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# PENNSYLVANIA BULLETIN

Volume 33

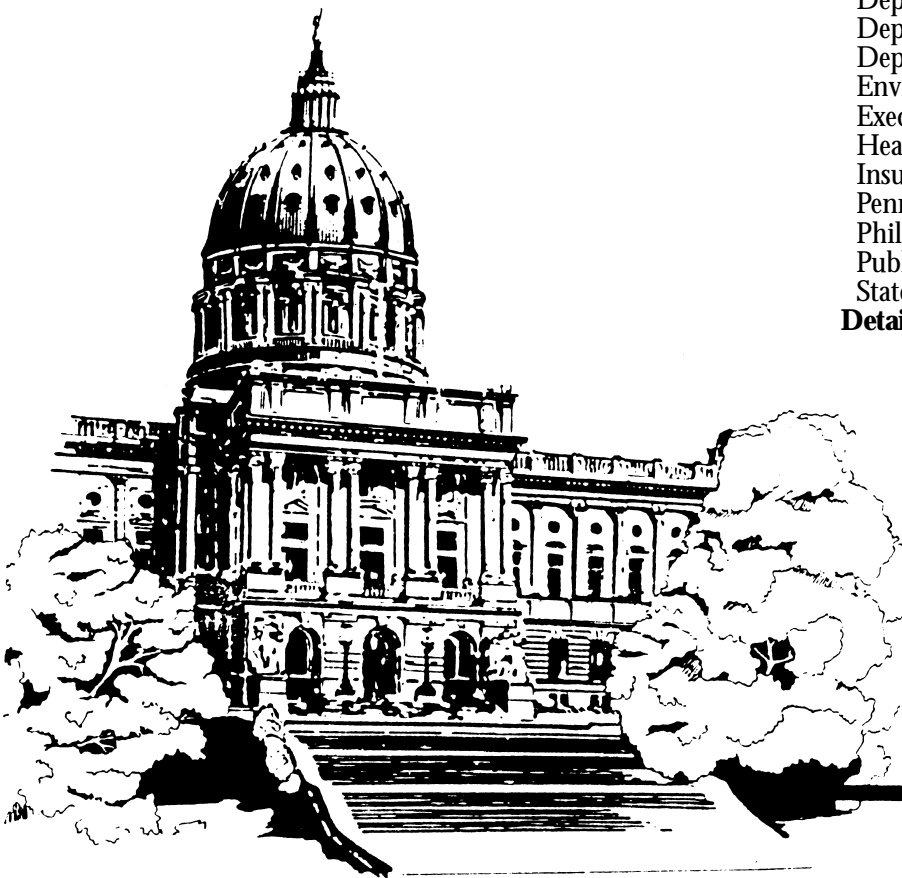
Number 30

Saturday, July 26, 2003 • Harrisburg, Pa.

Pages 3591—3718

**Agencies in this issue:**

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The General Assembly  
The Courts  
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Department of Environmental Protection  
Department of General Services  
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Department of State  
Department of Transportation  
Environmental Quality Board  
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Health Care Cost Containment Council  
Insurance Department  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
Public School Employee's Retirement Board  
State Employee's Retirement Board  
**Detailed list of contents appears inside.**



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

**No. 344, July 2003**

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

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

## 1 Pa. Code (General Provisions)

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# THE GOVERNOR

## Title 4—ADMINISTRATION

### PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 5]

[EXECUTIVE ORDER NO. 2003-9 AS AMENDED]

### Governor's Advisory Commission on Latino Affairs

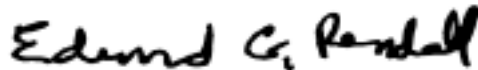
July 1, 2003

*Whereas*, the character of Pennsylvania has been shaped by the various religious, ethnic, and national groups which have settled within its boundaries and this diversity is the very fiber that has allowed us to grow, prosper, and succeed as a Commonwealth; and

*Whereas*, as one of the fastest growing communities in the Commonwealth, the Latino community has had a positive impact upon business and industry and has enhanced Pennsylvania through culture, creativity, and innovation; and

*Whereas*, the Latino community must be given the opportunity to continue to grow and prosper within our boundaries. Concomitantly, the Commonwealth must protect this important community against discrimination, provide Latino children with the opportunity to receive the best education possible, and increase economic development and employment possibilities in order to help enhance the social and economic status of the Latino community in Pennsylvania.

*Now Therefore*, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby reestablish the Governor's Advisory Commission on Latino Affairs (hereinafter referred to as the "Commission") as the Commonwealth's advocate agency for its Latino citizens as hereinafter set forth.



*Governor*

**Fiscal Note:** GOV 03-10. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 4. ADMINISTRATION**  
**PART I. GOVERNOR'S OFFICE**  
**CHAPTER 5. COUNCILS AND COMMITTEES**  
**Subchapter T. GOVERNOR'S ADVISORY COMMISSION ON LATINO AFFAIRS**

**§ 5.212. Functions.**

The functions of the Commission are to:

(1) Make recommendations to the Governor on policies, procedures and legislation that would enhance the status of the Latino community in this Commonwealth.

(2) Serve as the Governor's liaison to the Latino community on policies, procedures, legislation, and regulations that affect the Latino community to ensure that State government is accessible, accountable and responsive to the Latino community.

(3) Serve as a resource to all departments, commissions and agencies to ensure that they are cognizant of the needs of the Latino community and that this community benefits in an equitable fashion from their respective services and programs.

(4) Assist local Latino communities in developing strategies and programs that will enhance their social and economic status.

(5) Work with the administration to monitor the hiring, retention and promotion practices of the Commonwealth as they relate to the employment of Latinos to ensure that there are no discriminatory employment practices within the Commonwealth.

**§ 5.213. Composition of the Commission.**

(a) The Commission consists of 15 members to be appointed by the Governor who are representatives of this Commonwealth's Latino community.

(b) The Governor will appoint an Executive Director of the Commission.

(c) The Governor will designate two Commission members to serve as cochairpersons of the Commission.

**§ 5.219. Rescission.**

Executive Order 1996-4 is rescinded.

[Pa.B. Doc. No. 03-1437. Filed for public inspection July 25, 2003, 9:00 a.m.]

# THE GENERAL ASSEMBLY

## COMMISSION ON SENTENCING

### Meetings Scheduled

The Commission on Sentencing announces the following public meetings, to be held at The Penn Stater Conference Center Hotel, 215 Innovation Boulevard, State College, PA 16801:

Tuesday, August 19, 2003	Strategic Planning Session	9 a.m.— 4 p.m.
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Wednesday, August 20, 2003	Regular Quarterly Commission Meeting	9 a.m.
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MARK H. BERGSTROM,  
*Executive Director*

[Pa.B. Doc. No. 03-1438. Filed for public inspection July 25, 2003, 9:00 a.m.]

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# THE COURTS

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CHS. 17 AND 33]

Proposed Amendments to Pa.R.A.P. 1762 and  
3331; Recommendation No. of 2003

#### Internal Committee Recommendation 52

The Explanatory Comment which appears in connection with the proposed amendments has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules nor will it be officially adopted or promulgated by the Court.

*By the Appellate Court Procedural Rules Committee*

HONORABLE JOSEPH A. HUDOCK,  
*Chair*

#### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE II. APPELLATE PROCEDURE

#### CHAPTER 17. EFFECT OF APPEALS; SUPERSEDEAS AND STAYS

#### STAY IN CRIMINAL MATTERS

Rule 1762. Release in Criminal Matters.

[ (a) *Release prior to sentence.*—

(1) Application for release prior to sentence shall be governed by the applicable provisions of the Pennsylvania Rules of Criminal Procedure.

(2) An order granting or denying release or modifying the conditions of release prior to sentence shall be subject to review pursuant to Chapter 15 (judicial review of governmental determinations). Service of a petition for review under Rule 1514(c) (service) shall be upon the district attorney in lieu of the Attorney General of Pennsylvania. Any answer to the petition shall conform to Rule 123(b) (answer) in lieu of Rule 1516 (other pleadings allowed). Rule 1517 (applicable rules of pleading) and Rule 1531 (intervention) through Rule 1551 (scope of review) shall not be applicable to a petition for review filed under this paragraph.

(b) *Release pending appeal.*—Application for release pending appeal in criminal matters shall be governed by the applicable provisions of the Pennsylvania Rules of Criminal Procedure and must ordinarily be made in the first instance to the lower court.

(c) *Contents and service of application for release.*—An application in an appellate court for release, or for modification of the conditions of release, shall set forth specifically and clearly the rulings complained of and the amount of bail which the defendant was under in the lower court, and shall be accompanied by a copy of the information or indictment. A copy of the application shall be served on the judge of the court below. All other

parties below shall be served as prescribed by Rule 121(b) (service of all papers required).

(d) *Entry of bail.*—Bail shall be entered in the lower court pursuant to the Pennsylvania Rules of Criminal Procedure.

(e) *Extradition matters.*—Release in extradition matters shall be governed by the procedures prescribed by this rule, except that it shall not be necessary for a copy of an information or indictment to accompany an application under this subdivision.

(f) *Opinion by lower court.*—Upon receipt of a copy of an application to an appellate court under this rule the judge who entered the order in the court below, if the reasons for the order do not already appear of record, shall forthwith file of record at least a brief statement, in the form of an opinion, of the reasons for the order, or shall specify in writing the place in the record where such reasons may be found. ]

(a) Applications relating to bail when an appeal is pending shall ordinarily first be presented to the lower court, and shall be governed by the Pennsylvania Rules of Criminal Procedure. If the lower court denies relief, a party may seek relief in the appellate court by filing an application pursuant to Rule 123, ancillary to the pending appeal.

(b) Applications relating to bail when no appeal is pending

(1) Applications relating to bail when no appeal is pending shall first be presented to the lower court, and shall be governed by the Pennsylvania Rules of Criminal Procedure.

(2) An order relating to bail shall be subject to review pursuant to Chapter 15 (judicial review of governmental determinations). Any answer shall be in accordance with Rule 1516 (other pleadings allowed), and no other pending is authorized. Rule 1517 (applicable rules of pleading) and Rule 1531 (intervention) through 1551 (scope of review) shall not be applicable to a petition for review filed under this paragraph.

(c) *Content.* An Application for relief under Subdivision (a) or a petition for review under Subdivision (b) shall set forth specifically and clearly the matters complained of and a description of any determinations made by the lower court. Any order and opinions relating to the bail determination shall be attached as appendices.

(d) *Service.* A copy of the application for relief or the petition for review and any answer thereto shall be served on the judge of the lower court. All parties in the lower court shall be served in accordance with Rule 121(b) (service of all papers required). The Attorney General of Pennsylvania need not be served in accordance with Rule 1541(c) (service), unless the Attorney General is a party in the lower court.

(e) *Entry of Bail.* Bail shall be entered in the lower court pursuant to the Pennsylvania Rules of Criminal Procedure.

(f) *Extradition matters.* Relief relating to bail in extradition matters shall be governed by the procedures prescribed by this rule.

(g) *Opinion of lower court.* Upon receipt of a copy of an application for relief under Subdivision (a) or a petition for review under Subdivision (b), that does not include an explanation for the bail determination, the judge who made the bail determination below shall forthwith file of record a brief statement of the reasons for the determination or where in the record such reasons may be found.

\* \* \* \* \*

[ Explanatory Note—1979

At the request of the Criminal Procedural Rules Committee, a copy of the application in the appellate court for release in criminal matters is required to be served upon the lower court judge, and a requirement (similar to Rule 1925) is added that the lower court judge indicates on the record the reasons for the order. ]

Explanatory Note—2003

The 2003 amendments establish a simply dichotomy in procedures for seeking appellant review of lower court orders relating to bail: If an appeal is pending, an application for relief ancillary to the appeal is the proper method for invoking appellate court consideration. If no appeal is pending, the party seeking relief must file a petition for review.

ARTICLE III. MISCELLANEOUS PROVISIONS  
CHAPTER 33. BUSINESS OF THE SUPREME COURT  
REVIEW OF SPECIAL PROSECUTIONS OR INVESTIGATIONS

Rule 3331. Review of Special Prosecutions or Investigations.

(a) *General rule.* [ Any ] Within the time specified in Rule 1512(b)(3) (special provisions), any of the following orders shall be subject to review pursuant to Chapter 15 (judicial review of governmental determinations):

\* \* \* \* \*

The petition shall [ also ] conform to Rule 123(a) (contents of application for relief) and any answer to the petition shall conform to [ Rule 123(b) (answer) in lieu of ] Rule 1516(a) ([ other pleadings allowed ] general rule). A party entitled to file an answer under this rule who does not intend to do so shall, within the time fixed by these rules for the filing of an answer, file a letter stating that an answer to the petition for review will not be filed. [ Rule 1516, ] Rule 1517 (applicable rules of pleading) [ and Rule 1519 (form of petition for review with notice to plead) ] through Rule 1551 (scope of review) shall not be applicable to a petition for review filed under this rule. Seven copies of any papers filed under this rule shall be filed with the original. Rule 3309 (applications for extraordinary relief) shall not be applicable to an order reviewable under this rule.

(b) *Briefs and record.* [ The petitioner shall serve and file his brief not later than 14 days after the entry of the order sought to be reviewed. Any other party shall serve and file his brief within seven

days after service of the brief of the petitioner. ] The petitioner may file and serve a brief in support of the petition for review with the petition for review. Any other party may file and serve an answer and supporting brief within 14 days of service of the petition. Each party shall append to the petition or answer as much of the record below as the party desires to bring to the attention of the court. The Supreme Court on its own initiative may direct that the lower court comply with Rule 1925 (opinion in support of order) or that the record be otherwise corrected or supplemented.

(c) *Distribution and disposition.* Upon receipt of the last paper [ which ] that a party is entitled to file under this rule, the papers filed under this rule shall be distributed by the Prothonotary to the Supreme Court for its consideration. The Supreme Court may thereafter dispose of the petition or set it down for argument.

(d) *Interlocutory matters.* The interlocutory or final nature of an order shall not be affected by this rule and, unless independent grounds appear for the review of an interlocutory order, the interlocutory nature of the order will be a sufficient reason for denying the petition. The denial of a petition shall be deemed a disposition on the merits unless otherwise ordered or unless the petition expressly seeks permission to appeal from an interlocutory order and asserts no other basis of jurisdiction on appeal.

(e) *Remand of record.* Unless otherwise ordered:

(1) A certified copy of the judgment of the Supreme Court and the opinion of the court, if one has been filed, shall be transmitted to the lower court forthwith upon entry, notwithstanding the pendency of any application for reargument or other proceeding affecting the judgment[ , which ]. This transmission shall be in lieu of the remand of the record.

\* \* \* \* \*

*Official Note:* This rule is intended to provide a simple and expeditious method for Supreme Court supervision of special prosecutions and investigations, e.g. orders of the supervising judge of an investigating grand jury, findings of contempt (whether civil or criminal) by witnesses called before such a grand jury, etc. Rule 702[ (b) ] (c) (supervision of special prosecutions or investigations) and 42 Pa.C.S. § 722(5) (direct appeals from courts of common pleas) vest jurisdiction over such matters in the Supreme Court. However, this rule is not applicable to review of investigating grand jury issues [ which ] that collaterally arise in a plenary criminal prosecution initiated by complaint, information or indictment. Rule 1512(b)(3) (special provisions) requires that review be sought within ten days. Essentially the procedure is analogous to the review of a bail order under Rule 1762 (release in criminal matters). [ The last brief is due not later than 21 days after the entry of the order sought to be reviewed. ] There is no delay for certification of the record, oral argument is ordinarily not available, and the matter is ready for final disposition by the Supreme Court immediately upon completion of the briefing schedule. The term "investigating grand jury" in Subdivision (a) includes a "multicounty investigating grand jury" convened under 42 Pa.C.S. § 4544 (convening multicounty investigating grand jury).

\* \* \* \* \*

Under Rule 1702(a) (stay ancillary to appeal), the Supreme Court or a justice thereof will not entertain an

application for relief under Rule 1781 (stay pending action on petition for review) in connection with a special prosecution or investigation order until a petition for review has been filed under this rule.

**EXPLANATORY COMMENT  
RECOMMENDATION 52**

**Proposed Amendments to Rules 1762 and 3331**

*Introduction*

As part of the effort to clarify the use of petitions for review in certain criminal proceedings, the Committee submits for consideration proposed amendments to Rule 1762 (Release in Criminal Matters) and Rule 3331 (Review of Special Prosecutions or Investigations). The proposed amendments are in addition to proposed amendments to Chapter 15 of the Appellate Rules (published as Recommendation 50 simultaneous to publication of this Recommendation).

*Rule 1762 (Release in Criminal Matters)*

Currently, Rule 1762 addresses bail issues under two circumstances: subdivision (a) addresses "release prior to sentence"; subdivision (b) addresses "release pending appeal." The proposed amendments to Rule 1762 replace these categories with a dichotomy based on whether the case is pending on appeal or not. Thus, new subdivision (a) (applications related to bail when an appeal is pending) replaces old subdivision (b) and new subdivision (b) (applications when no appeal is pending) replaces old subdivision (a).

Proposed subdivision (a) continues the requirement that while an appeal is pending, applications for bail be made first in the trial court, whereupon, if such relief is denied, the aggrieved party may seek relief ancillary to the appeal by proceeding pursuant to Rule 123 (applications for relief). Under the current subdivision (b), the procedure for seeking ancillary relief in the appellate court was undefined and there was some confusion among the bench and bar as to whether a petition for review under such circumstances is required. Under proposed subdivision (b), it is clear that a petition for review is not required where the bail application is ancillary to a pending appeal.

Proposed subdivision (b) replaces current subdivision (a) and addresses releases prior to sentencing. Currently, subdivision (a) does not expressly require that such applications go to the trial court first, although such requirement is implicit in paragraph (1) of subdivision (a). Proposed subdivision (b) expressly requires that a party seeking a release prior to sentencing must initially seek relief in the trial court pursuant to the Rules of Criminal Procedure.

Where no appeal is pending, and a party seeks review of a trial court order pertaining to bail, the proper procedure under proposed subdivision (b) is a petition for review pursuant to Chapter 15 (judicial review of governmental determinations). This is consistent with prior practice. However, proposed subdivision (b) does change

current practice insofar as answers to such petitions for review would be governed by Rule 1516, while under the current rules, they are governed by Rule 123(b). Thus, proposed subdivision (b) would eliminate this hybrid practice of requiring the petition conform to Chapter 15 and the answer to Rule 123.

It is important to note, however, that proposed subdivision (b) continues the existing practice of allowing only the petition and answer, and continues to provide that Rules 1531 through 1551 do not apply to such petitions for review. Additionally, the service requirement currently contained in paragraph (1) of subdivision (a) has been deleted, and the new service requirements for all applications for review of bail determinations are set forth under new subdivision (d) (service).

Proposed subdivision (d) (service) requires service of the application or petition for review on all parties in the lower court and makes it clear that Rule 121(b) governs such service. Proposed subdivision (d) also provides that service on the attorney general is not required, unless the attorney general is a party to the proceeding in the court below.

*Rule 3331 (Review of Special Prosecutions or Investigations)*

The proposed amendments to Rule 3331 are primarily a restructuring of the Rule. However, there are a few substantive changes. First, the proposed amendment to subdivision (a) specifies that the time for filing such a petition for review shall conform to Rule 1512(b)(3)(special provisions).

Rule 1512(b)(3) currently provides that:

"A determination governed by Rule 3331 (review of special prosecutions or investigations) shall be filed within ten days after the entry of the order sought to be reviewed."

Although the Note to current Rule 3331 does cross reference Rule 1512(b)(3), the Committee believes an express reference to this requirement in the text of Rule 3331 is helpful to the bench and bar.

There are no changes to paragraphs (1)-(5) of subdivision (a) in the proposed amendments.

The proposed amendment to subdivision (a) continues the practice of requiring that the petition conform to Rule 123(a)(contents of application for relief). However, answers would be governed by Rule 1516(a)(other pleadings allowed; general rule).

The proposed amendment to subdivision (a) also provides expressly, for the first time, that: "A party entitled to file an answer under this rule who does not intend to do so shall, within the time fixed by these rules for filing an answer, file a letter stating that an answer to the petition for review will not be filed."

[Pa.B. Doc. No. 03-1439. Filed for public inspection July 25, 2003, 9:00 a.m.]





CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the herein Motion for Protracted/Semi-Protracted Hearing was served upon the following:

\_\_\_\_\_  
Attorney for

(Check one) \_\_\_\_\_ Defendant

\_\_\_\_\_ Commonwealth of Pennsylvania

Date:

[Pa.B. Doc. No. 03-1440. Filed for public inspection July 25, 2003, 9:00 a.m.]

\_\_\_\_\_

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
[25 PA. CODE CH. 86]

### Corrective Amendment to 25 Pa. Code § 86.1

The Department of Environmental Protection has discovered a discrepancy between the agency text of 25 Pa. Code § 86.1 (relating to definitions) as deposited with the Legislative Reference Bureau and the official text as published at 27 Pa.B. 6041 (November 15, 1997), and as currently appearing in the *Pennsylvania Code*. Ellipses were inadvertently omitted.

