. A summary of the Notice of Intent to Remediate was published in the *Pottsville Republican & Evening Herald* on February 5, 2003. A Final Report was simultaneously submitted.

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

**Former Wild's Auto**, New Holland Borough, **Lancaster County**. Mid-Atlantic Associates, P. O. Box 1128, North Wales, PA 19454, on behalf of New Holland Ford, 508 West Main Street, New Holland, PA 17557, submitted a Notice of Intent to Remediate site soils contaminated with Fuel Oil No. 2. The applicant proposes to remediate the site to meet the Statewide Health Standard.

**AmerGen Energy Company LLC—Three Mile Island Nuclear Station**, Londonderry Township, **Dauphin County**. ARM Group, Inc., P. O. Box 797, Hershey, PA 17033-0797, on behalf of AmerGen Energy Company, LLC, Route 441 South, P. O. Box 480, Middletown, PA 17057-0480, submitted a Notice of Intent to Remediate site groundwater contaminated with Fuel Oil No. 2 and PAH. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Press and Journal* on April 23, 2003.

**ASF Keystone Railway Equipment Company**, Lower Allen Township, **Cumberland County**. Roux Associates, Inc., 1222 Forest Parkway, West Deptford, NJ 08066, on behalf of ASF Keystone, 3420 Simpson Ferry Road, Camp Hill, PA 17001, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with inorganics. The applicant proposes to remediate the site to meet a combination of the requirements for the Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Patriot News* on April 21, 2003.

**Former Waynesboro Gas Company**, Waynesboro Borough and Washington Township, **Franklin County**. GEI Consultants, Inc., P. O. Box 297, Colchester, CT 06415, on behalf of Landis/Gardner, a Division of UNOVA, Inc., 20 East Sixth Street, Waynesboro, PA 17268 and Penn Fuel Gase, Inc., a Subsidiary of PP&L Resources, 55 South Third Street, Oxford, PA 19363, has submitted a revised Notice of Intent to Remediate site soils, groundwater and sediment contaminated with lead, heavy metals, solvents, BTEX and PAHs. The applicant proposes to remediate the site to meet a combination of the requirements for Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Record Herald* on February 7, 2003.

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

**Davenport Residence**, Wyalusing Township, **Bradford County**. Mulry and Cresswell Environmental, Inc. on behalf of Ronald Davenport, R. R. 4, Box 4272,



Wyalusing, PA 18853, has submitted a Notice of Intent to Remediate soil contaminated with No. 2 Fuel Oil. The applicant proposes to remediate the site to the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Daily Review* on November 15, 2003. See additional entry in the Actions section of this *Pennsylvania Bulletin*.

## 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 a proposed plan approval or operating permit must indicate 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 a proposed plan approval and operating permit. Comments or protests filed with the Department Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

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

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

**07-05028A: Cove Shoe Co.** (107 Highland Street, Martinsburg, PA 16662) for replacement of a cyclone collector with a fabric collector to control particulate emissions from the heel and sole scouring/edge trimming operations at the footwear manufacturing facility in Martinsburg Borough, **Blair County**.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Thomas Barsley, Chief, (215) 685-9428.*

**AMS 03038: Coating and Converting Technologies Corp.** (80 Morris Street, Philadelphia, PA 19148) for permitting a coater and associated thermal oxidizer in Philadelphia, **Philadelphia County**.

**AMS 03046: TDPS Materials** (1750 Walton Road, Blue Bell, PA 19422) for permitting a concrete crusher at Second and Erie Avenue in Philadelphia, **Philadelphia County**.

**AMS 3048: SJA Construction, Inc.** (8004A Greentree Commons, Marlton, NJ 08053) for permitting a concrete crusher at 3600 South 26th Street in Philadelphia, **Philadelphia County**.

**AMS 03053: Mutual Pharmaceutical Co., Inc.** (1100 Orthodox Street, Philadelphia, PA 19124) for permitting a catalytic oxidizer in Philadelphia, **Philadelphia County**.

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

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

**48-301-45: Falk Funeral Home, Inc.** (163 Main Street, Pennsburg, PA 18073) for construction of a human crematory and associated air cleaning device (afterburner) at the East Penn Crematory, 1418 Main Street, Hellertown Borough, **Northampton County**. A temperature of 1,800°F shall be maintained with a minimum residence time of 1 second when the unit is in operation. Particulate emissions shall not exceed 0.08 grain/dscf, corrected to 7% O<sub>2</sub>. The plan approval will include additional recordkeeping and operating restrictions designed to keep the source operating within all applicable air quality requirements.

#### PUBLIC HEARING

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

**46-0033B: Waste Management Disposal Services of Pennsylvania, Inc.** (1425 Sell Road, Pottstown, PA 19464). Under 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department intends to issue a Plan Approval to Waste Management Disposal Services of Pennsylvania, Inc. The Plan Approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450 for its Pottstown Landfill, West Pottsgrove Township, **Montgomery County** and Douglass Township, **Berks County**.

The applicant has proposed to connect the gas management system between the existing landfill and the Eastern Expansion. The purpose of the connection will be limited to transport of landfill gas between the two parts of the landfill. The approval will allow the Permittee to direct landfill gas generated at any portion of the currently permitted landfill to any of the five existing control devices (three enclosed flares and two turbines). The landfill is subject to 40 CFR Part 60, Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills. The turbines are subject to 40 CFR Part 60, Subpart GG of the Standards of Performance for New Stationary Sources. No new emissions will be allowed under this proposed modification.

To assure compliance with the applicable standards, the Department has placed the following conditions in the proposed Plan Approval:

A. Permittee shall comply with the Compliance Provisions of 40 CFR 60.755.

B. Permittee shall continue to comply with all monitoring requirements set forth in the existing Operating Permits and Plan Approvals.

C. Records required under this Plan Approval shall be kept for a period of 5 years and shall be submitted to the Department upon request.

Further details on the conditions and reasons for their inclusion are available upon request.

Copies of the applications, the Department's analysis and other documents used in the evaluation are available for public inspection between 8 a.m. and 4 p.m., weekdays at the Department of Environmental Protection, Southeast Regional Office, 555 North Lane, Lee Park, Suite 6010, Conshohocken, PA 19428. To make an appointment, contact Records Management, (610) 832-6003.

Persons wishing to provide the Department with additional information may submit the information to the following address. Written comments should include the name, address and telephone number of the person submitting comments, identification of proposed Permit Nos. OP-46-0033 and TVOP-46-00033 or proposed Plan Approval No. PA-46-0033B and a concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

Written comments should be directed, by July 24, 2003, to Francine Carlini, Air Quality Program Manager, Department of Environmental Protection, Southeast Regional Office, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

A public hearing will be held for the purpose of receiving comments on the proposed Title V permit amendment and Plan Approval on June 24, 2003, at 7 p.m. in the Community Room, Montgomery County Community College, Pottstown Campus.

Individuals wishing to present testimony at the hearing need to register, by June 10, 2003, by contacting Lynda Rebarchak, (610) 832-6219, [Lrebarchak@state.pa.us](mailto:Lrebarchak@state.pa.us). Individuals with questions on a proposal should contact Lynda Rebarchak prior to the hearing date or discuss the matter before the start of the hearing, beginning at 6 p.m. Individuals with a disability should contact Lynda Rebarchak to discuss how the Department may accommodate their needs.

Persons unable to attend the hearing who wish to comment may do so in writing to Francine Carlini, Regional Manager, Air Quality, Department of Environ-

mental Protection, Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428 on or before July 24, 2003.

### OPERATING PERMITS

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

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

**46-00198: Blommer Chocolate Co.** (1101 Blommer Drive, East Greenville, PA 18041) for revisions to address changes in permit contact, changes to the pressure drop ranges through the baghouses to match manufacturer's specifications, changes to the flow rate through the scrubber to match manufacturer's specifications and correcting site inventory mapping for sources at their facility in Upper Hanover Township, **Montgomery County**. The revisions to the Title V Operating Permit were made under 25 Pa. Code § 127.450. The changes made to the permit do not result in an increase of emissions.

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

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

**07-05030: Vesuvius—USA** (R. R. 6, Box 1497-A, Altoona, PA 16601) for operation of a refractory material production facility in Logan Township, **Blair County**. Sources operated at the facility include a refractory handling/processing operation, a natural gas fired refractory dryer and a natural gas fired kiln battery. A fabric collector controls particulate emissions from the refractory handling/processing operation. The facility will limit annual production of refractory material to 10,830 tons per 12 month running total. The facility has the potential to emit PM10 at a rate of 7.54 tons per year. Potential emissions of NOx are 2.86 tons per year and VOCs are equal to 0.22 ton per year. The State-only Operating Permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**38-03039: Martin's Wood Products** (650 Houtztown Road, Myerstown, PA 17067) for operation of a wood furniture manufacturing facility in Jackson Township, **Lebanon County**. The facility includes four paint spray booths, which produce VOC emissions and are restricted to 20 tons per year. The State-only Operating Permit will contain emission limits along with work practice standards, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality requirements.

**67-03004: Maple-Vail Book Manufacturing Co.** (480 Willow Springs Lane, P. O. Box 2695, York, PA 17405) for operation of a book manufacturing facility in Manchester Township, **York County**. Facility actual emissions are estimated at 2 tons per year of HAPs, less than 20 tons per year of VOCs and less than 1 ton per year of NOx. The State-only Operating Permit shall contain testing, monitoring, recordkeeping and reporting requirements,

emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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### PUBLIC HEARING

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

**46-0033: Waste Management Disposal Services of Pennsylvania, Inc.** (1425 Sell Road, Pottstown, PA 19464). The Department will correct the hourly and annual emission limit for NO<sub>x</sub> of the Reasonably Available Control Technology (RACT) permit, OP-46-0033, as

*Summary of the revision:*

<i>Source</i>	<i>Potential to Emit</i>
Turbines (two)	42 ppmv of NO <sub>x</sub> (15% oxygen, dry basis) 9.0 lbs/hr
	24.77 tons per year (each turbine)

4. Notice of an administrative amendment to a Title V operating permit.

Notice is given, in accordance with 25 Pa. Code §§ 127.462(c) and 127.521, to incorporate an administrative amendment into the existing Title V Operating Permit TVOP-46-00033. This permit is being amended to incorporate the following changes of the amended RACT Operating Permit OP 46-0033:

- (1) Superceding 46-322-009.
- (2) Inclusion of 40 CFR Part 60, Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills.
- (3) Revision of the RACT, which includes changing the NO<sub>x</sub> emission limits for each of the two gas turbines by an additional 4.25 pounds per hour and 3.97 tons per year on a 12-month rolling basis. This will result in a new emission limit for each of the gas turbines of 9.0 pounds per hour and 24.77 tons per year on a 12-month rolling basis. This amended Title V Operating Permit will contain requirements to keep the facility operating within all applicable air quality requirements, but does not include the landfill's Eastern Expansion, which currently operates under Plan Approval 46-322-007.

Copies of the applications, the Department's analysis and other documents used in the evaluation are available for public inspection between 8 a.m. and 4 p.m., weekdays at the Department of Environmental Protection, Southeast Regional Office, 555 North Lane, Lee Park, Suite 6010, Conshohocken, PA 19428. To make an appointment, contact Records Management, (610) 832-6003.

Persons wishing to provide the Department with additional information may submit the information to the following address. Written comments should include the name, address and telephone number of the person submitting comments, identification of the proposed Permit Nos. OP-46-0033 and TVOP-46-00033 and a concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

Written comments should be directed to Francine Carlini, Air Quality Program Manager, Department of

an amendment to the State Implementation Plan (SIP) for the facility in West Pottsgrove Township, **Montgomery County** and Douglass Township, **Berks County**. This correction does not change the RACT determination for the source of a NO<sub>x</sub> concentration of 42 parts per million parts by volume. The increase in emissions is a result of a correction to the calculation. The revised RACT permit will be submitted to the EPA as a revision to the Pennsylvania SIP.

1. Proposed revision to the SIP for NO<sub>x</sub>.
2. Administrative amendment to a Title V operating permit.
3. Revision to RACT plan.

<i>Control Device</i>	<i>Implementation Schedule</i>
Annual tune-up or adjustment	Implemented

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Environmental Protection, Southeast Regional Office, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, no later than July 24, 2003.

One public hearing will be held for the purpose of receiving comments on the proposed Title V permit amendment and Plan Approval. The hearing will be held on June 24, 2003, at 7 p.m. in the Community Room, Montgomery County Community College, Pottstown Campus.

Individuals wishing to present testimony at the hearing should contact Lynda Rebarchak, (610) 832-6219, Lrebarhak@state.pa.us to register by June 10, 2003. Individuals with questions on a proposal should contact Lynda Rebarchak by phone or e-mail prior to the hearing date or discuss the matter before the start of the hearing, beginning at 6 p.m. Individuals with a disability should contact Lynda Rebarchak to discuss how the Department may accommodate their needs.

Persons unable to attend the hearing who wish to comment may do so in writing to Francine Carlini, Regional Manager, Air Quality, Department of Environmental Protection, Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428 on or before July 24, 2003.

### COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition to the previous, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of the NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30 day period to review and submit comments on those requirements.

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

#### *Coal Applications Received*

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

**54870206R3 and NPDES Permit PA0593982. White Pine Coal Co., Inc.** (P. O. Box 119, Ashland, PA 17921), renewal of an existing coal refuse reprocessing operation and existing NPDES permit in Butler, Barry and Eldred Townships and Gordon Borough, **Schuylkill County** and East Cameron and West Cameron Townships, **Northumberland County**, affecting 870.0 acres. Receiving stream: Mahanoy Creek. Application received April 29, 2003.

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

**30831303. NPDES Permit PA0013511, RAG Cumberland Resources, LP** (P. O. Box 1020, 158 Portal Road, Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Whiteley Township, **Greene County**, to install a dewatering pipeline from No. 1 Bleeder Shaft to No. 1 RB Borehole, Surface Acres Proposed 0.7, Underground Acres Proposed N/A, SCP

Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A. No additional discharges. The first downstream potable water supply intake from the point of discharge is N/A. Application received March 12, 2003.

**30031601. NPDES Permit N/A, AMD Reclamation, Inc.** (1040 Great Plain Avenue, Needham, MA 02492), to operate the Shannopin Mine Dewatering Project in Dunkard Township, **Greene County**, to construct a treatment plant and discharge treated water and to install a yellowboy disposal borehole into Warwick No. 3 Mine, Surface Acres Proposed 9.5, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, Dunkard Creek (WWF), Meadow Run (WWF), Monongahela River (WWF). The first downstream potable water supply intake from the point of discharge is Southwestern Pennsylvania Water Authority. Application received March 27, 2003.

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

**1475-37030101-E-2. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Application for a stream encroachment to conduct support activities that include a haul road crossing within 100 feet of unnamed tributary 2C to Slippery Rock Creek in Wayne Township, **Lawrence County**. Receiving streams: unnamed tributary to Slippery Rock Creek (CWF) and unnamed tributary to Squaw Run (WWF). There is a public water supply intake located on Slippery Rock Creek approximately 2.5 miles downstream. Application received April 28, 2003.

**33970111 and NPDES Permit No. PA0227536. Falls Creek Energy Co., Inc.** (R. D. 6, Box 231, Kittanning, PA 16201). Renewal of an existing bituminous surface strip operation in McCalmont and Winslow Townships, **Jefferson County** affecting 94.3 acres. Receiving streams: Laurel Run and Big Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received April 30, 2003.

**24000101 and NPDES Permit No. PA0241733. Tamburlin Brothers Coal Co., Inc.** (P. O. Box 1419, Clearfield, PA 16830). Renewal of an existing bituminous surface strip operation in Fox Township, **Elk County** affecting 62.1 acres. Receiving streams: Little Toby Creek (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application received April 30, 2003.

**33970103 and NPDES Permit No. PA0227391. MSM Coal Company, Inc.** (P. O. Box 243, DuBois, PA 15801). Renewal of an existing bituminous surface strip operation in Oliver Township, **Jefferson County** affecting 26.9 acres. Receiving streams: unnamed tributary of Beaver Run and Beaver Run (HQ-CWF). There are no potable surface water supply intakes within 10 miles downstream. Application received May 1, 2003.

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

**11980101 and NPDES Permit No. PA0234737. L & J Energy Co., Inc.,** P. O. Box J, Grampian, PA 16838, permit renewal for continued operation of a bituminous surface and auger mine and for discharge of treated mine drainage in Susquehanna Township, **Cambria County**, affecting 93.0 acres. Receiving streams: West Branch of Susquehanna River (WWF) and Douglas Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received April 29, 2003.

*Noncoal Applications Received*

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

**7774SM2A1C5. Berks Products Corporation** (P. O. Box 421, Reading, PA 19603), depth correction to an existing quarry operation in Ontelaunee Township, **Berks County** affecting 138.5 acres, receiving stream: Maiden Creek. Application received April 25, 2003.

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

**37970302. Quality Aggregates, Inc.** (200 Neville Road, Neville Island, PA 15225-0347). Renewal of NPDES Permit No. PA0227579, Slippery Rock Township, **Lawrence County**. Receiving streams: unnamed tributaries to Slippery Rock Creek and Slippery Rock Creek (CWF) and Beaver Run (WWF). There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received April 28, 2003.

**37880304. Quality Aggregates, Inc.** (200 Neville Road, Neville Island, PA 15225-0347). Renewal of NPDES Permit No. PA0204906, Slippery Rock Township, **Lawrence County**. Receiving streams: Two unnamed tributary to Slippery Rock Creek (CWF). There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received April 28, 2003.

**4672SM10. IA Construction Corporation** (P. O. Box 8, Concordville, PA 19331). Renewal of NPDES Permit No. PA0089184, Limestone Township, **Warren County**. Receiving streams: two unnamed tributaries to the Allegheny River and Myers Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received May 1, 2003.

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

**11020801. Kenneth D. Morchesky**, P. O. Box 629, Cricket Lane Carrolltown, PA 15722. Permit transfer from Laurel Sand & Stone, Inc., P. O. Box 629, 163 Cricket Lane, Carrolltown, PA 15722, commencement, operation and restoration of a small noncoal (shale) mine in Jackson Township, **Cambria County**, affecting 13.9 acres. Receiving streams: unnamed tributary to Laurel Run to Conemaugh River (HQ-CWF). There are no potable water supply intakes within 10 miles downstream. Application received April 29, 2003.

**29890301 and NPDES Permit No. PA0212504. K. G. Richards**, 810 Lincoln Way East, McConnellsburg, PA 17233, renewal of NPDES Permit, Todd Township, **Fulton County**. Receiving streams: Licking Creek (CWF). There are no potable water supply intakes within 10 miles downstream. Application received April 18, 2003.

*Noncoal Applications Returned*

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

**16000303 and NPDES Permit No. PA0241806. Milestone Crushed, Inc.** (521 South Street, P. O. Box 644, Clarion, PA 16214). Commencement, operation and restoration of a large noncoal operation in Perry Township, **Clarion County** affecting 38.0 acres. Receiving streams: unnamed tributary to Allegheny River. Application received June 16, 2000. Permit returned April 9, 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. 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 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as any questions, to the office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

Persons with a disability who wish to attend 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.

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

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**WATER OBSTRUCTIONS AND ENCROACHMENT**

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

**E46-939. The Upper Hanover Authority**, P. O. Box 205, East Greenville, PA, 18041, Upper Hanover Township, **Montgomery County**, Philadelphia ACOE District.

Macoby Pump Station Pipeline Project—The applicant proposes to install and maintain a 6-inch PVC force main sanitary sewer pipeline running approximately 4,635 feet along the Macoby Creek (TSF) to the floodplain of Macoby Pump Station. The works will involve: (1) excavation and grading within the floodway and floodplains; and (2) filling within the floodway and floodplains to accommodate the pipe minimum cover to the wetwell. The project site is located approximately 380 feet northeast of the

intersection of 6th Street, St. Paul's Church Road and James Road (Quadrangle N: 1.43 inches; W: 14.08 inches).

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

**E44-122: Mifflin County Conservation District**, 20 Windmill Hill No. 4, Burnham, PA 17009 in Menno Township, **Mifflin County**, ACOE Baltimore District.

To rehabilitate and maintain the channel of Little Kishacoquillas Creek (HQ-CWF) by means of applying the method of geomorphology at the Zook Property starting from Knepp Road culvert (T-342) up to a point 1,400 feet upstream (Allensville, PA Quadrangle N: 15.45 inches; W: 2.6 inches and N: 15.1 inches; W: 3.22 inches respectively) in Menno Township, Mifflin County.

**E22-460: 4507 Associates**, 110 Sunset Avenue, Harrisburg, PA 17112 in Susquehanna Township, **Dauphin County**, ACOE Baltimore District.

To regrade and fill wetlands associated with the Susquehanna River (WWF), also to install and maintain two outfalls and one utility line crossing all within said wetlands for the purpose of constructing a three story 36,000 square foot office building at 4507 North Front Street, located approximately 0.5 mile north of the intersection of North Front Street and SR 0039 (Harrisburg West, PA Quadrangle N: 14.5 inches; W: 3.55 inches) in Susquehanna Township, Dauphin County.

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

**E41-524. Department of Conservation and Natural Resources, Bureau of Facility Design and Construction**, P. O. Box 8451, Harrisburg, PA 17105-8451. Water Obstruction and Encroachment Joint Permit Application, in Brown Township, **Lycoming County**, ACOE Susquehanna River Basin District (Spring Mills, PA Quadrangle N: 21.3 inches; W: 2.6 inches).

To remove existing culvert and construct and maintain a 48-inch by 108-foot corrugated metal pipe in an unnamed tributary to Slate Run (EV), which is located 2.0 miles north of the intersection of SR 0044 and Slate Run Road along Slate Run Road. This project proposes to have a minimal impact on the unnamed tributary to Slate Run and does not propose to impact any adjacent jurisdictional wetlands.

**E41-526. Lycoming County Commissioners**, Lycoming County Courthouse, 48 West Third Street, Williamsport, PA 17701. Water Obstruction And Encroachment Permit, in Pine Township, **Lycoming County**, ACOE Susquehanna River Basin District (Morris, PA Quadrangle N: 6.4 inches; W: 0.3 inch).

To remove an existing steel bridge and construct and maintain a reinforced concrete spread box beam bridge having a span of 101.7 feet, with a minimum underclearance of 8.00 feet on a skew of 90° over Zimmerman Creek (HQ-CWF) located along T-782 and to construct, maintain and remove a temporary clean rock causeway all of which is located in Pine Township, Lycoming County. This project proposes to have a minimal impact on Zimmerman Creek. This project does not propose to impact any jurisdictional wetlands.

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

**E37-150, Lawrence-Hickory Sewer Authority**, 1735 Harlansburg Road, New Castle, PA 16101. Hottenbaugh

Run Gravity Line Relocation, in Hickory Township, **Lawrence County**, ACOE Pittsburgh District (New Castle North, PA Quadrangle N: 7.1 inches; W: 6.2 inches).

The applicant proposes to relocate a gravity sewer line (in support of a previously permitted bridge construction project (Permit No. E37-142) on SR 1002) involving: (1) to plug and abandon an existing 275-foot long, 1-foot diameter PVC plastic gravity sanitary sewer line and associated manhole across Hottenbaugh Run (TSF) and in the floodway and floodplain; (2) to construct and maintain an approximately 275-foot long, 1-foot diameter PVC plastic gravity sanitary sewer line encased in a 1.67-foot steel casing with grouted annular space across Hottenbaugh Run approximately 50 feet upstream of the existing crossing and approximately 0.3 mile west of the intersection of SR 1002 and SR 168 in Hickory Township, Lawrence County; (3) to construct and maintain four manholes in the floodway and floodplain; and (4) to install R-8 riprap protection on the left and right banks at the stream crossing. Hottenbaugh Run is a perennial stream.