Therefore, under 45 Pa.C.S. § 901: The Department of Environmental Protection has deposited with the Legislative Reference Bureau a corrective amendment to 25 Pa. Code § 86.1. The corrective amendment to 25 Pa. Code § 86.1 is effective as of November 15, 1997, the date the defective official text was printed in the *Pennsylvania Bulletin*.

The correct version of 25 Pa. Code § 86.1 appears in Annex A, with ellipses referring to the existing text of the regulation.

#### Annex A

### TITLE 25. ENVIRONMENTAL PROTECTION PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Subpart C. PROTECTION OF NATURAL RESOURCES

#### ARTICLE I. LAND RESOURCES

#### CHAPTER 86. SURFACE AND UNDERGROUND COAL MINING: GENERAL

#### Subchapter A. GENERAL PROVISIONS

#### § 86.1. Definitions.

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

\* \* \* \* \*

*Participates*—To take part in an action or to instruct another person or entity to conduct or not to conduct an activity.

*Passive treatment system*—A mine drainage treatment system which does not require routine operational control or maintenance. The term includes biological or chemical treatment systems, alone or in combinations, as approved by the Department, such as artificially constructed wetlands, cascade aerators, anoxic drains or sedimentation basins.

*Permit*—A permit issued by the Department to conduct coal mining activities.

*Permit area*—Includes the following:

(i) For surface mining activities and refuse disposal activities: the area of land and water within the boundaries of the permit, which area is designated on the permit application maps as approved by the Department. This area shall include areas which are or will be affected by the surface mining activities or refuse disposal activities.

(ii) For underground mining activities: the mine and areas where underground mining activities occur.

*Permittee*—A person holding, or required to hold by the acts, a permit issued by the Department to conduct coal mining activities.

*Person*—A natural person, partnership, association or corporation, or an agency, instrumentality or entity of Federal or State government. Whenever used in a clause prescribing and imposing a penalty, or imposing a fine or imprisonment, or both, the term “person” may not exclude the members of an association and the directors, officers or agents of a corporation.

*Postmining pollutional discharge*—A discharge of mine drainage emanating from or hydrologically connected to the permit area, which may remain after coal mining activities have been completed, and which does not comply with the applicable effluent requirements described in § 87.102, § 88.92, § 88.187, § 88.292, § 89.52 or § 90.12. The term includes minimal-impact postmining discharges, as defined in section 3 of the Surface Mining Conservation and Reclamation Act (52 P. S. § 1396.3).

\* \* \* \* \*

[Pa.B. Doc. No. 03-1441. Filed for public inspection July 25, 2003, 9:00 a.m.]

## Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION  
[67 PA. CODE CH. 177]

### Implementation of Exhaust Emissions Standards

The Department of Transportation (Department), Bureau of Motor Vehicles, under the authority of 75 Pa.C.S. §§ 4103, 4531, 4701, 4706, 4707, 4710, 6103 and 9104, published a final-form rulemaking at 33 Pa.B. 2479 (May 24, 2003) that added provisions to 67 Pa. Code Chapter 177, Appendix A (relating to acceleration simulation mode: Pennsylvania procedures, standards, equipment specifications and quality control requirements) to incorporate alternative final exhaust emission standards recently developed by the Federal Environmental Protection Agency. The regulation provides that upon notice by the Department in the *Pennsylvania Bulletin*, the exhaust emission standards used for Acceleration Simulation Mode (ASM) tests performed using dynamometers will be in accordance with the tables included in the regulation. See 67 Pa. Code Chapter 177, Appendix A § 1(a)(2)(ii) (relating to ASM exhaust emission standards and calculations).

Effective immediately, the Department is beginning implementation of the exhaust emission standards in the tables in 67 Pa. Code Chapter 177, Appendix A § 1(a)(2)(ii). Emission inspection stations with ASM test equipment not in compliance with the regulation after August 31, 2003, will be unable to perform the ASM test and complete an emission inspection.

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

[Pa.B. Doc. No. 03-1442. Filed for public inspection July 25, 2003, 9:00 a.m.]

# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 109]

### Safe Drinking Water; Long Term 1 Enhanced Surface Water Treatment Rule

The Environmental Quality Board (Board) proposes to amend Chapter 109 (relating to safe drinking water). The proposed rulemaking pertains to public drinking water systems serving less than 10,000 people that use either surface water sources or groundwater sources under the direct influence of surface water (GUDI). The Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) will improve the control of microbial pathogens in drinking water, including the protozoan *Cryptosporidium*. Key provisions include: *Cryptosporidium* removal requirements for systems that filter; strengthened combined filter effluent turbidity performance standards; requirements for individual filter turbidity monitoring for plants using conventional or direct filtration; and a provision to ensure that microbial protection is not compromised as facility operators take the necessary steps to comply with new disinfection byproduct standards. The implementation of the LT1ESWTR will significantly reduce the level of *Cryptosporidium* in finished drinking water supplies through improvements in filtration. In addition, the proposed rulemaking is expected to increase the level of protection from other disease-causing organisms like *Giardia lamblia* and waterborne protozoa, bacteria or viruses.

The LT1ESWTR was promulgated on January 14, 2002. The Commonwealth must adopt this proposed rulemaking by January 14, 2004, to obtain State primary enforcement authority (primacy) for this rule. Public water systems must comply with the new requirements starting in January 2005.

The proposal was adopted by the Board at its meeting of May 21, 2003.

#### A. Effective Date

The proposed rulemaking will go into effect upon publication in the *Pennsylvania Bulletin* as a final-form rulemaking.

#### B. Contact Persons

For further information, contact Jeffrey A. Gordon, Chief, Division of Drinking Water Management, P. O. Box 8467, Rachel Carson State Office Building, Harrisburg, PA 17105-8467, (717) 772-4018; or Marylou Barton, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060.

Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available electronically through the Department of Environmental Protection's (Department) website (<http://www.dep.state.pa.us>).

#### C. Statutory Authority

The proposed rulemaking is being made under the authority of section 4 of the Pennsylvania Safe Drinking Water Act (35 P. S. § 721.4), which grants the Board the

authority to adopt rules and regulations governing the provision of drinking water to the public, and sections 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-7 and 510-20).

#### D. Background and Purpose

The Environmental Protection Agency (EPA) promulgated the Federal Interim Enhanced Surface Water Treatment Rule (IESWTR) on December 16, 1998, to control *Cryptosporidium* in public drinking water systems using surface water sources and serving 10,000 or more people. The Board amended Chapter 109 to include the EPA's IESWTR at its April 17, 2001, meeting. The EPA promulgated the LT1ESWTR on January 14, 2002, which extends most of the IESWTR's requirements to public drinking water systems using surface water sources and serving less than 10,000 people.

Briefly, the main provisions of the LT1ESWTR include: 2-log (99%) *Cryptosporidium* removal; strengthened combined filter effluent turbidity performance standards; requirements for individual filter turbidity monitoring for plants using conventional or direct filtration; and a provision on applicability monitoring, profiling and benchmarking to insure that microbial protection is not compromised as facility operators take the necessary steps to comply with new disinfection byproduct standards.

Other Federal rules promulgated in tandem with the LT1ESWTR—or within the next 2 years as a follow-up to the LT1ESWTR—are the Long Term 2 Enhanced Surface Water Treatment Rule (Long Term 2), Stage 2 Disinfectants and Disinfection Byproducts Rule and the Filter Backwash Recycling Rule. Long Term 2 will apply to all public water systems using surface water or GUDI sources. The Filter Backwash Recycling Rule applies to this same group, but only if they use conventional or direct filtration technologies. Through a staged approach, the Federal rules will continue to improve microbial protection while reducing health risks associated with disinfection byproducts.

*Cryptosporidium* is a common protozoan in the environment. Sources of *Cryptosporidium* oocysts include agricultural runoff and wastewater discharges. If a water system's treatment processes do not operate efficiently, oocysts may enter finished water at levels that pose health risks. Unlike other pathogens (disease-causing organisms) such as viruses and bacteria, *Cryptosporidium* oocysts are resistant to inactivation using standard disinfection practices. Until effective and practical disinfection methods are available, the successful control of *Cryptosporidium* is dependent on physical removal processes.

In humans, *Cryptosporidium* may cause a severe gastrointestinal infection, termed cryptosporidiosis, which can last several weeks. Cryptosporidiosis is a common protozoal infection that usually causes 7 to 14 days of diarrhea, a low-grade fever, nausea and abdominal cramps in individuals with healthy immune systems. There is currently no therapeutic cure for cryptosporidiosis, but the disease is self-limiting in healthy individuals. It does, however, pose serious health and mortality risks for sensitive subpopulations including children, the elderly, pregnant women, organ transplant recipients and persons with weakened immune systems, almost 20% of the population in the United States.

In 1993, *Cryptosporidium* caused over 400,000 people in Milwaukee to experience serious intestinal illness. More than 4,000 people were hospitalized and at least 50 deaths were attributed to the *Cryptosporidium* outbreak. Between 1984 and 1994, six of the ten documented waterborne outbreaks of cryptosporidiosis occurred in systems serving fewer than 10,000 people. These outbreaks have widespread health implications and cost families, businesses and local/state governments millions of dollars.

The State's 340 filter plants, and the regulations that govern them, provide important health protection for over 8 million residents in this Commonwealth and thousands of out-of-State visitors who receive some or all of their drinking water from filtered surface water suppliers. It is, therefore, in the best interest of this Commonwealth's public health protection and economic development goals to incorporate the LT1ESWTR into Chapter 109.

*"More Stringent Proposals" Presented to Advisory Committees*

In developing the proposed rulemaking, the Department identified two situations in which it wanted to establish requirements that were more stringent than the applicable Federal requirements. These two provisions are already in effect for the larger water systems, which must meet similar existing regulations. The Department presented two "more stringent proposals" to the Water Resources Advisory Committee and the Technical Assistance Center in a document called "Long Term 1 Enhanced Surface Water Treatment Rule—More Stringent Proposals." These issues, and the committees' responses, are as follows.

(1) Contained in 40 CFR 141.560 (relating to Is my system subject to individual filter turbidity requirements?) is a requirement for systems using conventional filtration or direct filtration to continuously monitor the turbidity for each individual filter at the water system. In 40 CFR 141.562 (relating to My system only has two or fewer filters is there any special provision regarding individual filter turbidity monitoring?), any of these systems with two or fewer filters may conduct continuous monitoring of the combined filter effluent turbidity instead of individual filter effluent turbidity monitoring. The Department proposes to require roughly 75 systems affected by 40 CFR 141.560 and 141.562 to monitor each filter even if their filtration plants have two or fewer filters. This proposed provision will be part of § 109.301(1)(iv) (relating to general monitoring requirements) and will allow water system operators to detect a poorly performing filter and thus prevent a waterborne disease outbreak. The majority of the 75 systems will incur no additional cost related to this provision, but a few could incur an additional cost of under \$4,000 for equipment to continuously monitor turbidity.

(2) Suppliers using conventional filtration or direct filtration are required under 40 CFR 141.563 (relating to What follow-up action is my system required to take based on continuous turbidity monitoring?) to report to the State when individual filter turbidities exceed 1.0 or 2.0 nephelometric turbidity units (NTU) and then undertake specific follow-up actions. This provision does not apply when individual filter turbidities exceed 0.5 NTU. The Department proposes to require all suppliers affected by 40 CFR 141.563 to similarly notify the Department if an individual filter exceeds 0.5 NTU. This proposed provision is part of § 109.301(1)(iv) and § 109.701(a)(2)(i) (relating to reporting and recordkeeping). Research has shown that when filter effluent turbidity ranges between

0.1 NTU and 0.3 NTU, *Cryptosporidium* presence was as much as 90% greater than when filter effluent turbidity was 0.1 NTU or less. Similarly, there is a significant difference between 0.5 NTU and 1.0 NTU with regards to the level of pathogens that may be passing through the filter. No additional cost is incurred by including the 0.5 NTU trigger.

The Department provided these proposals during the November committee meetings, both in a presentation format and in the previously referenced document. Neither committee expressed a disagreement with the issues or the rationale for the Department's proposals.

*E. Summary of Regulatory Requirements*

The proposed rulemaking reflects the new LT1ESWTR requirements and the two more stringent provisions described in Section D of this preamble. The LT1ESWTR extends most of the requirements of the Interim Enhanced Surface Water Treatment Rule final-form rulemaking published at 31 Pa.B. 3938 (July 21, 2001), which focused on large water systems, to similar systems serving less than 10,000 people.

1. Section 109.202(c)(1) (relating to State MCLs, MRDLs and treatment technique requirements) includes the requirement for 99% removal of *Cryptosporidium*. It extends the requirement for systems serving less than 10,000 people. This amendment reflects the Federal requirement in 40 CFR 141.73 (relating to filtration).

2. Section 109.202(c)(1)(i)(A)(IV) was added to incorporate the EPA's revised turbidity performance standards for conventional and direct filtration systems serving less than 10,000 people. This amendment reflects the Federal requirement in 40 CFR 141.551(a) and (b) (relating to What strengthened combined filter effluent turbidity limit must my system meet?).

3. Section 109.204 (relating to disinfection profiling and benchmarking) will incorporate the EPA's new disinfection profiling and benchmarking requirements for systems using surface water or GUDI sources and serving less than 10,000 people. The proposed amendment reflects the Federal requirement in 40 CFR 141.530—141.536, 141.540—141.544 and 141.570(c) and (d). New language will ensure that public water suppliers, which may have experienced a population change since promulgation of the IESWTR, now conduct the activities mandated by this section and as specified in 40 CFR 141.170(d) (relating to general requirements). The proposed amendment will require public water systems required to conduct disinfection profiling to keep records indefinitely, as reflected in 40 CFR 141.571 (relating to What records does Subpart T require my system to keep?), and submit the disinfection profiling and benchmark data to the Department by October 1, 2004, or April 1, 2005, depending on population served.

4. Section 109.301(1)(iv) was added, per 40 CFR 141.560, to incorporate the EPA's individual filter continuous monitoring requirements for systems using surface water or GUDI sources, employing conventional or direct filtration technologies and serving less than 10,000 people. This subparagraph also includes the EPA's requirements for turbidimeter calibration and continuous monitor failure procedures. This proposed amendment reflects 40 CFR 141.174(a) and (b) (relating to filtration sampling requirements). Also, § 109.301(1)(iv) is referenced in § 109.701(e) and § 109.714 (relating to filter profile, filter self-assessment and comprehensive performance evaluations). As a result, this subparagraph will apply the individual filter reporting requirements and the

requirements on filter profiles, filter self-assessments and comprehensive performance evaluations to systems using surface water or GUDI sources, employing conventional or direct filtration technologies and serving less than 10,000 people. These requirements are contained in 40 CFR 141.570 (relating to What does Subpart T require that my system report to the State?) and 40 CFR 141.571.

5. Section 109.301(1)(iv)(C) will be amended to ensure a public water supplier serving fewer than 10,000 persons has a maximum of 14 days following the failure of equipment to repair or replace the equipment, as reflected in 40 CFR 141.561 (relating to What happens if my system's turbidity monitoring equipment fails?).

6. Section 109.701(a)(2)(i)(A)(VI) was added to incorporate the EPA's new monthly turbidity reporting requirements for systems using surface water or GUDI sources and serving less than 10,000 people. This proposed amendment reflects 40 CFR 141.570.

7. Section 109.714(1) will exclude public water systems using surface water or GUDI sources and serving less than 10,000 people from having to produce a filter profile within 7 days of an individual filter exceedance if they cannot identify the reason for the exceedance. Unlike the requirements for large systems, 40 CFR 141.570(b) does not specify that the system must produce the profile. However, like the large systems, the small systems must adhere to the requirements for filter self-assessments. Likewise, comprehensive performance evaluations must be performed under certain conditions, but completion deadlines are extended an additional 30 days.

8. At public water systems using surface water or GUDI sources and serving less than 10,000 people, § 109.714(3)(iv) will incorporate the EPA's new reporting requirements for individual filter evaluations and follow-up requirements for comprehensive performance evaluations. This proposed amendment reflects 40 CFR 141.570(b) and the follow-up requirements in 40 CFR 141.563.

#### F. *Benefits, Costs and Compliance*

##### *Benefits*

About 537,000 residents in this Commonwealth who receive drinking water from the 200 affected filter plants will benefit from the proposed rulemaking. The implementation of the proposed rulemaking will significantly reduce the level of *Cryptosporidium* in finished drinking water supplies through improvements in filtration. The EPA has estimated that the National benefits of this rule range from \$18.9 to \$90.9 million per year (in 1999 dollars). This estimate is based on the value of an avoided case of cryptosporidiosis, which ranges from \$796 to \$1,411 per person. Through improved filtration performance, the rule is estimated to reduce the mean annual number of waterborne cryptosporidiosis in the Nation by 12,000 to 41,000 cases per year assuming individuals consume 1.2 liters of drinking water per day. In addition, the filtration provisions of the rule are expected to increase the level of protection from other pathogens like *Giardia lamblia* and waterborne bacterial or viral pathogens.

##### *Compliance Costs*

In this Commonwealth, about 537,000 residents and thousands of out-of-State visitors who receive their drinking water from the 200 affected filter plants will benefit from improved health protection under the proposed rulemaking. These public drinking water systems serve less than 10,000 people and use surface water or GUDI

sources. Traditionally, these smaller systems have required relatively more technical, financial and managerial assistance to implement new regulations. In the future, an additional 63 systems (serving 57,000 people) might be affected that presently use GUDI sources but are not currently filtered.

The turbidity provisions, which include treatment changes, monitoring and reporting requirements, account for the largest portion of the total rule costs. In projecting costs, the EPA estimates that Nationally the rule's turbidity provisions will cause 2,207 systems to modify their treatment, 2,327 will install turbidimeters and 5,817 will incur monitoring costs. Some systems might seek less costly alternatives, such as connecting into a larger regional water system. The EPA estimates that the annualized, Nationwide cost of the final rule will range from \$39.5 (at a 3% discount rate) to \$44.8 million (at a 7% discount rate). Approximately 84% (\$33.1 to \$38.2 million at the 3% and 7% discount rates, respectively) of the rule's total annual costs are imposed on drinking water utilities while states incur the remaining 16% (\$6.4 to \$6.6 million) of the annual costs. Total capital costs for the LT1ESWTR (nonannualized) is \$173.6 million across the country. Costs are based on 1999 dollars.

The EPA's estimates showed that of the approximately 11,000 small entities potentially affected by the LT1ESWTR, over 5,000 are expected to incur average annualized costs of less than \$70 (0.003% of average annual revenue) while slightly more than 3,000 are expected to incur average annualized costs of less than \$850 (0.03% of average annual revenue). Of the remaining systems, approximately 500 systems are expected to incur average annualized costs of approximately \$2,500 (0.1% of average annual revenue) and approximately 2,000 systems are expected to incur average annualized costs of approximately \$13,000 (0.6% of average annual revenue). Less than 100 systems are expected to incur average annualized costs of approximately \$15,700 (0.7% of average annual revenue).

Under the proposed LT1ESWTR amendments, customers of small public water systems may face increased costs in their drinking water bills. The increase will be limited because most surface water systems in this Commonwealth already meet the higher turbidity standards. The actual increase in water rates will depend upon a number of factors, including population served and the filtration technology in use. At the National level, the EPA estimates the mean annual cost per household is \$6.24 and the cost per household is less than \$15 for 90% of 6.3 million households potentially affected by the LT1ESWTR. Of the remaining households, 9% will experience a range of annual costs from \$15 to \$120 (\$10 per month), while only 1% of households are estimated to experience annual costs exceeding \$120.

##### *Compliance Assistance Plan*

The Safe Drinking Water Program works with the Pennsylvania Infrastructure Investment Authority to offer financial assistance to eligible public water systems. This assistance is in the form of a low-interest loan, with some augmenting grant funds for hardship cases. Eligibility is based upon factors such as public health impact, compliance necessity and project/operational affordability.

In addition, the Department has instituted a number of assistance programs, including the highly successful and Nationally recognized Filter Plant Performance Evaluation Program. More recently, the Department contracted with the Pennsylvania Section American Water Works

Association under the Partnership for Safe Water Program (Partnership). The Partnership promotes and supports filtered surface water suppliers who are committed to going beyond compliance. The Safe Drinking Water Program has also established a network of regional and central office training staff that is responsive to identifiable training needs. The target audience in need of training may be either program staff or the regulated community. As a result of the Department's advanced technical assistance programs, this Commonwealth's public water suppliers are well positioned to manage the risk and meet the more rigorous public health protection measures included in the LT1ESWTR.

*Paperwork Requirements*

The proposed rulemaking will require public water systems to monitor and report individual filter turbidity. Modifying the existing data reporting forms will easily facilitate this additional monitoring and reporting. In effect, little additional paperwork will be necessary.

*G. Sunset Review*

The proposed rulemaking will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

*H. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 15, 2003, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Environmental Resources and Energy Committees. In addition to submitting the proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if

IRRC has objections to any portion of the proposed rulemaking, it will notify the Department within 30 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed rulemaking to which an objection is made. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of objections raised.

*I. Public Comments*

*Written Comments*—Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17105-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by August 25, 2003. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by August 25, 2003. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final rulemaking will be considered.

*Electronic Comments*—Comments may be submitted electronically to the Board at RegComments@state.pa.us and must also be received by the Board by August 25, 2003. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

KATHLEEN A. MCGINTY,  
*Chairperson*

**Fiscal Note:** 7-384. (1) General Fund;

	<i>Environmental Protection Operations</i>	<i>Environmental Program Management</i>
(2) Implementing Year 2002-03 is	\$0	\$0
(3) 1st Succeeding Year 2003-04 is	\$19,700	\$4,300
2nd Succeeding Year 2004-05 is	\$19,700	\$4,300
3rd Succeeding Year 2005-06 is	\$19,700	\$4,300
4th Succeeding Year 2006-07 is	\$19,700	\$4,300
5th Succeeding Year 2007-08 is	\$19,700	\$4,300
	<i>Environmental Protection Operations</i>	<i>Environmental Program Management</i>
(4) 2001-02 Program—	\$75,074,000	\$43,354,000
2000-01 Program—	\$76,018,000	\$41,471,000
1999-00 Program—	\$71,402,000	\$40,200,000
(8) recommends adoption.		

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE II. WATER RESOURCES

CHAPTER 109. SAFE DRINKING WATER

Subchapter B. MCLS, MRDLS OR TREATMENT TECHNIQUE REQUIREMENTS

§ 109.202. State MCLs, MRDLs and treatment technique requirements.

\* \* \* \* \*

(c) Treatment technique requirements for pathogenic bacteria, viruses and protozoan cysts. A public water system shall provide adequate treatment to reliably protect users from the adverse health effects of microbiological contaminants, including pathogenic bacteria, viruses and protozoan cysts.

(1) A public water supplier shall provide, as a minimum, continuous filtration and disinfection for surface water and GUDI sources. The treatment technique shall provide at least 99.9% removal and inactivation of Giardia lamblia cysts, and at least 99.99% removal and inactivation of enteric viruses. Beginning January 1, 2002, public water suppliers serving 10,000 or more people shall provide at least 99% removal of Cryptosporidium oocysts. Beginning January 1, 2005, public water suppliers serving fewer than 10,000 people shall provide at least 99% removal of Cryptosporidium oocysts.

(i) The filtration process shall meet the following performance requirements:

(A) Conventional or direct filtration.

\* \* \* \* \*

(IV) Beginning January 1, 2005, for public water systems serving fewer than 10,000 persons, the filtered water turbidity shall meet the following criteria:

(-a-) Be less than or equal to 0.3 NTU in at least 95% of the measurements taken each month under § 109.301(1).

(-b-) Be less than or equal to 1 NTU at all times, measured under § 109.301(1).

\* \* \* \* \*

§ 109.204. Disinfection profiling and benchmarking.

(a) The disinfection profiling and benchmarking requirements, established by the EPA under the National Primary Drinking Water Regulations in 40 CFR 141.172 [ relating to disinfection profiling and benchmarking ], 141.530—141.536, 141.540—141.544 and 141.570(c) and (d) are incorporated by reference except as otherwise established by this chapter.

(b) Public water suppliers that did not conduct TTHM and HAA5 monitoring under this section

because they served fewer than 10,000 persons when the monitoring was required, but serve 10,000 or more persons before January 1, 2005, shall comply with this section. These suppliers shall also establish a disinfection benchmark and consult with the Department for approval. A supplier that decides to make a significant change to its disinfection practice, as described in this section, shall consult with the Department before making such a change.

(c) The public water supplier shall conduct disinfection profiling in accordance with the procedures and methods in the most current edition of the Disinfection Profiling and Benchmarking Guidance Manual published by the EPA. The results of the disinfection profiling and the benchmark, including raw data and analysis, shall be retained indefinitely on the water system premises or at a convenient location near the premises. [ The public ] Public water [ supplier ] suppliers serving 10,000 or more persons and required to conduct disinfection profiling shall submit the disinfection profiling data and the benchmark data to the Department by June 1, 2001, in a format acceptable to the Department. Public water suppliers serving 500 to 9,999 persons shall submit the disinfection profiling data to the Department by October 1, 2004. Public water suppliers serving less than 500 persons shall submit the disinfection profiling data to the Department by April 1, 2005, in a format acceptable to the Department.

Subchapter C. MONITORING REQUIREMENTS

§ 109.301. General monitoring requirements.

The monitoring requirements established by the EPA under the National Primary Drinking Water Regulations, 40 CFR Part 141 (relating to national primary drinking water regulations), as of December 8, 1984, are incorporated by reference. Public water suppliers shall monitor for compliance with MCLs and MRDLs in accordance with the requirements established in the National Primary Drinking Water Regulations, except as otherwise established by this chapter unless increased monitoring is required by the Department under § 109.302 (relating to special monitoring requirements). Alternative monitoring requirements may be established by the Department and may be implemented in lieu of monitoring requirements for a particular National Primary Drinking Water Regulation if the alternative monitoring requirements are in conformance with the Federal act and regulations. The monitoring requirements shall be applied as follows:

(1) Performance monitoring for filtration and disinfection. A public water supplier providing filtration and disinfection of surface water or GUDI sources shall conduct the performance monitoring requirements established by the EPA under the National Primary Drinking Water Regulations, unless increased monitoring is required by the Department under § 109.302.

\* \* \* \* \*

(iv) A public water supplier providing conventional filtration treatment or direct filtration and serving 10,000 or more people and using surface water or GUDI sources shall, beginning January 1, 2002, conduct continuous monitoring of turbidity for each individual filter using an approved method under the EPA regulation in 40 CFR 141.74(a) (relating to analytical and monitoring requirements) and record the results at least every 15 minutes. Beginning January 1, 2005, public water suppliers providing conventional or direct filtration and



servicing fewer than 10,000 people and using surface water or GUDI sources shall conduct continuous monitoring of turbidity for each individual filter using an approved method under the EPA regulation in 40 CFR 141.74(a) and record the results at least every 15 minutes.

\* \* \* \* \*

(C) A public water supplier **servicing 10,000 or more persons** has a maximum of 5 **working** days following the failure of the equipment to repair or replace the equipment. **A public water supplier servicing fewer than 10,000 persons has a maximum of 14 days following the failure of the equipment to repair or replace the equipment.**

\* \* \* \* \*

**Subchapter G. SYSTEM MANAGEMENT RESPONSIBILITIES**

**§ 109.701. Reporting and recordkeeping.**

(a) *Reporting requirements for public water systems.* Public water systems shall comply with the following requirements:

\* \* \* \* \*

(2) *Monthly reporting requirements for performance monitoring.*

(i) The test results of performance monitoring required under § 109.301(1) (relating to general monitoring requirements) for public water suppliers providing filtration and disinfection of surface water or GUDI sources shall include the following at a minimum:

(A) For turbidity performance monitoring:

\* \* \* \* \*

(V) **[ In lieu ]** Instead of clause (A)(III) and (IV), beginning January 1, 2002, for public water systems that serve 10,000 or more people and use conventional or direct filtration:

\* \* \* \* \*

(VI) **Instead of clause (A)(III) and (IV), beginning January 1, 2005, for public water systems that serve fewer than 10,000 persons and use conventional or direct filtration:**

**(-a-) The number of filtered water turbidity measurements that are less than or equal to 0.3 NTU.**

**(-b-) The date, time and values of any filtered water turbidity measurements exceeding 1 NTU.**

\* \* \* \* \*

**§ 109.714. Filter profile, filter self-assessment and comprehensive performance evaluations.**

Public water systems are required to perform or conduct a filter profile, filter self-assessment or CPE if any individual filter monitoring conducted under § 109.301(1)(iv) (relating to general monitoring requirements) demonstrates one or more of the conditions in paragraphs (1)—(3).

(1) If an individual filter demonstrates a condition under § 109.701(e)(2)(i) or (ii) (relating to reporting and recordkeeping), the public water system shall notify the Department within 24 hours of the individual filter turbidity level exceedance and shall report the obvious reason for the abnormal filter performance. If **[ the ]** a system **servicing 10,000 or more persons** is not able to identify the reason for the exceedance, the system shall produce a filter profile within 7 days of the exceedance and report to the Department that a filter profile was produced.

\* \* \* \* \*

(3) If an individual filter demonstrates a condition under § 109.701(e)(2)(iv), the public water system shall:

\* \* \* \* \*

**(iv) Instead of subparagraphs (ii) and (iii), for public water systems servicing fewer than 10,000 persons:**

**(A) Arrange for the conduction of a CPE by the Department no later than 60 days following the turbidity level exceedance.**

**(B) Ensure that the CPE is completed and submitted to the Department no later than 120 days following the turbidity level exceedance.**

**(C) A new CPE is not required if a CPE was completed by the Department within the previous 12 months, or the system and the Department are jointly participating in a program involving a combination of CPE results as the bases for implementing process control priority-setting techniques and maintaining long-term involvement to systematically train staff and administrators at the system.**

[Pa.B. Doc. No. 03-1443. Filed for public inspection July 25, 2003, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

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

#### Reorganization of the Liquor Control Board

The Executive Board approved a reorganization of the Liquor Control Board effective July 11, 2003.

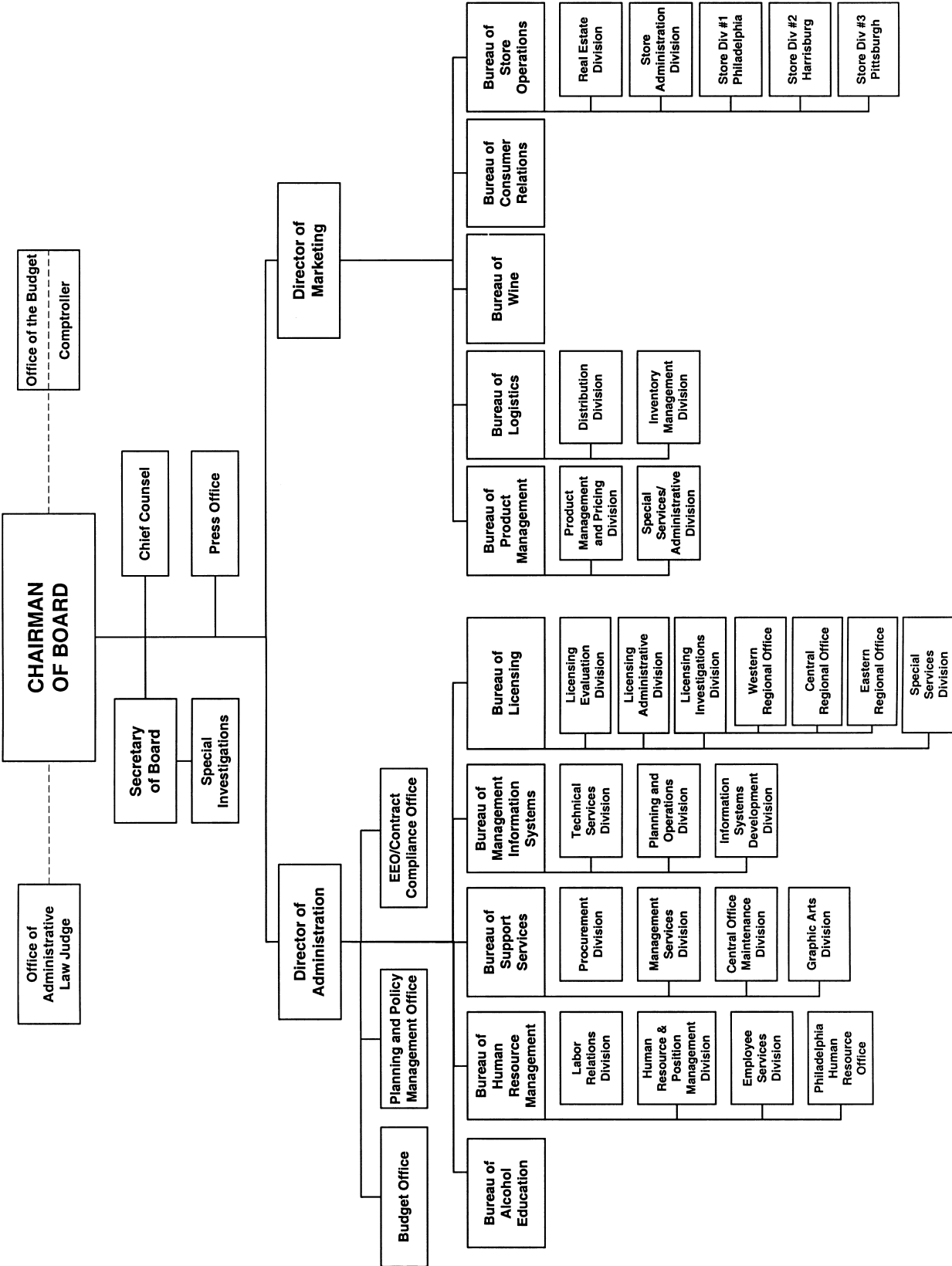
The organization chart at 33 Pa.B. 3616 (July 26, 2003) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

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

[Pa.B. Doc. No. 03-1444. Filed for public inspection July 25, 2003, 9:00 a.m.]

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**LIQUOR CONTROL BOARD**



# NOTICES

## 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 July 15, 2003.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
7-14-03	Univest Corporation of Pennsylvania, Souderton, to acquire 100% of the voting shares of Suburban Community Bank, Chalfont	Souderton	Filed

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-1-02	Brentwood Bank Bethel Park Allegheny County Purchase of certain assets/ assumption of certain liabilities of one branch office of Pittsburgh Savings Bank, Pittsburgh, located at: 5001 Library Road Bethel Park Allegheny County <i>Note:</i> Subject branch was closed by Pittsburgh Savings Bank as of October 19, 2002. No real estate was involved in this transaction.	Bethel Park	Effective
7-10-03	Atlantic Central Bankers Bank, Camp Hill, and ACB Bank, NJ, Carlstadt, NJ Surviving Institution— Atlantic Central Bankers Bank, Camp Hill	Camp Hill	Approved
7-14-03	Suburban Community Bank, Chalfont, and UNB Acquisition National Bank, Souderton Surviving Institution— Suburban Community Bank, Chalfont	Chalfont	Filed

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-2-03	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Roxborough ShopRite 6901 Ridge Avenue Philadelphia Philadelphia County	Opened

##### Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-10-03	Leesport Bank Wyomissing Berks County	101 North Main St. Shenandoah Schuylkill County	Approved
7-10-03	Leesport Bank Wyomissing Berks County	Route 309 Drums Luzerne County	Approved

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-10-03	Leesport Bank Wyomissing Berks County	140 Can-Do Exp. Hazleton Luzerne County	Approved
7-10-03	Leesport Bank Wyomissing Berks County	1 West Broad St. Hazleton Luzerne County (Drive-Up Facility)	Approved

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 03-1445. Filed for public inspection July 25, 2003, 9:00 a.m.]

**DEPARTMENT OF ENVIRONMENTAL PROTECTION****Applications, Actions and Special Notices****APPLICATIONS**

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

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

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

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 individual permits and individual stormwater construction permits in Sections IV and VI, the Department, based upon preliminary reviews, has made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the EPA Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on an NPDES application are invited to submit a statement to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final

determinations regarding the applications. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for a public hearing on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after any public hearings are held.

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

### I. NPDES Renewal Applications

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0057371	John and Loriane Burdsall 131 Appletree Road Media, PA 19063	Delaware County Upper Providence Township	Tributary to Ridley Creek 3G	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0051560 (IW)	Western Berks Water Authority 91 Water Road Sinking Spring, PA 19608-9633	Berks County Lower Heidelberg Township	Tulpehocken Creek 3C	
PA0080039 (SEW)	Carroll Valley Sewer and Water Authority P. O. Box 718 Fairfield, PA 17320	Adams County Carroll Valley Borough	Toms Creek 13C	

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0209716 Sewerage	State Police Barracks—Laporte P. O. Box 183 Laporte, PA 18626	LaPorte Township Sullivan County	UNT to Mill Creek 10B Loyalsock	Y
PA0024091 Sewerage	Millville Municipal Authority P. O. Box 30 Millville, PA 17846	Millville Borough Columbia County	Little Fishing Creek 5C	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0221091	ELCAM Tool & Die, Inc. Route 321 Wilcox, PA 15870	Jones Township Elk County	West Branch Clarion River 17-A	Y
PA0030031	Kebert Enterprises, Inc. Kebert Industrial Park P. O. Box 418 Meadville, PA 16335	Greenwood Township Crawford County	Unnamed tributary to Conneaut Outlet 16-D	Y

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

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

**PA0027031, Amendment No. 1, Sewage, Borough of West Chester, 401 East Gay Street, West Chester, PA 19380.** This application is for amendment of an NPDES permit to include stormwater outfalls of West Chester Borough's Goose Creek STP in West Goshen Township, **Chester County**. This is an existing discharge to Chester Creek (locally known as Goose Creek).

The receiving stream is classified for WWF, aquatic life, water supply and recreation. The nearest public water intake is for the Ingrams Mill Water Treatment Plant, more than 10 miles downstream.

The proposed effluent limits for Outfalls 002—005 based on an average rain event are as follows:

<i>Parameter</i>	<i>Maximum Daily (mg/l)</i>
CBOD <sub>5</sub>	Monitor and Report
COD	Monitor and Report
Total Suspended Solids	Monitor and Report
Total Kjeldahl Nitrogen	Monitor and Report
Total Phosphorus	Monitor and Report
Oil and Grease	Monitor and Report
pH (standard units)	Monitor and Report
Iron (Dissolved)	Monitor and Report
Fecal Coliform (no./100 ml)	Monitor and Report

Other Conditions: stormwater runoff management.

The EPA waiver is not in effect.

**PA0013463, Amendment No. 2, Industrial Waste, U. S. Steel Group, a Unit of U. S. S. Corporation—Fairless Works**, Fairless Hills, PA 19030. This application is for amendment of an NPDES permit to discharge treated process wastewater and boiler blowdown wastewater from Dominion facility to U. S. S. Fairless Works IWWTP in Falls Township, **Bucks County**. This is an existing discharge to Delaware River Estuary Zone 2. The amendment will include revised total suspended solids effluent limits at Outfall 003 (MP103) based on revised information submitted by the permittee. All other effluent limitations will remain unchanged.

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

The proposed effluent limits for Outfall 003, consist of treated process waste water, cooling waste water and treated sewage are as follows:

Tidal conditions at Outfall 003 make monitoring impossible. Therefore, contribution to Outfall 003 are monitored at monitoring points as follows:

<i>Monitoring Point</i>	<i>Description of Wastewater</i>
MP103	treated process wastewater from terminal treatment plant
MP203	treated sewage wastewater
MP303	cooling water and SWRO
MP404	treated process wastewater from finishing mill treatment plant

The proposed effluent limits for Monitoring Point MP103, treated process wastewater from terminal treatment plant during the period from issuance through startup of currently permitted production lines with similar product at full capacity, based on an average flow of 2.0 MGD are as follows:

<i>Parameter</i>	<i>Mass (lb/days)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	296	669	M/R	M/R	45
Total Suspended Solids *	596	1,422	M/R	M/R	36.5
TSS—(influent to TTP)			M/R	M/R	M/R
TSS—(boiler blowdown) *			M/R	M/R	M/R

\* These limits are effective upon operation of the SWEC facility (4.90 MGD flow).

The proposed effluent limits for Monitoring Point MP103, treated process wastewater from Terminal Treatment Plant during the period from startup of currently permitted production lines with similar product at full capacity lasting through expiration, based on 6.84 MGD are as follows.

<i>Parameter</i>	<i>Mass (lb/days)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	2,681	6,311	M/R	M/R	117
Total Suspended Solids *	2,981	7,064	M/R	M/R	92
TSS—(influent to TTP)			M/R	M/R	M/R
TSS*—(Boiler Blowdown) *			M/R	M/R	M/R

\* These limits are effective upon operation of SWEC Facility (9.74 MGD flow)

The EPA waiver in not in effect.

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

**PA0060780**, Sewage, **Leggett & Platt, Inc.**, 515 Salem Boulevard, Berwick, PA 18603. This proposed facility is in Salem, **Luzerne County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated sewage.

The receiving stream, unnamed tributary of the Susquehanna River, is in State Water Plan watershed no. 5D and is classified for CWF. The nearest downstream public water supply intake for the Danville Borough Authority is on the Susquehanna River, 27 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.021 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25.0	50.0
Total Suspended Solids	30.0	60.0
NH <sub>3</sub> -N (5-1 to 10-31)	15.0	30.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean	
(10-1 to 4-30)	2,000/100 ml as a geometric mean	
pH	6.0 to 9.0 standard units at all times	
Total Residual Chlorine	1.2	2.8

The EPA waiver is in effect.

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

**PA0247031**, CAFO, **Andy Young (Red Knob Farm)**, 322 Balance Meeting Road, Peach Bottom, PA 17563. Andy Young has submitted an application for an individual NPDES permit for an existing CAFO known as Red Knob Farm, Little Britain Township, **Lancaster County**.