#### ENVIRONMENTAL ASSESSMENTS

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

**E431-003. U. S. Army Corps of Engineers**, CENAB-PP-C, 10 S. Howard Street, Baltimore, MD 21201.

To construct and maintain 620 feet of R-6 riprap protection and a levee with average dimensions of 620 feet long, 4 feet high and 26 feet wide on the right bank and floodway of Shoups Run, a perennial watercourse designated as a WWF, at a point approximately 1,000 feet upstream of SR 913 (Saxton, PA Quadrangle N: 17.25 inches; W: 12.3 inches) in Carbon Township, **Huntingdon County**; and to repair and maintain 360 feet of existing concrete and stone masonry walls along the right and left banks and construct and maintain 32 feet of gabion wall along the right bank of Coalbank Run, an intermittent watercourse designated as a WWF, at a point approximately 400 feet upstream of its confluence with Shoups Run (Saxton, PA Quadrangle N: 15.5 inches; W: 10.6 inches) in the Borough of Coalmont, Huntingdon County for the purpose of bank stabilization and flood protection. The project will impact a total of 980 feet of stream channel and approximately 0.37 acre of floodway.

#### ACTIONS

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

#### INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483.

TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

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

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

**NPDES Permit No. PA0062936**, Industrial Waste, **Lehighon Water Authority**, P. O. Box 29, Lehighon, PA 18325. This proposed facility is in Franklin Township, **Carbon County** and discharges to Long Run.

Description of Proposed Action/Activity: Renewal of NPDES permit to discharge process wastewater into Long Run.

**NPDES Permit No. PAS232202**, Industrial Waste, **Lehigh Cultured Marble, Inc.**, 111 Lehigh Street, Macungie, PA 18062. This proposed facility is located in Macungie Borough, **Lehigh County**.

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

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

**NPDES Permit No. PA0086622 and WQM Permit No. 5095401 (02-1)**, Sewage, **Brenda Walker, Vice President, Newport Plaza Associates, L. P.**, 44 South Bayles Avenue, Port Washington, NY 11050. This proposed facility is located in Howe Township, **Perry County**.

Description of Proposed Action/Activity: Transfer of permits.

**WQM Permit No. 0503401**, Sewerage, **Larry Fischer, Chairperson, Chestnut Ridge Area Joint Municipal Authority**, 320 Lane Metal Road, New Paris, PA 15554. This proposed facility is located in New Paris Borough and Napier and West St. Clair Townships, **Bedford County**.

Description of Proposed Action/Activity: Construction of 62,000 feet of gravity collection system and two pumping stations.

**WQM Permit No. 2103402**, Sewerage, **Shawn Snyder**, 501 Conodoguinet Avenue, Carlisle, PA 17013. This proposed facility is located in Lower Frankford Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction of a single family treatment system consisting of a Nayadic aerobic system, dosing tank, free access sand filters, tablet chlorinator and contact tank.

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

**NPDES Permit No. PA0035688**, Sewage, **Potter Township**, 124 Short Road, Spring Mills, PA 16875. This existing facility is located in Potter Township, **Centre County**.

Description of Proposed Action/Activity: Renewal of NPDES permit authorizing the discharge of treated effluent to Cedar Run (CWF) from a facility serving Country Club Park.

**NPDES Permit No. PA0112534**, Sewage, **Start Properties II, Inc.**, P. O. Box 622, Lemoyne, PA 17043-0622. This facility is located in Delaware Township, **Northumberland County**.

Description of Action/Activity: Renewal of NPDES permit for Spring Lake Village, a nonmunicipal wastewater treatment facility.

**NPDES Permit No. PA0228681**, Sewerage, SIC 4952, **Penn Township**, P. O. Box 125, Coburn, PA 16832-012. This proposed facility is located in Penn Township, **Centre County**.

Description of Proposed Action/Activity: Issuance of a NPDES Permit to discharge 0.025 MGD to Penns Creek.

**WQM Permit No. 1990403-T1**, Sewerage, **Daniel O'Kane**, 2319 Brookside Road, Bloomsburg, PA 17815. This proposed facility is located in Main Township, **Columbia County**.

Description of Proposed Action/Activity: Transfer of permit for a small flow treatment facility serving a residence. The treatment facility discharges to an unnamed tributary to Catawissa Creek (CWF).

**NPDES Permit No. PA0024325**, Sewerage, SIC 4952, **Muncy Borough Municipal Authority**, 14 North Washington Street, Muncy, PA 17756. This existing facility is located in Muncy Borough, **Lycoming County**.

Description of Proposed Activity: Renewal of the major NPDES permit for the existing discharge of treated sewage wastewater through Outfall 001 and site stormwater through Outfall S01. The discharge of treated effluent is to the West Branch of the Susquehanna River. The receiving stream for the site stormwater is an unnamed tributary to the West Branch of the Susquehanna River.

**NPDES Permit No. PA0114987** Sewage 4952, **Citizens & Northern Bank**, 90-92 Main Street, Wellsboro, PA 16901. This facility is located in Charleston Township, **Tioga County**.

Description of Action/Activity: Renewal of NPDES permit for Charleston Village, a nonmunicipal wastewater treatment facility.

**NPDES Permit No. PA0101427**, Sewage 4952, **Brian J. Buchsen**, 383 Irish Road, Coudersport, PA 16915. This facility is located in Sweden Township, **Potter County**.

Description of Action/Activity: Renewal of NPDES permit for small flow domestic wastewater treatment facilities.

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



**NPDES Permit No. PA0042587**, Sewage, **MLM Enterprises**, 12 North Jefferson Avenue, Canonsburg, PA 15317 is authorized to discharge from a facility located at MLM Enterprises STP, North Strabane Township, **Washington County** to receiving waters named unnamed tributary of Little Chartiers Creek.

**NPDES Permit No. PA0042820**, Sewage, **Donald J. Dallatore, Jr.**, 1011 S. Main Street, Washington, PA 15301-3218 is authorized to discharge from a facility located at Ridgcrest Mobile Home Park Sewage Treatment Plant, South Franklin Township, **Washington County** to receiving waters named unnamed tributary of Chartiers Creek.

**NPDES Permit No. PA0205877**, Sewage, **Redstone Township Sewer Authority**, 1002 Main Street, P. O. Box 751, Republic, PA 15475 is authorized to discharge from a facility located at Redstone Township Sewer Authority Wastewater Treatment Facility, Redstone Township, **Fayette County** to receiving waters named Dunlap Creek.

**NPDES Permit No. PA0217514**, Sewage, **The ALTA Group**, 195 Hartzell School Road, Fombell, PA 16123 is authorized to discharge from a facility located at ALTA Sewage Treatment Plant, Marion Township, **Beaver**

**County** to receiving waters named Connoquenessing Creek.

**NPDES Permit No. PA0217662**, Sewage, **Angelo Poli**, 93 Belmeade Terrace, Uniontown, PA 15401 is authorized to discharge from a facility located at Bennington Place Subdivision Sewage Treatment Plant, North Union Township, **Fayette County** to receiving waters named Bennington Spring Run.

**NPDES Permit No. PA0217671**, Sewage, **Canterbury Coal Company**, R. D. 1, Box 119, Avonmore, PA 15618 is authorized to discharge from a facility located at DiAnne Mine Shaft STP, Kiskiminetas Township, **Armstrong County** to receiving waters named unnamed tributary of Carnahan Run.

**Permit No. 3203402**, Sewerage, **James L. Anderson**, Star Route, Box 3, Spring Church, PA 15686. Construction of a sewage treatment plant located in Young Township, **Indiana County** to serve the James L. Anderson single residence.

**Permit No. 6303401**, Sewerage, **GSP Management Company**, Box 677, Morgantown, PA 19543. Construction of gravity sewer located in Donegal Township, **Washington County** to serve Interstate Mobile Home Park.

**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.

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI2011503016	Uwchlan Township 715 North Ship Road Exton, PA 19341-1940	Chester	Uwchlan Township	Shamona and Pine Creeks HQ

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023903003	Lehigh Carbon Community College 4525 Education Dr. Schnecksville, PA 18078-2598	Lehigh	N. Whitehall Township	UNT to Jordan Creek HQ-CWF
PAI024503003	Major Motors of Pennsylvania, Inc. R. R. Box 7389 Stroudsburg, PA	Monroe	Stroud Township	Pocono Creek HQ-CWF



<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10S121	Stroudsburg Area School District 123 Linden St. Stroudsburg, PA	Monroe	Stroud Township	Flagler Run HQ-CWF
PAI024803004	Messrs. Arcangelo DiOdoardo and Salvatore Tornbene 231 Moorestown Dr. Bath, PA 18014	Northampton	Moore Township	Monocacy Creek HQ-CWF
PAI024803002	Pheasant Ridge Development Corp. 1700 Cherry Avenue Easton, PA 18040	Northampton	Forks Township	Bushkill Creek HQ-CWF
PAI026403002	Beach Lake Municipal Authority P. O. Box 151 Beach Lake, PA 18405	Wayne	Berlin Township	Beach Lake Creek HQ-CWF

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

*Cumberland County Conservation District, 43 Brookwood Avenue, Suite 4, Carlisle, PA 17013, (717) 240-7812.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10H097	Silver Spring Township 6475 Carlisle Pike Mechanicsburg, PA 17050-2391	Cumberland	Silver Spring Township	Trindle Spring Run HQ-CWF
PAI2032103002	Rockfield LLC c/o Daily Express P. O. Box 39 Carlisle, PA 17013	Cumberland	Carlisle Borough	Letort Run EV
PAS10H089	Olympic Realty and Development Co. 424 E. 52nd Street 17th Floor, Suite B New York, NY 10022	Cumberland	Carlisle Borough	Letort Run EV

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI2061003001	Knock Farms Development, LLC 200 Mount Troy Road Pittsburgh, PA 15212-1399	Butler	Clinton and Jefferson Townships	Little Buffalo Creek HQ-TSF
PAI062403001	Wal-Mart Stores, Inc. 2001 SE 10th Street Bentonville, AR 72716-0550	Elk	Fox Township	Laurel Run 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>
Plumstead Township Bucks County	PAR10D704	Jody Seaborn P. O. Box 567 Hood River, OR 97031	Geddes Run CWF, WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Moreland Township Bucks County	PAG2000903023	Heritage Conservancy 85 Old Dublin Pike Doylestown, PA 18901	Delaware River WWF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Plumstead Township Bucks County	PAG2000903043	Fred Beans Family of Dealerships Rt. 611 and Sawmill Road Doylestown, PA 18901	Pine Run WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
New Britain Township Bucks County	PAG2000903038	Frank Rosanelli 127 Kings Road Chalfont, PA 18914	Neshaminy Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Bensalem Township Bucks County	PAG2000903030	Holland Enterprises 130 Bucks Road, Suite 201 Holland, PA 18966	Neshaminy Creek Delaware River WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Middletown Township Bucks County	PAG2000903009	Aldi Inc. 2700 Saucon Valley Road Center Valley, PA 18034	Queen Anne and Mill Creeks CWF, MF	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>
Buckingham Township Bucks County	PAG2000903041	Domenic Graziano P. O. Box 357 Doylestown, PA 18901	Unnamed tributary Pidcock Creek	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
West Rockhill Township Bucks County	PAG2000903045	Joan Moser 202 Richardson Road Lansdale, PA 18446	East Branch Perkiomen Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Southampton Township Bucks County	PAG2000903048	Land Endeavor 9-1, Inc. 347 2nd Street Pike, 2nd Floor Southampton, PA 18966	Poquessing Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Quakertown Borough Bucks County	PAG2000903014	County of Bucks 55 East Court Street Doylestown, PA 18901	Tohickon Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Oxford Township Chester County	PAG2001503018	Arthur Astle 560 Lancaster Avenue Oxford, PA 19363	Leech Run TSF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
East Brandywine Township Chester County	PAG2001503028	Wawa, Inc. 260 West Baltimore Pike Wawa, PA 19063-5699	Beaver Creek TSF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Springfield and Nether Providence Townships Delaware County	PAR10J248	Pennsylvania Suburban Water Company 762 West Lancaster Avenue Bryn Mawr, PA 19010	Crum Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Bethel Township Delaware County	PAR10J244	Martha Gilman 510 Philadelphia Pike Wilmington, DE 19809	Unnamed tributary of Naamans Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Providence Township Delaware County	PAG2002303007	Middletown Investor Group 449 Mt. Alveio Road Media, PA 19063	Unnamed tributary of Ridley Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Springfield Township Montgomery County	PAG2004603022	Sister of Saint Joseph 120 W. Wissahickon Avenue Flourtown, PA 19031	Erdheim Run TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

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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 Moreland Township Montgomery County	PAG2004603041	Abington Memorial Hospital 2500 Maryland Road Willow Grove, PA 19090	Pennypack Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Providence Township Montgomery County	PAG2004603010	Upper Hanover Authority P. O. Box 205 East Greenville, PA 18041	Perkiomen Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Providence Township Montgomery County	PAR10T900	The Cutler Group 5 Sentry Parkway West Suite 100 Blue Bell, PA 19422	Unnamed tributary Skippack Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Luzerne County Plains Township	PAG2004003016	Mericle Properties 100 Baltimore Dr. Wilkes-Barre, PA 18702	Laurel Run CWF	Luzerne County Conservation District (570) 674-7991
Luzerne County Wright Township	PAG2004003017	Wright Township 321 S. Mountain Blvd. Mountaintop, PA 18707	Wapwallopen Creek CWF	Luzerne County Conservation District (570) 674-7991
Luzerne County Pittston Township	PAG2004003014	Wilkes-Barre/Scranton International Airport 100 Terminal Rd. Avoca, PA 18641	Spring Brook WWF	Luzerne County Conservation District (570) 674-7991
Northampton County Bethlehem Township	PAR10U099-1R	Kerry Wrobel LVIP, Inc. 100 Brodhead Road, Suite 160 Bethlehem, PA 18017	Nancy Run CWF-MF (Basin, Source to SR 3007 Bridge)	Northampton County Conservation District (610) 746-1971
Northampton County Palmer Township	PAG2004803018	Lewis Ronca 179 Mikron Rd. Bethlehem, PA 18020	UNT Lehigh River CWF	Northampton County Conservation District (610) 746-1971
Northampton County Lower Mt. Bethel Township	PAG2004803013	Lower Mt. Bethel Township P. O. Box 257 2004 Hutchison Ave. Martins Creek, PA 18063	Delaware River WWF	Northampton County Conservation District (610) 746-1971
Northampton County Upper Mt. Bethel Township	PAG2004803017	Upper Mt. Bethel Township P. O. Box 206 Portland, PA 18351	Allegheny Creek CWF	Northampton County Conservation District (610) 746-1971
Luzerne County Dennison Township	PAR10R143R	Steven Wasko P. O. Box 293 Lake Harmony, PA 18624	Creasy Creek WWF	Luzerne County Conservation District (570) 674-7991
Luzerne County Forty Fort Borough	PAG2004003018	Mericle 200 Welles, LLC 100 Baltimore Dr. Wilkes-Barre, PA 18702	UNT to Susquehanna River WWF	Luzerne County Conservation District (570) 674-7991
Laurel Farm Earl Township	PAR10C428	Wilson C. Hoffman 112 Terrace Road Boyertown, PA 19512	Ironstone Creek TSC	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 376-4657

<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>
Maidencreek Township	PAG2000603010	Richard Miller Cemplank/James Hardie 318 June Ave. Blandon, PA 19512	Willow Creek Schuylkill River CWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 376-4657
Muhlenberg Township Municipal Building	PAG2000603031	Muhlenberg Township 555 Raymond St. Reading, PA 19605	Laurel Run WWF, MF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 376-4657
Egan Automotive Specialist Exeter Township	PAG2000603025	Dale Egan 914 Fern Avenue Reading, PA 19607	UNT to Schuylkill River	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 376-4657
Spring Township	PAR10C435-1	Steven Carten Reading Terminals Corp. P. O. Box 2621 Harrisburg, PA 17105	Cacoosing Creek	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 376-4657
Folino Soil Stockpiles Richmaiden Rd. Fleetwood Richmond Township	PAG2000603035	Fernando Folino 63 S. Hampton Drive Wyomissing, PA 19610	Maiden Creek	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 376-4657
Valley Ridge Farms Subdivision Exeter Township	PAG2000602003	Scott Sweigart Forino Co. 555 Mountain Home Rd. Sinking Spring, PA 19608	UNT to Schuylkill River	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 376-4657
Menallen Crossing Phase I— Infrastructure SR 4003 and SR 0034 Menallen Township Adams County	PAG2000103007	Harry Fox, Jr. 17 Montego Court Dillsburg, PA 17019	Opossum Creek TSF	Adams County Conservation District 670 Old Harrisburg Rd. Suite 201 Gettysburg, PA 17325-3404 (717)-334-0636
Summit Ridge (Test Estates) Berwick Township	PAR100065R Formerly PAR100065	Randy Test Test Enterprises 1235 Abbottstown Pike Hanover, PA 17331	Beaver Creek WWF	Adams County Conservation District 670 Old Harrisburg Rd. Suite 201 Gettysburg, PA 17325-3404 (717)-334-0636
Three Cent Lane Bratton Township Mifflin County	PAI2034403001	William Shafranich 12628 Ferguson Valley Rd. Lewistown, PA 17044	UNT to Tea Creek HQ-CWF	Mifflin County Conservation District 20 Windmill Hill No. 4 Burnham, PA 17009 (717) 248-4695

<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>
Lititz Borough Lancaster County	PAG2003603017	Borough of Lititz 7 S. Broad St. Lititz, PA 17543	Lititz Run WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Rapho Township Lancaster County	PAG2003603021	C. Andrew Lefever 2610 Camp Rd. Manheim, PA 17545	Little Chickies Creek TSF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Warwick Township Lancaster County	PAG2003603032	Buckhill Farm Partnership 1001 Lititz Pike Lititz, PA 17543	UNT Little Conestoga Creek TSF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
East Cocalico Township Lancaster County	PAG2003603041	David L. Hollinger 755 White Oak Rd. Denver, PA 17517	Cocalico Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
East Earl Township Lancaster County	PAG2003603043	Lester Martin 4873 Division Hwy. East Earl, PA	UNT Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Earl Township Lancaster County	PAG2003603044	Pyramid Properties Box 9 New Holland, PA 17557	UNT Mill Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Brecknock Township Lancaster County	PAG2003603045	Keith G. Martin 2354 Valley View Rd. Narvon, PA 17555	UNT Muddy Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Leacock Township Lancaster County	PAG2003603048	Eli S. Stoltzfus 228 Hollow Rd. Gordonville, PA 17540	UNT Mill Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Upper Leacock Township Lancaster County	PAG2003603049	Luke R. Zimmerman 2456 Division Hwy. Ephrata, PA 17522	UNT Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Salisbury Township Lancaster County	PAG2003603050	Wawa Inc. 260 Baltimore Pike Wawa, PA 19063	UNT Pequea Creek CWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Clay Township Lancaster County	PAG2003603051	Moses S. Stoltzfus 555a Sandy Hill Rd. Denver, PA 17517	Middle Creek TSF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Earl Township Lancaster County	PAG2003603053	Wendco of Central PA 1116 Gunstock Lane Mechanicsburg, PA 17055	UNT Mill Creek CWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361

<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>
East Hempfield Township Lancaster County	PAR100296-R	Creek LLC 214A Willow Valley Lakes Dr. Willow Street, PA 17584	Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
West Earl Township Lancaster County	PAR100303-R	Crosswinds Associates Dev. Co. Inc. 336 W. King St. Lancaster, PA 17603	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
West Shore Evangelical Free Church Monroe and Upper Allen Townships	PAG2002103014	West Shore Evangelical Free Church Keith Plasterer 105 S. Market St. Mechanicsburg, PA 17055	Yellow Breeches Creek CWF	Cumberland County (717) 240-7812
McCoy Interstate Park—Lot 3A Dickinson and South Middleton Townships	PAG20021003015	First Industrial Acquisitions, Inc. Richard Astheimer 200 Phillips Road Exton, PA 19341-1326	Alexander Spring Creek CWF	Cumberland County (717) 240-7812
Centre County Spring Township	PAG2001403007	Steeplechase Subdiv. c/o S & A Custom Built Homes 501 Rolling Ridge Dr. State College, PA 16801	Logan Branch CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Clearfield County Lawrence Township	PAG2001703004	Lock Haven University Foundation Lock Haven University 120 Akely Hall Lock Haven, PA 17745	UNT Clearfield Creek WWF	Clearfield County Conservation District 650 Leonard St. Clearfield, PA 16830 (814) 765-22629
Clinton County Lamar Township	PAG2001803002	Stern Properties, Inc. 7930 Nittany Valley Drive Mill Hall, PA 17751	Fishing Creek CWF	Clinton County Conservation District 45 Cooperation Lane Mill Hall, PA 17751 (570) 726-3798x5
Tioga County Mansfield Borough	PAG2005903007	Mansfield Borough 19 East Wellsboro Mansfield, PA 16933	Ellen Run WWF	Tioga County Conservation District 29 East Ave. Wellsboro, PA 16901 (570) 724-1801
Union County East Buffalo Township	PAG2046003001	Bucknell University Physical Plant Bldg. Lewisburg, PA 17837	Miller Run WWF	Union County Conservation District 88 Bull Run Crossing Suite 5 Lewisburg, PA 17837 (570) 523-8782
Erie County City of Erie	PAG2002503014	Erie Insurance Group 100 Erie Insurance Place Erie, PA 16530	Presque Isle Bay Lake Erie WWF	Erie County Conservation District (814) 825-6403
Clearfield County Decatur Township	PAG2101703007	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476	UNT to Coal Run/Moshannon Creek CWF UNT to Morgan/Run Clearfield Creek CWF	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 (717) 783-1311

*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>
Northampton County Bethlehem Township	PAR322205	Binney & Smith, Inc. 1100 Church Lane Easton, PA 18044-0431	Retention Basin for Industrial Park	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
Luzerne County Hanover and Wilkes-Barre Townships	PAR602209	Allan Industries P. O. Box 999 Rt. 309 and Blackman St. Wilkes-Barre, PA 18703	Drainage Ditch and Mines	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
Luzerne County Pittston Township	PAR802235	Roadway Express, Inc. 1077 Gorge Blvd. Akron, OH 44309-0471	Lidy Creek CWF	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511

*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>
Bedford County West Providence Township	PAG043574	Todd Gorsuch 1539 N. Milk and Water Road Everett, PA 15537	UNT Clear Creek 11C	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Columbia County Main Township	PAG044988	Daniel O'Kane 2319 Brookside Rd. Bloomsburg, PA 17815	UNT to Catawissa Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
City of Williamsport Lycoming County	PAR804865	FedEx Freight East, Inc. 2649 Reach Road Williamsport, PA 17701	Storm Drain to Fox Hollow WWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Sandy Township Clearfield County	PAG045048	R. D. 2 Box 356 DuBois, PA 15801	UNT to Muddy Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Curwensville Borough Clearfield County	PAR904801	Curwensville Municipal Authority 900 Susquehanna Avenue Curwensville, PA 16833	West Branch Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666



<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>
Young Township Indiana County	PAG046271	James L. Anderson Star Route Box 3 Spring Church, PA 15686	Harpers Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
<i>General Permit Type—PAG-7</i>				
<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Site Name and Location</i>	<i>Contact Office and Telephone No.</i>
Heidelberg and South Lebanon Townships Lebanon County	PAG070003	Synagro Mid Atlantic 1605 Dooley Road P. O. Box B Whiteford, MD 21160	Galen Boyd Farm	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110-8200 (717) 705-4707
<i>General Permit Type—PAG-8</i>				
<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Site Name and Location</i>	<i>Contact Office and Telephone No.</i>
Heidelberg and South Lebanon Townships Lebanon County	PAG080003 PAG080006 PAG080008 PAG080009 PAG082201 PAG082203 PAG083501 PAG083502 PAG083506 PAG083515 PAG083517 PAG083518 PAG083522 PAG083535 PAG083542 PAG083547 PAG083551 PAG083825	Synagro Mid Atlantic 1605 Dooley Road P. O. Box B Whiteford, MD 21160	Galen Boyd Farm	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
<i>General Permit Type—PAG-9 (SSN)</i>				
<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Site Name and Location</i>	<i>Contact Office and Telephone No.</i>
Lower Mt. Bethel Township Northampton County	PAG092206	Allstate Septic Systems 5167 Berry Hollow Rd. Bangor, PA 18013	Pond Hollow Farms	NERO 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
Plainfield Township Northampton County	PAG092209	Lawson Septic Service 1261 Church Rd. Pen Argyl, PA 18072	Virginia Finken Farm	NERO 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
<i>General Permit Type—PAG-12</i>				
<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
643 Street Road Oxford, PA Lower Oxford Township Chester County	PAG120005	Arthur Astle 560 Lancaster Avenue Oxford, PA 19363	Pequea	Southeast Region Water Management (610) 832-6130

## 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 **Schwenksville Borough Authority**, P. O. Box 467, Schwenksville, PA 19473, PWS ID 1460042, Schwenksville Borough, **Montgomery County** on April 28, 2003, for the operation of facilities approved under Construction Permit No. 4602503.