The CAFO is situated near the Little Conowingo Creek in Watershed 7-K (HQ-CWF). The CAFO is designed to maintain an animal population of approximately 1,294.85 AEU's consisting of 810 cows and 490 heifers. The animals will be housed in two free stall barns. Manure is collected and stored in three storage lagoons. The total capacity of the manure storage facilities is 9.15 million gallons. A release or discharge to waters of this Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

The permit application and draft permit are on file at the Southcentral Regional Office of the Department. Individuals may make an appointment to review the files by calling the File Review Coordinator at (717) 705-4732.

Persons wishing to comment on the proposed permit are invited to submit written comments to the previous address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based.

Following the 30-day comment period, the 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 the determination may be appealed to the Environmental Hearing Board.

The EPA permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

**PA0030678**, Sewage, **Northern Bedford County School District**, 152 NBC Drive, Loysburg, PA 16659-9549. This facility is in South Woodbury Township, **Bedford County**.

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

The receiving stream, Yellow Creek, is in Watershed 11-D and is classified for HQ-CWF, water supply recreation and fish consumption. The nearest downstream public water supply intake for the Saxton Municipal Water Authority is on the Raystown Branch Juniata River, approximately 19 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0215 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Suspended Solids	30	60



<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
NH <sub>3</sub> -N (5-1 to 10-31)	3.5	7
(11-1 to 4-30)	10	20
Total Phosphorus	2	4
Total Residual Chlorine	0.5	1.64
Dissolved Oxygen	minimum of 5.0 at all times	
pH	from 6.0 to 9.0 inclusive	
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	

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.

**PA0037141**, Industrial Waste, SIC Code 0921, **Fish and Boat Commission (Huntsdale Fish Culture Station)**, 1225 Shiloh Road, State College, PA 16801-8495. This facility is in Penn Township, **Cumberland County**.

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

The receiving stream, Yellow Breeches Creek, is in Watershed 7-E and classified for HQ-CWF, water supply recreation and fish consumption. The nearest downstream public water supply intake for the United Water Company is on the Yellow Breeches, approximately 33.3 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 13.824 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>	<i>Instantaneous Maximum</i>
Interim CBOD <sub>5</sub>	403	806	3.5	7.0	8.7
Final CBOD <sub>5</sub>	288	576	2.5	5.0	6.2
Interim TSS	692	1,384	6.0	12	15
Final TSS	403	806	3.5	7.0	8.7
NH <sub>3</sub> -N	92	184	0.8	1.6	2.0
Total Phosphorus	230	460	2.0	4.0	5.0
Interim Formaldehyde	Monitor and Report				
Final Formaldehyde	80	160	0.70	1.40	1.75
PCBs	$2.1 \times 10^{-5}$	$4.2 \times 10^{-5}$	$1.86 \times 10^{-7}$	$3.72 \times 10^{-7}$	$4.65 \times 10^{-7}$
Chloramine-T	Monitor and Report				
Roccal II	Monitor and Report				
Hydrogen Peroxide	Monitor and Report				
Dissolved Oxygen	minimum 6.0 mg/l at all times				
pH (S. U.)	6.0 to 9.0 inclusive				

The proposed effluent limits for Outfall 001 based on a design flow of 11.232 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>	<i>Instantaneous Maximum</i>
Interim CBOD <sub>5</sub>	327	655	3.5	7.0	8.7
Final CBOD <sub>5</sub>	234	468	2.5	5.0	6.2
Interim TSS	562	1,124	6.0	12	15
Final TSS	327	655	3.5	7.0	8.7
NH <sub>3</sub> -N	75	150	0.8	1.6	2.0
Total Phosphorus	187	374	2.0	4.0	5.0
Interim Formaldehyde	Monitor and Report				
Final Formaldehyde	65	131	0.70	1.40	1.75
PCBs	$2.0 \times 10^{-5}$	$4.0 \times 10^{-5}$	$2.18 \times 10^{-7}$	$4.36 \times 10^{-7}$	$5.45 \times 10^{-7}$
Chloramine-T	Monitor and Report				
Roccal II	Monitor and Report				
Hydrogen Peroxide	Monitor and Report				
Dissolved Oxygen	minimum 6.0 mg/l at all times				
pH (S. U.)	6.0 to 9.0 inclusive				

The proposed effluent limits for Outfall 001 based on a design flow of 12.384 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>	<i>Instantaneous Maximum</i>
Interim CBOD <sub>5</sub>	361	723	3.5	7.0	8.7
Final CBOD <sub>5</sub>	258	516	2.5	5.0	6.2
Interim TSS	620	1,240	6.0	12	15
Final TSS	361	723	3.5	7.0	8.7
NH <sub>3</sub> -N	82	165	0.8	1.6	2.0
Total Phosphorus	206	412	2.0	4.0	5.0
Interim Formaldehyde			Monitor and Report		
Final Formaldehyde	72	144	0.70	1.40	1.75
PCBs	$2.0 \times 10^{-5}$	$4.1 \times 10^{-5}$	$2.02 \times 10^{-7}$	$4.04 \times 10^{-7}$	$5.05 \times 10^{-7}$
Chloramine-T			Monitor and Report		
Roccal II			Monitor and Report		
Hydrogen Peroxide			Monitor and Report		
Dissolved Oxygen			minimum 6.0 mg/l at all times		
pH (S. U.)			6.0 to 9.0 inclusive		

The proposed effluent limits for Outfall 002 based on a design flow of 0.432 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>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	18	36	5.0	10	12.5
TSS	22	44	6.0	12	15
NH <sub>3</sub> -N	3.2	6.4	0.9	1.8	2.25
Total Phosphorus	7.0	14	2.0	4.0	5.0
Chloramine-T			report usage on chemical reporting forms		
Roccal II			report usage on chemical reporting forms		
Hydrogen Peroxide			report usage on chemical reporting forms		
Formaldehyde			report usage on chemical reporting forms		
Dissolved Oxygen			minimum 6.0 mg/l at all times		
pH (S. U.)			6.0 to 9.0 inclusive		

The proposed effluent limits for Outfall 003 based on a design flow of 0.001 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	20		40
Total Suspended Solids	20		40
Total Phosphorus	2.0		4.0
Total Residual Chlorine	Monitor and Report		Monitor and Report
pH	from 6.0 to 9.0 inclusive		
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		

In addition to the effluent limits, the permit contains the following major special conditions:

A. Part C requirements for toxics are briefly listed as:

1. Water quality based effluent goals for PCBs.
2. Requirements to submit the first phase of a toxics reduction evaluation within 18 months of permit issuance.
3. Conditions for future permit modifications.
4. Procedures for granting time extensions to achieve final water quality based effluent limitations.
5. Procedures for demonstrating alternative site-specific bioassay based effluent limitations.
6. Procedures for demonstrating alternative method detection limits.

B. Three-year compliance schedule for conventional pollutants.

C. Biological monitoring for PCBs.

D. Conduct and report results of acute toxicity testing of Chloramine-T, Diquat, hydrogen peroxide and Roccal II within 1 year of permit effective date.

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.

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

**PA0023141**, Sewage, **Hastings Area Sewer Authority**, 207-1 Fifth Avenue, P. O. Box 559, Hastings, PA 16646-0559. This application is for renewal of an NPDES permit to discharge treated sewage from Hastings Area Sewer Authority Sewage Treatment Plant in Elder Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Brubaker Run, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Keystone Water Company on the West Branch Susquehanna River.

*Outfall 001*: existing discharge, design flow of 0.6 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	5.0	7.5		10.0
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			
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0028258**, Sewage, **Ohiopyle Borough**, Box 83, Ohiopyle, PA 15470. This application is for renewal of an NPDES permit to discharge treated sewage from Ohiopyle Borough STP in Ohiopyle Borough, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Meadow 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 Ohiopyle Municipal Water Works.

*Outfall 001*: existing discharge, design flow of 0.03 mgd.

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

The EPA waiver is in effect.

**PA0090689**, Sewage, **Maple Creek Mining, Inc.**, 981 Route 917, Bentleyville, PA 15314. This application is for renewal of an NPDES permit to discharge treated sewage from Maple Creek Mine, Spinner STP in Fallowfield Township, **Washington County**.

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

*Outfall 001*: existing discharge, design flow of 0.02 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	4			8
(11-1 to 4-30)	12			24

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	4,000/100 ml as a geometric mean			
Total Residual Chlorine	0.7			1.6
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0096121**, Sewage, **McGuffey School District**, P. O. Box 431, Claysville, PA 15323. This application is for renewal of an NPDES permit to discharge treated sewage from Joe Walker Elementary School Sewage Treatment Plant in South Franklin Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Chartiers Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Western Pennsylvania Water Company.

*Outfall 001*: existing discharge, design flow of 0.0045 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10			20
Suspended Solids	25			50
Ammonia Nitrogen (5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
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	0.1			0.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0096989**, Sewage, **Kuntz Associates, Inc.**, 4146 Rt. 217 Highway North, Blairsville, PA 15717-5069. This application is for issuance of an NPDES permit to discharge treated sewage from the Sylvan Acres Sewage Treatment Plant in Armstrong Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Curry Run, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Buffalo Township Municipal Authority.

*Outfall 001*: existing discharge, design flow of 0.025 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	5			10
(11-1 to 4-30)	14			28
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 (1st Month to 36th Month)	Monitor and Report			
(37th Month to Expiration)	0.6			1.4
Dissolved Oxygen	not less than 4 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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


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

**WQM Permit No. 4003402**, Sewerage, **Johnson's Home for the Aged**, R. R. 2, Box 72, Wapwallopen, PA 18660. This proposed facility is in Hollenback Township, **Luzerne County**.

Description of Proposed Action/Activity: This project is for the construction of a small flow sewage treatment facility to serve a home for the aged which will generate a sewerage flow of approximately 2,000 GPD. The system is to replace the present onlot system that is malfunctioning.

**WQM Permit No. 6403402**, **Waymart Area Authority, Rear Railroad Lane**, P. O. Box 3300, Waymart, PA 18472-0224. This proposed facility is in Canaan Township, **Wayne County**.

Description of Proposed Action/Activity: The Waymart Area Authority is proposing a pump station upgrade to convey sewage generated from the State Correctional Institute at Waymart to the Waymart Wastewater Treatment Plant for treatment and disposal.

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

**WQM Permit No. 2103403**, Sewerage, **Harold E. Weaver, Jr.**, 201 Bulls Head Road, Newville, PA 17241. This proposed facility is in North Newton Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction of a small flow treatment system to serve their single family residence.

**WQM Permit No. 3603205**, CAFO Operation, **Thomas Frey, Frey Dairy Farms, Inc.**, 2646 River Road, Conestoga, PA 17516. This proposed facility is in Manor Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction of new manure storage facility.

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

**WQM Permit No. 1903403**, Sewerage, SIC 4952, **John Mihalik**, 2177 Ikeler Road, Millville, PA. This proposed facility will be in Mt. Pleasant Township, **Columbia County**.

Description of Proposed Action/Activity: Construct and operate a small flow treatment facility to serve a single residence. Discharge will be to an unnamed tributary to Little Fishing Creek (CWF).

**WQM Permit No. 1403402**, Sewerage, SIC 4952, **William Woodward**, 220 Woodward Lane, Port Matilda, PA 16870. This proposed facility is in Worth Township, **Centre County**.

Description of Proposed Action/Activity: Application for construction of single residence sewage treatment system.

**WQM Permit No. 1703404**, Sewerage, SIC 4952, **Westover Borough**, P. O. Box 199, Westover, PA 16692-0199. This proposed facility is in Westover Borough, **Clearfield County**.

Description of Proposed Action/Activity: Construction of 0.051 MGD wastewater treatment plant, approximately 21,000 feet of gravity sewer, 550 feet of force main, two grinder pumps and one wastewater pumping station.

**WQM Permit No. 5903401**, Sewerage, SIC 4952, **Nelson Township Authority**, P. O. Box 100, Nelson, PA 16940. This proposed facility is in Nelson Township, **Tioga County**.

Description of Proposed Action/Activity: Applicant is requesting a Water Quality Management Part II Permit for construction of a wastewater collection system for the Route 49 corridor area and upgrade and renovations to the wastewater treatment plant.

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

**WQM Permit No. 463S81-A3**, Sewerage, **Mount Pleasant Borough**, Etze Avenue, Mount Pleasant, PA 15666. This proposed facility is in Mount Pleasant Borough, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the construction and modification of the Mount Pleasant Sewerage Treatment Plant.

**WQM Permit No. 0203405**, Sewerage, **Pamela D. Spears**, 92 Olive Circle, Marietta, GA 30060. This proposed facility is in Lincoln Borough, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and operation of a single residence sewerage treatment plant to the spears residence.

**WQM Permit No. 6303403**, Sewerage, **Eighty-Four Mining Company**, 172 Route 519 South, Eighty Four, PA 15330. This proposed facility is in Amwell Township, **Washington County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sewerage treatment plant to serve the Mine 84 Hallam Portal Facility.

**WQM Permit No. 6573448-A6**, Sewerage, **North Huntingdon Township Municipal Authority**, 11265 Center Highway, North Huntingdon, PA 15642. This proposed facility is in North Huntingdon Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the construction and modification of the Youghiogheny Wastewater Treatment Plant.

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

**WQM Permit No. 2503420**, Sewerage, **David Quick**, 8832 Wattsburg Road, Erie, PA 16509. This proposed facility is in Greene Township, **Erie County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

**WQM Permit No. 3303402**, Sewerage, **Mark E. Gilmore**, 7245 W. Market St., Mercer, PA 16137. This proposed facility is in Jefferson Township, **Mercer County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

**WQM Permit No. 2003420**, Sewerage, **Kenneth J. Deane**, 22487 Hobbs Road, Meadville, PA 16335. This proposed facility is in West Mead Township, **Crawford County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

**WQM Permit No. 6203412**, Sewerage, **Willard Foley**, 403 Quaker Hill Road, Warren, PA 16365. This proposed facility is in Glade Township, **Warren County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

**WQM Permit No. 2703401**, Sewerage, **Jenks Township**, 2 Pine Street, Box 436, Marienville, PA 16239. This proposed facility is in Jenks Township, **Forest County**.

Description of Proposed Action/Activity: This project is for a sewer extension, gravity sewers, force main and necessary appurtenances to serve the new prison, 40 homes and the VFW along SR 0066.

**WQM Permit No. 2503418**, Sewerage, **Waterford Municipal Authority**, 224 East Third Street, P. O. Box 49, Waterford, PA 16441. This proposed facility is in Waterford Borough, **Erie County**.

Description of Proposed Action/Activity: This project is for the modification to an existing sewage treatment facility to include the replacement of chlorine disinfection with UV equipment as well as a conversion from anaerobic digestion to an aerobic process.

#### **IV. NPDES Applications for Stormwater Discharges from MS4**

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG133690	Marysville Borough 200 Overcast Road Marysville, PA 17053	Perry	Marysville Borough	Fishing Creek CWF	Y

#### **V. Applications for NPDES Waiver Stormwater Discharges from MS4**

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG133690	Marysville Borough 200 Overcast Road Marysville, PA 17053	Perry	Marysville Borough	Fishing Creek CWF	Y

*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>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG138308	Lawrence County 430 Court Street New Castle, PA 16101	Lawrence	Shenango River, Upper Ohio River and Beaver River	Y

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

*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>
PAI01153067	LTK Associates, LP Tim Townes Restaurant Site 55 Country Club Drive Downingtown, PA 19335	Chester	Uwchlan Township	Unnamed tributary Shamona Creek HQ-TSF-MF

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011503068	Pennsylvania Suburban Water Company Overlook Road Farm 762 Lancaster Pike Bryn Mawr, PA 19010	Chester	East Brandywine Township	Unnamed tributary Culbertson Run HQ-TSF-MF
PAI011503069	Eadeh Family, LP Eadeh Development 111 East Lancaster Avenue Devon, PA 19333	Chester	East Whiteland Township	Valley Creek EV
PAI011503070	The Bentley Communities, LP Valley Park Subdivision 1595 Paoli Pike, Suite 202 West Chester, PA 19380-6167	Chester	Schuylkill Township	Pickering Creek HQ-TSF
PAS10J004-R	Naaman's Creek Center 342 Willowbrook Lane West Chester, PA 19382	Delaware	Upper Chichester Township	East Branch Naaman's Creek WWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023903021	Joseph Trinkle 1510 Valley Center Parkway Allentown, PA 18017	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030703001	Rails-to-Trails of Central Pennsylvania P. O. Box 592 Hollidaysburg, PA 16648	Blair	Williamsburg Borough Woodbury and Frankstown Townships	Frankstown Branch Juniata River WW
PAI030703002	Paul and DeAnne Yohn P. O. Box 951 Altoona, PA 16603	Blair	Frankstown Township	Unnamed tributary to Canoe Creek HQ-CWF

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

*Somerset County Conservation District: 1590 North Center Ave., Suite 103, Somerset, PA 15501-7000, (814) 445-4652.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055603002	Texas Eastern Transmission, LP 5400 Westheimer Court Houston, TX 77056	Somerset	Brothersvalley and Allegheny Townships	Millers Run CWF Hillegas Run HQ-CWF Reitz Creek CWF Raystown Branch of the Juniata River CWF Tributaries, Stonycreek River and tributaries CWF

*Westmoreland County Conservation District: 211 Donohoe Road, Greensburg, PA 15601-9217, (814) 445-4652.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056503002	THF Greengate Development, LP 2127 Innerbelt Business Center Suite 200 St. Louis, MO 63114	Somerset	Hempfield Township	Turtle Creek TSF

*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>
PAI084203004	Tom Frungillo Bradford Regional Airport 212 Airport Road, Suite E Lewis Run, PA 16738	McKean	Lafayette Township	East Branch Tunungwant Creek HQ-CWF

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

**MS4 Notices of Intent Received**

*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>	<i>Department Protocol (Y/N)</i>
PAG138315	Girard Township 10140 Ridge Road Girard, PA 16417	Erie	Girard Township	Lake Erie and Elk Creek	Y

**PUBLIC WATER SUPPLY (PWS) PERMIT**

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

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. 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 that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office

listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**SAFE DRINKING WATER**

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

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

**Application No. 4503504, Public Water Supply.**

<b>Applicant</b>	<b>Pennsylvania American Water</b>
<b>Township or Borough</b>	Middle Smithfield Township
<b>Responsible Official</b>	John J. Yamona Water Quality Superintendent Pennsylvania American Water Company 100 North Pennsylvania Avenue Wilkes-Barre, PA 18701
<b>Type of Facility</b>	PWS
<b>Consulting Engineer</b>	William Malos, P. E. Pennsylvania American Water Company 100 North Pennsylvania Avenue Wilkes-Barre, PA 18701
<b>Application Received Date</b>	June 30, 2003



Description of Action This major permit amendment request is for the sequestration of iron and manganese at the Pennsylvania American Water—Mid-Monroe Well No. 1 Treatment Station. This request serves as a follow-up to an emergency permit issued on January 3, 2003.

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

**Application No. Minor Amendment-T1—Operation.** Public Water Supply.

Applicant **Dushore Water Authority**  
P. O. Box 248  
Dushore, PA 18614-0248

Borough Dushore Borough, **Sullivan County**

Responsible Official Scot C. Sample  
Superintendent of Public Works  
Dushore Water Authority  
P. O. Box 248  
Dushore, PA 18614-0248

Type of Facility PWS

Application Received Date July 2, 2003

Description of Action Transfer of permit from Dushore Borough to Dushore Water Authority, Tank No. 1, 218,000-gallon storage tank and 4-inch DI line.

**Application No. Minor Amendment-T1—Operation.** Public Water Supply.

Applicant **Dushore Water Authority**  
P. O. Box 248  
Dushore, PA 18614-0248

Borough Dushore Borough, **Sullivan County**

Responsible Official Scot C. Sample  
Superintendent of Public Works  
Dushore Water Authority  
P. O. Box 248  
Dushore, PA 18614-0248

Type of Facility PWS

Application Received Date July 2, 2003

Description of Action Transfer of permit from Dushore Borough to Dushore Water Authority, 2,200 feet of 8-inch pipe along German and Water Streets.

**Application No. 5783501-T1—Operation.** Public Water Supply.

Applicant **Dushore Water Authority**  
P. O. Box 248  
Dushore, PA 18614-0248

Borough Dushore Borough, **Sullivan County**

Responsible Official Scot C. Sample  
Superintendent of Public Works  
Dushore Water Authority  
P. O. Box 248  
Dushore, PA 18614-0248

Type of Facility PWS

Application Received Date July 2, 2003

Description of Action Transfer of permit from Dushore Borough to Dushore Water Authority, gas chlorination facility near old reservoir (no longer permitted).

**Application No. 5769501-T1—Operation.** Public Water Supply.

Applicant **Dushore Water Authority**  
P. O. Box 248  
Dushore, PA 18614-0248

Borough Dushore Borough, **Sullivan County**

Responsible Official Scot C. Sample  
Superintendent of Public Works  
Dushore Water Authority  
P. O. Box 248  
Dushore, PA 18614-0248

Type of Facility PWS

Application Received Date July 2, 2003

Description of Action Transfer of permit from Dushore Borough to Dushore Water Authority, Wells No. 5 and No. 6.

**Application No. 265-W-008-T1—Operation.** Public Water Supply.

Applicant **Dushore Water Authority**  
P. O. Box 248  
Dushore, PA 18614-0248

Borough Dushore Borough, **Sullivan County**

Responsible Official Scot C. Sample  
Superintendent of Public Works  
Dushore Water Authority  
P. O. Box 248  
Dushore, PA 18614-0248

Type of Facility PWS

Application Received Date July 2, 2003

Description of Action Transfer of permit from Dushore Borough to Dushore Water Authority, Well No. 4.

**Application No. 4930-T1—Operation.** Public Water Supply.

Applicant **Dushore Water Authority**  
P. O. Box 248  
Dushore, PA 18614-0248

Borough Dushore Borough, **Sullivan County**

Responsible Official Scot C. Sample  
 Superintendent of Public Works  
 Dushore Water Authority  
 P. O. Box 248  
 Dushore, PA 18614-0248

Type of Facility PWS

Application Received Date July 2, 2003

Description of Action Transfer of permit from Dushore Borough to Dushore Water Authority, Well No. 2.

**Application No. 2414-T1—Operation.** Public Water Supply.

Applicant **Dushore Water Authority**  
 P. O. Box 248  
 Dushore, PA 18614-0248

Borough Dushore Borough, **Sullivan County**

Responsible Official Scot C. Sample  
 Superintendent of Public Works  
 Dushore Water Authority  
 P. O. Box 248  
 Dushore, PA 18614-0248

Type of Facility PWS

Application Received Date July 2, 2003

Description of Action Transfer of permit from Dushore Borough to Dushore Water Authority, original distribution system.

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

**Permit No. 2603502,** Public Water Supply.

Applicant **Seven Springs Municipal Authority**  
 290 Lagoon Lane  
 Champion, PA 15622

Township or Borough Saltlick Township

Responsible Official Sarah Eutsey, Authority Manager  
 Seven Springs Municipal Authority  
 290 Lagoon Lane  
 Champion, PA 15622

Type of Facility WTP

Consulting Engineer Widmer Engineering Inc.  
 225 West Crawford Avenue  
 Connellsville, PA 15425

Application Received Date July 3, 2003

Description of Action Installation of a water filtration system for the Authority's Trout Run No. 4 spring source. A full scale Pilot Plant Filtration study will also be a part of the project. Installation of turbidity and flow monitoring equipment will also occur.

**Permit No. 0203503,** Public Water Supply.

Applicant **Pennsylvania American Water Company**  
 P. O. Box 1290  
 300 Galley Road  
 McMurray, PA 15317

Township or Borough North Fayette Township

Responsible Official Theodore Hildabrand, Operations Superintendent  
 Pennsylvania American Water Company  
 P. O. Box 1290  
 300 Galley Road  
 McMurray, PA 15317

Type of Facility Booster pumping station, interconnections

Consulting Engineer Gwin, Dobson, Foreman  
 3121 Fairway Drive  
 Altoona, PA 16602

Application Received Date June 27, 2003

Description of Action Pinkerton Road booster station, interconnection along Pinkerton Road and interconnection at McVey and Willow Streets at the South/North Fayette Townships boundary line.

**Permit No. 0203504,** Public Water Supply.

Applicant **Pennsylvania American Water Company**  
 P. O. Box 1290  
 300 Galley Road  
 McMurray, PA 15317

Township or Borough Robinson Township

Responsible Official Theodore Hildabrand, Operations Superintendent  
 Pennsylvania American Water Company  
 P. O. Box 1290  
 300 Galley Road  
 McMurray, PA 15317

Type of Facility Booster pumping station, interconnection

Consulting Engineer Gwin, Dobson, Foreman  
 3121 Fairway Drive  
 Altoona, PA 16602

Application Received Date June 27, 2003

Description of Action Beech Hollow booster station and interconnection along Route 980 at the Robinson Township, Washington County and North Fayette Township, Allegheny County boundary line.

**Permit No. 0203505,** Public Water Supply.

Applicant **Pennsylvania American Water Company**  
 P. O. Box 1290  
 300 Galley Road  
 McMurray, PA 15317

Township or Borough Borough of Thornburg

Responsible Official Theodore Hildabrand, Operations Superintendent  
Pennsylvania American Water Company  
P. O. Box 1290  
300 Galley Road  
McMurray, PA 15317

Type of Facility Booster pumping station

Consulting Engineer Gwin, Dobson, Foreman  
3121 Fairway Drive  
Altoona, PA 16602

Application Received June 27, 2003  
Date

Description of Action Thornburg booster station.

#### MINOR AMENDMENT

#### Applications Received under the Pennsylvania Safe Drinking Water Act

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

##### Application No. 8589-A2, Minor Amendment.

Applicant **Hampton Township Municipal Authority**  
P. O. Box 66  
3101 McCully Road  
Allison Park, PA 15101

Township or Borough Hampton Township

Responsible Official Samuel Scarfone, Manager  
Hampton Township Municipal Authority  
P. O. Box 66  
3101 McCully Road  
Allison Park, PA 15101

Type of Facility Water storage tank

Consulting Engineer Nichols & Slagle Engineering, Inc.  
333 Rouser Road  
Airport Office Park Building 4  
Suite 600  
Moon Township, PA 15108

Application Received July 3, 2003  
Date

Description of Action Power washing exterior and abrasive blasting the interior; then repainting the interior and exterior of the Wildwood Tank No. 2.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 1

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

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

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

**Riverbend Site, Warwick Township, Bucks County.** Joe Casey, P. G., Mignatti Companies, 2310 Terwood Dr., P. O. Box 249, Huntingdon Valley, PA 19006-0249, has submitted a Notice of Intent to Remediate soils contaminated with lead and PCB. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bucks County Intelligencer* on June 18, 2003.

**South Philadelphia Shopping Center, City of Philadelphia, Philadelphia County.** Darryl Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of SPSP Corp., William

Frutkin, V. P., 44 W. Lancaster Ave., Ardmore, PA 19003, has submitted a Notice of Intent to Remediate soils and groundwater contaminated with chlorinated solvents. The applicant proposes to remediate the site to meet Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on June 23, 2003.

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

**Dayton Parts, LLC**, Harrisburg City, **Dauphin County**. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of Dayton Parts, LLC, submitted a Notice of Intent to Remediate site soils contaminated with chlorinated solvents, fuel oil no. 2, 4, 5 and 6, inorganics, lead, other organics and PAH and groundwater contaminated with chlorinated solvents and inorganics. The applicant proposes to remediate the site to meet the Site-Specific and Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Patriot-News* on June 25, 2003.

**Capital City Airport, Area 9 Terminal Building**, Fairview Township, **York County**. Arc Environmental, Inc., 7118 Reynolds Mill Road, Seven Valleys, PA 17360, on behalf of Susquehanna Area Regional Airport Authority, 513 Airport Drive, Middletown, PA 17057, 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. A summary of the Notice of Intent to Remediate was reported to have been published in the *Harrisburg Sunday Patriot-News* in June 2003.

**New Holland North American Inc., Cooling Tower Area**, New Holland Borough, **Lancaster County**. CNH Global N. V., 700 State Street, Racine, WI 53404, submitted a Notice of Intent to Remediate site soils contaminated with chromium. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Intelligencer Journal-New Era* on June 6, 2003.

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

**Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.**

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

**Permit Application No. 100148. Waste Management Disposal Services of Pennsylvania, Inc.**, 1121 Bordentown Rd., Morrisville, PA 19067, Falls Township, **Bucks County**. Application was received for the renewal of portions of the current 80-acre eastern expansion area of GROWS Landfill. The application was received by the Southeast Regional Office on July 3, 2003.

**Permit Application No. 400558. Montenay Montgomery Ltd. Partnership**, 1155 Conshohocken Rd., Conshohocken, PA 19428, Plymouth Township, **Montgomery County**. The application was received for the renewal application for the Montgomery County Resource

Recovery Facility. The application was received by the Southeast Regional Office on July 10, 2003.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

#### PLAN APPROVALS

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

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

**05-05023B: New Enterprise Stone and Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664) for use of waste derived liquid fuel at the existing batch asphalt plant at their Ashcom Quarry in Snake Spring Township, **Bedford County**. This source is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

**21-05047: Naval Support Activity** (5450 Carlisle Pike, Mechanicsburg, PA 17055) for operation of a paint booth and two emergency generators in Hamden Township, **Cumberland County**.

**22-05046B: Haines and Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474) for addition of waste derived liquid fuel as a back-up fuel at their Handwerk Materials Asphalt plant in Lower Swatara Township, **Dauphin County**. The facility is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

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

**8-310-004: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) for construction of a sand and gravel processing plant in Canton Township, **Bradford County**. This plant is subject to Subpart OOO of the Federal Standards of Performance for New Stationary Sources.

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

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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.*

**15-0090A: National Service Industries** (303 Eagleview Boulevard, Exton, PA 19341) for installation of a state-of-the-art flexographic printing press (Cerutti) at their Atlantic Envelope Company facility in Uwchlan Township, **Chester County**. This facility is a non-Title V facility. The Cerutti printing press will utilize water-based inks to minimize emissions of VOCs and HAPs. VOC emissions will be less than 8 tons per year. HAP emissions will be less than 1 ton per year. The Plan Approval will contain recordkeeping and further operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

**06-05061: Cambridge-Lee Industries, Inc.** (P. O. Box 14026, Reading, PA 19612-4026) for construction of two natural gas fired billet furnaces controlled by low NOx burners at their facility in Ontelaunee Township, **Berks County**. The plan approval will include monitoring, recordkeeping, work practices and reporting requirements designed to keep the source operating within all applicable air quality requirements. The facility is presently covered by Title V Operating Permit No. 06-05061. The plan approval will be incorporated into this permit in accordance with 25 Pa. Code § 127.450.

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

**17-305-047: Forcey Coal, Inc.** (P. O. Box 225, Madera, PA 16661) for modification of a coal crushing, screening and loading facility in Bigler Township, **Clearfield County** by increasing the facility throughput to a level which exceeds the plan approval exemption criteria of 200 tons per day.

The respective facility consists of a vibrating feeder, a rotary breaker, three screens, two diesel engines, one gasoline engine and associated conveyors, stockpiles and front end loaders. Air contaminant emission control will be provided by an enclosure on the rotary breaker, the use of a water truck and the implementation of various work practices (truck tarping, and the like). If the air contaminant emission control equipment and work practices are used/implemented as proposed, the resultant fugitive particulate matter emissions from the facility are expected to be minimal.

The Department's review of the information contained in the application indicates that the modified coal crushing, screening and loading facility will comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12 and the requirements of Subpart Y of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.250—60.254. Based on this finding, the Department intends to approve the application and issue plan approval for the respective modification.

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

1. No more than 200,000 tons of coal shall be processed in any 12 consecutive month period.
2. The rotary breaker shall be enclosed except for the feed and discharge openings.
3. A water truck equipped with a pressurized spray bar and a pressurized nozzle or hose connection shall be kept onsite at all times and shall be used, as needed, for the control of fugitive dust from plant roadways and stockpile areas.
4. All trucks entering or exiting the facility via a public roadway shall be tarped unless empty.
5. Maximum speed limits of 5 mph for front end loaders and 10 mph for trucks shall be established and enforced.
6. The front end loader bucket-to-truck and bucket-to-railcar free fall height shall be kept to a minimum during all coal loading.
7. Screens 2 and 3 shall not process more than 20,000 tons of coal (each) in any 12 consecutive month period.
8. The 238 horsepower Detroit model 6-71 diesel engine shall not be operated more than 200 hours in any 12 consecutive month period.
9. The NOx and CO emissions from the 238 horsepower Detroit model 6-71 diesel engine shall not exceed 14.1 grams per brake horsepower-hour and 3.03 grams per brake horsepower-hour, respectively.
10. The visible air contaminant emissions from the three engines shall not be equal to or greater than 10%

opacity for a period or periods aggregating more than 3 minutes in any 1 hour or equal to or greater than 30% at any time.

11. Records shall be maintained of:

a. The number of tons of coal processed by the facility each month.

b. The number of tons of coal processed by screen no. 2 each month.

c. The number of tons of coal processed by screen no. 3 each month.

d. The number of hours the 238 horsepower Detroit model 6-71 diesel engine operates each month.

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

**11-00370B: Laurel Highlands Landfill, Inc.** (260 Laurel Ridge Road, Johnstown, PA 15909) for installation of a leachate/air stripper, leachate evaporation system and a 300 CFM candle flare in Jackson Township, **Cambria County**. Under 25 Pa. Code §§ 127.44–127.48, the Department intends to issue a Plan Approval at this Title V facility. Emissions from the control system have been calculated at 6.2 tons of PM<sub>10</sub> per year, 7.7 tons of SO<sub>2</sub> per year, 35 tons of NO<sub>x</sub> per year, 116 tons of CO per year and 5 tons of VOCs per year. The control system is subject to the operational, monitoring, recordkeeping, testing and reporting requirements required by 40 CFR 60, Subpart WWW and 25 Pa. Code Chapter 127 and the Plan Approval has been conditioned accordingly. Copies of the Plan Approval application, the Department's analysis and the proposed Plan Approval are available for public inspection during normal business hours at the following address.

Persons wishing to oppose the plan approval may file a written protest. A 30-day comment period, from the date of this publication, will exist for the submission of protests. Written protests must contain the following:

1. Name, address and telephone number of the person filing the protest.

2. Identification of the proposed Plan Approval PA-65-00693A issuance being opposed.

3. Concise statement of the objections to the Plan Approval issuance and relevant facts upon which the objections are based.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting written protests or requesting a hearing will be notified of the decision to hold a hearing by publication in the *Pennsylvania Bulletin* or by telephone, where the Department determines notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Barbara Hatch, Air Pollution Control Engineer, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

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

**61-193C: National Fuel Gas Supply Corp.—Henderson Station** (Route 965, Stoneboro, PA 16153) for installation of an air-cleaning device on the TEG dehydration (dehy) system at their Henderson Compressor Station in Mineral Township, **Venango County**.

Under 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department intends to issue a plan approval. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date. The facility currently has a State-only permit issued February 4, 2002.

This plan approval replaces the previous permitted air-cleaning device, which was a flare with a thermal oxidizer. Issuance of the plan approval is recommended with the appropriate conditions in the plan approval:

1. The facility shall comply with 25 Pa. Code §§ 123.1, 123.31 and 123.41.

2. The maximum allowable VOC emissions from the dehydration still unit and thermal oxidizer is 0.165 lb per hour and 0.722 ton in any 12 month rolling period.

3. The monthly VOC emissions shall be determined by the natural gas throughput rate and AP 42 emission factors, as amended, for the natural gas combustion plus the GRI-GLYCalc number of 1.65 lbs/hr multiplied by 90% destruction in thermal oxidizer. The current factor is 0.204 lb/hr when the dehy unit and thermal oxidizer are operating.

4. The minimum temperature of 1,400°F shall be maintained in the thermal oxidizer during production.

5. A temperature recorder shall be installed to measure and record the temperature in the thermal oxidizer. Temperatures shall be continually monitored and recorded during all periods of operation.

6. Records of temperatures and VOC emissions shall be maintained for a minimum of 5 years and shall be made available to the Department upon request.

**25-053B: Urick Foundry Co.** (1501 Cherry Street, P. O. Box 6027, Erie, PA 16512-1397), for modification of their melt shop operations in City of Erie, **Erie County** by replacing the existing cupola and associated charging system, blast air preheater and air pollution control devices (afterburner, water quench cap and baghouse) with a new melting operation consisting of two new coreless electric induction furnaces that share a single power pack, a new material charging system and a new fabric filter baghouse for emission control. This is a State-only facility. The public notice is required for sources required to obtain a Plan Approval at State-only facilities in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b and will demonstrate best available technology for the source:

1. The source shall comply with 25 Pa. Code §§ 123.1, 123.31 and 123.41.

2. The PM emissions shall not exceed 0.02 gr/dscf.

3. The melt limit shall not exceed 50,000 tpy based on any 12 consecutive month period.

4. The permittee shall maintain daily records of the melt rate and shall calculate monthly totals and consecutive 12-month periods.

5. The permittee shall perform a daily operational inspection of the control device. The operational inspection shall include, at a minimum, recording the pressure drop across the control device and a visual inspection of the system for leaks, and the like.

6. The permittee shall maintain a manometer or similar device to measure the pressure drop across the control device.

7. The permittee shall operate the control device at all times that the source is operation.

8. The permittee shall maintain and operate the source and control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

9. The permittee shall maintain a record of all preventative maintenance inspections of the control device. These records shall, at a minimum, contain the dates of the inspections, any problems or defects, the actions taken to correct the problem or defects and any routine maintenance performed.

10. The permittee shall maintain the roll-up doors for the scrap yard closed during the charge make-up process.

#### OPERATING PERMITS

##### Intent to Issue Title V Operating Permits under the Air Pollution Control Act 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.*

**46-00005: Merck and Co.** (770 Sumneytown Pike, West Point, PA 19486-0004) in Upper Gwynedd Township, **Montgomery County**. The facility is primarily used for the research, development and manufacturing of pharmaceutical preparations. The minor operating permit amendment of this Title V permit is to address the changes made to the conditions concerning the testing of the catalyst in the beds of the catalytic oxidizers. The proposed changes do not change any emission limits or testing, monitoring or recordkeeping requirements.

**09-00027: Fres-co System USA, Inc.** (3005 State Road, Telford, PA 18969) in West Rockhill Township, **Bucks County** for an administrative amendment to Title V Operating Permit 09-00027. The permit is being amended to incorporate changes based on the appeal of the Title V operating permit, as well as to incorporate changes approved under Plan Approval PA-23-00004. The facility's major emission points include boilers, rotogravure presses, thermal oxidizers, storage tanks and pot washers. The amended Title V operating permit will contain additional monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

**46-00014: The Knoll Group** (P. O. Box 157, Greenville, PA 18041) for the operation of their metal and plastic saw in Upper Hanover Borough, **Montgomery County**. The Title V Operating Permit was amended to incorporate the metal and plastic saw, Source 410 as well as to include the revised 25 Pa. Code § 129.52 and the new 25 Pa. Code §§ 129.101—121.106 and to remove Source 001, the incinerator that was deactivated March 2002. Additional recordkeeping and reporting requirements were added into the permit.

**23-00016: PQ Corporation** (1201 West Front St., Chester, PA 19013) for the operation of their boiler in City of Chester, **Delaware County**. The Title V Operating Permit was modified to allow the firing of no. 2 oil as alternate fuel in the boiler in the event when natural gas

supply becomes limited or curtailed. Additional recordkeeping and reporting requirements were added into the permit.

**23-00021: Congoleum Corp.** (4401 Ridge Road, Trainer, PA 19061) in Trainer Borough, **Delaware County**. The Title V Operating Permit was amended to resolve the appeal and incorporate the Plan Approval PA 23-0021B. Additional recordkeeping and reporting requirements were added into the permit.

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

**36-05079: Chester County Solid Waste Authority** (7224 Division Highway, Narvon, PA 17555) for operation of a municipal waste landfill in Caernarvon Township, **Lancaster County**. This action is a renewal of the facility's Title V Operating Permit that will include applicable requirements of 40 CFR Part 60, Subpart WWW—Standards of Performance for Municipal Waste Landfills.

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

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

**14-00019: Oak Realty—Koch's Funeral Home** (2401 South Atherton Street, State College, PA 16801) for their facility in College Township, **Centre County**. The facility's source is a crematory incinerator utilized to incinerate human cadavers. This source has the potential to emit PM<sub>10</sub>, NO<sub>x</sub>, SO<sub>x</sub> and CO below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and report conditions.

**53-00015: SMC Powder Metallurgy** (Route 6, West Galeton, PA 16922) for their powdered metal parts manufacturing facility in Pike Township, **Potter County**. The facility's main sources include ten sintering furnaces. The facility has the potential to emit SO<sub>x</sub>, NO<sub>x</sub>, CO, PM<sub>10</sub>, VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

**41-00021: Farm and Home Oil Co.** (P. O. Box 146, 100 Tank Farm Road, Macungie, PA 18062) for renewal of a State-only (Synthetic Minor) Operating Permit for their petroleum bulk storage and distribution facility in Armstrong Township, **Lycoming County**. The facility's main sources include two no. 2 fuel oil fired furnaces, eight aboveground storage tanks (no. 2 fuel oil, gasoline, diesel fuel and gasoline additives), one gasoline loading operation, one distillate loading operation, various pumps, valves and flanges and one oil/water separator. These sources have the potential to emit major quantities of VOCs and HAPs. The facility has taken VOCs and HAPs emissions limitations to fall below the major emissions thresholds. The facility has the potential to emit NO<sub>x</sub>, SO<sub>x</sub>, PM—PM<sub>10</sub> and CO below the major emissions thresholds.

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

**37-00257: Mohawk Area School District—Mohawk Elementary School** (Mohawk School Road, Bessemer, PA 16112) in North Beaver Township, **Lawrence County** for a Natural Minor Operating Permit for emissions from a trifuel boiler.

**COAL AND NONCOAL MINING  
ACTIVITY APPLICATIONS**

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

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

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or

within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition to the previous, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of the NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30 day period to review and submit comments on those requirements.

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

*Coal Applications Received*

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

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

\* The parameter is applicable at all times.