**Operations Permit** issued to **Superior Water Company**, 2960 Skippack Pike, Worcester, PA 19490, PWS ID 1460085, Douglass Township, **Montgomery County** on May 2, 2003, for the operation of facilities approved under Construction Permit No. 4689507-A1.

**Operations Permit** issued to **Frederick Mennonite Community**, 2849 Big Road, Frederick, PA 19435, PWS ID 1460075, Upper Frederick Township, **Montgomery County** on May 2, 2003, for the operation of facilities approved under Construction Permit No. 4699513.

**Permit No. 4603501, Minor Amendment.** Public Water Supply.

Applicant	<b>Ambler Borough Water Department</b> 122 E. Butler Avenue Ambler, PA 19002
Township	Upper Dublin
County	<b>Montgomery</b>

Type of Facility	PWS
Consulting Engineer	Gannett Fleming, Inc. P. O. Box 67100 Harrisburg, PA 17106-7100
Permit to Construct Issued	April 29, 2003

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

**Operations Permit** issued to **Blue Mountain Lake Associates, LP**, One Blue Mountain Lake, East Stroudsburg, PA 18301, PWS ID 2450133, Stroud Township, **Monroe County** on April 16, 2003, for the operation of facilities approved under Construction Permit No. 4596502 issued on July 2, 1996.

**Operations Permit** issued to **East Allen Township Municipal Authority**, 5344 Nor-Bath Blvd., Northampton, PA 18067-9063, PWS ID 3480079, East Allen Township, **Northampton County** on April 18, 2003, for the operation of facilities approved under Construction Permit No. 4802503.

**Operations Permit** issued to **Gravity Realty, LLC**, 487 Gravity Rd., Lake Ariel, PA 18436, PWS ID 2640063, Salem Township, **Wayne County** on April 24, 2003, for the operation of facilities approved under Construction Permit N/A.

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

**Permit No. 0602511, Public Water Supply.**

Applicant	<b>Governor Mifflin School District</b>
Municipality	Brecknock Township
County	<b>Berks</b>
Type of Facility	Installation of a nitrate treatment system at the Brecknock Elementary School.
Consulting Engineer	Keith R. Showalter, P. E. Systems Design Engineering Inc. 4 Park Plaza Suite 105 Wyomissing, PA 19610
Permit to Construct Issued:	April 25, 2003
<b>Permit No. 0603501, Public Water Supply.</b>	
Applicant	<b>Reading Area Water Authority</b>
Municipality	City of Reading
County	<b>Berks</b>
Type of Facility	Installation of an 800 gpm high service booster pumping station.
Consulting Engineer	Thomas L. Weld Jr., P. E. BCM Engineers 920 Germantown Pike Plymouth, PA 19462
Permit to Construct Issued:	April 25, 2003

**Operations Permit** issued to **United Water Pennsylvania**, 7210029, Mechanicsburg Borough, **Cumberland County** on April 25, 2003, for the operation of facilities approved under Construction Permit No. 2102508.

**Wellhead Protection Program Approval** issued to **Millersburg Water Authority**, 101 West Street,

Millersburg, PA 17061, PWS ID 7220034, Upper Paxton Township, **Dauphin County** on April 28, 2003.

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

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

Applicant **Pennsylvania American Water Company**  
**c/o Steven J. Seidl, Vice President Engineering**  
800 West Hersheypark Drive  
Hershey, PA 17033

Township White Deer Township

County **Union**

Type of Facility PWS—Rehabilitation of the White Deer Clearwell Tank No. 1.

Consulting Engineer Scott M. Thomas  
Pennsylvania American Water Company  
800 West Hersheypark Drive  
Hershey, PA 17033

Permit to Construct Issued April 30, 2003

**Permit No. 4903501—Construction.** Public Water Supply.

Applicant **Lower Mahanoy Township Municipal Authority**  
**c/o Rusty Campbell, Chairperson**  
P. O. Box 235  
Dalmatia, PA 17017-0235

Township Lower Mahanoy Township

County **Northumberland**

Type of Facility PWS—Construction of the Georgetown Heights Booster Station.

Consulting Engineer John Shambaugh, P. E.  
Melham Associates, PC  
2247 North Front Street  
Harrisburg, PA 17110

Permit to Operate Issued April 30, 2003

**Permit No. 1402503—Operation.** Public Water Supply.

Applicant **Pennsylvania State University**  
**c/o Robert E. Cooper, P. E.**  
Office of the Physical Plant  
University Park, PA 16802

Township Ferguson Township

County **Centre**

Type of Facility PWS—Operation of an interconnection with the State College Borough Water Authority public water supply system located at the University's Wellhouse 28A.

Consulting Engineer CET Engineering Services  
321 Washington Street  
Huntingdon, PA 16652

Permit to Operate Issued April 30, 2003

**Permit No. 5989502-T1—Operation.** Public Water Supply.

Applicant **Stonyfork Associates, LLC**  
**c/o Sherman Hill, President**  
4232 Fowler Avenue  
Baltimore, MD 21236

Township Delmar Township

County **Tioga**

Type of Facility PWS—Modified to exclude use of spring no. 1 and transferred to Stonyfork Associates, LLC from Thomas A. Taylor/Country Living MHP.

Permit to Operate Issued May 1, 2003

**Permit No. 5991502-T1—Operation.** Public Water Supply.

Applicant **Stonyfork Associates, LLC**  
**c/o Sherman Hill, President**  
4232 Fowler Avenue  
Baltimore, MD 21236

Township Delmar Township

County **Tioga**

Type of Facility PWS—Permit No. 5991502-T1 has been transferred in its entirety and transferred to Stonyfork Associates, LLC from Thomas A. Taylor/Country Living MHP.

Permit to Operate Issued May 1, 2003

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

Applicant **Eastville Community Water Association**  
**c/o Brian Caprio, President**  
R. R. 1, Box 81  
Loganton, PA 17747-9708

Township Greene Township

County **Clinton**

Type of Facility PWS—Rehabilitation of the Forestry Spring (Spring No. 1).

Consulting Engineer Alfred Benesch & Company  
400 One Norwegian Plaza  
P. O. Box 1090  
Pottsville, PA 17901

Permit to Operate Issued April 30, 2003

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

Applicant **Pennsylvania American Water Company**  
**c/o Bruce Juergens**  
800 West Hersheypark Drive  
Hershey, PA 17033

Borough Philipsburg Borough

County **Centre**

Type of Facility PWS—Construction of the Edendale Booster Station.  
 Consulting Engineer Pennsylvania American Water Company  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 Permit to Construct Issued May 5, 2003

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

### Proposed Consent Order and Agreement

#### Bear Creek Area Chemical Site

#### Fairview, Parker, Washington and Concord Townships, Petrolia, Fairview, Karns City and Bruin Boroughs, Butler County Perry Township, Armstrong 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 entered into a Consent Order and Agreement (Agreement) with Beazer East, Inc. (Beazer) concerning the resolution of Beazer's liability at the Bear Creek Area Chemical Site (Site).

In the past, wastes containing hazardous substances and contaminants were disposed at various locations throughout the Site and these substances contaminated the environment, including the groundwater. The Department and Beazer have conducted response actions at the Site between 2001 and 2003. These response actions include the provision of bottled water to residents at the Site whose drinking water had become impacted or had threatened to become impacted by hazardous substances and contaminants. Upon the completion of response actions at the Site, residents of the Site will be serviced by a public water supply system and individual areas of waste disposal will be remediated by the Department, Beazer and/or other responsible persons.

Beazer is settling with the Department as a "responsible person" as defined in section 103 of the HSCA. Under the terms of the Agreement, Beazer has agreed to resolve its liability by paying the Department \$18,118,813 to compensate the Department for a portion of its past and anticipated future costs to effectively cleanup the Site and complete the public water supply system. In addition, Beazer shall address disposal areas and releases at the former Koppers plant under the EPA's RCRA Corrective Action Program.

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

Copies of the Agreement are available for inspection at the Department's Northwest Regional Office, at the Site

repository in the Fairview Township, Butler County, Municipal Building or at the project website at [www.bearcreekpa.com](http://www.bearcreekpa.com). Comments may be submitted, in writing, to Chuck Tordella, Project Manager, Hazardous Sites Cleanup, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335. Further information may be obtained by contacting Chuck Tordella, (814) 332-6648. TDD users may contact the Department through the Pennsylvania Relay Services at (800) 645-5984.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

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

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

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

The Department has received the following final reports:

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

**Harry Gensemer Property**, Borough of Pine Grove, **Schuylkill County**. Robert W. Hoeveler, Jr., Project Manager, Storb Environmental, 410 North Easton Road, Willow Grove, PA 19090-2511 has submitted a Final Report (on behalf of Harry Gensemer, P. O. Box 166, Pine Grove, PA) concerning the remediation of soils found to have been accidentally contaminated with home heating oil. The report was submitted to demonstrate attainment of the Statewide Human Health Standard. A Notice of Intent to Remediate was simultaneously submitted.

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

**Fusion Coatings, Inc.**, Heidelberg Township, **Berks County**. ARM Group Inc., 1129 West Governor Road, P. O. Box 797, Hershey, PA 17033-0797, on behalf of Ken Harms, 201 Sanibel Lane, Wyomissing, PA 19610, submitted a combined Remedial Investigation and Final Report

concerning remediation of site soils and groundwater contaminated with solvents. The report is intended to document remediation of the site to the Site-Specific Standard.

**AmerGen Energy Company LLC—Three Mile Island Nuclear Station**, Londonderry Township, **Dauphin County**. ARM Group, Inc., P. O. Box 797, Hershey, PA 17033-0797, on behalf of AmerGen Energy Company, LLC, Route 441 South, P. O. Box 480, Middletown, PA 17057-0480, submitted a Final Report concerning remediation of site groundwater contaminated with Fuel Oil No. 2 and PAH. The report is intended to document remediation of the site to the Statewide Health Standard.

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

**Davenport Residence**, Wyalusing Township, **Bradford County**. Mulry and Cresswell Environmental, Inc. on behalf of Ronald Davenport, R. R. 4, Box 4272, Wyalusing, PA 18853, has submitted a Final Report concerning soil contaminated with No. 2 Fuel Oil. This report is intended to demonstrate remediation of the site to meet the Statewide Health Standard. See additional entry in the Applications section of this *Pennsylvania Bulletin*.

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

**Retail Parcel—Former Auld Lumber**, Hampton Township, **Allegheny County**. Robert J. Valli, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Northwest Savings Bank, 225 Second Avenue, P. O. Box 128, Warren, PA 16365) has submitted a Final Report concerning remediation of site soil contaminated with benzene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Sterling Packaging Corporation**, City of Jeannette, **Westmoreland County**. David R. Perry, American Geosciences, Inc., 3925 Reed Boulevard, Suite 400 Murrysville, PA 15668-1848 (on behalf of Todd D. Brice, S & T Bank, 800 Philadelphia Street, Indiana, PA 15701 and Kenneth B. Schulman, Jeannette Packaging, LLC, 108 Main Street, Norwalk, CT 06851) has submitted Remedial Investigation and Risk Assessment Reports concerning remediation of the site soil and groundwater contaminated with inorganics and chlorinated solvents. The reports are intended to document remediation of the site to meet the Site-Specific and Statewide Health Standards.

**Chapel Harbor Site**, O'Hara Township, **Allegheny County**. David R. Perry, American Geosciences, Inc., 3925 Reed Blvd., Suite 400, Murrysville, PA 15668 (on behalf of Chapel Harbors at the Water, LLC, c/o Zambrano Corporation, 1650 Main Street, Pittsburgh, PA 15215) has submitted a Final Report concerning remediation of site groundwater contaminated with chlorinated solvents. The Final Report is intended to document remediation of the site to meet the Site Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and**

### **Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of 25 Pa. Code § 250.8 and the administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

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

fulfillment of a combination of both the Statewide Health and the Site-Specific Standards and was approved on April 30, 2003.

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

**Chapel Harbor Site**, O'Hara Township, **Allegheny County**. David R. Perry, American Geosciences, Inc., 3925 Reed Blvd., Suite 400, Murrysville, PA 15668 (on behalf of Chapel Harbors at the Water, LLC, c/o Zambrano Corporation, 1650 Main Street, Pittsburgh, PA 15215) has submitted a Remedial Investigation Report and a Risk Assessment Report concerning remediation of site groundwater contaminated with Chlorinated Solvents. The Remedial Investigation and Risk Assessment Reports were approved by the Department on February 27, 2003.

#### RESIDUAL WASTE—REGISTRATION FOR GENERAL PERMIT

**Registration Denied under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

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

**General Permit No. WMGR064. Beaver Township Board of Supervisors**, 3298 Park Road, Springboro, PA 16435.

General Permit Number WMGR064 authorizes the beneficial use of natural gas well brines for antiskid prewetting prior to roadway applications and roadway and walkway surface anti-icing applications used to minimize the formation or development of bonded snow and ice to roadway and walkway surfaces. Central Office denied this registration for coverage under the general permit on April 28, 2003.

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

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

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

**Permit No. 101628. Natural Soil Products**, P. O. Box 283, Tremont, PA 17981-0283. A permit approving a Radiation Protection Action Plan, which requires Natural Soil Products to monitor and respond to radioactive material entering the site, as well as performing related procedures for training, notification, recordkeeping and reporting. Specifically, Natural Soil Products is required to monitor sewage sludges received from outside sources that are brought to the facility for processing. This municipal waste composting facility located in Frailey Township, **Schuylkill County** receives a limited amount of sewage sludge, which is used as material for this facility. The permit was issued in the Regional Office on

May 1, 2003. This permit does not authorize any other change to this facility's construction or operations.

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

**Permit ID No. 101534. Laurel Highlands Landfill, Inc.**, 260 Laurel Ridge Road, Johnstown, PA 15909. Operation of a municipal waste landfill in Jackson Township, **Cambria County**. Major permit modification to monitor incoming waste for the presence of radioactive materials, incorporation of a geosynthetic clay liner element into the permitted liner system, monitoring of meteorological conditions at the site, recirculation of leachate and other design and operational revisions was issued in the Regional Office on April 28, 2003.

**Permit ID No. 100081. Southern Alleghenies Landfill, Inc.**, 843 Miller Picking Road, Davidsville, PA 15928. A major permit modification for expansion onto a 96.9-acre tract of which 59 acres will be lined and used for waste disposal known as the Phase III Expansion Area at a municipal waste landfill in Conemaugh Township, **Somerset County**. The permit was issued in the Regional Office on April 30, 2003.

Persons interested in reviewing a permit may contact the Department of Environmental Protection, Land Recycling and Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000. TDD users may contact the Department through the Pennsylvania Relay Service at (800) 654-5984.

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

**Permit No. 101187. County Environmental Service, Inc.**, P. O. Box 237, 344 Wally Run Drive, Leeper, PA 16233, Farmington Township, **Clarion County**. Application to modify Pad 8 liner system through the addition of geosynthetic clay liner, to incorporate meteorological monitoring plan and to utilize alternative daily cover materials at the landfill. The Radiation Protection Plan, which was originally included in this application, is not part of this approval and will be addressed in the future as a separate review. The permit was issued by the Northwest Regional Office on April 29, 2003.

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

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

**Permit No. 603451. Kline's Services, Inc.**, 5 Holland Street, Salunga, PA 17538, South Londonderry Township, **Lebanon County**. The permit has been revoked at the request of the permittee for Meadow View Farm in South Londonderry Township, Lebanon County. The permit was revoked by the Southcentral Regional Office on May 5, 2003.

**Permit No. 603370. Dover Township**, 2480 West Canal Road, Dover, PA 17315, Dover Township, **York County**. This permit has been revoked at the request of the permittee for Dover Township Sewer Authority Farm in Dover Township, York County. The permit was revoked by the Southcentral Regional Office on April 18, 2003.

Persons interested in reviewing a general permit may contact Cynthia Wolfe, File Review Coordinator, Southcentral Regional Office, 909 Elmerton Avenue, Harris-

burg, PA 17110-8200, (717) 705-4732. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

## MUNICIPAL AND RESIDUAL WASTE TRANSPORTER AUTHORIZATION

**Issued applications for Municipal and Residual Waste Transporter Interim Authorization received under the Waste Transportation Safety Act (27 Pa.C.S. §§ 6201–6209) and regulations to transport municipal or residual waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472.*

**David C. Miller**, 383 White Oak Lane, Bath, PA 18014. Authorization No. WH4432. Effective May 1, 2003.

**Sokol Inc.**, P. O. Box 366, Bloomsburg, PA 17815-0366. Authorization No. WH4068. Effective April 29, 2003.

**Tri Edison Electric**, 1119 W. Coal St., Trevorton, PA 17881-1326. Authorization No. WH4166. Effective April 29, 2003.

**Paul A. Redding**, 3950 Grace Ave., Bensalem, PA 19020. Authorization No. WH4353. Effective April 29, 2003.

**Pleasant Hills Authority**, 1222 Cochran Mill Road, Pittsburgh, PA 15236-4504. Authorization No. WH4354. Effective April 29, 2003.

**Vince Building Company**, 645 W. Pittsburgh St., Greensburg, PA 15601-2154. Authorization No. WH4569. Effective April 29, 2003.

**Drew Transport Service LLC**, 6140 Harmony Grove Road, Dover, PA 17315. Authorization No. WH3543. Effective April 29, 2003.

**Stell Enterprises Inc.**, 23 Birch Ave., Plains, PA 18705. Authorization No. WH3688. Effective April 29, 2003.

**Rich Mark Contracting Co., Inc.**, P. O. Box 124, Toms River, NJ 08754-0124. Authorization No. WH3721. Effective April 29, 2003.

**Alex Roofing Inc.**, 1644 E. 12th St., Erie, PA 16511. Authorization No. WH3722. Effective April 29, 2003.

**Atlas Machining & Welding Inc.**, P. O. Box 72, Northampton, PA 18067-0072. Authorization No. WH3723. Effective April 29, 2003.

**Nelson Wiest Excavating Inc.**, 3041 Route 73 South, Maple Shade, NJ 08052. Authorization No. WH3725. Effective April 29, 2003.

**Frank Mariani Inc.**, 1479 Wilmington Pike, West Chester, PA 19382. Authorization No. WH3726. Effective April 29, 2003.

**Rays Refuse & Recycling Inc.**, P. O. Box 103, Long Green, MD 21092. Authorization No. WH3727. Effective April 29, 2003.

**MDLC Transport**, Alphano Road, Box 403, Great Meadow, NJ 07838. Authorization No. WH3728. Effective April 29, 2003.

**Eric C. Peterson Trucking**, P. O. Box 364, Glen Gardner, NJ 08826. Authorization No. WH3729. Effective April 29, 2003.

**Willow Grove Roofing**, 550 Geigel Hill Road, Ottsville, PA 18942. Authorization No. WH3730. Effective April 29, 2003.

**Peters Township**, 5000 Steele Ave., P. O. Box 19, Lemasters, PA 17231-0019. Authorization No. WH3731. Effective April 29, 2003.

**Walter Miller Trucking**, 117 Oak Lane, Beaver Falls, PA 15010. Authorization No. WH3734. Effective April 29, 2003.

**Hazport Solutions Inc.**, Suite 300, 930 Kennedy Street NW, Washington, DC 20011. Authorization No. WH3735. Effective April 29, 2003.

**Weldbank Energy Corp.**, 1470 Conewango Ave. Ext., Warren, PA 16365-4136. Authorization No. WH3736. Effective April 29, 2003.

**Brogan Landscaping Inc.**, 21 Coffman Street, Malvern, PA 19355. Authorization No. WH3737. Effective April 29, 2003.

**James A. Niski, Jr.**, F-169 Linden Drive, P. O. Box 561, Tobyhanna, PA 18466. Authorization No. WH3738. Effective April 29, 2003.

**Vexor Technology Inc.**, 955 W. Smith Road, Medina, OH 44256. Authorization No. WH3739. Effective April 29, 2003.

**Michael P. Stankiewicz**, 1279 Fox Run, Reading, PA 19606. Authorization No. WH3741. Effective April 29, 2003.

**Nikolce Gjorgioski**, Apt. A-23, 90 Marilyn Place, Clifton, NJ 07011. Authorization No. WH3743. Effective April 29, 2003.

**W. H. Peer**, 218 Park Avenue, Boonton, NJ 07005-2208. Authorization No. WH3745. Effective April 29, 2003.

**CPL Trucking**, 68 Kensington Circle, Belvidere, NJ 07823. Authorization No. WH3746. Effective April 29, 2003.

**Yohe Disposal**, 1055 W. Washington Street, Bradford, PA 16701-2520. Authorization No. WH3747. Effective April 29, 2003.

**Landis Campbell Inc.**, 2080 Detwiler Road, 1 Midway Business Center, Harleysville, PA 19438. Authorization No. WH3748. Effective April 29, 2003.

**Altoona Area School District**, 2407 6th Ave., Altoona, PA 16602. Authorization No. WH3749. Effective April 29, 2003.

**Docushred LLC**, 6427 Baltimore National Pike, Baltimore, MD 21228-3912. Authorization No. WH3750. Effective April 29, 2003.

**Husband Trucking**, R. R. 2 Box 375, Harveys Lake, PA 18618-9512. Authorization No. WH3751. Effective April 29, 2003.

**Jeffrey R. Parke Co.**, 680 Dorlan Mill Road, Downingtown, PA 19335. Authorization No. WH3752. Effective April 29, 2003.

**Joe Bucciarelli Inc.**, 369 Robinson Drive, Broomall, PA 19008. Authorization No. WH3754. Effective April 29, 2003.

**Value Bedding & Furniture**, 607 Cemetery Street, Williamsport, PA 17701. Authorization No. WH3755. Effective April 29, 2003.

**Basileo Trucking Inc.**, P. O. Box 933, Southampton, PA 18966. Authorization No. WH3756. Effective April 29, 2003.

**JC Roofing & Builder Co.**, P. O. Box 280, Downingtown, PA 19335. Authorization No. WH3757. Effective April 29, 2003.

**K & C Hauling Inc.**, 17 Honeysuckle Lane, Levittown, PA 19055. Authorization No. WH3758. Effective April 29, 2003.

**V. Dias Trucking Inc.**, 38-40 New York Ave., Newark, NJ 07105. Authorization No. WH3759. Effective April 29, 2003.

**Richard Dorshimer**, 236 Erdman Ave., Bangor, PA 18013. Authorization No. WH3761. Effective April 29, 2003.

**McSherrystown Borough**, 338 Main St., McSherrystown, PA 17344-1708. Authorization No. WH3762. Effective April 29, 2003.