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

California District Mining Office: 25 Technology Drive, California Technology Park, Coal Center, PA 15423, (724) 769-1100.

**11841301. NPDES Permit PA0001317, Pristine Resources, Inc.** (3250 Interstate Drive, Richfield, OH 44286), to transfer the permit for the Cambria Slope Mine No. 33 in Cambria Township, **Cambria County**, from BethEnergy Mines, Inc., 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. Application received May 30, 2003.

**10841302. NPDES Permit PA0213918, Pristine Resources, Inc.** (3250 Interstate Drive, Richfield, OH 44286), to transfer the permit for the Fawn Mine No. 91 in Clinton Township, **Butler County**, from BethEnergy Mines, Inc., 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. Application received May 30, 2003.



**10743701. NPDES Permit PA0215635, Pristine Resources, Inc.** (3250 Interstate Drive, Richfield, OH 44286), to transfer the permit for the Fawn Mine No. 91 CRD in Clinton Township, **Butler County**, from BethEnergy Mines, Inc., 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. Application received May 30, 2003.

**63841303. NPDES Permit PA0213993, Pristine Resources, Inc.** (3250 Interstate Drive, Richfield, OH 44286), to transfer the permit for the Marianna Mine No. 58 in Amwell Township, **Washington County**, from BethEnergy Mines, Inc., 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. Application received May 30, 2003.

**63743705. NPDES Permit N/A, Pristine Resources, Inc.** (3250 Interstate Drive, Richfield, OH 44286), to transfer the permit for the Marianna No. 58 CRDA in Amwell Township, **Washington County**, from BethEnergy Mines, Inc., 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. Application received May 30, 2003.

**11031702. NPDES Permit N/A, Pristine Resources, Inc.** (3250 Interstate Drive, Richfield, OH 44286), to operate the Mine 77 AMD Plant in East Taylor Township, **Cambria County**, for post-mining water treatment, Surface Acres Proposed 22.84, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, unnamed tributary to Little Conemaugh River (WWF). The first downstream potable water supply intake from the point of discharge is N/A. Application received May 30, 2003.

**56841328. NPDES Permit PA0033677, Pristine Resources, Inc.** (3250 Interstate Drive, Richfield, OH 44286), to transfer the permit for the Windber Mine No. 78 in Paint Township, **Somerset County**, from BethEnergy Mines, Inc., 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. Application received May 30, 2003.

**56743705. NPDES Permit N/A, Pristine Resources, Inc.** (3250 Interstate Drive, Richfield, OH 44286), to transfer the permit for the Windber Mine No. 78 CRD in Paint Township, **Somerset County**, from BethEnergy Mines, Inc., 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. Application received May 30, 2003.

**30841309. NPDES Permit PA0214825, Cobra Mining, LLC** (P. O. Box 40, 178 Chess Mine Road, Dilliner, PA 15327), to revise the permit for the Dunkard Mine No. 2 in Dunkard Township, **Greene County**, to add underground acres, Surface Acres Proposed N/A, Underground Acres Proposed 22.6, SCP Acres Proposed 22.6, 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 June 13, 2003.

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

**03990107 and NPDES Permit No. PA0202622. AMFIRE Mining Co., LLC** (One Energy Place, Latrobe, PA 15650). Revision application for 60 additional acres to an existing bituminous surface mine, in Washington and E. Franklin Township, **Armstrong County**, affecting 263.8 acres. Receiving streams: unnamed tributaries of Limestone Run to Limestone Run (CWF). There is no potable water supply intake within 10 miles downstream from the point of discharge. Revision application received July 9, 2003.

**03970105 and NPDES Permit No. PA0202347. State Industries, Inc.** (P. O. Box 1022, Kittanning, PA 16201). Renewal application for continuous operation and reclamation of a bituminous surface mine in Washington Township, **Armstrong County**, affecting 413 acres. Receiving streams: unnamed tributaries of Limestone Run (WWF). The first potable water supply intake within 10 miles downstream from the point of discharge is the Pennsylvania American Water Company. Renewal application received July 10, 2003.

**03900109 and NPDES Permit No. PA0200476. State Industries, Inc.** (P. O. Box 1022, Kittanning, PA 16201). Renewal application for continuous operation and reclamation of a bituminous surface mine in Kittanning Township, **Armstrong County**, affecting 92.5 acres. Receiving streams: unnamed tributaries to Campbells Run and Campbells Run (WWF). There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received July 10, 2003.

#### *Coal Applications Returned*

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

**03030101 and NPDES Permit No. PA0250341. AMFIRE Mining Co., LLC** (One Energy Place, Suite 7500, Latrobe, PA 15650). The applicant has withdrawn their application for commencement, operation and reclamation of a bituminous surface mine in Wayne Township, **Armstrong County**, affecting 186 acres. Receiving streams: unnamed tributaries of S. Fork Pine Creek to Pine Creek. Application received February 10, 2003. Application withdrawn July 9, 2003.

#### *Noncoal Applications Received*

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

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

\* The parameter is applicable at all times.

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

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

**7473SM2AC9 and NPDES Permit PA0118460. Hercules Cement Company, LP** (P. O. Box 69, Stockertown, PA 18083), correction to an existing NPDES permit for discharge of treated mine drainage in Bushkill Creek. Application received July 7, 2003.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

**Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the FWPCA (33 U.S.C.A. § 1341(a)).**

## WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E09-856. Toll Brothers**, 3103 Philmont Avenue, Huntingdon Valley, PA 19006, Newtown Township, **Bucks County**, ACOE Philadelphia District.

The applicant proposes to construct the following water obstructions and encroachment in the Newtown Creek (WWF) watershed associated with a proposed residential subdivision:

1. To construct and maintain 2,506 square feet (0.057 acre) of wetland fill for the purposes of the widening Stoopville Road.
2. To construct and maintain an outfall channel impacting of wetland (PFO) for the purpose of positive stormwater drainage.
3. To place and maintain fill for a pedestrian trail crossing impacting 2,435 square feet (0.056 acre) of wetland (PFO).
4. To construct and maintain 59 linear feet of twin 24-inch by 38-inch conduits in an unnamed tributary to the Newtown Creek. An existing 30 linear feet of 18-inch RCP is to be removed from this location.

The project proposes to directly affect a total 0.13 acre of wetland (PFO), 59 linear feet of stream channel and indirectly affect as much as 1.29 acres of wetland (PFO). The applicant did not propose any wetland replacement. The project site is at the intersection of Stoopville Road (SR 2028) and Linton Hill Road (Lambertville, PA Quadrangle N: 2.7 inches W: 7.1 inches).

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

**E40-623. City of Wilkes-Barre**, 40 East Market Street, Wilkes-Barre, PA 18711-0451 in City of Wilkes-Barre, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To remove the existing outfall structure and to construct and maintain a 7.0-foot by 4.0-foot stormwater outfall structure along the right bank of Solomon Creek (CWF) and to construct and maintain approximately 3,500 feet of new roadway (known as Martin Luther King, Jr. Boulevard) ongrade within the floodplain of Solomon Creek, including relocation of an existing railroad. The project is along an existing railroad bed and will extend Pennsylvania Boulevard westward from South Franklin Street to Carey Avenue (SR 2005) (Wilkes-Barre West, PA Quadrangle N: 19.9 inches; W: 5.0 inches).

**E58-257. Department of Transportation, Engineering District 4-0**, P. O. Box 111, Scranton, PA 18501 in Harford Township, **Susquehanna County**, U. S. Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain a road crossing of Leslie Creek (CWF), consisting of approximately 43 LF of 12.5-foot by 7.5-foot precast reinforced concrete box culvert with its invert depressed 1.0 foot below streambed elevation. The total length of channel impacts, including temporary measures (channel diversion, road crossing, pedestrian bridge and erosion control measures) is approximately 345 feet. The project is along SR 0547, Section 572, Segment 0100, Offset 0031, approximately 0.9 mile west of the SR 0081/SR 0547 interchange (Harford, PA Quadrangle N: 5.9 inches; W: 10.3 inches).

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

**E08-402. Ivan McKeever and Myra Brown**, 1704 Dallas Avenue, Cincinnati, OH 45239. Bridge construction in Ridgebury Township, **Bradford County**, ACOE Baltimore District (Bentley Creek, PA Quadrangle N: 12.30 inches; W: 12.45 inches).

To construct and maintain a steel reinforced concrete deck bridge with a 22-foot span on a 0 degree skew on precast reinforced steel abutment walls, an underclearance of 5 feet and a waterway opening of 110 square feet, over an unnamed tributary to Bentley Creek (WWF) off the north side of SR 4026 approximately 0.1 mile west of the intersection of SR 4026 with SR 4013 in Ridgebury Township, Bradford County. The project will not impact wetlands while impacting approximately 30 feet of waterway.

**E14-447. Wintron, LLP**, 1952 Waddle Road, State College, PA 16803. Outfall replacement in Boggs Township, **Centre County**, ACOE Baltimore District (Bellefonte, PA, Quadrangle N: 11.5 inches; W: 10.0 inches).

To remove a total of three existing 12-inch, 8-inch and 15-inch diameter RCP roof drain stormwater outfall pipes and to construct and maintain replacement 24-inch, 15-inch and 24-inch diameter HDPE roof drain stormwater outfall pipes to Wallace Run (HQ-CWF, wild trout) along SR 144, approximately 1 mile north of SR 144/SR 220 intersection in Boggs Township, Centre County. The project will not impact wetlands while impacting approximately 35 feet of waterway. There will be approximately 0.1 acre of earth disturbance in the left bank floodway during outfall construction.

**E18-362. Department of Transportation, Engineering District 2-0**, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA 16830. Bridge replacement in Lamar Township, **Clinton County**, ACOE Baltimore District (Mill Hall, PA Quadrangle N: 15.5 inches; W: 10.0 inches).

To remove the existing open grated steel deck bridge and to construct and maintain a 15-foot wide by 6-foot precast concrete box culvert depressed 1 foot below streambed with a clear span along the center line of approximately 28 feet, a clear span normal to the channel of 15 feet and a minimum underclearance of 5 feet on a skew of 32 degrees left with concrete wingwalls and approximately 35 linear feet by 6 feet wide of R-6 rip-rap placed in the inlet and outlet ends of the culvert for scour protection and to construct a temporary coffer dam with 42-inch diameter by approximately 80-foot long stream diversion pipe over an unnamed tributary to Long Run

(HQ-CWF). The project is on SR 0477 approximately 1 mile east of the intersection of SR 477 with SR 0220. The project will not impact wetlands while impacting approximately 200 feet of waterway. Approximately 0.2 acre of earth will be disturbed by the project.

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

**E10-380, INDSPEC Chemical Corporation**. Security fence modification in the Borough of Petrolia, **Butler County**, ACOE Pittsburgh District (Parker, PA Quadrangle N: 3.2 inches; W: 13.2 inches).

The applicant proposes to modify the existing security fence across the South Branch Bear Creek (Parker, PA Quadrangle N: 3.2 inches; W: 13.2 inches) in the Borough of Petrolia, Butler County approximately 400 feet north of the intersection of SR 268 and SR 1006 to provide additional security at the INDSPEC Chemical Corporation manufacturing facility.

**E10-381, Penreco**, 138 Petrolia Street, Karns City, PA 16041-9299. Aboveground tank installation in the Borough of Karns City, **Butler County**, ACOE Pittsburgh District (Chicora, PA Quadrangle N: 21.9 inches; W: 13.9 inches).

The applicant proposes to remove four existing 10-foot diameter aboveground tanks and to construct and maintain seven 12-foot diameter aboveground petrolatum storage tanks and associated piping, pumps, stairs and platforms and a concrete pad surrounded by a 3-foot high concrete containment wall having a perimeter of 208 feet in the floodway of the South Branch Bear Creek (WWF) approximately 0.2 mile northeast of the intersection of SR 268 and SR 1010.

#### WATER QUALITY CERTIFICATIONS REQUESTS

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6945.*

**Reliant Energy Mid-Atlantic Power Holdings, LLC (REMA)**, 1001 Broad Street, P. O. Box 1050, Johnstown, PA 15907-1050. Piney Hydroelectric Project (Project) (FERC Project No. 309-PA) in Piney Township, **Clarion County**, ACOE Pittsburgh District (Clarion, Quadrangle N: 12.125 inches; W: 8.125 inches).

*Project description*—On September 3, 2002, the Department issued a Clean Water Act Section 401 Water Quality Certification (Certification) for the operation of the Project near the Borough of Clarion in Clarion County. This action was published at 32 Pa.B. 4777 (September 28, 2002). On October 9, 2002, REMA appealed this action to the Environmental Hearing Board (EHB Docket No. 2002-242-R). Subsequent to the appeal, the Department and REMA entered into discussions in an effort to settle this matter. These discussions have resulted in the following proposed changes to Certification for this Project:

a. Reducing summer conservation releases from the Project from 174 cfs to 158 cfs.

b. Accounting for flow lag time between the USGS Cooksburg gage station and the Project in the calculation of Project inflow.

c. Requiring special releases for drift boating during the first three Saturdays each summer provided that Project inflow is greater to or equal than 352 cfs.

- d. Allowing for the temporary suspension of operational requirements imposed by the Certification for emergencies and FERC directives.
- e. Requiring REMA to pursue a petition for redesignation of the reach of the Clarion River from the head of the Project impoundment to its confluence with the Allegheny River from CWF to WWF for aquatic life protection.

- f. Providing for a water quality management study in the event that the petition for redesignation in (e) is unsuccessful.
- g. Certain other minor changes to the text of the Certification document.

**ACTIONS**

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

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

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

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for Coverage under general NPDES permits. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

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

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0115291 Sewerage Public	Borough of Snyderstown 42 South Market Street Snyderstown, PA 17877-9999	Northumberland County Borough of Snyderstown	Shamokin Creek SWP 6B	Y

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0114553 Sewerage Public	Millheim Borough Council P. O. Box 421, 225 E. Main St. Millheim, PA 16854	Centre County Penn Township	Elk Creek SWP 6A	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0005037-A3 Industrial	EME Homer City Generation LP 1750 Power Plant Road Homer City, PA 15748-9558	Indiana County Center Township	Blacklick Creek	Y
PA0098779 Industrial	Portage Borough Municipal Authority 606 Cambria Street Portage, PA 15946	Cambria County Portage Township	Trout Run	Y
PA0098787 Industrial	Portage Borough Municipal Authority 606 Cambria Street Portage, PA 15946	Cambria County Portage Township	Bens Creek	Y
PA0217468 Industrial	Beaver Falls Municipal Authority 1425 8th Avenue P. O. Box 400 Beaver Falls, PA 15010	Beaver County Eastvale Borough	Beaver River	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0103136	Woodhaven Mobile Home Park 7950 Page Road Wattsburgh, PA 16442	Greene Township Erie County	Unnamed tributary to Six Mile Creek	Y
PA0102661	Department of Conservation and Natural Resources Pymatuning State Park Jamestown Boat Livery 2660 Williamsfield Road Jamestown, PA 16134	West Shenango Township Crawford County	Shenango River (Pymatuning Reservoir)	Y
PA0030341	Wilmington Area School District East Lawrence Elementary School 300 Wood Street New Wilmington, PA 16142-1016	Plain Grove Township Lawrence County	Unnamed tributary to Taylor Run	Y
PA0030295	Commodore Perry School District 3002 Perry Highway Hadley, PA 16130	Perry Township Mercer County	Millnar Run (unnamed Little Shenango River tributary)	Y
PA0035289	Glen Lake Estates 6315 Forbes Avenue Pittsburgh, PA 15217	Pine Township Mercer County	Unnamed tributary to Wolf Creek	Y

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

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

**NPDES Permit No. PA0055751 Amendment No. 2**, Industrial Waste, **Delbar Products, Inc.**, 601 West Spruce Street, Perkasio, PA 18944. This proposed facility is in Perkasio Borough, **Bucks County**.

Description of Proposed Action/Activity: Amendment to existing permit to discharge into an unnamed tributary to East Branch Perkiomen Creek.

**NPDES Permit No. PA0057916 Amendment No. 2**, Industrial Waste, **Schlumberger Resource Management Services, Inc.**, 225 Schlumberger Drive, Sugar Land, TX 77478. This proposed facility is in Worcester Township, **Montgomery County**.

Description of Proposed Action/Activity: Amendment to existing permit to discharge into an unnamed tributary of Stony Creek.

**NPDES Permit No. PA0055891**, Industrial Waste, **Henderson Road Superfund Site Technical Steering Committee c/o RT Environmental Services, Inc.**, 215 West Church Road, Suite 301, King of Prussia, PA 19406. This proposed facility is in Worcester Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into Frog Run-3-F Wissahickon Watershed.

**NPDES Permit No. PA003978 Amendment No. 5**, Sewage, **Telford Borough Authority**, 122 Penn Avenue, P. O. Box 209, Telford, PA 18969-0209. This proposed facility is in Franconia Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval to reflect approval to discharge stormwater from publicly owned treatment works.

**NPDES Permit No. PA0058581**, Sewage, **Elwood D'Ginto**, 272 Lexington Road, Schwenksville, PA 19473. This proposed facility is in East Rockhill Township, **Bucks County**.

Description of Proposed Action/Activity: Approval to discharge into Three Mile Run-2D Three Mile Run.

**NPDES Permit No. PA0058599**, Sewage, **Glenn W. Neebe**, 265 Frogtown Road, Kintnersville, PA 18930-9644. This proposed facility is in Bedminster Township, **Bucks County**.

Description of Proposed Action/Activity Approval to discharge into an unnamed tributary to Cabin Run Creek-Three Mile 2D.

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

**NPDES Permit No. PA0060739**, Sewage, **White Diner**, R. R. 3, Tamaqua, PA 18252. This proposed facility is in West Penn Township, **Schuylkill County** and discharges to Little Schuylkill River.

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

**NPDES Permit No. PA0061948**, Sewage, **Lehighon Land Company**, 1500 Rock Road, Lehighon, PA 18235. This proposed facility is in Franklin Township, **Carbon County**.

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

**NPDES Permit No. PA0026492**, Sewage, **Sewer Authority of the City of Scranton**, 307 North Washington Avenue, Scranton, PA 18503. This proposed facility is in City of Scranton, **Lackawanna County** and discharge to Lackawanna River.

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

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

**NPDES Permit No. PA0084170**, Industrial Waste, **Gary Hoadley, General Manager, Cycle Chem, Inc.**, 550 Industrial Drive, Lewisberry, PA 17339-9537. This proposed facility is in Fairview Township, **York County**.

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

**NPDES Permit No. PA0021563**, Sewage, **Gettysburg Municipal Authority**, 601 East Middle Street, P. O. Box 3307, Gettysburg, PA 17325-3307. This proposed facility is in Cumberland Township, **Adams County**.

Description of Proposed Action/Activity: Authority to discharge to Rock Creek in Watershed 13-D.

**NPDES Permit No. PA0246841**, Sewage, **Joseph Himes**, R. D. 4, Box 20, Boyertown, PA 19512. This proposed facility is in North Woodbury Township, **Blair County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT of Plum Creek in Watershed 11-A.

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

**PA0027324**, Sewerage, SIC 4952, **Shamokin-Coal Township Joint Sewer Authority**, R. D. 2, Box 35, Shamokin, PA 17872. This existing facility is in Ralpho Township, **Northumberland County**.

Description of Proposed Activity: Amendment of the NPDES permit to include discharge of site stormwater through Outfall S01. Existing limits for treated effluent through Outfall 001 and CSO requirements remain unchanged.

The receiving stream for Outfall 001, Shamokin Creek, is in the State Water Plan watershed 6B and is classified for WWF. The nearest public water supply surface water intake, owned by United Water Pennsylvania, is on the Susquehanna River south of Dauphin.

The existing effluent limits for Outfall 001 will remain the same and were based on a design flow of 7.0 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40		50
Total Suspended Solids	30	45		60
Total Chlorine Residual	0.5			1.6

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)				200 col/100 mL as a geometric mean 2,000 col/100 mL as a geometric mean
pH				within the range of 6.0 to 9.0

The receiving stream for Outfall S01, Shamokin Creek, is in the State Water Plan watershed 6B and is classified for WWF. The nearest public water supply surface water intake, owned by United Water Pennsylvania, is on the Susquehanna River south of Dauphin. Approximately 0.15 MGD of stormwater will be discharged through Outfall S01 from an average storm event. Annual Inspection Certification will be required.

**PA0044661**, Sewerage, SIC, 4952, **Lewisburg Area Joint Sewer Authority**, P. O. Box 305, Lewisburg, PA 17837. This existing facility is in East Buffalo Township, **Union County**.

Description of Proposed Activity: Issuance of an amended NPDES permit to include discharge of site stormwater through Outfall S01. Existing limits for treated effluent through Outfall 001 remain unchanged.

The receiving stream for Outfall 001, the West Branch of the Susquehanna River, is in the State Water Plan watershed 10C and is classified for WWF. The nearest public water supply surface water intake, owned by Sunbury Municipal Authority, is on the Susquehanna River, approximately 7.75 miles below the point of discharge.

The existing effluent limits for Outfall 001 will remain the same and were based on a design flow of 2.42 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40		50
Total Suspended Solids	30	45		60
Total Chlorine Residual	0.5			1.6
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)				200 col/100 mL as a geometric mean 2,000 col/100mL as a geometric mean
pH				within the range of 6.0 to 9.0

The receiving stream for Outfall S01, the West Branch of the Susquehanna River, is in the State Water Plan watershed 10C and is classified for WWF. The nearest public water supply surface water intake, owned by Sunbury Municipal Authority, is on the Susquehanna River, approximately 7.75 miles below the point of discharge. Approximately 0.11 MGD of stormwater will be discharged through Outfall S01 from an average storm event. Annual Inspection Certification will be required.

**PA0032514**, Sewage 4952, **Department of Conservation and Natural Resources (DCNR), Denton Hill State Park**, 262 Sizerville Road, Emporium, PA 15834. This proposed facility is in Ulysses Township, **Potter County**.

Description of Proposed Activity: DCNR is proposing to change the receiving stream of Outfall 001 from Elm Hollow Run (HQ-CWF) to Nine Mile Run (HQ-CWF). DCNR intends to replace the existing sewage treatment plant at Denton Hill State Park with a new sewage treatment plant.

The receiving stream, Nine Mile Run, is in the State Water Plan watershed 9A. The nearest downstream public water supply intake is for Jersey Shore Water Authority is on Pine Creek, approximately 82 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.013 million gallons per day. All of the existing permit conditions and effluent limitations will remain the same except for the previously mentioned change of the receiving waters.

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

**NPDES Permit No. PA0219037**, Industrial, **Greater Johnstown Water Authority**, P. O. Box 1287, Johnstown, PA 15907-1287. This proposed facility is in East Taylor Township, **Cambria County**.

Description of Proposed Action/Activity: Authorized to discharge from a facility at Saltlick Water Treatment Plant to the receiving waters named Little Conemaugh River.

**NPDES Permit No. PA0219061-A1**, Sewage, **Blaine Township**, 40 Main Street, P. O. Box 128, Taylorstown, PA 15365. This proposed facility is in Blaine Township, **Washington County**.

Description of Proposed Action/Activity: Authorized to discharge from a facility in Blaine Township to receiving waters named Buffalo Creek.

**Permit No. PA0219061**, Sewage, **Blaine Township**, 40 Main Street, P. O. Box 128, Taylorstown, PA 15365. This notice reflects changes from the notice published at 31 Pa.B. 5964 (October 27, 2001).

Part A, page 2 of 14 was revised to reflect a new river mile index and latitude/longitude coordinates due to the permittee's request to relocate the outfall/headwall approximately 1,100 feet downstream from its original permitted location.

**NPDES Permit No. PA0219428**, Sewage, **Gary Regelman**, 142 Wampum Road, Wampum, PA 16157. This proposed facility is in Big Beaver Borough, **Beaver County**.

Description of Proposed Action/Activity: Authorized to discharge from a facility at Gary Regelman single residence sewage treatment plant to receiving waters named unnamed tributary of Beaver River.

**NPDES Permit No. PA0219461**, Sewage, **Center-West Joint Sewer Authority**, 134 Main Street, West Brownsville, PA 15417. This proposed facility is in Centerville Borough, **Washington County**.

Description of Proposed Action/Activity: Authorized to discharge from a facility at Center-West Joint Sewer Authority STP to receiving waters named Monongahela River.

**NPDES Permit No. PA0219479**, Sewage, **Carl E. Nicolaus III**, 180 Pollock Run Road, Belle Vernon, PA 15012-3102. This proposed facility is in Rostraver Township, **Westmoreland County**.

Description of Proposed Action/Activity: Authorized to discharge from a facility at Salem Ridge Village Sewage Treatment Plant to receiving waters named unnamed tributary of Pollock Run.

**NPDES Permit No. PA0219495**, Sewage, **Christ Our Savior Orthodox Church**, 6220 Tanoma Road, Indiana, PA 15701. This proposed facility is in Rayne Township, **Indiana County**.

Description of Proposed Action/Activity: Authorized to discharge from a facility at Christ of Savior Orthodox Church to receiving waters named Crooked Creek.

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

**NPDES Permit No. PA0027138**, Industrial Waste, **City of Sharon**, 155 West Connelly Boulevard, Sharon, PA 16146. This proposed facility is in City of Sharon, **Mercer County**.

Description of Proposed Action/Activity: Authorized to discharge to the Shenango River.

**NPDES Permit No. PA0000868**, Sewage, **Wheatland Tube Company, Division of John Maneely Company**, One Council Avenue, Wheatland, PA 16161. This proposed facility is in Wheatland Borough, **Mercer County**.

Description of Proposed Action/Activity: Authorized to discharge to the Shenango River.

**NPDES Permit No. PA0238988**, Sewage, **Green Meadows Subdivision**, 9485 Old Waterford Road, Erie, PA 16509. This proposed facility is in Greene Township, **Erie County**.

Description of Proposed Action/Activity: Authorized to discharge to an unnamed tributary to the East Branch of LeBoeuf Creek.

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

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

**NPDES Permit No. PAS222201**, Industrial Waste, SIC Codes 2942 and 5031. This proposed facility is in Stockertown Borough, **Northampton County**.

Description of Proposed Action/Activity: Renewal of NPDES Permit to discharge treated site stormwater.

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

**WQM Permit No. 0703402**, Sewerage, **Joseph Himes**, R. D. 4, Box 20, Boyertown, PA 15912. This proposed facility is in North Woodbury Township, **Blair County**.

Description of Proposed Action/Activity: The construction and operation of a new modified Norweco TM extended aeration sewage treatment plant, as manufactured by Dutchland, Inc., to serve domestic waste generated by a new 77-unit modular home park and additional capacity to serve an adjacent 33-unit module home park.

**WQM Permit No. 6702402**, Sewerage, **Anne Baucum, Newberry Township Municipal Authority**, 1915 Old Trail Road, Eppers, PA 17319. This proposed facility is in Newberry and East Manchester Townships, **York County**.

Description of Proposed Action/Activity: Construction of approximately 30,600 feet of 8-inch PVC gravity sewers, 7,500 feet of service laterals and three sewage pumping stations to serve the Conewago Heights residential development. The 6-inch force main discharge will cross under Conewago Creek through 12-inch steel casing pipe and discharge to an 18-inch sewer.

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

**WQM Permit No. 6001401**, Sewerage 4952, **Borough of Mifflinburg Wastewater Treatment Plant**, 333 Chestnut Street, Mifflinburg, PA 17844. This proposed facility is in the Borough of Mifflinburg, **Union County**.

Description of Proposed Action/Activity: The respective WQM permit will be transferred from the Mifflinburg Borough Municipal Authority to the Borough of Mifflinburg. There are no changes to the permit, other than the ownership transfer.

**WQM Permit No. 4703403**, Sewerage, 4952, **Moses and Rachel Stoltzfus**, 122 Gardner Road, Turbotville, PA 17772. This proposed facility is in Limestone Township, **Montour County**.

Description of Proposed Action/Activity: Issuance of a WQM Part II Permit for construction and operation of a small flow sewage treatment plant to serve a single residence. The treatment facility will discharge to Beaver Run (WWF).

**WQM Permit No. 1795408-A44**, Sewage, 4952, **Bradford Township**, P. O. Box 79, Woodland, PA 16881. This facility is in Bradford Township, **Clearfield County**.

Description of Proposed Action/Activity: Approval for construction of the Smeal single residence wastewater treatment facilities.



**WQM Permit No. 4902408**, Sewerage Public SIC 4952, **Ralpho Township Municipal Authority**, 32-A South Market Street, Elysburg, PA 17824. This proposed facility is in Ralpho Township, **Northumberland County**.

Description of Proposed Action/Activity: Construction and operation of pump station stations and sewer extension to Knoebels Grove Amusement Resort.

**WQM Permit No. 1903402**, Sewerage 4952, **Nicolaas Buisman**, 207 Hetlerville Road, Nescopeck, PA 18635. This proposed facility is in Mifflin Township, **Columbia County**.

Description of Proposed Action/Activity: Issuance of a WQM Part II Permit for construction and operation of a small flow sewage treatment plant to serve a single residence. The treatment facility will discharge to an unnamed tributary to Tenmile Run (CWF).

**WQM Permit No. 5303401**, Sewerage 4952, **Department of Conservation and Natural Resources (DCNR), Denton Hill State Park**, 262 Sizerville Road, Emporium, PA 15834. This proposed facility is in Ulysses Township, **Potter County**.

Description of Proposed Activity: DCNR is proposing to place its existing wastewater treatment system with a new sequencing batch reactor (SBR) wastewater treatment system. This proposed new SBR will also change the receiving stream of Outfall 001 from Elm Hollow Run (HQ-CWF) to Nine Mile Run (HQ-CWF). The SBR will be designed to treat a sewage wastewater flow of 0.013 MGD. The SBR will meet the existing permit conditions and effluent limitations of NPDES PA0032514.

**WQM Permit No. 5902201**, Industrial Waste, SIC 4941, **Duncan Township Municipal Water Authority**, R. R. 1, Box 55, Wellsboro, PA 16901. This facility is in Duncan Township, **Tioga County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Part II Permit for construction of a discharge absorption area to accept well blow-off water and greensand filtration backwash water from the Duncan Township Public Water Supply Treatment Plant.

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

**WQM Permit No. 8775-S-A2**, Sewerage, **Clairton Municipal Authority**, 1 North State Street, Clairton, PA 15025. This proposed facility is in City of Clairton, **Allegheny County**.

Description of Proposed Action/Activity: Replacement and upgrade of existing aeration system and screw pump replacement to serve Clairton Wastewater Treatment Plant.

**WQM Permit No. 3203403**, Sewerage, **John A. Sarnosky**, 150 Barnview Circle, Apt. 3, Blairsville, PA 15717. This proposed facility is in Blacklick Township, **Indiana County**.

Description of Proposed Action/Activity: Construction of a single residence small flow sewage treatment facility to serve the Sarnosky residence.

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

**WQM Permit No. 2403401**, Sewerage, **Department of Conservation and Natural Resources, Bendigo State Park**, P. O. Box A, Johnsonburg, PA 15845. This proposed facility is in Jones Township, **Elk County**.

Description of Proposed Action/Activity: This project is for the construction of sanitary sewers, five pumping stations and one spray irrigation system.

**WQM Permit No. 2503403**, Sewerage, **Millcreek Township Sewer Authority, Whispering Woods Estates**, 3608 West 26th Street, Erie, PA 16506. This proposed facility is in Millcreek Township, **Erie County**.

Description of Proposed Action/Activity: This project is for the construction and operation of gravity sewers, a lift station and force main to serve a 44-lot development.

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#### IV. NPDES Stormwater Discharges from MS4 Permit Actions

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#### V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG134802	Lycoming Township 328 Dauber Road Cogan Station, PA 17728	Lycoming	Lycoming Township	Lycoming Creek WWF	Y
PAG134803	Woodward Township P. O. Box 68 Linden, PA 17744	Lycoming	Woodward Township	Pine Run WWF Quenshukeny Run WWF West Branch Susquehanna River WWF	Y
PAG134804	Piatt Township 9687 North Route 220 Jersey Shore, PA 17740	Lycoming	Piatt Township	Pine Run WWF	Y

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG134805	Fairfield Township 238 Fairfield Church Road Montoursville, PA 17754	Lycoming	Fairfield Township	Bennetts Run WWF Tules Run WWF	Y
PAG134812	Hepburn Township 4350 Bloomingrove Road Williamsport, PA 17701	Lycoming	Hepburn Township	Lycoming Creek—Source to Long Run CWF Lycoming Creek—Long Run to Mouth WWF	Y

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


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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>
PAI011503033	Liberty Property Trust Church Road Realignment 65 Valley Stream Parkway Malvern, PA 19355	Chester	Tredyffrin Township	Tributary to Valley Creek EV
PAI011503035	Robert S. Dunlap Dunlap Residence 421 Compass Road Parkesburg, PA 19365-2124	Chester	West Brandywine Township	Unnamed tributary West Branch Brandywine Creek HQ-CWF-MF
PAI011503042	By-Others, Inc. Nazirides Retail Store 33 West Forge Road Glen Mills, PA 19342	Chester	East Whiteland Township	Valley Creek EV
PAI011503043	Steven Greis Greis Subdivision 1478 St. Matthews Road Chester Springs, PA 19425	Chester	South Coventry Township	Unnamed tributary Pigeon Creek HQ-TSF
PAI011503046	Blaise and Associates, Inc. Blaise and Associates, Inc. Subdivision 103 Sharpley Road Wilmington, DE 19803	Chester	New London Township	Ways Run HQ-TSF-MF
PAI011503048	Culbertson Realty Associates, Inc. Grading and Stormwater Swale Constr. P. O. Box 1906 West Chester, PA 19380-0133	Chester	West Brandywine Township	Culbertson Run HQ-TSF-MF
PAI011503050	East Goshen Township Rt. 352/Paoli Pk. Highway Improvement 1580 Paoli Pike West Chester, PA 19380	Chester	East Goshen Township	Ridley Creek 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>
PAI024803015	Flavor Right Foods, Inc. P. O. Box 20425 Lehigh Valley, PA 18002	Northampton	Hanover Township	Monocacy Creek HQ-CWF

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

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

*NPDES Permit*

<i>No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAR10C455	Lisa Sanders 82 Eagle Rock Way Montclair, NJ 07042	Berks	Sinking Spring Borough	Cacoosing Creek WWF
PAG2000603061	Dorothy L. Martin 889 Alleghenyville Rd. Mohnton, PA 19540	Berks	Brecknock Township	UNT to Muddy Creek WWF
PAG2000603043	Mark Powell 14 Summerhill Drive Sinking Spring, PA 19608	Berks	Heidleberg Township	Hospital Creek/UNT to Spring Creek TSF/CWF
PAG2000603032	Richard L. Henry Jr. 965 Berkshire Blvd. Wyomissing, PA 19610	Berks	Spring Township	Cacoosing Creek WWF
PAG200060317	Sam Carlo, TC Engineering & Land Development 317 Britt Road North Wales, PA 19454	Berks	Jefferson	Little Northkill Creek CWF
PAG200003008	Jeff Zerbe 2450 New Holland Road Reading, PA 19607	Berks	Robeson Township	Allegheny Creek CWF
PAR10C208R	Suzanne Daiello-Dungan Galahad Corporation 4 Galahad Lane Monocacy Station, PA 19542	Berks	Union Township	UNT to Schuylkill River CWF

*Cumberland County Conservation District, 43 Brookwood Avenue, Suite 4, Carlisle, PA 17013, (717) 240-7812.*

*NPDES Permit*

<i>No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG2002103025	Altieri Homes 9017 Red Ranch Road, Suite 201 Columbia, MD 21045	Cumberland	Silver Spring Township	Trindle Spring Run CWF

*Perry County Conservation District, P. O. Box 36, New Bloomfield, PA 17038, (717) 582-8988.*

*NPDES Permit*

<i>No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAR0050003008	Shermanata Heights Duncannon EMS Inc. 16 Shermanata Drive Duncannon, PA 17020	Perry	Penn Township	UNT to Little Juniata Creek
PAR0050003005	Department of Transportation 2140 Herr Street Harrisburg, PA 17103	Perry	Carroll Township	Shermans Creek

*York County Conservation District, 118 Pleasant Acres Road, Suite E, York, PA 17402, (717) 840-7430.*

*NPDES Permit*

<i>No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG2006703047	York County Board of Commissioners 1 W. Marketway York, PA 17401	York	East Manchester Township	Codorus Creek WWF
PAG2006703032	Jackson Township Sewer Authority 439 Roths Church Road Spring Grove, PA 17362	York	Jackson Township	UNT to West Branch Codorus Creek WWF
PAG2006703067	Cornerstone Development Co. 300 Bailey Drive, Suite 106 Stewartstown, PA 17363	York	Manchester Township	Codorus Creek WWF

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG2006703076	Cornerstone Development Co. 300 Bailey Drive, Suite 106 Stewartstown, PA 17363	York	Shrewsbury Borough	Trout Run WWF
PAG2006703024	Rainee Ruhlman 88 Musselman Road Hanover, PA 17331	York	Manheim Township	Long Run Creek WWF
PAG2006703029	Eric Bortner Penn Township 20 Wayne Ave. Hanover, PA 17331	York	Penn Township	Plum Creek WWF
PAG2006703039	Jerry Lenhoff Gerald Builders P. O. Box 301 New Province, PA 17560	York	Lower Windsor Township East Prospect Borough	UNT to Canadochly Creek WWF
PAG2006703031	Doug Squared Realty 107 Homewood Road York, PA 17403	York	City of York	Codorus Creek WWF
PAG2006703040	Eugene Shank Westlyn Inc. 700 Weldon Drive York, PA 17404	York	Jackson Township	UNT to Honey Run TSF
PAG2006703078	Michael Martin 584 Grandview Drive Lewisberry, PA 17339	York	Fairview Township	Yellow Breeches CWF
PAG2006703051	Richard Pace 30 Dusty's Lane Glen Rock, PA 17327	York	Shrewsbury Township	UNT to South Branch Codorus Creek WWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044903001	Municipal Authority of Ralpho Township 32A South Market Street Elysburg, PA 17824	Northumberland	Ralpho Township	South Branch Roaring Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI052603005	Texas Eastern Transmission, LP 5400 Westheimer Court Houston, TX 77056	Fayette	Wharton Township	Meadow Run HQ-CWF
PAI056303002	South Strabane Township 550 Washington Rd. Washington, PA 15301	Washington	South Strabane Township	Little Chartiers Creek HQ-CWF

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

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

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

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application

PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

*General Permit Type—PAG-2*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Newlin Township Chester County	PAR10G425	William E. Freas William Freas Subdivision 211 Carter Drive West Chester, PA 19382	West Branch Brandywine Creek WWF-MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Merion Township Montgomery County	PAG2004603081	Lower Merion School District Merion Elementary School	Gulley Run TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Montgomery Township Montgomery County	PAG2004603101	Tony Lizell Lizell Office Furniture 641 Cowpath Road Lansdale, PA 19446	Neshaminy Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Providence Township Montgomery County	PAG2004603089	Valley Forge Baptist Temple 616 South Trappe Rd., Rt. 113 Collegeville, PA 19426	Schuylkill River WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Limerick and Upper Providence Townships Montgomery County	PAG2004603068	Springford School District Athletic Field Construction 350 South Lewis Road Royersford, PA 19468	Mingo Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Montgomery Township Montgomery County	PAG2004603046	Paycam, LLC Proposed Office Development 131 Kelsey Drive Lansdale, PA 19446	Park Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Towamencin Township Montgomery County	PAG2004603035	Gambone Development Co. Matthews Meadows 1030 W. Germantown Pike Fairview Village, PA 19409	Skippack Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Abington Township Montgomery County	PAG2004603076	Abington School District Highland and Overlook Elementary Schools 970 Highland Avenue Abington, PA 19001	Sandy Creek/ Pennypack Creek TSF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

## NOTICES

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Horsham Township Montgomery County	PAG2004603124	Upper Moreland Township SR0611, Section UMT 117 Park Avenue Willow Grove, PA 19090	Tributary Pennypack Creek TSF, MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
City of Philadelphia Philadelphia County	PAG2015103006	United State Postal Service Lindbergh Boulevard Site 4301 Wilson Blvd, Ste. 300 Arlington, VA 22203-1860	Schuylkill River WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
City of Philadelphia Philadelphia County	PAG2015103008	Michael Meister Philmont Avenue Residential P. O. Box 2579 Warminster, PA 18974	Poquessing Creek TSF, WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Luzerne County City of Hazleton	PAG2004003007	Great Hazleton Health Alliance St. Joseph's Medical Center 681 N. Church St. Hazleton, PA 18201	Hazle Creek CWF	Luzerne County Conservation District (570) 674-7991
Luzerne County Kingston Borough	PAG2004003020	Luzerne County Transportation Authority 315 Northampton St. Kingston, PA 18704	Susquehanna River WWF	Luzerne County Conservation District (570) 674-7991
Luzerne County Fairview Township	PAR10R160R	Sam Hockman 220 Pine Ridge Rd. Tunkhannock, PA 18657	Big Wapwallopen Creek CWF	Luzerne County Conservation District (570) 674-7991
Centre County Ferguson Township	PAG2001403019	Teaberry Ridge Corl St. and Teaberry Lane State College, PA 16803	Big Hollow CWF	Centre County Conservation District 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817
Centre County Spring Township	PAG2001403009	Rosewood Cove c/o Banyon Homes 200 Haymaker Circle State College, PA 16801	UNT Spring Creek CWF	Centre County Conservation District 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817
Lycoming County Muncy Creek Township	PAG2004103007	Advanced Drainage Systems P. O. Box 404 Muncy, PA 17756	Wolf Run CWF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003
Lycoming County Wolf Township	PAG2004103008	Richard and Regina Michael 32 South Main St. Muncy, PA 17756	UNT Muncy Creek	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003
Cambria County Richland Township	PAG2001103012	Highland Sewer and Water Authority 120 Tank Drive Johnstown, PA 15904	Little Pain Creek CWF	Cambria County Conservation District (814) 472-2120
Fayette County German Township	PAG2002603010	Texas Eastern Transmission, LP 5400 Westheimer Court Houston, TX 77056	Middle Run WWF Dunlap Creek WWF	Fayette County Conservation District (724) 438-4497