**Miller Environmental Group Inc.**, 538 Edwards Ave., Calverton, NY 11933. Authorization No. WH3763. Effective April 29, 2003.

**Stone Office Equipment Inc.**, 321-327 Pear Street, Scranton, PA 18505. Authorization No. WH3764. Effective April 29, 2003.

**M & M Landscaping Inc.**, P. O. Box 332, 501 Highland Avenue, Morton, PA 19070. Authorization No. WH3765. Effective April 29, 2003.

**USA Direct Inc.**, 2901 Blackbridge Road, York, PA 17402. Authorization No. WH3767. Effective April 29, 2003.

**Tohickon Valley Disposal**, 4660 Applebutter Road, P. O. Box 89, Plumsteadville, PA 18949. Authorization No. WH3768. Effective April 29, 2003.

**Worthington Bros. Construction Inc.**, 1610 Faragut Ave., Bristol, PA 19007. Authorization No. WH3769. Effective April 29, 2003.

**Mountain Lake Construction**, R. R. 1 Box 256, Towanda, PA 18848. Authorization No. WH3771. Effective April 29, 2003.

**Otto Township, McKean County**, 29 Brooklyn St., P. O. Box 284, Duke Center, PA 16729. Authorization No. WH3772. Effective April 29, 2003.

**Mark E. Lunz**, R. R. 2 Box 214C, Ford City, PA 16226. Authorization No. WH3773. Effective April 29, 2003.

**Wilson S. Canizarez**, Apt. 4, 291 Oliver St., Newark, NJ 07105. Authorization No. WH2706. Effective May 2, 2003.

**J & D Truck Repair Inc.**, 531 Faile St., Bronx, NY 10474. Authorization No. WH3109. Effective May 2, 2003.

**Myers Roofing**, Box 232, Fort Loudon, PA 17224. Authorization No. WH4119. Effective May 2, 2003.

**Tame Cargo Corporation**, 1421 New Market Avenue, South Plainfield, NJ 07080. Authorization No. WH4492. Effective May 2, 2003.

**William L. Mayhew**, 85 Cedar Lane, Elmer, NJ 08318-2646. Authorization No. WH4544. Effective May 2, 2003.

**Mesias Zumba**, 560 North 4th St., Newark, NJ 07107. Authorization No. WH4552. Effective May 2, 2003.

**Khalid Pervez**, 139 Scott St., Easton, PA 18042. Authorization No. WH4573. Effective May 2, 2003.

**Arthur Medeiros**, 857 Main Road, Tireton, RI 02878. Authorization No. WH4591. Effective May 2, 2003.

**Lavoy Trucking LLC**, 7830 Fort St., Old Fort, OH 44861. Authorization No. WH4592. Effective May 2, 2003.

**Carlos J. Perez**, 4806 C St., Philadelphia, PA 19120. Authorization No. WH4597. Effective May 2, 2003.

**Jose G. Menjivarguardado**, 1328 W. 3rd St., Plainfield, NJ 07063. Authorization No. WH4575. Effective May 2, 2003.

**Raymond Orchard Construction Company**, 1002 Newton Road, Clarks Summit, PA 18411. Authorization No. WH3483. Effective April 30, 2003.

**John Bobrick**, Brick Church Road, R. R. 4 Box 4052 A, Saylorsburg, PA 18353. Authorization No. WH3484. Effective April 30, 2003.

**Ralph H. Bixler**, 3275 Tuscarawas Road, Beaver, PA 15009. Authorization No. WH3485. Effective April 30, 2003.

**Lycoming Supply Inc.**, 801 Beeber Street, Williamsport, PA 17701-1501. Authorization No. WH3486. Effective April 30, 2003.

**Christopher F. Smith**, P. O. Box 40, Pennsburg, PA 18073. Authorization No. WH3487. Effective April 30, 2003.

**Independence National Park**, 143 South 3rd Street, Philadelphia, PA 19106. Authorization No. WH3488. Effective April 30, 2003.

**Vlados Durgutovski**, 84 Morris Avenue, Garfield, NJ 07026. Authorization No. WH3490. Effective April 30, 2003.

**Dutt Construction LLC**, 2135 Morgan Hill Road, Easton, PA 18042. Authorization No. WH3491. Effective April 30, 2003.

**Phil's Appliance**, 2802 Kensington Avenue, Philadelphia, PA 19134. Authorization No. WH3492. Effective April 30, 2003.

**Associated Paving**, 2569 Huntingdon Pike, Huntingdon Valley, PA 19006. Authorization No. WH3494. Effective April 30, 2003.

**Ailton L. Defaria**, 11 Ken Oaks Drive, Danbury, CT 06810. Authorization No. WH3186. Effective May 1, 2003.

**Franchi Waste & Recycling Containers Inc.**, 340 Hurffville Grenloch Road, Sewell, NJ 08080. Authorization No. WH3529. Effective May 1, 2003.

**M & T Contracting**, 12598 Route 286 Highway East, Commodore, PA 15729-9503. Authorization No. WH3831. Effective May 1, 2003.

**Commonwealth Mailing Service Inc.**, 6155 Main Street, East Petersburg, PA 17520-1206. Authorization No. WH3832. Effective May 1, 2003.

**Natures Choice Corporation**, Floor 2, 1111 Springfield Road, Union, NJ 07083-8118. Authorization No. WH3833. Effective May 1, 2003.

**J. Elias Scrap Inc.**, 75 Oak Street, Wilkes-Barre, PA 18702-1549. Authorization No. WH3834. Effective May 1, 2003.

**Larry R. McAfoose**, 5942 Victor Circle, Aliquippa, PA 15001. Authorization No. WH3835. Effective May 1, 2003.

**Undercoffler Custom Homes**, 943 Gravel Pike, Palm, PA 18070. Authorization No. WH3836. Effective May 1, 2003.



**Holy Spirit Fire Trucking Company**, 753 Main Street, Oley, PA 19547-8737. Authorization No. WH3837. Effective May 1, 2003.

**Delaurentis Construction Service Inc.**, 138 Willow Lane, Warrington, PA 18976. Authorization No. WH3838. Effective May 1, 2003.

**Renato Dedominicis Landscaping**, 432 South Walnut Street, Kennett Square, PA 19348-3618. Authorization No. WH3839. Effective May 1, 2003.

**Robert J. Denning Inc.**, 101 Quail Run, Kennett Square, PA 19348. Authorization No. WH3840. Effective May 1, 2003.

**J. McLaughlin & Sons Plastering Inc.**, 109 North Third Street, Connellsville, PA 15425-4627. Authorization No. WH3841. Effective May 1, 2003.

**Brownlee Trucking Inc.**, P. O. Box 51, West Middletown, PA 15379-0051. Authorization No. WH3842. Effective May 1, 2003.

**N. F. Mansuetto & Sons Inc.**, Second and Wood Streets, Martins Ferry, OH 43935. Authorization No. WH3843. Effective May 1, 2003.

**Buck Lumber Company**, 150 South Railroad Street, Hughesville, PA 17737. Authorization No. WH3845. Effective May 1, 2003.

**A1 Transport Inc.**, No. 1, 2012 45th Street, North Bergen, NJ 07047. Authorization No. WH3846. Effective May 1, 2003.

**Ryan Environmental Inc.**, Route 4, Box 260, Bridgeport, WV 26330. Authorization No. WH3847. Effective May 1, 2003.

**Buck Transport Inc.**, 10 Pine Road, Hamburg, PA 19526. Authorization No. WH3849. Effective May 1, 2003.

**A-1 Sanitation Service Inc.**, P. O. Box 336, New Castle, DE 19720. Authorization No. WH3850. Effective May 1, 2003.

**Treps Roofing Inc.**, 1912 Liberty Street, Trenton, NJ 08629. Authorization No. WH3851. Effective May 1, 2003.

**Jeffrey L. Hanna Construction**, P. O. Box 209, 168 Beyers Road, Uwchland, PA 19480. Authorization No. WH3852. Effective May 1, 2003.

**G. Mitchell's LLC**, 1708 Tuckahoe Road, Newfield, NJ 08344. Authorization No. WH3853. Effective May 1, 2003.

**Visco Contracting**, 7682 Highland Avenue, Pittsburgh, PA 15218. Authorization No. WH3855. Effective May 1, 2003.

**D. J. Pinciotti Construction Company, Inc.**, 6 Commerce Drive, Ivyland, PA 18974. Authorization No. WH3801. Effective April 30, 2003.

**Read's Van Service, Inc.**, 2600 Turnpike Drive, Hatboro, PA 19040-4221. Authorization No. WH3419. Effective April 30, 2003.

**D. King Construction, Inc.**, 1993 Route 422 West, Indiana, PA 15701. Authorization No. WH3417. Effective April 30, 2003.

**Kevin's Used Auto Parts**, 423 West Luzerne Street, Philadelphia, PA 19140. Authorization No. WH2491. Effective April 24, 2003.

**Dixon Transport Inc.**, 3070 Little Trout Run Road, P. O. Box 99, Frenchville, PA 16836-9433. Authorization No. WH2530. Effective April 24, 2003.

**Jadell Minniefield Construction Services Inc.**, 212 Mansion Street, Pittsburgh, PA 15207-1762. Authorization No. WH2678. Effective April 24, 2003.

**Oliver Trucking**, 8054 Bennett Street, Pittsburgh, PA 15235. Authorization No. WH3120. Effective April 24, 2003.

**Shenandoah Borough, Schuylkill County**, 15 West Washington Street, Shenandoah, PA 17976-1708. Authorization No. WH3513. Effective April 24, 2003.

**Caonabo Tejada**, 548 59th Street Apartment 4, New York, NY 07093. Authorization No. WH3520. Effective April 24, 2003.

**Tri Borough Construction Supplies Inc.**, P. O. Box 8, Dallastown, PA 17313-0008. Authorization No. WH3511. Effective April 24, 2003.

**Carr & Duff Inc.**, 2100 Byberry Road, Huntingdon Valley, PA 19006-3598. Authorization No. WH3695. Effective April 24, 2003.

**East Coast Management Inc.**, 110 Ardmore Avenue, Ardmore, PA 19003-1347. Authorization No. WH3696. Effective April 28, 2003.

**Modular Furniture Installers Inc.**, 101 Witmer Road, Horsham, PA 19044. Authorization No. WH3698. Effective April 28, 2003.

**J & S Trucking**, 3927 East Grant Street, Slatedale, PA 18079-0224. Authorization No. WH3700. Effective April 28, 2003.

**R. Sutherland Trucking**, 76 South Drivers Lane, Laurel Spring, NJ 08021. Authorization No. WH3701. Effective April 28, 2003.

**Robert A. Bace Trucking**, 135 Columbia Turnpike, Florham Park, NJ 07932. Authorization No. WH3703. Effective April 28, 2003.

**M. D. Hobel Excavating Inc.**, 5100 Stone Terrace Drive, Whitehall, PA 18052. Authorization No. WH3706. Effective April 28, 2003.

**Houser Construction Service Inc.**, 307 Willow Street, Lebanon, PA 17046. Authorization No. WH3705. Effective April 28, 2003.

**Tulpehocken Spring Water Inc.**, R. R. 1 Box 144T, Northumberland, PA 17857. Authorization No. WH3707. Effective April 28, 2003.

**West Chester University**, 201 Carter Drive, West Chester, PA 19383-3209. Authorization No. WH3708. Effective April 28, 2003.

**Keister Construction Inc.**, 2867 W. Branch Highway, Lewisburg, PA 17837. Authorization No. WH3709. Effective April 28, 2003.

**R 1 Trucking Company**, 621 Adams Avenue, Elizabeth, NJ 07201. Authorization No. WH3699. Effective April 28, 2003.

**Robert Krevitz Metals Company Inc.**, 1548 Ford Road, Bensalem, PA 19020-4523. Authorization No. WH3372. Effective April 28, 2003.

**Dallastown Roofing Company Ltd.**, 321 Robin Drive, Red Lion, PA 17356. Authorization No. WH3702. Effective April 28, 2003.

**Double J Construction**, 222 Ivanhoe Drive, Robbinsville, NJ 08691. Authorization No. WH3710. Effective April 28, 2003.

**J. M. C. Contractors Inc.**, 38 Stephen Drive, Glen Mills, PA 19342-8815. Authorization No. WH3711. Effective April 28, 2003.

**M & R Dump Truck Inc.**, 38 West Green Street, Bechtelsville, PA 19505. Authorization No. WH3712. Effective April 28, 2003.

**P. G. Martin Excavating**, 1840 Creston Drive, Lebanon, PA 17046. Authorization No. WH3713. Effective April 28, 2003.

**P. Dimarco & Co. Inc.**, 131 East Church Road, King of Prussia, PA 19406. Authorization No. WH3714. Effective April 28, 2003.

**Frank's Vacuum Truck Service Inc.**, 4500 Royal Avenue, Niagara Falls, NY 14303-2128. Authorization No. WH3716. Effective April 28, 2003.

**Ed Twine Construction**, P. O. Box 192, Mercersburg, PA 17236-0192. Authorization No. WH3717. Effective April 28, 2003.

**Shaver & Sons**, R. R. 3 Box 242-1, Dallas, PA 18612. Authorization No. WH3718. Effective April 28, 2003.

**Mount Gretna Borough, Lebanon County**, Chautauqua Drive, Mount Gretna, PA 17064. Authorization No. WH3719. Effective April 28, 2003.

**Carlton Pools Inc.**, 311 York Road, Warminster, PA 18974-4506. Authorization No. WH3720. Effective April 28, 2003.

**Yannuzzi & Sons, Inc.**, 563 White Street, Orange, NJ 07050. Authorization No. WH3145. Effective May 2, 2003.

**Ricky's Trucking**, Apt. 306, 5009 Broadway, New York, NY 10034. Authorization No. WH3227. Effective May 2, 2003.

**Department of Transportation, District 8-2**, P. O. Box 624, Carlisle, PA 17013. Authorization No. WH3871. Effective May 2, 2003.

**MGK Industries, Inc.**, P. O. Box 276, Pottstown, PA 19464. Authorization No. WH3872. Effective May 2, 2003.

**James E. Poeta**, 5742 Cavaliero Drive, Erie, PA 16511-2610. Authorization No. WH3873. Effective May 2, 2003.

**R. L. Glendenning**, 1081 Third Street, North Versailles, PA 15137. Authorization No. WH3874. Effective May 2, 2003.

**G & R Excavating & Demolition**, 5 Gardner Lane, Tyrone, PA 16686. Authorization No. WH3875. Effective May 2, 2003.

**Department of Transportation, District 5-6**, 970 East Main Street, Schuylkill Haven, PA 17972-9752. Authorization No. WH3876. Effective May 2, 2003.

**New Deal Lumber Co., Inc.**, 5149 Lancaster Avenue, Philadelphia, PA 19131-4434. Authorization No. WH3877. Effective May 2, 2003.

**Afton Trucking, Inc.**, 8923 Wattsburg Road, Erie, PA 16510-6021. Authorization No. WH3881. Effective May 2, 2003.

**Yogi's**, P. O. Box 14, Clifford, PA 18413. Authorization No. WH3882. Effective May 2, 2003.

**Matthew J. Massarelli**, 3404 Universal Road, Pittsburgh, PA 15235. Authorization No. WH3883. Effective May 2, 2003.

**Toth Brothers Clearing & Dredging, Inc.**, 224 Maron Road, Hatfield, PA 19440. Authorization No. WH3884. Effective May 2, 2003.

**Lisowski Excavating & Garage**, R. R. 1, Box 165A, Covington, PA 16917. Authorization No. WH3888. Effective May 2, 2003.

**Associated Box**, 301 Mahoning Avenue, New Castle, PA 16102. Authorization No. WH3890. Effective May 2, 2003.

**Wise Disposal Service, Inc.**, Suite B, 8700 Somerset Pike, Boswell, PA 15531. Authorization No. WH3046. Effective April 30, 2003.

**Trek Trucking, Inc.**, 501 Edwards Avenue, Pottsville, PA 17901. Authorization No. WH3662. Effective April 23, 2003.

**David B. Kennedy**, P. O. Box 571, Accord, NY 12404. Authorization No. WH3665. Effective April 23, 2003.

**Malco A. Urzua**, 11 Maple Avenue, Bellville, NJ 07109. Authorization No. WH3666. Effective April 23, 2003.

**Shadow Transportation, Inc.**, P. O. Box 10231, Newburgh, NY 12552. Authorization No. WH3667. Effective April 23, 2003.

**Michael J. Pierce Contracting**, P. O. Box 5196, Conneaut Lake, PA 16316. Authorization No. WH3668. Effective April 23, 2003.

**James J. Snell**, 3464 Linden Street, Bethlehem, PA 18017-1917. Authorization No. WH3669. Effective April 23, 2003.

**Masters Trucking**, 115 Beech Tree Lane, Lock Haven, PA 17745. Authorization No. WH3670. Effective April 23, 2003.

**Silvio V. Darosa**, 374 Elm Street, Newark, NJ 07105. Authorization No. WH3671. Effective April 23, 2003.

**Giuliano D. Araujo**, 203 Liberty Street No. 10, Little Ferry, NJ 07643. Authorization No. WH3672. Effective April 23, 2003.

**Department of Transportation, Engineering District 9-0**, 1620 North Juniata Street, Hollidaysburg, PA 16648-1080. Authorization No. WH3673. Effective April 23, 2003.

**Borel Builders, Inc.**, R. R. 2, Box 269C, Meshoppen, PA 18630. Authorization No. WH3674. Effective April 23, 2003.

**Liokareas Construction Company, Inc.**, 1001 Progress Court, Bethel Park, PA 15102. Authorization No. WH3675. Effective April 23, 2003.

**Shaub Group, LLC**, 1500 Wilson Avenue, Lancaster, PA 17603-4504. Authorization No. WH3677. Effective April 23, 2003.

**Greg O. Lindt**, 2240 Bremer Road, Dover, PA 17315-2046. Authorization No. WH3678. Effective April 23, 2003.

**Greenhalgh Trucking LLC**, 1075 Flora Lane, Boothwyn, PA 19061. Authorization No. WH3680. Effective April 24, 2003.

**Furniture Direct, Inc.**, 620 East Erie Avenue, Philadelphia, PA 19134. Authorization No. WH3774. Effective April 28, 2003.

**Hy-Tech Mushroom Compost, Inc.**, P. O. Box 390, West Grove, PA 19390-0390. Authorization No. WH3775. Effective April 28, 2003.

**Antrim Township, Franklin County**, 10655 Antrim Church Road, P. O. Box 130, Greencastle, PA 17225-0130. Authorization No. WH3777. Effective April 28, 2003.

**Wadel's Excavating**, 111 East Main Street, P. O. Box 304, Newburg, PA 17240-0304. Authorization No. WH3778. Effective April 28, 2003.

**J. H. Builders**, 187 Dickey Hill Road, Davidsville, PA 15928. Authorization No. WH3779. Effective April 30, 2003.

**Scott Macczak Roofing, Inc.**, 120 Shepard Lane, Mohnton, PA 19540-8444. Authorization No. WH3780. Effective April 28, 2003.

**Eduardo E. Garcia**, 188 Sterling Road, Trumbull, CT 06611. Authorization No. WH3781. Effective April 28, 2003.

**Joseph C. Bartholomew**, 392 Moyer Road, Souderton, PA 18964-2318. Authorization No. WH3782. Effective April 28, 2003.

**Michael T. Lloyd**, 718 Slateville Road, Delta, PA 17314. Authorization No. WH3783. Effective April 28, 2003.

**Luis A. Nunez**, 136 York Street, Camden, NJ 08102. Authorization No. WH3789. Effective April 28, 2003.

**Taylor & Armstrong Contracting, Inc.**, P. O. Box 352, Eldred, PA 16731. Authorization No. WH3790. Effective April 28, 2003.

**Aida M. Estrella**, 179 Berkeley Avenue, Newark, NJ 07106. Authorization No. WH3791. Effective April 28, 2003.

**The Nyleve Company**, 1540 Chestnut Street, Emmaus, PA 18049-0449. Authorization No. WH3792. Effective April 28, 2003.

**Ralph D. Blanset, Jr.**, 333 South Linden Avenue, Stoystown, PA 15563. Authorization No. WH3793. Effective April 28, 2003.

**Renaissance Nutrition, Inc.**, P. O. Box 229, 481 Frederick Road, Roaring Spring, PA 16673. Authorization No. WH3694. Effective April 28, 2003.

**Demusz Brothers, Inc.**, P. O. Box 51, 7076 Swagger Road, Point Pleasant, PA 18950. Authorization No. WH3795. Effective April 28, 2003.

**D. R. Construction**, 293 McClay Road, Washington, PA 15301. Authorization No. WH3797. Effective April 28, 2003.

**Brown & Guarino**, 377 A Lower Landing Road, Blackwood, NJ 08012. Authorization No. WH3798. Effective April 28, 2003.

**James C. Logan, Inc.**, 1124 Chestnut Street, Chester, PA 19013. Authorization No. WH3799. Effective April 28, 2003.

**Brown's Roofing, Inc.**, 377 A Lower Landing Road, Blackwood, NJ 08012. Authorization No. WH3800. Effective April 28, 2003.

**Mike's Sales & Service**, P. O. Box 173, Route 57, Stewartsville, NJ 08886. Authorization No. WH3814. Effective April 30, 2003.

**Thompson Trucking, Inc.**, 11939 Richmond Highway, P. O. Box 969, Concord, VA 24538. Authorization No. WH3815. Effective April 30, 2003.

**D. L. Burkett Construction, Inc.**, 2555 River Road, Bainbridge, PA 17502. Authorization No. WH3816. Effective April 30, 2003.

**John P. Adams**, R. R. 2, Box 351A, DuBois, PA 15801. Authorization No. WH3818. Effective April 30, 2003.

**Delroy Hardie**, 241-09 Caney Road, Rosedale, NY 11422. Authorization No. WH3819. Effective April 30, 2003.

**Maynor A. Villegas**, 168 Roosevelt Avenue, Bergenfield, NJ 07621. Authorization No. WH3820. Effective April 30, 2003.

**Williamsport City**, 245 West 4th Street, Williamsport, PA 17701-6113. Authorization No. WH3821. Effective April 30, 2003.

**ABV Transport, Inc.**, 190 Pompton Plains Crossing, Wayne, NJ 07470. Authorization No. WH3822. Effective April 30, 2003.

**Elliott Lewis Corporation**, 2900 Black Lake Place, Philadelphia, PA 19154. Authorization No. WH3823. Effective April 30, 2003.

**Austin Excavating & Paving, Inc.**, 121 Talmadge Hill Road, Waverly, NY 14892. Authorization No. WH3824. Effective April 30, 2003.

**Ronald Locher**, 102 Avis Avenue, Johnstown, PA 15905-9523. Authorization No. WH3825. Effective April 30, 2003.

**Starlight Trucking**, 151 Stepping Stone Road, Lee, NH 03824. Authorization No. WH3826. Effective April 30, 2003.

**Department of Transportation, Engineering District 6-2**, 401 Montgomery Avenue, West Chester, PA 19380-4521. Authorization No. WH3827. Effective April 30, 2003.

**Russell J. Meyers Roofing Company**, 545 Mildred Avenue, Primos, PA 19018. Authorization No. WH3828. Effective April 30, 2003.

**Paul Restall Company, Inc.**, P. O. Box 250, Swarthmore, PA 19081-0250. Authorization No. WH3830. Effective April 30, 2003.

**Dressel Associates, Inc.**, 2nd Floor, 2200 Spring Garden Avenue, Pittsburgh, PA 15212. Authorization No. WH3856. Effective May 1, 2003.

**Alchem Environmental Services, Inc.**, 1300 Industrial Highway, Southampton, PA 18966. Authorization No. WH3857. Effective May 1, 2003.

**A. F. Damon Company, Inc.**, Upland Industrial Park, 1 Upland Avenue, Upland, PA 19015. Authorization No. WH3859. Effective May 1, 2003.

**Eichelberger Auto Salvage**, 1381 Sunnyside Road, Spring Grove, PA 17362. Authorization No. WH3860. Effective May 1, 2003.

**Lyons East Coast Trucking, Inc.**, 703 Washington Avenue, Manville, NJ 08835. Authorization No. WH3861. Effective May 1, 2003.

**Anthony Biddle Contractors, Inc.**, 240 Railroad Avenue, Ambler, PA 19002. Authorization No. WH3862. Effective May 1, 2003.

**Al Geisler & Sons Trucking, Inc.**, 18 Mason Drive, Coraopolis, PA 15108. Authorization No. WH3863. Effective May 1, 2003.

**Hi-Way Paving, Inc.**, P. O. Box 550, 4343 Weaver Court North, Hilliard, OH 43026-0550. Authorization No. WH3864. Effective May 1, 2003.

**Mark Hepford**, 1422 Melrose Avenue, Sharon Hill, PA 19079. Authorization No. WH3866. Effective May 1, 2003.

**A. M. S.**, P. O. Box 2230, Elizabeth, NJ 07207. Authorization No. WH3868. Effective May 1, 2003.

**Delmont Utilities, Inc.**, 3565 Winding Way, P. O. Box 374, Newtown Square, PA 19073. Authorization No. WH3869. Effective May 1, 2003.

**Midwest Environmental Transport, Inc.**, 10163 Cincinnati-Dayton Rd., Cincinnati, OH 45241. Authorization No. WH3870. Effective May 1, 2003.

**Manuel F. Abreurodriguez**, 608 21st Street, Union City, NJ 07087. Authorization No. WH4034. Effective April 30, 2003.

**MK Installation Management, Inc.**, 189 Twin Country Road, Morgantown, PA 19543. Authorization No. WH4341. Effective April 30, 2003.

**Digna Robles**, Apartment 4, 316 Paterson Plank Road, Union City, NJ 07087. Authorization No. WH4394. Effective April 30, 2003.

## AIR QUALITY

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

*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.*

**09-0110B: Riverside Construction Materials, Inc.** (7900 North Radcliffe Street, Bristol, PA 19007) on April 24, 2003, for operation of a material handling system in Bristol Township, **Bucks County**.

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

**01-03022A: Agricultural Commodities, Inc.** (1585 Granite Station Road, Gettysburg, PA 17325) on April 30, 2003, for construction of a new pellet feed mill at their existing feed mill in Straban Township, **Adams County**.

**06-05092A: Reading Materials, Inc.** (P. O. Box 1467, Skippack, PA 19474) on April 28, 2003, for modification of a drum/batch mix asphalt plant by adding waste derived liquid fuel to the plant controlled by a fabric collector in Cumru Township, **Berks County**. This modifications is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities.

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

**56-00258C: PBS Coals, Inc.** (P. O. Box 260, Friedens, PA 15541) on April 28, 2003, for modification to coal staging and coal sizing operations at the PBS Coals, Inc. Merrill II strip mine in Brothersvalley Township, **Somerset County**.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Thomas Barsley, Chief, (215) 685-9428.*

**AMS 02109: Sunoco, Inc.—R and M** (3144 Passyunk Avenue, Philadelphia, PA 19145) for installation of a 169 mmBtu/hr Indeck/IBC package boiler (temporary installation) in Philadelphia, **Philadelphia County**.

**AMS 02168: University of the Sciences** (600 South 43rd Street, Philadelphia, PA 19104) for installation of several small boilers, heaters and AC units in Philadelphia, **Philadelphia County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

**46-0024: McNeil Consumer and Specialty Pharmacy** (7050 Camp Hill Road, P. O. Box 313, Fort Washington, PA 19034) on April 10, 2003, and April 11, 2003, for operation of a dust collection system in Whitemarsh Township, **Montgomery County**.

**46-0210: Celco Partnership d/b/a Verizon** (5175 Campus Drive, Plymouth Meeting, PA 19462) revoked on April 28, 2003, for operation of a 600 kilowatt kW diesel generator in Whitemarsh Township, **Montgomery County**.

**46-0210A: Celco Partnership d/b/a Verizon** (5175 Campus Drive, Plymouth Meeting, PA 19462) revoked on April 28, 2003, for operation of two 800 kW emergency generator in Whitemarsh Township, **Montgomery County**.

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

**26-00535A: Duke Energy Fayette, LLC** (100 Energy Drive, Masontown, PA 15461) on April 29, 2003, for modification to redefine the definition and duration of startups and shutdowns and to extend the emission limit exemption to periods of routine maintenance and turbine tuning at their German Township, Fayette Energy Facility in South Bend Township, **Fayette County**.

**03-00229A: Rosebud Mining Co.** (301 Market Street, Kittanning, PA 16201) on April 29, 2003, for installation of a coal stock piling and screening plant in Bethel Township, **Armstrong County**. This plan approval was extended.

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

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

**46-00032: SPS Technologies, Inc.** (301 Highland Avenue, Jenkintown, PA 19046) on April 30, 2003, in Abington Township, **Montgomery County**. The Title V Operating Permit was issued a Minor Modification to incorporate changes that included a raise of the pressure drop across the scrubber throat. Title V Operating Permit minor modification issued under the Air Pollution Control Act and 25 Pa. Code § 127.462. The initial permit was issued December 19, 2001.

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

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

**36-05007: Pfizer, Inc.** (400 West Lincoln Avenue, Lititz, PA 17543) on April 28, 2003, for operation of a pharmaceutical manufacturing facility in Lititz Borough, **Lancaster County**.

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

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

**28-03008: Edge Rubber** (811 Progress Road, Chambersburg, PA 17201) on April 29, 2003, for operation of their facility in Chambersburg Borough, **Franklin County**. The State-only Operating Permit was administratively amended to reflect a change of ownership. This is Revision No. 1 of the Operating Permit.

**67-03041: County Line Quarry** (740 South Front Street, Wrightsville, PA 17368) on April 30, 2003, for operation of their facility in Wrightsville Borough, **York County**. The State-only Operating Permit was administratively amended to incorporate Plan Approval No. 67-03041A into the permit. This is Revision No. 1 of the Operating Permit.

**Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.**

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

**15-00016: Worthington Steel Co.** (45 North Morehall Road, Malvern, PA 19355) on April 25, 2003, revoked for gas fired space heater and boiler in East Whiteland Township, **Chester County**.

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

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).**

### *Coal Permit Actions*

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

**54860205R3. Cass Contracting Company** (P. O. Box 1040, 101 North Centre Street, Pottsville, PA 17901), renewal of a coal refuse reprocessing operation in Norwegian Township, **Schuylkill County** affecting 33.0 acres, receiving stream: none. Application received June 19, 2002. Renewal issued May 1, 2003.

**49920101R2. Blaschak Coal Corp.** (P. O. Box 12, Mahanoy City, PA 17948), renewal of an existing anthracite surface mine operation in Coal Township, **Northumberland County** affecting 1,016.0 acres, receiving stream: none. Application received January 14, 2003. Renewal issued May 6, 2003.

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

**56950702. NPDES Permit PA0214914, PBS Coals, Inc.** (P. O. Box 260, Friedens, PA 15541), to renew the permit for the Cambria Refuse Disposal Area in Stonycreek Township, **Somerset County**, renewal, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A. No additional discharges. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued April 29, 2003.

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

**37020105 and NPDES Permit No. 37020105. Kerry Coal Company** (R. R. 2, Box 2139, Wampum, PA 16157). Commencement, operation and restoration of a bituminous strip and tippie refuse disposal operation in Wayne Township, **Lawrence County** affecting 39.7 acres. Receiving streams: unnamed tributary to the Beaver River and Connoquenessing Creek. Application received October 15, 2002. Permit issued April 25, 2003.

### *Noncoal Permit Actions*

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

**64032802. E. R. Linde Construction Company** (R. R. 6, Box 6825, Honesdale, PA 18431), commencement, operation and restoration of a quarry operation in Palmyra Township, **Wayne County** affecting 4.58 acres, receiving stream: none. Application received February 26, 2003. Permit issued April 28, 2003.

**40010802. Carl E. Rinehimer** (1731 Salem Boulevard, Berwick, PA 18603), commencement, operation and restoration of a quarry operation in Salem Township, **Luzerne County** affecting 10.0 acres, receiving stream: none. Application received August 27, 2001. Permit issued April 29, 2003.

**58020838. Kevin E. Johnson** (R. R. 1 Box 174, Wyalusing, PA 18853), commencement, operation and restoration of a quarry operation in Forest Lake Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received July 24, 2002. Permit issued April 29, 2003.

**64032803. Kevin Schrader** (P. O. Box 262, Lake Como, PA 18437), commencement, operation and restoration of a quarry operation in Buckingham Township, **Wayne County** affecting 5.0 acres, receiving stream: Equinunk Creek. Application received April 7, 2003. Permit issued May 1, 2003.

**64010808. Kevin Schrader** (P. O. Box 262, Lake Como, PA 18437), commencement, operation and restoration of a quarry operation in Buckingham Township, **Wayne County** affecting 5.0 acres, receiving stream: tributary to Equinunk Creek. Application received August 30, 2001. Permit issued May 1, 2003.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 (73 P.S. §§ 151–161); and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

#### *Blasting Permit Actions*

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

**45034012. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Stroud Township, **Monroe County** with an expiration date of April 1, 2004. Permit issued April 29, 2003.

**52034003. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Delaware Township, **Pike County** with an expiration date of April 3, 2004. Permit issued April 29, 2003.

**13034002. Vacation Charters, Inc.** (P. O. Box 567, Lake Harmony, PA 18624), construction blasting in Kidder Township, **Carbon County** with an expiration date of May 1, 2006. Permit issued April 29, 2003.

**52034004. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Palmyra Township, **Pike County** with an expiration date of April 4, 2004. Permit issued April 29, 2003.

**48034010. American Rock Mechanics** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting in Williams Township, **Northampton County** with an expiration date of December 31, 2003. Permit issued April 30, 2003.

**46034014. American Rock Mechanics** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting in Lower Fredrick Township, **Montgomery County** with an expiration date of August 31, 2003. Permit issued April 30, 2003.

**48034011. Rock Work, Inc.** (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting in Forks Township, **Northampton County** with an expiration date of May 20, 2005. Permit issued April 30, 2003.

**52034005. Holbert Explosives, Inc.** (237 Masthope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting in Blooming Grove Township, **Pike County** with an expiration date of June 20, 2003. Permit issued April 30, 2003.

**66034002. David E. Kozubal** (R.R. 1 Box 1065, Factoryville, PA 18419), construction blasting in Clinton Township, **Wyoming County** with an expiration date of April 10, 2004. Permit issued April 30, 2003.

**46034015. Explo-Craft, Inc.** (P. O. Box 1332, West Chester, PA 19380), construction blasting in Limerick Township, **Montgomery County** with an expiration date of August 22, 2003. Permit issued April 30, 2003.

**21034019. John W. Gleim, Jr., Inc.** (625 Hamilton Street, Carlisle, PA 17013), construction blasting in Silver

Spring Township, **Cumberland County** with an expiration date of November 24, 2003. Permit issued May 1, 2003.

**36034041. Liberty Excavation** (P. O. Box 517, Camp Hill, PA 17001) and **Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting in Millersville Borough, **Lancaster County** with an expiration date of May 21, 2004. Permit issued May 1, 2003.

**36034042. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in East Cocalico Township, **Lancaster County** with an expiration date of December 31, 2004. Permit issued May 1, 2003.

**67034019. ABEL Construction Co., Inc.** (3925 Columbia Avenue, Mountville, PA 17554), construction blasting in Windsor Township, **York County** with an expiration date of August 31, 2003. Permit issued May 1, 2003.

**54034003. JOAO & Bradley Construction Company** (4211 Tracy Lance, Bethlehem, PA 18020) and **American Rock Mechanics, Inc.** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting in Branch Township and Llewellyn, **Schuylkill County** with an expiration date of April 30, 2004. Permit issued May 1, 2003.

**40034009. Michael Dombroski** (151 Highland Boulevard, Dallas, PA 18612), construction blasting in Fairview Township, **Luzerne County** with an expiration date of June 30, 2003. Permit issued May 1, 2003.

**01034005. Brubacher Excavating, Inc.** (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting in Straban Township, **Adams County** with an expiration date of May 24, 2004. Permit issued May 5, 2003.

**01034004. Brubacher Excavating, Inc.** (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting in Mount Joy Township, **Adams County** with an expiration date of May 24, 2004. Permit issued May 5, 2003.

**01034003. Brubacher Excavating, Inc.** (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting in Straban Township, **Adams County** with an expiration date of May 24, 2004. Permit issued May 5, 2003.

**15034005. Brubacher Excavating, Inc.** (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting in East Caln Township, **Chester County** with an expiration date of May 24, 2004. Permit issued May 5, 2003.

**09034008. Labrador Construction** (P. O. Box 1379, Marshalls Creek, PA 18335), construction blasting in Richland Township, **Bucks County** with an expiration date of January 1, 2004. Permit issued May 5, 2003.

**09034009. Rock Work, Inc.** (1257 DeKalb Pike, R. D. 2, Blue Bell, PA 19422), construction blasting in Upper Makefield Township, **Bucks County** with an expiration date of May 27, 2004. Permit issued May 5, 2003.

**22034007. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Lower Paxton Township, **Dauphin County** with an expiration date of December 31, 2004. Permit issued May 5, 2003.

**22034008. Fitz & Smith, Inc.** (483 East Locust Street, Dallastown, PA 17313), construction blasting in West Hanover Township, **Dauphin County** with an expiration date of January 28, 2004. Permit issued May 5, 2003.

**28034016. David H. Martin Excavating, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting in Guilford Township, **Franklin County** with an expiration date of November 1, 2003. Permit issued May 5, 2003.

**39034004. Konsko Construction, Inc** (4315 Sweetbriar Road, Orefield, PA 18069) and **Austin Powder Company** (P. O. Box 289, Northampton, PA 18067), construction blasting in Lower Macungie Township, **Lehigh County** with an expiration date of April 29, 2004. Permit issued May 5, 2003.

**52034008. Holbert Explosives, Inc.** (237 Masthlope Plank Road, Lackawaxen, PA 18435), construction blasting in Palmyra Township, **Pike County** with an expiration date of May 30, 2004. Permit issued May 5, 2003.

**64034003. Leeward Construction, Inc.** (R. R. 6 Box 6825, Honesdale, PA 18431), construction blasting in Texas Township, **Wayne County** with an expiration date of May 29, 2004. Permit issued May 5, 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.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the**

**Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law (35 P.S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).** (Note: Water Obstruction and Encroachment Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

*Permits Issued and Actions on 401 Certifications*

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E15-700. East Goshen Conservancy**, 1580 Paoli Pike, West Chester, PA 19380, East Goshen Township, **Chester County**, ACOE Philadelphia District.

To relocate approximately 1,700 linear feet of Chester Creek for the purpose of stream restoration. The applicant proposes to construct and maintain approximately 1,700 feet of stream restoration based upon "natural channel design" techniques. The design also includes creation/enhancement of wetlands, excavation of deposits in the floodplain, placement of in-channel structures to protect stream banks and maintain flow alignment and the creation of a riparian buffer. The proposed stream restoration reach will be from the upstream limit of the Baldwin Drive Bridge to the downstream limit of the Reservoir Road Bridge (West Chester, PA Quadrangle; N: 17.8 inches; W: 7.2 inches).

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**E58-244. Christopher W. Urion**, 8 Plumbridge Drive, Levittown, PA 19056-3512. Auburn Township, **Susquehanna County**, Army Corps of Engineers Baltimore District.

To construct and maintain a low-flow road crossing of Little Meshoppen Creek (CWF, perennial), consisting of three 24-inch-diameter by 20-foot-long HDPE culverts. The center culvert will be depressed 6 inches below streambed elevation. The project is located on the east side of Township Road T-302, approximately 500 feet north of Carlin Pond (Auburn Center, PA Quadrangle N: 10.5 inches; W: 7.8 inches) (Subbase 04G).

**E48-333. Fairfield Development Associates**, 3864 Courtney Street, Bethlehem, PA 18017. Bethlehem Township, **Northampton County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a 50-foot wide road crossing consisting of an 8-foot by 6-foot concrete box culvert having a 1 foot depression in a tributary to Bushkill Creek (HQ-CWF) for the purpose of providing access to Lot 7 of the Hecktown Road Business Park; and to place and maintain fill, having an average depth of 2 feet, in 0.09 acre of the floodway of the tributary for the purpose of constructing an earthen berm. The project is located approximately 0.75 mile northeast of the intersection of SR 0022 and SR 0033 (Nazareth, PA Quadrangle N: 12.0 inches; W: 4.3 inches) (Subbasin 02F).

**E35-357. Paul Kozlansky**, 1059 Rear Main Street, Dickson City, PA 18519. Greenfield Township, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To construct and maintain a 30-foot wide low-flow driveway crossing consisting of twin 48-inch culverts



depressed 6 inches below streambed elevation across a tributary to South Branch Tunkhannock Creek, locally known as Smith's Creek (CWF). The project is located approximately 0.5 mile southeast of the intersection of SR 1013 and Sickler Pond Road (T-511) (Carbondale, PA Quadrangle N: 18.3 inches; W: 13.3 inches) (Subbase 04F).

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

**E22-448: Lower Paxton Township**, 75 South Houcks Road, Harrisburg, PA 17109 in Lower Paxton Township, **Dauphin County**, ACOE Baltimore District. To remove an existing manhole and associated sanitary sewer pipeline located within a tributary to Beaver Creek (Nyes Run) (WWF) and to construct and maintain two 36-inch sanitary sewer crossings and a temporary road crossing of a tributary to Beaver Creek (Nyes Run) (WWF); and to construct and maintain a 36-inch sanitary sewer crossing, a sewer manhole and a temporary road crossing in wetlands at a point along Nyes Road (Harrisburg East Quadrangle N: 7.0 inches; W: 1.9 inches) in Lower Paxton Township, Dauphin County. The amount of wetland impact is considered a de minimis impact of 0.002 acre and wetland mitigation is not required.

**E67-722: Bruce Schott**, 2733 Pleasant Hill Road, Hanover, PA 17331 in West Manheim Township, **York County**, ACOE Baltimore District.

To excavate a 100-foot by 50-foot area along the channel of Furnace Creek (WWF) to construct a pond. A 4-inch intake pipe is authorized by this permit and would qualify for a General Permit No. 4 (Manchester, MD-PA Quadrangle N: 22.2 inches; W: 8.3 inches) in West Manheim Township, York County.

**E36-707: Octoraro Watershed Association**, 389 Pine Grove Road, Nottingham, PA 19363 in East Drumore Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a stream restoration project in the West Branch Octoraro Creek (HQ-CWF, MF) watershed. The project's purpose is to stabilize stream banks, improve sediment transport, create additional floodplain wetlands, establish riparian buffers and improve aquatic habitat. The watershed project will implement a natural stream channel design approach. Construction activities which will be utilized throughout the watershed include channel relocation, stream and floodway excavation and filling, rock vane, cross vane and j-hook installation, riprap, root wad and log spur placement, ford improvements and cattle crossing installation.

The 2nd Phase of the project consists of realigning and stabilizing approximately 670 lineal feet of Stewart Run (HQ-CWF) just south of Robert Fulton Highway (SR 222) on property referred to as the Maplehoff Dairy site (Quarryville, PA Quadrangle N: 0.1 inch; W: 4.0 inches) in East Drumore Township, Lancaster County. The applicant proposes to stabilize the channel through stream realignment, bank and floodplain grading, placement of in-stream rock vanes and plantings of native grasses, trees and shrubs. The existing channel will be abandoned and filled with excavated material from the proposed channel. As part of the project, the applicant anticipates creation of 0.5 acre of palustrine emergent floodplain wetlands.

**E31-186: Huntingdon County Commissioners**, 233 Penn Street, Huntingdon, PA 16652 in Springfield Township, **Huntingdon County**, ACOE Baltimore District.

To remove the existing three span bridge and then to construct and maintain a two-span bridge having a total

clear span of 177.4 feet on a 70° skew with minimum underclearance of 13.35 feet across Sideling Hill Creek (HQ-CWF) on T-313 (Walnut Grove Road) located about 0.6 mile northwest of the Village of Maddenville (Orbisonia, PA Quadrangle N: 1.6 inches; W: 12.6 inches) in Springfield Township, Huntingdon County.

**E06-565: North Heidelberg Township**, 928 Charming Forge Road, Robesonia, PA 19551 in North Heidelberg Township, **Berks County**, ACOE Philadelphia District.

To demolish and remove the existing steel girder bridge/abutments having a clear span of 12 feet a maximum rise of 5.1 feet and an in stream length of approximately 20 feet and to construct and maintain a precast concrete box culvert with a clear span of 17.0 feet, a maximum rise of 5.0 feet and an in stream length of 37.0 feet within the confines of an unnamed tributary to Spring Creek (TSF) at a point connecting Township Roads 501 and 522 (Bernville, PA Quadrangle N: 2.3 inches; W: 16.6 inches) in North Heidelberg Township, Berks County.

**E38-138: Department of Transportation, District 8-0**, 2140 Herr Street, Harrisburg, PA 17103-1699 in Swatara and Union Townships, **Lebanon County**, ACOE Baltimore District.

To remove the existing bridges and then to construct and maintain the northbound and southbound bridges of SR 0081, Section 023 at Segment 0920, Offset 1897 and Segment 092, Offset 1986 respectively over Swatara Creek (WWF). The northbound has a seven span with a total length of 950.23 feet with an underclearance of 69 feet. The southbound has a nine span with a total length of 987.64 feet with an underclearance of 84 feet located at the Village of Inwood (Indiantown Gap, PA Quadrangle N: 18.72 inches; W: 3.75 inches and N: 18.72 inches; W: 3.86 inches, respectively) in Swatara and Union Townships, Lebanon County.

**E21-334: Department of Transportation, District 8-0**, 2140 Herr Street, Harrisburg, PA 17103 in Carlisle Borough, **Cumberland County**, ACOE Baltimore District.

To construct and maintain the lengthening of an existing 72-inch diameter, 62-foot long reinforced concrete culvert by extending the culvert 10 feet on the west side and 17 feet on the east side for the purpose of conveying surface water flow to Letort Spring Run (EV) under the widened roadway of SR 0034, Segment 230, Offset 3625, located about 0.6 mile south of the Route 34 interchange exit of US Interstate 81 (Carlisle, PA Quadrangle N: 10.7 inches; W: 9.2 inches) in Carlisle Borough, Cumberland County.

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## SPECIAL NOTICES

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### Planning Grant Awards under section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101

The Department of Environmental Protection announces the following grants to counties under the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101) and sections 901 and 208 of the Waste Tire Recycling Act/Small Business and Household Pollution Prevention Act (Act 190 of 1996).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans, as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting,



environmental mediation, education programs on pollution prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by

sections 701 and 702 of Act 101 and the availability of moneys in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Sally Lohman, Chief, Waste Planning Section, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

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**Act 101, Section 901 Planning Grant**

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project Description</i>	<i>Grant Award</i>
Northcentral	Clinton County	Clinton County	Plan Revision	\$34,000
Northwest	Mercer County	Mercer County	Plan Revision	\$24,234

**Certification to Perform Radon-Related Activities in this Commonwealth**

During April 2003, the Department of Environmental Protection, under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder in 25 Pa. Code Chapter 240, has certified the following persons to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Alpha Detection and Control	6 Chestwood Drive Connellsville, PA 15425	Testing
Michael Bednar	950 Sussex Boulevard Broomall, PA 19008	Testing
Chuck Berthoud	47 Brookside Avenue Hershey, PA 17033	Testing
G. Frank Burditt, Jr.	387 Winfred Manor Drive Bethel Park, PA 15102	Testing
Robert Carson	907 Roy Street Connellsville, PA 15425	Testing
Richard Cuthbert	351 West 10th Street Erie, PA 16502	Testing
Michael Dostillio	34 Manchester Road Sewell, NJ 08080	Testing
Kim Fella	109 North Richmond Street Fleetwood, PA 19522	Testing
Michael Fella	P. O. Box 543 Fleetwood, PA 19522	Testing
Timothy Gentry	P. O. Box 88 Huntingdon Valley, PA 19006	Mitigation
Robert Haushalter, Jr. Volz Environmental Services, Inc.	1200 Gulf Lab Road Pittsburgh, PA 15238	Testing
Susan Hetrick	766 Magaro Road Enola, PA 17025	Testing
Cheryl Krause	305 Mattison Avenue Ambler, PA 19002	Testing
Gene Kucharski	22163 Daisy Avenue Meadville, PA 16335	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
David Kutschbach	213 Keifer Drive Pittsburgh, PA 15241	Testing
Karl May, Jr.	R. R. 2, Box 371-A Wellsboro, PA 16901	Mitigation
Joseph McGinley Tacony Environmental Company	1402 Skiles Boulevard West Chester, PA 19382	Testing
Ira Nerenberg Amerispec of Northeast PA	151 Indian Drive Greentown, PA 18426	Testing
Philip Parke, Sr.	3201 Addison Drive Wilmington, DE 19808	Testing
Robert Pecca	404 Richmond Road Bangor, PA 18013	Testing
Harvey Ricci SPY Inspection Services, Inc.	16 East Main Street Lansdale, PA 19446	Testing
Charles Sigg	243 Mt. Pleasant Avenue Ambler, PA 19002	Testing
Dennis Swindell	227 Locust Street Box 12 Alum Bank, PA 15521	Testing

[Pa.B. Doc. No. 03-927. Filed for public inspection May 16, 2003, 9:00 a.m.]

### Availability of Comment and Response Document on NPDES Phase II Draft Permit Documents for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

In accordance with The Clean Streams Law (35 P. S. §§ 691.1—691.1001), sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20), in 2002 the Department of Environmental Protection (Department) sought public comments on the Commonwealth's NPDES Phase II Permit documents for stormwater discharges from MS4s. The Environmental Protection Agency's Phase II stormwater permitting regulation in 40 CFR 122 requires permitting of small MS4s. The permit documents were consistent with the Federal and State regulations.

The proposed permit documents relied upon the Federal regulation and available guidance and were designed to reduce impact of stormwater discharges to the maximum extent practicable. The permit requires regulated MS4s to develop a stormwater management plan that meets the six minimum control measures: (1) public education and outreach; (2) public participation and involvement; (3) illicit discharge detection and elimination; (4) construction site storm water runoff control; (5) post-construction storm water management in new development and redevelopment; and (6) pollution prevention and good housekeeping for municipal operations and maintenance.

The Department received numerous comments from the public. All comments were considered in finalizing the permit documents. Permit documents were made available for use by the regulated community on December 7,

2002. The comment and response document contains clarification to many programmatic, funding and regulatory issues. The document is posted on the Department's website: [www.dep.state.pa.us](http://www.dep.state.pa.us), Direct Link: "stormwater."

KATHLEEN A. MCGINTY,  
*Acting Secretary*

[Pa.B. Doc. No. 03-928. Filed for public inspection May 16, 2003, 9:00 a.m.]

### Citizens Advisory Council; May Meeting Change

The Citizens Advisory Council (Council) to the Department of Environmental Protection will hold a meeting on Friday, May 23, 2003, at 8 a.m. in the Embassy Suites Hotel, 9000 Bartram Avenue, Eastwick, PA. The meeting previously scheduled for May 21, 2003, in Harrisburg has been cancelled.

Questions concerning these meetings or agenda items should be directed to Stephanie Mioff, (717) 787-4527.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Stephanie Mioff, (717) 787-4527 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Council may accommodate their needs.

BURT A. WAITE,  
*Chairperson*

[Pa.B. Doc. No. 03-929. Filed for public inspection May 16, 2003, 9:00 a.m.]

### Concentrated Animal Feeding Operations Stakeholders Workgroup Meeting

The Concentrated Animal Feeding Operations Stakeholders (CAFO) Workgroup will hold a meeting on May 23, 2003, at 9 a.m. in the Department of Environmental Protection's (Department) Southcentral Regional Office, Susquehanna Room B, 909 Elmerton Avenue, Harrisburg, PA. The purpose of this meeting is to review and discuss CAFO program delegation under the revised Environmental Protection Administration rules.

Questions concerning this meeting should be directed to Tom Juengst, (717) 783-7577, [tjuengst@state.pa.us](mailto:tjuengst@state.pa.us). The agenda and meeting materials for this meeting will be available through the Public Participation Center on the Department's website at <http://www.dep.state.pa.us>.

Persons with a disability who require accommodations to attend the meeting should contact the Department at (717) 783-7577 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Acting Secretary*

[Pa.B. Doc. No. 03-930. Filed for public inspection May 16, 2003, 9:00 a.m.]

### State Board for Certification of Water and Wastewater Systems Operators Meeting

The State Board for Certification of Water and Wastewater System Operators (Board) has made the following addition to its 2003 meeting schedule to discuss draft regulations.

The Board will meet on May 28, 2003, and May 29, 2003, at 9 a.m. at the Kings Gap Environmental Education Center, 500 Kings Gap Road, Carlisle, PA 17013.

Persons with questions concerning the meetings should contact Lynn Rice, (717) 787-5236, [mlrice@state.pa.us](mailto:mlrice@state.pa.us).

Persons with a disability who require accommodations to attend a meeting should contact Lynn Rice at the previous telephone number or e-mail address or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how their needs may be accommodated.

KATHLEEN A. MCGINTY,  
*Acting Secretary*

[Pa.B. Doc. No. 03-931. Filed for public inspection May 16, 2003, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Altoona Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Altoona Hospital has requested an exception to the requirements of 28 Pa. Code § 107.26(b)(2) (relating to additional committees).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and

Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, [ra-paexcept@state.pa.us](mailto:ra-paexcept@state.pa.us).

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

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

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

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-932. Filed for public inspection May 16, 2003, 9:00 a.m.]

### Application of Doylestown Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Doylestown Hospital has requested an exception to the requirements of 28 Pa. Code §§ 107.32 and 107.62 (relating to meetings and attendance; and oral orders).

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

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

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

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

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-933. Filed for public inspection May 16, 2003, 9:00 a.m.]

### Application of Magee-Womens Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Magee-Womens Hospital has requested an exception to the requirements of 28

Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 7.3.A6.b (relating to windows in critical care units).

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

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

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

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

CALVIN B. JOHNSON, M.D., M.P.H.,  
Acting Secretary

[Pa.B. Doc. No. 03-934. Filed for public inspection May 16, 2003, 9:00 a.m.]

### Application of Main Line Spine for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Main Line Spine has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 9.30.B (relating to size of elevators).

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

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

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or

hearing impaired persons, V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,  
Acting Secretary

[Pa.B. Doc. No. 03-935. Filed for public inspection May 16, 2003, 9:00 a.m.]

### Application of Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 107.62 (relating to oral orders).

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

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

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

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

CALVIN B. JOHNSON, M.D., M.P.H.,  
Acting Secretary

[Pa.B. Doc. No. 03-936. Filed for public inspection May 16, 2003, 9:00 a.m.]

### Application of Reproductive Science Institute for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Reproductive Science Institute has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 9.31.E (relating to plumbing and piping systems).

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

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

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

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

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-937. Filed for public inspection May 16, 2003, 9:00 a.m.]

### Application of Select Specialty Hospital for Exception

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

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

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

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

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

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-938. Filed for public inspection May 16, 2003, 9:00 a.m.]

### Application of The Washington Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that The Washington Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards) which requires compliance with minimum standards contained in the *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 10.15.A5 (relating to handwashing stations in patient rooms).

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

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

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

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

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-939. Filed for public inspection May 16, 2003, 9:00 a.m.]

### Availability of Title V Funds through Mini-Grants to Support Presentations about Building Inclusive Communities for Individuals with Special Health Care Needs

The Bureau of Family Health is accepting mini-grant applications relating to building inclusive communities. Mini-grants are available to support an educational event (for example, presentation, conference session and training) that will enhance community resources to promote inclusion of children with special health care needs into every day activities. For purposes of this funding opportunity, "children with special health care needs" are defined as those birth to 21 years of age who have a chronic physical, developmental, behavioral or emotional condition requiring services of a type or amount beyond that required by children generally.

The mini-grants provide funding for events occurring before June 30, 2004. Applicants may apply for funding to cover multiple presentations, not to exceed \$3,000 cumulatively per year. Eligible expenses include speaker fees/honoraria, speaker travel costs to and from event (for example, airfare, train, automobile mileage, tolls and parking), speaker's lodging and subsistence and other related costs as justified. Handout/resource material development/duplication, event promotion, audio-visual equipment rental/supplies and reasonable room rental costs are also eligible for reimbursement.

Department of Health (Department) approval will be based upon the applicant's ability to promote community inclusiveness as rated by an independent review panel. Incomplete applications will not be reviewed.

Targeted audiences are those not aware of inclusion-related issues, such as day care centers and child care providers, medical/dental providers, educational providers, youth groups, community planners, places of worship/congregations, community groups/civic clubs, entertainment/recreation/play providers, potential employers/businesses and families and relatives of children with special health care needs.

Examples of appropriate presentations previously funded have included:

- Sensitivity workshop on blind/deaf travelers for employees of a large airport.
- Seizure recognition and first aid training for day/child care providers.
- Advocacy workshop on epilepsy, employment and discrimination for teens with epilepsy and prospective employers.
- Conference workshop on removing architectural, communication and attitudinal barriers among religious communities so that all may worship inclusively.
- Training for teachers on creating inclusive learning environments.
- Classroom instruction on acceptance of students with special needs for high school teens.
- Presentation on transition to adulthood issues for children/youth with special needs and their families.
- Workshop on sexuality and victimization issues of the disabled for parents and professionals.

To request application materials or for additional information related to this initiative, contact Candace Johndrow, Media and Outreach Public Health Program Administrator, Division of Community Systems Development and Outreach, Bureau of Family Health, P. O. Box 90, Health and Welfare Building, 7th Floor East, Harrisburg, PA 17108, (717) 783-6536, fax (717) 772-0323, [cjohndrow@state.pa.us](mailto:cjohndrow@state.pa.us) or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984. Persons with a disability who require an application in alternative formats should contact Candace Johndrow. Application materials are also available on the Department's website: [www.health.state.pa.us](http://www.health.state.pa.us).

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-940. Filed for public inspection May 16, 2003, 9:00 a.m.]

### Electronic Disease Surveillance System

In accordance with 28 Pa. Code § 27.4 (relating to reporting cases), the Department of Health (Department) will require electronic reporting of all diseases, infections and conditions listed in 28 Pa. Code Chapter 27, Subchapter B (relating to reporting of diseases, infections and conditions) through its electronic disease surveillance system, with the exception of the following diseases, infections and conditions:

Congenital adrenal hyperplasia  
Galactosemia  
Maple syrup urine disease  
Phenylketonuria  
Primary congenital hypothyroidism  
Sickle cell disease  
Cancer  
AIDS  
CD4 T-lymphocyte test results with a count of less than 200 cells/ $\mu$ L or less than 14% of total lymphocytes  
Human Immunodeficiency Virus (HIV)  
Perinatal exposure of a newborn to HIV

Reporting electronically through the electronic disease surveillance system will begin 6 months after the publication date of this notice. See 28 Pa. Code § 27.4(b).

Reports of the specified diseases, infections and conditions will continue to be made in the manner and to the location specifically designated in 28 Pa. Code Chapter 27, Subchapter B. See 28 Pa. Code §§ 27.30, 27.31 and 27.32a (relating to reporting cases of certain diseases in the newborn child; reporting cases of cancer; and reporting AIDS, HIV, CD4 T-lymphocyte counts and perinatal exposure of newborns to HIV). When the Department is ready to include reporting of these specific diseases, infections and conditions in its electronic disease reporting system, the Department will publish notice in accordance with 28 Pa. Code § 27.4(b).

Persons with questions regarding this notice or the Department's electronic reporting system should contact Joel Hersh, Director, Bureau of Epidemiology, Department of Health, P. O. Box 90, Harrisburg, PA 17108, (717) 783-4677 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

Persons who require an alternative format of this notice (for example, large print, audiotape or Braille) may contact Joel Hersh at the previous address or telephone numbers so that necessary arrangements may be made.

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Acting Secretary*

[Pa.B. Doc. No. 03-941. Filed for public inspection May 16, 2003, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Application for Lease of Right-of-Way

The Department of Transportation (Department), under the authority contained in section 2002(c) of The Administrative Code of 1929 (71 P. S. § 512 (c)) and 67 Pa. Code § 495.4 (relating to application procedure), gives notice that an application to lease highway right-of-way has been submitted to the Department by Lamar West L. P. seeking to lease highway right-of-way located on the northerly side of SR 0051 Section A29, City of Pittsburgh, Allegheny County, containing 3,000± square feet or 0.068± acre, for the purpose of an outdoor advertising device.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to Raymond S. Hack, P. E., District Engineer, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Questions regarding this application or the proposed use should be directed to Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4830.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 03-942. Filed for public inspection May 16, 2003, 9:00 a.m.]

### Application for Lease of Right-of-Way

The Department of Transportation (Department), under the authority contained in section 2002(c) of The Administrative Code of 1929 (71 P. S. § 512 (c)) and 67 Pa. Code § 495.4 (relating to application procedure), gives notice that an application to lease highway right-of-way has been submitted to the Department by Lamar West L. P. seeking to lease highway right-of-way located on the northerly side of SR 0051 Section A29, City of Pittsburgh, Allegheny County, containing 5,000± square feet or 0.114± acre, for the purpose of outdoor advertising device.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to Raymond S. Hack, P. E., District Engineer, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Questions regarding this application or the proposed use should be directed to Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4830.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 03-943. Filed for public inspection May 16, 2003, 9:00 a.m.]

### Application for Lease of Right-of-Way

The Department of Transportation (Department), under the authority contained in section 2002(c) of The Administrative Code of 1929 (71 P. S. § 512 (c)) and 67 Pa. Code § 495.4 (relating to application procedure), gives notice that an application to lease highway right-of-way has been submitted to the Department by The Silk and Stewart Development Company, seeking to lease highway right-of-way located on the northerly side of SR 1001 (Legislative Route 70 Section A4), O'Hara Township, Allegheny County, containing 1,819± square feet or 0.041± acre, for purposes of parking.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to Ray S. Hack, P. E., District Engineer, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Questions regarding this application or the proposed use should be directed to Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4830.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 03-944. Filed for public inspection May 16, 2003, 9:00 a.m.]

### Application for Lease of Right-of-Way

The Department of Transportation (Department), under the authority contained in section 2002(c) of The Administrative Code of 1929 (71 P. S. § 512 (c)) and 67 Pa. Code § 495.4 (relating to application procedure), gives notice that an application to lease highway right-of-way has been submitted to the Department by Steel City Land

Holdings, LLC seeking to lease highway right-of-way located beneath SR 3038 (Legislative Route 02060 Section 1), Castle Shannon Borough, Allegheny County, containing 2,961± square feet or 0.067± acre, for the purpose of storage.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to Raymond S. Hack, P. E., District Engineer, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Questions regarding this application or the proposed use should be directed to Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4830.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 03-945. Filed for public inspection May 16, 2003, 9:00 a.m.]

### Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under section 2003(e)(7) of The Administrative Code of 1929 (71 P. S. § 513(e)(7)), intends to sell certain land owned by the Department.

The following property is available for sale by the Department.

In the City of Philadelphia, Philadelphia County, at 4200 Aramingo Avenue. The parcel contains 4 acres of unimproved land. Estimated fair market value is not yet determined.

Interested public entities are invited to express their interest in purchasing this site within 30 calendar days of the publication of this notice to Donald DiDomenico, District Right-of-Way Administrator, Department of Transportation, District 6-0, Right-of-Way Unit, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525.

ALLEN D. BIEHLER, P. E.  
*Secretary*

[Pa.B. Doc. No. 03-946. Filed for public inspection May 16, 2003, 9:00 a.m.]

### Finding York County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to replace the existing Bowers Bridge Road, County Bridge No. 193, over Little Conewago Creek in East Manchester and Conewago Townships, York County. The bridge has been determined to be eligible for listing in the National Register of Historic Places.

Impacts to the bridge will be mitigated by measures as outlined in the Memorandum of Agreement (MOA) for the project, which was signed by the appropriate agencies.

The MOA stipulates that a marketing plan shall be implemented for Bridge No. 193, and prior to moving or

demolishing the bridge, Historic American Engineering Record documentation will be completed and made available to the Pennsylvania State Historic Preservation Office.

The Secretary has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 and has concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize effects.

ALLEN D. BIEHLER, P. E.,  
Secretary

[Pa.B. Doc. No. 03-947. Filed for public inspection May 16, 2003, 9:00 a.m.]

## HISTORICAL AND MUSEUM COMMISSION

### National Register Nominations to be Reviewed by the Historic Preservation Board

The Historic Preservation Board (Board) will hold a meeting on June 10, 2003, at 9:45 a.m. in Room 515, Historical and Museum Commission, Third and North Streets, Harrisburg, PA. Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to participate should contact Helena Johnson at (717) 783-2698 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board can accommodate their needs. Individuals with questions or comments should contact the Bureau for Historic Preservation, (717) 783-8946.

#### Southwestern Pennsylvania

1. *Dr. Thomas R. Kerr House*, 438 Fourth Street, Oakmont, Allegheny County.

#### Allegheny Plateau

2. *Wyalusing Borough Historic District*, roughly bounded by Prospect Street, First, Second and Third Streets, Noble Street and Taylor Avenue, Wyalusing, Bradford County.

#### Anthracite Region and Poconos

3. *St. John the Evangelist Roman Catholic Church and School Building*, 419 North Main Street, Wilkes-Barre, Luzerne County.

#### Great Valley and Piedmont Region

4. *Jefferson Elementary School*, Beech and Warren Streets, Pottstown, Montgomery County.

5. *N. Snellenburg Company Department Store Warehouse*, 1825-1851 N. 10th Street, Philadelphia.

6. *Class and Nachod Brewery*, 1801-1823 N. 10th Street, Philadelphia.

7. *Stores and Mold Loft Building, Harriman Yard of the Merchant Shipbuilding Corporation*, 1414 Radcliffe Street, Bristol, Bucks County.

#### Ridge and Valley

No nominations.

JOHN C. WESLEY,  
Interim Executive Director

[Pa.B. Doc. No. 03-948. Filed for public inspection May 16, 2003, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the Committee comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

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.

Reg. No.	Agency/Title	Close of the Public Comment Period	IRRC Comments Issued
7-381	Environmental Quality Board Safe Drinking Water; Radionuclides Rule (33 Pa.B. 1239 (March 8, 2003))	4/7/03	5/7/03
7-382	Environmental Quality Board Safe Drinking Water; Filter Backwash Recycling Rule (FBRR) (33 Pa.B. 1234 (March 8, 2003))	4/7/03	5/7/03

### Environmental Quality Board Regulation No. 7-381

#### Safe Drinking Water; Radionuclides Rule

May 7, 2003

We submit for consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met.

The Environmental Quality Board (EQB) 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. General.—Consistency with Federal regulations; Clarity.

In comments dated April 3, 2003, the Environmental



Protection Agency Region III (EPA) questioned areas of the proposed regulation that are inconsistent with Federal regulations. These comments include the following:

The proposed regulation does not include compliance dates in 40 CFR 141.66(f).

A sentence in 40 CFR 141.26(a) concerning whether the "gross alpha result will be used to determine the future monitoring frequency" is omitted from § 109.301(14)(i)(C) of the proposed regulation.

The proposed regulation does not contain a provision consistent with 40 CFR 141.66(g) which lists "best available technologies (BAT)."

The EQB should address these comments by amending the final-form regulation or by providing explanations on how these issues may be resolved without amending the regulation.

**2. Section 109.301(14)(i). Monitoring requirements for gross alpha particle activity, radium-226, radium-228 and uranium.—Implementation procedures; Reasonableness; Clarity.**

Clause (D) uses the phrases "historical monitoring data," "monitoring data," "appropriate historical monitoring data" and "appropriate historical data." Do these terms have the same meaning? If so, we recommend that one term be used consistently.

Clause (D)(III) states:

"...provided that the Department finds that the historical data satisfactorily demonstrate that each entry point *is expected* to be in compliance based upon the historical data and *reasonable assumptions* about the variability of radionuclide levels between entry points. The system shall supply sufficient information to allow the Department to make a written finding indicating how the data conform to these requirements." (Emphasis added.)

We have two concerns.

First, what happens if the entry point is tested and the results do not comply with the requirements? What are the consequences for the community water system?

Second, the phrase "reasonable assumptions" is vague. What sort of assumptions would be considered reasonable?

**3. Section 109.301(14)(ii). Monitoring requirements for beta-particle and photon radioactivity.—Implementation procedures; Reasonableness; Clarity.**

Clause (A) states "Systems designated by the Department as *vulnerable* to beta-particle or photon radioactivity or both shall sample for beta particle or photon radioactivity." (Emphasis added.) We have two concerns.

First, how will the Department determine if a community water system is vulnerable?

Second, the Preamble states that the EPA recommends the use of a 15-mile radius from the nuclear facilities as the designation for vulnerability. The EQB has chosen a "watershed-based approach" to determine contamination. Explain what a "watershed-based approach" is and how it would be implemented. Is this approach more or less stringent than the federal requirements?

Clause (A)(II) states "For systems in the *vicinity* of a *nuclear facility*, the system may utilize *environmental surveillance data* collected by the nuclear facility in lieu of monitoring at the system's entry points, when the

Department determines that the data is applicable to the system." (Emphasis added.) We have three concerns.

First, what criteria will the Department use to determine if a community water system is in the vicinity of a nuclear facility?

Second, the proposed regulation does not contain a definition of a "nuclear facility." However, the term is defined in the Preamble. What is the Department's rationale for not including the definition of nuclear facility in the regulation?

Third, the term "environmental surveillance data" needs to be clarified. It is our understanding that the United States Nuclear Regulatory Commission (NRC) requires routine monitoring of release points of power plants. If these NRC requirements are contained in Federal regulations, this subclause should contain a specific reference to those Federal rules.

Clause (B) states "Systems designated by the Department as utilizing waters contaminated by effluents from nuclear facilities shall sample. . . ." How will the Department notify a system that it is designated as using waters contaminated by a nuclear facility?

**4. Section 109.301(14)(iii). General monitoring and compliance requirements.—Clarity.**

Clause (A) states "The Department may require more frequent monitoring than specified in subparagraphs (i) and (ii), or may require confirmation samples." We have two concerns.

First, when would the Department require more frequent monitoring?

Second, monitoring refers to all of the responsibilities of a community water system. Sampling is a specific action. This provision would be clearer if it stated, "The Department may require more frequent *sampling*. . ." (Emphasis added.)

Clause (B) states "Each system shall monitor at the time designated by the Department during each compliance period." How will a system be notified of the time designated by the Department?

**5. Section 109.303. Sampling requirements.—Clarity.**

Subsection (j) states "Performance samples required under § 109.301(14)(i)(B)(V) (relating to general monitoring requirements) shall be taken *immediately following treatment* for the radionuclide, or at another location approved by the Department." (Emphasis added.) We have two concerns.

First, the use of the phrase "immediately following treatment" is unclear. It is our understanding that the phrase relates to a location or place where sampling may occur. That location is downstream from the radionuclide treatment area. The final-form regulation should be revised to indicate that the phrase "immediately following" refers to a place and not a time.

Second, if a system opts to use another location, how would they apply for approval of the Department?

**Environmental Quality Board Regulation No. 7-382  
Safe Drinking Water; Filter Backwash Recycling  
Rule (FBRR)**

**May 7, 2003**

We submit for consideration the following comments that include references to the criteria in the Regulatory

Review Act (71 P. S. § 745.5b) which have not been met. The Environmental Quality 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.

**1. Section 109.1. Definitions.—Clarity.**

The definition of “recycle flows” states, in subparagraph (ii), that “recycle streams” also has the same meaning. For clarity, subparagraph (ii) should be deleted and one term should be used consistently throughout the regulation.

**2. Section 109.202. State MCLs, MRDLs and treatment technique requirements.—Clarity.**

Subsection (h)(2), as printed in the *Pennsylvania Bulletin*, is missing a reference after the word “paragraph.” The reference should be added to the final-form regulation.

Subsection (h)(3) provides a description of circumstances, which would trigger the later compliance date of June 8, 2006. However, it contains the vague phrases “nonrecurring, significant modification” and “nonroutine, long-term physical improvements.” These criteria do not clearly indicate what projects would qualify. The regulation should identify the specific criteria, such as a cost threshold or the time needed to complete the project, which would allow a public water supply system to use the later compliance date.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 03-949. Filed for public inspection May 16, 2003, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Domestic Certificate of Authority

The Millennium Insurance Company has applied for a Certificate of Authority to operate as a domestic stock casualty insurance company in this Commonwealth. The filing was made under The Insurance Company Law of 1921 (40 P. S. §§ 341—999). Persons who wish 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 the 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.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-950. Filed for public inspection May 16, 2003, 9:00 a.m.]

### John B. Bruder, M.D.; Hearing

**Appeal of John B. Bruder, M.D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910);  
Doc. No. MM03-04-053**

On or before June 11, 2003, the appellant shall file a concise statement setting forth the factual and/or legal basis for his disagreement with MCARE’s February 5, 2003, determination. The statement may be in narrative form or in numbered paragraphs, but in either event may not exceed two pages.

A prehearing telephone conference initiated by this office is scheduled for June 18, 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 May 15, 2003. A hearing will be held on July 9, 2003, at 10:30 a.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 17, 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 24, 2003.

Persons with a disability who wish to attend the the 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. 03-951. Filed for public inspection May 16, 2003, 9:00 a.m.]

### Gray Chevrolet of the Poconos; Hearing

**Appeal of Gray Chevrolet of the Poconos under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 99-382(M); Doc. No. UT03-04-054**

A prehearing telephone conference initiated by this office is scheduled for June 20, 2003, at 10:30 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before May 15, 2003. A hearing shall occur on July 16, 2003, at 1 p.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

At the prehearing telephone conference the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

On or before June 6, 2003, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at

the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. 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. Experts will be permitted to testify only on matters substantially contemplated by reports supplied to the other party in accordance with this paragraph.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 3, 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 10, 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. 03-952. Filed for public inspection May 16, 2003, 9:00 a.m.]

### HealthAmerica; Eastern and Western Service Areas; Rate Filing

On May 2, 2003, Health America submitted rate filings A69934001 and A69936001 for the eastern and western service areas requesting approval of medical rate increases of 10.8% for the eastern service area and 9.9% for the western service area. The proposed rate increase will be effective January 1, 2004. Approximately 87,000 members will be affected by the increase in the eastern service area and 70,000 in the western service area. The proposed increase will produce additional revenue of \$1,732,579 in the eastern service area and \$1,268,209 in the western services area.

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

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-953. Filed for public inspection May 16, 2003, 9:00 a.m.]

### HealthAmerica; Eastern and Western Service Areas; Rate Filing

On May 2, 2003, Health America submitted rate filings A69935001 and A69937001 for the eastern and western service areas requesting approval of pharmacy rate increases ranging from 29.7% to 36.2% for the eastern area and between 29.1% and 39.0% for the western service area. The proposed pharmacy rate increase will be effective January 1, 2004. Approximately 83,540 members will be affected by the increase in the eastern service area and 57,600 in the western service area. The proposed increase will produce additional revenue of \$643,431 in the eastern service area and \$547,073 in the western service area.

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

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

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-954. Filed for public inspection May 16, 2003, 9:00 a.m.]

### Insurance Coverages or Risks Eligible for Export by the Insurance Commissioner

Under section 1604(2)(ii) of The Insurance Company Law of 1921 (40 P. S. § 991.1604(2)(ii)), the Insurance Commissioner declares the following insurance coverages to be generally unavailable in the authorized market at the present, and thus exportable, and adopts the following export list. Accordingly, for those insurance coverages which are included on the export list, a diligent search among insurers admitted to do business in this Commonwealth is not required before placement of the coverages in the surplus lines market.

#### Export List

##### Amusements

- Amusement parks and their devices
- Recreational and sporting events
- Special short-term events
- Theatrical presentations

##### Aviation

- Fixed base operations
- Chemical spray and/or drift
- Day care centers liability, including sexual abuse coverage
- Demolition contractors liability
- Employment related practices liability
- Flood insurance not provided under Federal flood insurance

- Kidnapping, ransom and extortion insurance

- Liquor liability—monoline

- Medical malpractice liability with or without related general liability coverages

- Night clubs

- Nursing home liability with or without other affiliated elder care services

- Railroad liability

Security/detective/patrol agencies  
Taxicab liability  
Vacant properties

This list becomes effective on the date of its publication in the *Pennsylvania Bulletin*, supersedes the list published at 32 Pa.B. 2730 (June 1, 2002) and shall remain in effect until superseded by a subsequent list as published in the *Pennsylvania Bulletin*.

Questions regarding the Export List may be directed to Cressinda E. Bybee, Office of Regulation of Companies, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 783-2144, fax (717) 787-8557, cbybee@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-955. Filed for public inspection May 16, 2003, 9:00 a.m.]

### Samuel Jay Mangel; Hearing

#### License Denial; Doc. No. AG03-04-048

A prehearing telephone conference initiated by this office is scheduled for June 26, 2003, at 10:30 a.m. Each party shall provide the hearing administrator a telephone number to be used for the telephone conference by May 15, 2003. A hearing will be held on July 15, 2003, at 1 p.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA. The proceedings 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).

By June 12, 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 24, 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 1, 2003.

Persons with a disability who wish to attend the administrative hearing and require an auxiliary aid service or other accommodations to participate in the hear-

ing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-956. Filed for public inspection May 16, 2003, 9:00 a.m.]

### Pennsylvania Professional Liability Joint Underwriting; Rate Filing

On April 30, 2003, the Insurance Department received from the Pennsylvania Professional Liability Joint Underwriting Association (JUA) a filing to increase overall rates by 9.6% for noninstitutional health care providers by proposing to:

- Apply an overall base rate adjustment of 3.7% to noninstitutional health care providers.
- Move nine specialties from one class to another class and create two new classes in the process.
- Change the relativity for six classes.
- Change the relativity for four territories.

The JUA is also seeking approval to apply an overall base rate adjustment of 9.6% to institutional health care providers.

Unless formal administrative action is taken prior to June 29, 2003, the rates within the subject filing may be deemed into use upon the effective date, September 1, 2003, by operation of law.

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

Interested parties are invited to submit written comments, suggestions or objections to Ken Creighton, ACAS, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, kcreighton@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-957. Filed for public inspection May 16, 2003, 9:00 a.m.]

### Progressive Northern Insurance Company; Revision to Private Passenger Auto Program Rates; Rate Filing

On April 30, 2003, the Insurance Department received from Progressive Northern Insurance Company a filing for a rate level change for private passenger automobile insurance. The company requests an overall 5.0% increase amounting to \$13.779 million annually, to be effective October 7, 2003, for renewal business.

Unless formal administrative action is taken prior to June 29, 2003, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours, at

the Insurance Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, mburkett@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-958. Filed for public inspection May 16, 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 Helen Brookins; file no. 03-210-01818; Erie Insurance Exchange; doc. no. PH03-04-050; June 10, 2003, 3 p.m.

Appeal of Viviana Amzel; file no. 03-267-01421; USAA; doc. no. PH03-04-045; June 11, 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, 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. 03-959. Filed for public inspection May 16, 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 Harrisburg Regional Office, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17120.

Appeal of David J. and Dorothy Stutzman; file no. 03-188-03606; Harleysville Mutual Insurance Company; doc. no. P03-04-044; June 3, 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 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. 03-960. Filed for public inspection May 16, 2003, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar

month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

*Governor's Office*

Manual M215.3—Field Procurement Handbook, Revision No. 4, Dated April 17, 2003.

Management Directive No. 210.1—Directives Management System, Amended March 31, 2003.

Management Directive No. 505.22—State Employee Assistance Program, Amended April 2, 2003.

Management Directive No. 505.25—Substance Abuse in the Workplace, Amended April 2, 2003.

Administrative Circular No. 03-10—Office Relocations—Department of General Services, Dated April 16, 2003.

Administrative Circular No. 03-11—2003-2004 Rebudget Instructions, Dated April 24, 2003.

MARY JANE PHELPS,  
*Director*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 03-961. Filed for public inspection May 16, 2003, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Allegheny County, Wine & Spirits Shoppe #0261, 2629 Brownsville Road, Pittsburgh, PA 15227-2005.

*Lease Expiration Date:* May 31, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,600 net useable square feet of new or existing retail commercial space on Brownsville Road in the Carrick area of Pittsburgh. Site must have access for tractor trailer deliveries and free off-street parking preferred.

*Proposals due:* June 6, 2003, at 12 p.m.

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

Crawford County, Wine & Spirits Shoppe #2003, 273 South Main Street, Cambridge Springs, PA 16403-1156.

*Lease Expiration Date:* May 31, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,800 net useable square feet of new or existing retail commercial space serving Cambridge Springs.

*Proposals due:* June 6, 2003, at 12 p.m.

**Department:** Liquor Control Board

**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222

**Contact:** George Danis, (412) 565-5130

JONATHAN H. NEWMAN,  
*Chairperson*

[Pa.B. Doc. No. 03-962. Filed for public inspection May 16, 2003, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule for all Milk Marketing Areas; Over-Order Premium

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on May 22, 2003, at 9 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the continuation of the Class I over-order premium that is scheduled to expire on June 30, 2003, and whether an adjustment should be made to the level of the over-order premium. This evidence may include testimony and exhibits concerning Milk Marketing Area-specific Class I over-order premium levels. This evidence may also include testimony and exhibits concerning a formula or indexing system to vary the level of the over-order premium, either Statewide or Milk Marketing Area-specific.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board by 3 p.m. on May 15, 2003, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 3 p.m. on May 15, 2003, notification of their desire to be included as a party.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 4 p.m. on May 16, 2003, each party shall file with the Board seven copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on May 20, 2003, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties who wish to offer in evidence documents on file with the Board, public documents or records in other

proceedings before the Board, or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on May 14, 2003.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Individuals who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Relay Service for TDD users).

LYNDA J. BOWMAN,  
*Secretary*

[Pa.B. Doc. No. 03-963. Filed for public inspection May 16, 2003, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Investigation to Reclassify Noncompetitive Telecommunications Services Provided by Interexchange Telecommunications Carriers as Competitive Services

Public Meeting held  
May 1, 2003

*Commissioners Present:* Glenn R. Thomas, Chairperson; Robert K. Bloom, Vice Chairperson; Aaron Wilson, Jr.; Terrance J. Fitzpatrick; Kim Pizzingrilli

*Investigation to Reclassify Noncompetitive Telecommunications Services Provided by Interexchange Telecommunications Carriers as Competitive Services;*  
I-00030097

#### Order

*By the Commission:*

In 1993, the General Assembly, through its enactment of Chapter 30, designated all but two of the telecommunications services provided by interexchange carriers (IXCs) to be competitive services. See 66 Pa.C.S. § 3008(a). The services that retained the "noncompetitive" classification were: 1) interexchange services to aggregator telephones; and 2) optional calling plans offered by IXCs. However, the General Assembly gave the Commission the authority to reclassify these two noncompetitive services as competitive. *Id.*

We are of the opinion that since the enactment of Chapter 30, the intrastate interexchange market in this Commonwealth has become substantially more competitive, and that the time has come to re-examine the state of competition in this Commonwealth's intrastate interexchange market. See 66 Pa.C.S. § 331(a). Nearly 10 years after the enactment of Chapter 30, we want to take

a fresh look at the two remaining noncompetitive services in the intrastate interexchange marketplace. Accordingly, under 66 Pa.C.S. § 3008(c), the Commission is hereby instituting an investigation of the intrastate interexchange market in this Commonwealth. We wish to determine whether sufficient competition exists throughout the market, so as to reclassify the two remaining noncompetitive services as competitive. See also 52 Pa. Code § 63.106(c).

We take this opportunity to solicit comments from market participants, industry members and public advocates regarding our belief that competition has substantially increased in the intrastate interexchange market. In accordance with 52 Pa. Code § 63.106(a), interested parties are encouraged to provide detailed factual information concerning how the state of competition in the intrastate interexchange market bears on the classification of the two noncompetitive services in question.

The first thing we want to determine is whether a majority of the IXCs operating in this Commonwealth are even offering the two noncompetitive services or are only offering services that are competitive. Furthermore, in submitting comments on whether the two noncompetitive services in the intrastate interexchange market should be reclassified, we ask that interested parties reference specifically the factors outlined in our regulations at 52 Pa. Code § 63.106(d)(1)–(5). We encourage members of the regulated industry, the public and any other interested parties to file comments on how these factors should bear on our analysis. Only those submitting comments will be considered parties to this proceeding. The Commission is directing the Office of Administrative Law Judge to conduct this reclassification investigation and to hold such hearings as deemed appropriate; *Therefore,*

*It Is Ordered That:*

1. The Commission hereby commences an investigation to determine whether the two remaining noncompetitive services offered by intrastate interexchange carriers should be reclassified as competitive services.

2. A copy of this Order, which gives notice of this investigation, shall be published in the *Pennsylvania Bulletin* and interested parties shall file comments within 30 days of publication. Comments should reference specifically the factors outlined in our regulations at 52 Pa. Code § 63.106(d)(1)–(5). Only those interested parties that submit comments will be considered parties to the proceeding.

3. The Office of Administrative Law Judge shall conduct the investigation and shall institute such hearings as may be deemed appropriate.

4. Upon conclusion of such hearings, the presiding Administrative Law Judge shall issue a Recommended Decision which shall be served on all parties and submitted to the Commission for its consideration.

5. A copy of this Order shall be served on all jurisdictional IXCs, the Office of Consumer Advocate, the Office of Small Business Advocate and OTS.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-964. Filed for public inspection May 16, 2003, 9:00 a.m.]

## Investigation into Voice over Internet Protocol as a Jurisdictional Service

Public Meeting held  
May 1, 2003

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice Chairperson; Aaron Wilson, Jr.;  
Terrance J. Fitzpatrick; Kim Pizzingrilli

Investigation into Voice over Internet Protocol as a  
Jurisdictional Service; Doc. No. M-00031707

### Order

*By the Commission:*

Voice over Internet Protocol (VoIP) is a relatively new technology that allows real-time audio (that is, voice) to be transmitted and received in a digital format, through the use of IP data packet transmission.<sup>1</sup> Although voice communications using VoIP can be accomplished via the Internet by using two personal computers equipped with microphones, the Internet is not necessary, or even preferred, for a VoIP network. Other networks such as the cable television network can also be used. Thus, VoIP appears to be a potential facilities-based alternative to both traditional wireline and wireless telecommunications service. In fact, Vonage Holdings Corp., a New Jersey corporation, holds itself out as currently offering IP-based voice service in six Commonwealth Numbering Plan Areas.

The development of VoIP service raises numerous issues for regulators, including but not limited to significant jurisdictional issues at both the State and Federal level. As a threshold matter, this Commission must decide whether we have jurisdiction to regulate VoIP service in this Commonwealth, and if jurisdiction exists, whether we should exercise it. To inform the Commission's judgment, we hereby request comment from consumers, the telecommunications industry and any other interested parties on the following aspects of VoIP, although we are seeking all relevant input. If you are neither a provider nor a user of VoIP service, we ask that your comments describe your other association with VoIP and explain the relevancy of your knowledge and/or experience to this investigation.

#### *Defining VoIP Service*

1. How do you define VoIP service?
2. Are there different types of VoIP service?
3. With the different types of VoIP service, is it the technology, i.e., the type of network used for transport that distinguishes them?<sup>2</sup> Do you agree with the differences in CommWeb's definitions of "VoIP" and "IP telephony" used in footnote two below? Please explain.

#### *Provider and End User Experience with VoIP Service*

<sup>1</sup> A packet is the fundamental unit of information transmitted over a network or over a digital communication link. With data packets, data is broken up in small and uniform packets, numbered and transmitted. Because each packet is numbered, each packet can travel different paths through the network. Once the packets arrive at the receiving end, the packets are realigned in numerical order and the original data is extracted in the original format. With VoIP, the voice is digitalized before the data packets are formed and sent. Then, at the destination, the VoIP packets are unpackaged and the digital data stream is reconverted into voice. VoIP data packets use Transmission Control Protocol or IP, like the Internet, as the transport mechanism to reach their destination.

<sup>2</sup> The Commission notes the difference between the common usage of the terms "VoIP" and "IP Telephony." CommWeb (<http://www.commweb.com/encyclopedia/search?term=IPtelephony>) explains that the term VoIP is used when the transport of the communication is over a private intranet or Wide Area Network. However, when the transport is the public Internet or the Internet backbone from a major carrier, it is generally called "IP telephony" or "Internet Telephony." At any rate, CommWeb notes that the terms IP telephony, Internet telephony and VoIP are often used interchangeably. For purposes of this Order, the Commission's reference to "VoIP voice service" is meant to include both "VoIP" and "IP telephony."

4. As a provider, do you offer VoIP service to the public in Pennsylvania or in other jurisdictions? If so, what type of VoIP service do you provide and where? If not, do you intend to offer VoIP service to the public in Pennsylvania or in any other jurisdiction? If so, what type of VoIP service do you intend to offer and where?

5. As a provider, have you conducted or do you intend to conduct any VoIP service trials in Pennsylvania or elsewhere? Please provide the details of any trials (when the trial occurred, who participated, the results, et al.) that have been conducted in Pennsylvania or in any other jurisdiction or that you plan on conducting in Pennsylvania.

6. As a user, have you participated in or been solicited to participate in a VoIP service trial? If so, what was your experience? Did you retain your wireline and/or wireless service while using VoIP service?

7. From the end user's perspective, what are the advantages, if any, of VoIP service as compared to traditional wireline and/or wireless communication voice services? What, if any, are the disadvantages?

8. Does VoIP service require access to the Network Interface Device (NID) or other demarcation device that is typically installed at the customer's premises? If not, what type of equipment is installed at the customer interface to provide VoIP service and how is such equipment powered?

9. What type of equipment does a VoIP end-user need to make calls? Is such equipment commercially available through only the VoIP provider or is it available elsewhere as well?

#### *Commission Jurisdiction to Regulate VoIP Service*

10. Are VoIP services the "conveying or transmitting messages or communications by telephone or telegraph or domestic public land mobile radio service for the public for compensation" pursuant to 66 Pa.C.S. § 102? Please explain.

11. What is the relationship, if any, between VoIP services and "mobile domestic cellular radio telecommunications service" exempted from PUC regulation at 66 Pa.C.S. § 102? Please explain.

12. Or, is VoIP service an "information service" pursuant to 47 U.S.C. 153? If so, what are the regulatory implications of such a classification and how do you reconcile it with the fact that VoIP service originates as voice and terminates as voice?

13. Have any other states addressed state jurisdiction over VoIP service? Please cite and discuss any proceedings that have concluded and/or are currently pending in other states that address or relate to state jurisdiction to regulate VoIP service.

14. Assuming arguendo that the Commission possesses jurisdiction over VoIP service, should it exercise such jurisdiction? Please explain why or why not.

#### *The Extent of Commission Jurisdiction Over VoIP Service*

15. Would a VoIP service provider be subject to the same certification and tariff requirements that exist for traditional wireline carriers? Would a VoIP provider be required to file with the Commission for entrance into the market as a CLEC or other authority?

16. Would the inter-carrier compensation regimes that apply to traditional wireline carriers using the Public Switched Telephone Network (PSTN) apply to VoIP providers? Would a Local Exchange Carrier be compensated



(reciprocal compensation or access charges) for transporting/terminating a VoIP call? How would inter-carrier compensation work for a VoIP provider that transports/terminates calls from other carriers?

17. Would (1) 911; (2) Telephone Relay Service; (3) Lifeline and Link-Up; and (4) universal service obligations that apply to traditional wireline carriers using the PSTN apply to VoIP providers?

18. Do the networks of VoIP providers support public services like 911?

19. Please explain when, if ever, the PSTN is used to provide VoIP service and how a VoIP provider would interconnect with the PSTN. Would the interconnection rules under 47 U.S.C. § 251 that apply to traditional wireline carriers using the PSTN also apply to VoIP providers?

20. Please explain how a telephone number or the equivalent would be used by a VoIP provider. If applicable, how would a VoIP provider acquire a telephone number? Would number portability exist between traditional wireline carrier and VoIP provider telephone numbers?

21. Would VoIP providers be required to maintain or provide directory information for use in a standard telephone directory?

22. What, if any, Quality of Service standards should apply to VoIP service as compared to traditional telephone service? (See 52 Pa. Code §§ 63.53-.64). Please explain how reasonable standards should be established for quality standards that do not exist for traditional calls but are typical for VoIP calls (e.g., latency, echo, doubletalk, etc.).

23. How, if at all, does VoIP service affect the FCC's jurisdictional separations process? In order to account for VoIP traffic, what kind of changes, if any, are needed with respect to the FCC's existing rules and procedures for designating calls as interstate or intrastate?

#### *FCC Jurisdiction to Regulate VoIP Service*

24. Has the FCC addressed whether it has jurisdiction over VoIP service? Please cite and discuss any proceedings that have concluded and/or are currently pending before the FCC that address or relate to the FCC's jurisdiction to regulate VoIP service.

25. If the FCC has determined that it has jurisdiction over VoIP service, has the FCC exercised such jurisdictional authority? Please cite and discuss any proceedings where the FCC has exercised such jurisdiction.

26. If applicable, would the FCC's jurisdiction be exclusive? Please explain why or why not.

27. What other VoIP-related issue(s), if any, are relevant to the Commission's investigation of VoIP service initiated? Please limit your response to no more than 1,500 words.

We request that comments be written in plain English. Particularly with technical issues, explanations should be sufficiently detailed to adequately explain the relevant concepts and should be written in a manner that allows individuals with nontechnical backgrounds to comprehend. Furthermore, we request that commenters reference their responses so as to correspond with the specific questions posed in this Order; *Therefore*,

#### *It Is Ordered That:*

1. Public comment is invited on the Commission's jurisdiction to regulate VoIP service in this Commonwealth.

2. Comments regarding this Order be filed with the Commission no later than 45 days after this Order is published in the *Pennsylvania Bulletin*. Reply comments are due 30 days thereafter.

3. A copy of this Order be served on Vonage Holdings Corp., the Pennsylvania Telephone Association, the Pennsylvania Cable & Telecommunications Association, the Cellular Telecommunications & Internet Association, the Office of Consumer Advocate, the Office of Small Business Advocate, the National Association of Regulatory Utility Commissioners and the North American Number Plan Administrator and be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-965. Filed for public inspection May 16, 2003, 9:00 a.m.]

#### Natural Gas Service

**A-121850F2029. National Fuel Gas Distribution Corporation.** Application of National Fuel Gas Distribution Corporation for approval of the abandonment of two natural gas customers located in Cranberry Township, Venango County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before June 2, 2003. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* National Fuel Gas Distribution Corporation

*Through and By Counsel:* Christopher M. Trejchel, Esquire, 1100 State Street, P. O. Box 2081, Erie, PA 16512.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-966. Filed for public inspection May 16, 2003, 9:00 a.m.]

#### Petition for Declaratory Order of Granger Energy of Honey Brook, LLC; Doc. No. P-00032043

On May 1, 2003, Granger Energy of Honey Brook, LLC filed a Petition for Declaratory Order concluding that the provision of landfill gas by Granger Energy of Honey Brook, LLC to four industrial customers constitutes neither the provision of "public utility" service under 66 Pa.C.S. § 102 (relating to definitions) nor "natural gas distribution service" or "natural gas supply services" under 66 Pa.C.S. § 2202 (relating to definitions) and is not subject to the jurisdiction of the Pennsylvania Public Utility Commission.

Written comments are due to be filed within 10 days after publication of this notice in the *Pennsylvania Bulletin*. One original plus nine copies of comments must be filed with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Copies of the entire filing are available for full inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-967. Filed for public inspection May 16, 2003, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by June 9, 2003. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant

**Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.**

**A-00117441, F.5. Wesley M. Miller t/d/b/a Wes Miller Tours** (P. O. Box 592, Brownstown, Lancaster County, PA 17508)—additional right—persons in group and party service, in vehicles with a seating capacity of 11 to 15 passengers, including the driver, between points in the County of Lancaster, and from points in said county, to points in Pennsylvania, and return.

**A-00118552, Folder 2. Keystone Cab Service, Inc.** (620 South 13th Street, Harrisburg, Dauphin County, PA 17104), a Pennsylvania corporation—additional right—persons in airport transfer service, from points in the Counties of Adams, Cumberland, Dauphin, Lebanon, Perry and York, to the Harrisburg International Airport, located in Dauphin County, and the Capital City Airport, located in York County.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-968. Filed for public inspection May 16, 2003, 9:00 a.m.]

### Water Service

**A-210104F0026 and A-210032F2000. Pennsylvania Suburban Water Company and Jefferson, Inc.** Joint application of Pennsylvania Suburban Water Company and Jefferson, Inc. for approval of: (1) the acquisition by Pennsylvania Suburban Water Company of the water system assets of Jefferson, Inc. in Jefferson Township;

(2) the right of Pennsylvania Suburban Water Company to begin to offer, render, furnish or supply water service to the public in portions of Jefferson Township, Lackawanna County; and (3) the abandonment by Jefferson, Inc. of public water service within Jefferson Township, Lackawanna County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before June 2, 2003. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicants:* Pennsylvania Suburban Water Company and Jefferson, Inc.

*Through and By Counsel:* Mark J. Kropilak, Esquire, Vice President, 762 West Lancaster Avenue, Bryn Mawr, PA 19010; and Patrick N. Coleman, Esquire, and Tellie and Coleman, PC, 310 East Drinker Street, P. O. Box 175, Dunmore, PA 18512-0175.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-969. Filed for public inspection May 16, 2003, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #03-085.6, Fire Pump Replacement at PAMT, until 2 p.m. on Thursday, June 5, 2003. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available May 20, 2003. The cost of the bid document is \$35 (includes 7% PA sales tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal opportunity laws and regulations.

A mandatory prebid job site meeting will be held on May 29, 2003, at 11 a.m. at PAMT, South Gate, Philadelphia, PA.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 03-970. Filed for public inspection May 16, 2003, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees'

Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

June 16, 2003	James R. Kelley (Class AA or Class D-4 Credit for Prior Legislative Service)	1 p.m.
June 17, 2003	Michael J. Pars (Disability after Retirement)	1 p.m.
June 19, 2003	Nina Zukowski (Total Service Credits)	1 p.m.
July 10, 2003	William P. Parr (D) (Beneficiary Designation)	1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.01 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JOHN BROSIUS,  
*Secretary*

[Pa.B. Doc. No. 03-971. Filed for public inspection May 16, 2003, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

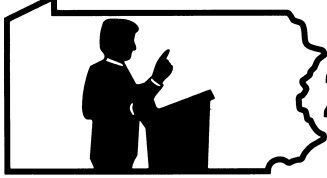
Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:  
 The payment date specified in the contract.  
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.  
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
 PA Department of Community and Economic Development  
 374 Forum Building  
 Harrisburg, PA 17120  
 800-280-3801 or (717) 783-5700

### Reader's Guide



**Legal Services & Consultation**

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
 Location: Harrisburg, Pa.  
 Duration: 12/1/93-12/30/93  
 Contact: Procurement Division  
 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦ (For Commodities: Contact:) Vendor Services Section  
 717-787-2199 or 717-787-4705

#### REQUIRED DATA DESCRIPTIONS

① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.

② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.

③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.

④ Department: State Department or Agency initiating request for advertisement.

⑤ Location: Area where contract performance will be executed.

⑥ Duration: Time estimate for performance and/or execution of contract.

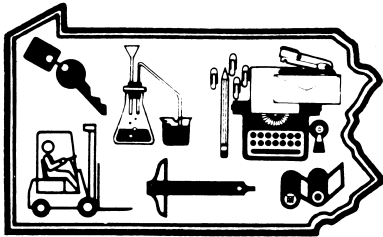
⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.  
 (For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room G13 Finance Building  
 Harrisburg, PA 17120  
 717-787-2990  
 1-800-252-4700

BARBARA HAFER,  
*State Treasurer*



### Commodities

**CN00002918** Needed quote on the following: I/R 5GT3A tower feed pump. A complete new assembly to include impellers, glands, gland bolts/nuts/washers, packing and gaskets. Any questions can be directed to the purchasing department at 610-740-3425.

**Department:** Public Welfare  
**Location:** Allentown State Hospital, 1600 Hanover Avenue, Allentown, PA 18109-2498  
**Duration:** Must be delivered by 6/30/03.  
**Contact:** Robert Mitchell, (610) 740-3425

**SU-02-34** SU-02-34: Shippensburg University is seeking vendors interested in submitting bids for (4) Advanced Teaching System Units, ECG Switch Box for Dual Bio Amp/Teaching Units, Skin Surface Thermistor, Needle Electrodes (5) 1.5 pins and Tendon Hammer. Interested bidders may fax or email their request to be added to bidders list by May 20, 2003. Fax request to Attn: Pam King (717) 477-1350 or email requests to paking@wharf.ship.edu. All responsible bidders are invited to participate including MBE/WBE firms.

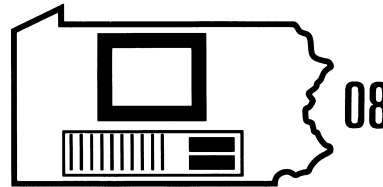
**Department:** State System of Higher Education  
**Location:** Shippensburg University, 1871 Old Main Dr., Shippensburg, PA 17257  
**Duration:** 8/31/03  
**Contact:** Pamela A. King, (717) 477-1386

**SU-02-35** SU-02-35: Shippensburg University is seeking a vendor to supply a new or used Oriel/HTG Aligner/Photolithography System. Vendors interested in receiving a bid package must fax a request to Mona Holtry, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257; Fax (717) 477-1350.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg, PA 17257  
**Duration:** Request delivery to be made as soon as possible.  
**Contact:** Mona M. Holtry, (717) 477-1386

**330040** Gateway bundles (including Firewall-1), VPN and Firewall-1 Modules plus an Enterprise Management Console—For Multiple Security Enforcement Points—that protect an unlimited number of IP Addresses—GOLD PLUS SUPPORT. To obtain a copy of the bid package, call the contact person listed below.

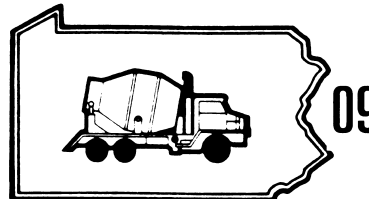
**Department:** Transportation  
**Duration:** This will be a 1-year contract with four annual renewals.  
**Contact:** Sissy Bowles, (717) 705-5856



### Computer Related Services

**ME-2003-02-018** Lease of instant ticket vending equipment for the Pennsylvania State Lottery. Services will include: machine leases costs, maintenance costs and routine servicing to include stocking tickets. The vending machines will be installed at new and/or existing Lottery retailer locations across the state of Pennsylvania.

**Department:** Revenue  
**Location:** Department of Revenue, Pennsylvania Lottery, 2850 Turnpike Industrial Drive, Middletown, PA 17057-5492  
**Duration:** The contract will be five (5) years in length, with possible extensions.  
**Contact:** William R. Powell, (717) 986-4650



### Construction & Construction Maintenance

**MI-882 Ganser Library Masonry Repair** Cut out and replace approx. 350 SF of damaged bricks, point approx. 100 SF of mortar joints, install approx. 300 LF of control joints, and patch approx. 825 SF of damaged concrete. Estimated Range: \$38,000 to \$45,000. Bidding Documents: Requests are made on-line at [http://muweb.millersville.edu/~purchase/current\\_bid\\_opportunities.html](http://muweb.millersville.edu/~purchase/current_bid_opportunities.html). Bidders must register to obtain a bid packet. Register at [http://muweb.millersville.edu/~purchase/contractor\\_registration.html](http://muweb.millersville.edu/~purchase/contractor_registration.html).

**Department:** State System of Higher Education  
**Location:** Main Campus, Millersville University, Millersville, PA 17551  
**Duration:** 08/15/03—10/15/03, 60 calendar days  
**Contact:** Bernadette Wendler, (717) 872-3570

**MI-806 Campus Identification Sign** Furnish and install masonry/concrete to construct an entrance sign at the corner of George Street and Cottage Avenue. The project includes minor electrical and plumbing work. Estimated range: \$36,000 to \$42,000. Bidding Documents: Requests are made on-line at [http://muweb.millersville.edu/~purchase/current\\_bid\\_opportunities.html](http://muweb.millersville.edu/~purchase/current_bid_opportunities.html). Bidders must register to obtain a bid packet. Register at [http://muweb.millersville.edu/~purchase/contractor\\_registration.html](http://muweb.millersville.edu/~purchase/contractor_registration.html).

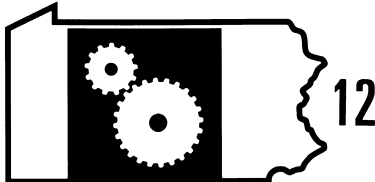
**Department:** State System of Higher Education  
**Location:** Main Campus, Millersville University, Millersville, PA 17551  
**Duration:** 08/01/03—09/15/03, 45 calendar days  
**Contact:** Bernadette Wendler, (717) 872-3570

**MI-847 Perimeter Road PROJECT TITLE:** Perimeter Road. **BRIEF DESCRIPTION:** field layout and proper tie-in to existing roadways; excavation of soil for erosion and sediment control; relocate underground utilities, storm drainage, piping and connection to existing system; install retaining wall; traffic control devices, light fixtures, poles and wiring; modification of existing light fixtures. **ESTIMATED RANGE:** \$340,000.00—\$400,000.00 General Construction; \$34,000.00—\$40,000.00 Electrical Construction. **BIDDING DOCUMENTS:** written requests for bidding documents will be accepted at one of the following addresses **EMAIL—**Construction.Contracting@millersville.edu; **FAX** 717-871-4887 or 717-871-5622; **WEB ADDRESS—**http://muweb.millersville.edu/~purchase/current\_bid\_opportunities.html. There is no cost for the bidding documents. However, bidders requesting special express mailings are to provide their account number and the name of the courier with their written requests. **BID DATE:** Friday, May 30, 2003, at 10:00 a.m. Two Pre-Bid Conferences have been scheduled for Tuesday, May 6, 2003, at 10:00 a.m. and Thursday, May 15, 2003 at 2:00 p.m. Meet at the site for both scheduled meetings. All bidders must be registered to secure plans and specifications. Register at [http://muweb.millersville.edu/~purchase/contractor\\_registration.html](http://muweb.millersville.edu/~purchase/contractor_registration.html).

**Department:** State System of Higher Education  
**Location:** Millersville University of PA, Main Campus, Millersville, PA 17551  
**Duration:** 90 calendar days from the date of the Notice to Proceed  
**Contact:** Jill M. Coleman, (717) 872-3730

**401-BL-690 ROTC Parking Lot—**Provide all labor, material and equipment necessary to construct a new 124 stall parking lot on the upper campus of Bloomsburg University. Work includes site grading, storm drainage, utility relocations, cement concrete curb and sidewalk, bituminous paving, line painting, landscaping, miscellaneous signing, and the installation of new area lighting. There will be two primes on this project, General and Electrical. To obtain a copy of the bid documents, submit a \$50.00 non-refundable deposit to Larson Design Group, 1000 Commerce Park Drive, P.O. Box 487, Williamsport, PA 17703-0487—Phone: (570) 323-6603. All information on the pre-bid and bid specifications will be included in the package.

**Department:** State System of Higher Education  
**Location:** Bloomsburg University, Bloomsburg, PA  
**Duration:** 60 Days  
**Contact:** Joe Quinn, (570) 389-4311

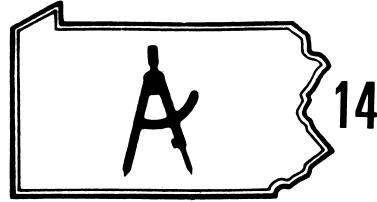


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### Drafting and Design Services

**RFP2003-MU 001 REVISED** Millersville University of Pennsylvania of the State System of Higher Education is issuing Request for Proposal (RFP) No. 2003—MU 001 for Renovation of the Dining, Servery, and Kitchen Facilities located in the Charles H. Gordinier Hall Student Dining Facility. The selected professional shall provide full dining facility design services to prepare schematic design, design development, and construction contract documents. Bidding and Construction Services are to be provided as requested by the University. The total estimated funding for this project is \$2,500,000.00. The selected Professional will have completed at least three (3) food service design and/or renovation projects for colleges/universities within the last 3 years. These projects must have consisted of at least a 250-seat capacity dining room with multi-service platforms. All applications submitted are subject to review by University Selection/Negotiation Boards. The System Boards disclaim any liability whatsoever as to their review of the applications submitted and in formulating their recommendations for selection. All recommendations for selection made by the Board shall be final pursuant to the Act of November, 1982, (P.L. 660, No. 188). Professionals may be required as part of the process to be interviewed by the Selections Board. If an interview is required, the professional will be notified by the Board as to the date, time and place. The System encourages responses from small firms, minority firms, woman-owned firms, and firms which have not previously worked for the System, and will consider joint ventures which will enable these firms to participate in System professional services contracts. Responding firms must meet the experience requirements as stated in this ad. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education. Interested professionals should obtain an RFP by faxing their request to 717-871-2000 or via e-mail at [John.Cox@millersville.edu](mailto:John.Cox@millersville.edu). There will be a non-mandatory Pre-proposal Meeting and scheduled site visit at 2:00 PM on May 6, 2003. Proposals are due no later than 4:00 p.m. on May 21, 2003. Late responses will not be considered.

**Department:** State System of Higher Education  
**Location:** Millersville University of PA, Millersville Borough  
**Duration:** Phased over 1.5 years  
**Contact:** John Cox, (717) 871-2083



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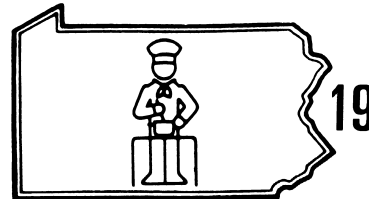
### Engineering Services

**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)

**IN-848 Design Renovations—Langham & Wahr** Indiana University of Pennsylvania State System of Higher Education will select a firm for the purpose of providing professional design services for the Langham and Wahr Renovations. Interested professionals should obtain a Request for Proposal (RFP) from Robert L. Marx, Director of Engineering and Construction at IUP by phone (724) 357-2289, Fax (724)357-6480, e-mail [bobmarx@iup.edu](mailto:bobmarx@iup.edu), or see website at [www.iup.edu/engconstruction/list.shtm](http://www.iup.edu/engconstruction/list.shtm). RFPs are due at 4:00 p.m. June 5, 2003. The University encourages responses from small firms, minority firms, women owned firms and firms which have not previously worked for the System, and will consider joint ventures which will enable these firms to participate in the System's professional services contracts.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Engineering & Construction Group, Indiana, PA  
**Duration:** Request for Proposal is due at IUP Eng & Construction Office on June 5, 2003, by 4:00 p.m.  
**Contact:** Robert L. Marx, (724) 357-2289

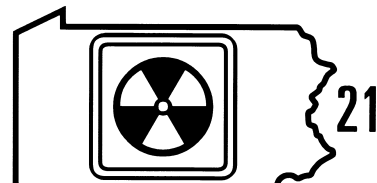


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### Food

**05010 Liquid Coffee, Frozen.**

**Department:** Military Affairs  
**Location:** PA Soldiers & Sailors Home, 560 East 3rd Street, P.O. Box 6239, Erie, PA 16507  
**Duration:** 07/01/03 through 06/30/04  
**Contact:** Jenny Nowacinski, (814) 878-4930

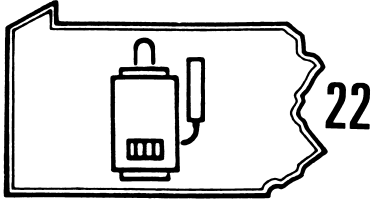


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### Hazardous Material Services

**08-102021** PennDOT, Butler County, District 1020, is soliciting the service of quantifier contractor for the removal and transporting of hazardous and non-hazardous waste material in drums or bulk containers, according to bid specifications. For a bid package, please fax a contact name and your company name along with your complete address and Federal ID # to 724-283-3573 or e-mail your request to [askunda@state.pa.us](mailto:askunda@state.pa.us).

**Department:** Transportation  
**Location:** Department/Agency: Transportation  
**Location:** 351 New Castle Road, Butler, PA 16001  
**Duration:** Two (2) year contract: By mutual consent of both parties, this contract is renewable for a one (1) year period  
**Contact:** Andy Skunda, 724-284-8226



### HVAC Services

**FM-8644** Provide emergency and routine repair work for the heating, electrical, plumbing, and air-conditioning systems. Contractor to respond to call within four (4) hours of receipt, either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty of parts, where applicable, and further agree to guarantee workmanship and replacement parts provided by their firm for ninety days. Materials and parts are to be billed at vendor cost. Remarks: Bidding to be done on labor rate per hour for Mechanic plus travel.

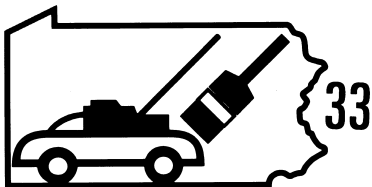
**Department:** State Police  
**Location:** Troop G, Hollidaysburg Headquarters and Garage, 1510 N. Juniata Street, Hollidaysburg, PA 16628  
**Duration:** July 1, 2003, through June 30, 2006. Bid opening 6/16/03, not accepting requests for bids after 6/9/03.  
**Contact:** Stacey Logan-Kent, (717) 705-5952



### Janitorial Services

**sbc#724166** Janitorial services for Flight Services facility located at 611 Ross Avenue, New Cumberland, PA 17070. Services outlined as: Three days per week janitorial services; sweep/dry mop hangar floor; wet mop shop area; internal and external window cleaning; scrub hangar with machine provided by Bureau of Aviation; strip and polish restroom floors; shampoo carpets; sweep and dust loft area; clean external surfaces of lockers, shop and hangar wall storage units. Please refer to Exhibit D for detailed occurrences of services. Bids must be received by May 15, 2003 at 2:00 p.m. Please contact Terry Sipe at 717/783-8952 for further information.

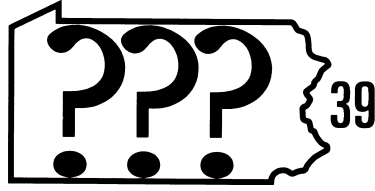
**Department:** Transportation  
**Location:** Flight Services, Capital City Airport, 611 Ross Avenue, New Cumberland, PA 17070  
**Duration:** One year contract with a four year renewable option  
**Contact:** Terry Sipe, (717) 783-8952



### Property Maintenance

**FM 8643** Furnish all labor, materials and equipment to cut, trim and maintain grass area at the PA State Police, Somerset Station, THREE (3) cuttings per month, or as required by the Station Commander. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951.

**Department:** State Police  
**Location:** Troop A, Somerset Station, 142 Sagamore Street, Somerset, PA 15501 (SR0031, .5 mile east of Somerset Borough)  
**Duration:** 07/01/03 to 06/30/06  
**Contact:** Sandy Wolfe, (717) 705-5951



### Miscellaneous

**ADV#178** Indiana University of Pennsylvania is seeking qualified vendors to respond to a Request for Quotation to provide on-site, full service maintenance for Minolta copiers located at the main and branch campuses of Indiana University of Pennsylvania. Requests for copies of the bid package should be made in writing referencing ADV#178 and directed to the attention of Barbara Cerovich, Contracts Administrator, IUP, Robertshaw Building, 650 S. 13th Street, Indiana, PA 15705; Fax No. (724) 357-2670; e-mail Cerovich@iup.edu. Interested vendors must submit their requests to be placed on the bidders list no later than Friday, May 23, 2003. The University encourages responses from small and disadvantaged, minority and women-owned firms.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Indiana, PA 15705  
**Duration:** 3 years  
**Contact:** Barbara Cerovich, (724) 357-2301

**04 SALE OF DEER HERD IN LAWRENCEVILLE, TIOGA COUNTY, PA.** Sealed bids for the sale of 120-160 whitetail deer will be opened in the District Office of the Pennsylvania Department of Transportation, 715 Jordan Ave, Montoursville, PA 17754 at 1:00 PM on September 4, 2003. The herd contains trophy bucks and has been a closed herd for the past 4 years. We will be photographing and videotaping the herd in late July at which time a more specific count will be available. The video and photos can be viewed by appointment at the District Office by calling Lenny Confer at 570-368-4337 between 7:30 AM and 3:30 PM EST, Monday-Friday after August 4, 2003. No live inspections will be permitted. Bid forms and specifications can also be obtained from Mr. Confer. The following conditions also apply: All bids will be considered. The successful bidder will take possession of the herd no later than September 12, 2003, and all deer are to be removed from the property by October 20, 2003. The successful bidder will be responsible for all testing required by the USDA. All deer are to be sold as one lot, and none may be released into the wild. No bids will be accepted unless they are on the Pennsylvania Department of Transportation approved bid form and in the approved sealed bid envelope. The Department of Transportation reserves the right to reject any and all bids for any reason, and to waive any technicalities when in the best interest of the department. Any information released with the bid forms will supercede the information contained within this ad.

**Department:** Transportation  
**Location:** Lawrenceville area  
**Contact:** Lenny P. Confer, (570) 368-4337

[Pa.B. Doc. No. 03-972. Filed for public inspection May 16, 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> |
|--|---|

DONALD T. CUNNINGHAM, Jr.  
*Secretary*