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Fayette County German Township	PAG2002603011	Southwestern Pennsylvania Water Authority 1442 Jefferson Rd. P. O. Box 187 Jefferson, PA 15344	UNT to Middle Run WWF	Fayette County Conservation District (724) 438-4497
Westmoreland County Youngwood Borough	PAG2056503027	Borough of Youngwood 17 South Sixth St. Youngwood, PA 15697	Jacks Run WWF	Westmoreland County Conservation District (724) 837-5271
<i>General Permit Type—PAG-3</i>				
<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
New Britain Borough Bucks County	PAR210029	Cayuga Concrete Pipe Co. 77 Bristol Rd. New Britain, PA 18901	Neshaminy Creek 2F Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Quakertown Borough Bucks County	PAR110028	Atlas Roofing Corp. 802 Highway 19 North Suite 190 Meridian, MS 39307	UNT to Tohickon Creek 2D Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6130
West Goshen Township Chester County	PAR800086	Con-Way Transportation Services 3240 Hillview Ave. Palo Alto, CA 94304	Chester Creek 3G Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Bristol Borough Bucks County	PAR210030	Cayuga Concrete Pipe Co. 77 Bristol Rd. New Britain, PA 18901	UNT to Neshaminy Creek 2F Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Bedford County Snake Spring Township	PAR213549	New Enterprise Stone & Lime Co., Inc. Bedford Construction Supply Center Route 30 Mile Level Everett, PA 15537	Raystown Branch Juniata River TSF	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Brady Township Lycoming County	PAR504801	County of Lycoming 48 W. Third Street Williamsport, PA 17701	UNT to Black Run WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Athens Borough Bradford County	PAR904804	Valley Joint Sewer Authority 1 South River Street Athens, PA 18810	Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

*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>
Cumberland County North Newton Township	PAG043707	Harold E. and Irene L. Weaver, Jr. 201 Bulls Head Road Newville, PA 17241	Bulls Head Run WWF	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Bradford Township County Clearfield	PAG045158	Howard L. and Cynthia J. Smeal 288 Moshannon Street Philipsburg, PA 16886	UNT Moravian Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Limestone Township Montour County	PAG045160	Moses and Rachel Stoltzfus 122 Gardner Road Turbotville, PA 17772	Beaver Run WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Mifflin Township Columbia County	PAG045159	Nicolaas Buisman 207 Hetlerville Rd. Nescopeck, PA 18635	UNT to Tenmile Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Upper Augusta Township Northumberland County	PAG045029	Carl D. Knouse R. D. 1 Box 263B Sunbury, PA 17801	UNT Susquehanna River CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Blacklick Township Indiana County	PAG046272	John Sarnosky 50 Barnview Circle, Apt. 3 Blairsville, PA 15717	Muddy Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Pine Grove Township Warren County	PAG048519	Shirley L. Gertsch 2250 Conewango Avenue Ext. Warren, PA 16365	Unnamed tributary to Conewango Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Summit Township Crawford County	PAG048577	Robert E. Bayuk 15357 Sherretts Road Linesville, PA 16424	Unnamed tributary to Conneaut Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
West Salem Township Mercer County	PAG048550	Tammy L. Xander 76 North Summit Road Greenville, PA 16125	Tributary Big Run	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942



<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Sugarcreek Borough Venango County	PAG048566	John D. and Joyce E. Moriarty 275 Patchel Run Road Franklin, PA 16323	Patchel Run	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-6*

<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>
Easton City Northampton County	PAG062201	City of Easton One South Third Street Easton, PA 18042	Delaware River WWF and MF Lehigh River WWF	NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511

*General Permit Type—PAG-9*

<i>Facility Location and County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Contact Office and Telephone No.</i>
Hillis Farm Hempfield Township Westmoreland County	PAG096102	Larry Smith d/b/a A Septic Tank Service 1406 Rolling Acres Rd. Latrobe, PA 15650	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-13*

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG134801	Pennsylvania College of Technology Department of General Services 2245 Reach Road Williamsport, PA 17701	Lycoming	City of Williamsport	UNT West Branch Susquehanna River WWF	Y
PAG134806	Loyalsock Township 2501 East Third Street Williamsport, PA 17701	Lycoming	Loyalsock Township	Lycoming Creek WWF Grafius Run WWF Millers Run WWF Mill Creek TSF Loyalsock Creek TSF West Branch Susquehanna River WWF	Y
PAG134807	Duboistown Borough 2651 Euclid Avenue Duboisstown, PA 17702	Lycoming	Duboistown Borough	Mosquito Creek CWF West Branch Susquehanna River WWF	Y

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAG134808	South Williamsport Borough 329 West Southern Avenue South Williamsport, PA 17702	Lycoming	South Williamsport Borough	Hagermans Run HQ-CWF West Branch Susquehanna River WWF	Y
PAG134809	Borough of Montoursville 617 North Loyalsock Avenue Montoursville, PA 17754	Lycoming	Borough of Montoursville	Loyalsock Creek TSF Mill Creek TSF West Branch Susquehanna River WWF	Y
PAG134810	City of Williamsport 245 West Fourth Street Williamsport, PA 17701	Lycoming	City of Williamsport	Daugherty Run WWF Fox Hollow WWF Lycoming Creek WWF Grafius Run WWF West Branch Susquehanna River WWF	Y
PAG134811	Old Lycoming Township 1951 Green Avenue Williamsport, PA 17701	Lycoming	Old Lycoming Township	Lycoming Creek WWF Bottle Run WWF Fox Hollow WWF	Y

## 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).**

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

**Permit No. Minor Amendment—Operation.** Public Water Supply.

Applicant	<b>Pennsylvania American Water Company</b> 800 West Hersheypark Drive Hershey, PA 17033
Township	White Deer Township
County	<b>Union</b>
Type of Facility	PWS—Operation of the rehabilitated 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	July 10, 2003

**Permit No. 4903503—Construction.** Public Water Supply.

Applicant	<b>Pennsylvania American Water Company</b> 800 West Hersheypark Drive Hershey, PA 17033
Borough	Milton Borough
County	<b>Northumberland</b>
Type of Facility	PWS—Modification to the Mahoning Street Booster Station.
Consulting Engineer	Scott M. Thomas Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Permit to Operate Issued	July 15, 2003

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

**Operations Permit** issued to **Municipal Authority of Aliquippa**, 160 Hopewell Avenue, Aliquippa, PA 15001, PWS ID 5040006, City of Aliquippa, **Beaver County** on July 11, 2003, for the operation of facilities approved under Construction Permit No. 0400502.

## SEWAGE FACILITIES ACT PLAN APPROVAL

**Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a).**

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

## Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Unity Township	1104 Beatty Road Latrobe, PA 15650	Westmoreland

**Plan Description:** The approved plan provides for construction of a 400-gallon per day single residence sewage treatment plant to serve in existing lot with a residential structure owned by Ed O'Barto. The property is at Box 186, Saxman Road. The proposed discharge point is to an unnamed tributary of Loyalhanna Creek (WWF). Required NPDES permits or WQM permits must be obtained in the name of the application as appropriate. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION****UNDER ACT 2, 1995****PREAMBLE 2**

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

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

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

The Department has received the following final reports:

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

**GE Betz**, Bensalem Township, **Bucks County**. Michael Sykes, MWH Americas, Inc., 10 Airline Dr., Albany, NY 12205, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with fuel oil no. 2. The report was submitted within 90 days of the release and is intended to document remediation of the site to meet the Statewide Health Standard.

**Chelsea Housing**, City of Philadelphia, **Philadelphia County**. William F. Schmidt, P. E., Pennoni Associates, Inc., 3001 Market St., Philadelphia, PA 18964, on behalf of James L. McMahan, Chelsea Historic Properties, LP, 4041 Ridge Ave., Philadelphia, PA 19129, has submitted a Final Report concerning remediation of site soil contaminated with chlorinated solvents, fuel oil nos. 2 and 6, inorganics, lead, other organics, PAH, PCB and pesticides; and groundwater contaminated with chlorinated solvents, fuel oil nos. 2 and 6, other organics and PAH. The report is intended to document remediation of the site to meet Statewide Health and Site-Specific Standards.

**PDDC (Philadelphia Design and Distribution Center) Site**, City of Philadelphia, **Philadelphia County**. Craig Herr, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of Equivest, 215 S. Broad St., Philadelphia, PA 19107, has submitted a Remedial Investigation/Final Report concerning remediation of site groundwater contaminated with chlorinated solvents, fuel oil nos. 2, 4 and 6. The report is intended to document remediation of the site to meet Site-Specific Standards.

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

**Dana Structural Solutions International-Division**, Reading City, **Berks County**. RMT Integrated Environmental Solutions, 527 Plymouth Road, Suite 406, Plymouth Meeting, PA 19462-0490, on behalf of Dana Structural Solutions International-Division, Robeson and Weiser Streets, Reading, PA 19612-3459, submitted a Remedial Investigation and Risk Assessment concerning remediation of site soils and groundwater contaminated with PCBs, lead, heavy metals, BTEX, PHCs, PAHs and solvents. The applicant is seeking attainment of the Site-Specific Standard.

**Former Wild's Auto**, New Holland Borough, **Lancaster County**. Mid-Atlantic Associates, P. A., P. O. Box 1128, North Wales, PA 19454, on behalf of Beans Class Realty, 508 West Main Street, New Holland, PA 17557, submitted a Final Report concerning remediation of site soils contaminated with fuel oil no. 2. The report is intended to document remediation of the site to the Statewide Health Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

**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:

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

**Former Triangle Lumber Co.**, Richland Township, **Bucks County**. Joseph J. McGovern, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Nelson Properties, Irwin Kroiz, President, 610 Germantown Pike, Plymouth Meeting, PA 19462, has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with unleaded gasoline. The combined report was approved by the Department on July 9, 2003.

**Swede Square Shopping Center**, East Norriton Township, **Montgomery County**. James M. Connor, URS Corp., 2325 Maryland Rd., Willow Grove, PA 19090, on behalf of Genuardi's Market, LP, Attn: Skip Genuardi, 470 Norristown Rd., Suite 300, Blue Bell, PA, 19422, has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning the remediation of site soil contaminated with chlorinated solvents and other organics; and groundwater contaminated with chlorinated solvents. The combined report was approved by the Department on July 14, 2003.

**Gregory Residence**, Lower Providence Township, **Montgomery County**. Jason Plucinski, React Environmental Services, Inc., 6901 Kingsessing Ave., Philadelphia, PA 19142, on behalf of Mr. Gregory, 2869 Eagleville Rd., Audubon, PA 19403, has submitted a Final Report

concerning remediation of site soil contaminated with fuel oil no. 2. The report was submitted with 90 days of the release. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 1, 2003.

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

**Leroy Shultz Residence**, Lower Windsor Township, **York County**. GemChem, Inc., P. O. Box 384, Lititz, PA 17543-0384, on behalf of Leroy Shultz, 175 Bank Hill Road, East Prospect, PA 17317, submitted a Final Report concerning remediation of site soils contaminated with no. 2 fuel oil. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 12, 2003.

**Twin Oaks Nursing Center**, South Londonderry Township, **Lebanon County**. Alliance Environmental Services, Suite B, 1414 North Cameron Street, Harrisburg, PA 17103, on behalf of Twin Oaks Nursing Center, 90 West Main Street, P. O. Box 137, Campbelltown, PA 17010, submitted Final Report concerning remediation of site soils contaminated with fuel oil no. 2. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 10, 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 Gas, Inc., A Subsidiary of PP&L Resources, 55 South Third Street, Oxford, PA 19363, submitted a Remedial Investigation concerning remediation of site soils, groundwater and sediment contaminated with lead, heavy metals, solvents, BTEX and PAHs. The report was disapproved by the Department on July 11, 2003.

#### REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

**Registrations approved 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. WMGR090R001. Pennsy Supply, Inc.**, P. O. Box 3331, Harrisburg, PA 17104-3331. General Permit No. WMGR090 authorizes the processing and beneficial use of reclaimed asphalt pavement (RAP) materials as a roadway construction material. The Central Office approved this registration for coverage under the general permit on July 11, 2003.

**General Permit No. WMGR090R002. Wilson Paving, Inc.**, 480 West Old York Road, Carlisle, PA 17013-7503. General Permit No. WMGR090 authorizes the processing and beneficial use of RAP materials as a roadway construction material. The Central Office approved this registration for coverage under the general permit on July 11, 2003.

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

**Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.**

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

**Permit No. 101168. Bethayres Reclamation Corp.**, 2310 Terwood Dr., Huntingdon Valley, PA 19006-6029, Lower Moreland Township, **Montgomery County**. Permit modification issued for the implementation of a radiation protection action plan. The permit was issued by the Southeast Regional Office on July 8, 2003.

#### 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.*

**Gradwell Enterprise**, 839 Ann St., Pottsville, PA 17901-8435. Authorization No. WH3936. Effective July 7, 2003.

**Acoma Trucking Co.**, Fl. 2, 200 Roslyn Road, Mineola, NY 11501. Authorization No. WH3945. Effective July 7, 2003.

**Hepco Construction Inc.**, P. O. Box 443, Selinsgrove, PA 17870-1203. Authorization No. WH3969. Effective July 7, 2003.

**Fabcor Inc.**, Mid Valley Industrial Park, 1205 Mid Valley Dr., Jessup, PA 18434. Authorization No. WH3977. Effective July 7, 2003.

**Kilburn Builder & Excavating**, 13621 Perry Lane, Edinboro, PA 16412. Authorization No. WH4933. Effective July 7, 2003.

**Hanley Trucking**, 1191 McGill Hollow Road, Linden, PA 17744. Authorization No. WH4934. Effective July 7, 2003.

**Diamond State Trucking**, 5008 Rosetree Lane, Newark, DE 19702. Authorization No. WH4935. Effective July 7, 2003.

**Global Land Materials Inc.**, P. O. Box 86, Brookhaven, NY 11719. Authorization No. WH4942. Effective July 7, 2003.

**Meridian Construction Inc.**, 1923 West Point Pike, Lansdale, PA 19446. Authorization No. WH4944. Effective July 7, 2003.

**Juan A. Quito d/b/a J. Q. Trucking Co.**, 689 Arcadian Ave., Valley Stream, NY 11580. Authorization No. WH4946. Effective July 7, 2003.

**Angel L. Fandino**, 23 Hunter Lane, Sparta, NJ 07871. Authorization No. WH4947. Effective July 7, 2003.

**Lee Alston**, 72 Arch St., Paterson, NJ 07522. Authorization No. WH4948. Effective July 7, 2003.

**Luis V. Castillo**, Apt. A4, 51 Elm St., Morristown, NJ 07960. Authorization No. WH4949. Effective July 7, 2003.

**Robert K. Bennett**, 54 Stoney Flats Road, Home, PA 15747. Authorization No. WH4950. Effective July 7, 2003.

**Blazer Enterprises**, 1339 S. Eagle Valley Road, Julian, PA 16844. Authorization No. WH4951. Effective July 7, 2003.

**CTW Specialties Inc.**, 2900 Pacific Ave., Greensboro, NC 27406. Authorization No. WH4943. Effective July 7, 2003.

**Schuylkill County**, Schuylkill County Courthouse, 401 N. 2nd St., Pottsville, PA 17901-1757. Authorization No. WH3966. Effective July 8, 2003.

**John M. Wilhelm**, 5298 Paes Road, New Holland, PA 17557. Authorization No. WH4936. Effective July 8, 2003.

**Bonitz & Bonitz Construction Co.**, 211 Hollywood Dr., Hamilton, NJ 08609. Authorization No. WH4937. Effective July 8, 2003.

**Garry M. Jozefik**, P. O. Box 123, Woodland, PA 16881-0123. Authorization No. WH4945. Effective July 8, 2003.

**Hanover Excavating**, 18 Cherry Valley Road, Hanover, PA 17331. Authorization No. WH4896. Effective July 8, 2003.

**Rocky Mountain Transport**, 461 East Lincoln Avenue, Myerstown, PA 17067. Authorization No. WH3897. Effective July 9, 2003.

**Moyer's Salvage Yard**, 394 North Mine Road, Quakertown, PA 18951. Authorization No. WH3879. Effective July 9, 2003.

**Scott R. Gares**, 215 Anderson Road, Asbury, NJ 08802. Authorization No. WH3887. Effective July 9, 2003.

**Revoked application for Municipal and Residual Waste Transporter Interim Authorization received under the Waste Transportation Safety Act 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.*

**GGR&J Trucking, Inc./Juan J. Leon**, 45-26 49th Street, 4A, Woodside, NY 11377. Authorization No. WH2054. Revoked July 8, 2003.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

**GP5-12-01: Dominion Transmission Corp.** (625 Liberty Avenue, Pittsburgh, PA 15222) on June 10, 2003, operate a 145 horsepower natural gas-fired reciprocating internal combustion compressor engine equipped with a catalytic converter and an automatic air/fuel ratio controller under the General Plan Approval and General Operat-

ing Permit for Natural Gas Production Facilities (BAQ-GPA/GP-5) at the Tract 168 site in Portage Township, **Cameron County**.

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

**GP5-32-00370: Dominion Exploration and Production, Inc.** (16945 Northchase Drive, Suite 1750, Houston, TX 77060) on July 14, 2003, to operate a compressor booster station at Trimarchi Compressor Station in Armstrong Township, **Indiana County**.

**GP3-03-00153: Seven Sisters Mining Co., Inc.** (Box 147 Star Route, Spring Church, PA 15686) on July 14, 2003, to operate a nonmetallic mineral processing plant at Coleman Mine in South Bend Township, **Armstrong County**.

**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code, Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

*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.*

**09-0040B: Consolidated Graphics** (315A West Street Road, Warminster, PA 18974) on July 9, 2003, to operate five lithographic print presses in Warminster Township, **Bucks County**.

**46-0036H: Visteon Systems LLC** (2750 Morris Road, Lansdale, PA 19446) on July 10, 2003, to operate a selective solder no. 11 in Worcester Township, **Montgomery County**.

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

**48-301-045: Falk Funeral Home Inc.** (163 Main Street, Pennsburg, PA 18073) on June 18, 2003, to construct a human crematory and associated air cleaning device at their East Penn Crematory in Hellertown Borough, **Northampton County**.

**64-303-008: Reading Materials Inc.** (P. O. Box 1467, 2052 Lucon Road, Skippack, PA 19474) on July 10, 2003, to construct a batch asphalt plant and associated air cleaning device at their facility in Palmyra Township, **Wayne County**.

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

**06-03089B: Reading Materials, Inc.** (P. O. Box 1467, Skippack, PA 19474) on July 9, 2003, to modify a nonmetallic mineral crushing plant controlled by a wet suppression system at their Pottstown Traprock plant in Douglass Township, **Berks County**. The crushing plant is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

**06-05049B: Fleetwood Industries, Inc.** (3001 St. Lawrence Avenue, Reading, PA 19606) on July 9, 2003, to modify a wood furniture surface coating operation controlled by dry filter pads and low VOC coatings at the Reading Plant in St. Lawrence Borough, **Berks County**.

**07-05033B: Grannas Bros. Stone & Asphalt Co., Inc.** (P. O. Box 488, Hollidaysburg, PA 16648) on July 8,

2003, to construct a drum mix asphalt plant controlled by a cyclone in series with a fabric collector and appropriately placed water spray at their Ganister Quarry in Catharine Township, **Blair County**. This source is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities, Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels and Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

**21-05064C: Atlas Roofing Corp.** (802 Highway 19 North, Suite 190, Meridian, MS 39307) on July 10, 2003, to modify the foam laminator operation at their facility in Camp Hill Borough, **Cumberland County**.

**22-05013A: MI Metals, Inc.** (P. O. Box 4490, Clearwater, FL 33758-4490) on July 10, 2003, to modify the surface coating operation at their facility in Upper Paxton Township, **Dauphin County**.

**36-05067I: C & D Technologies, Inc.** (82 East Main Street, Leola, PA 17540) on July 9, 2003, to modify their existing lead-acid battery manufacturing plant in Upper Leacock Township, **Lancaster County**. The plant is subject to 40 CFR Part 60, Subpart KK—Standards of Performance for Lead-Acid Battery Manufacturing Plants.

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

**41-00005B: Lycoming Engines** (652 Oliver Street, Williamsport, PA 17701) on June 3, 2003, to construct three aircraft parts nitriders and associated air cleaning device (an ammonia neutralization unit) in the City of Williamsport, **Lycoming County**.

**17-305-007D: River Hill Coal Company, Inc.** (P. O. Box 141, Kylertown, PA 16847) on June 10, 2003, to construct a coal stockpiling and synfuel stockpiling and rail/truck loading operation at the Belford Siding site in Karthaus Township, **Clearfield County**. The coal stockpiling operation is subject to Subpart Y of the Federal Standards of Performance for New Stationary Sources.

**41-305-004G: Keystone Filler and Manufacturing Company** (214 Railroad Street, Muncy, PA 17756) on June 10, 2003, to install air cleaning devices (two dust collection hoods and a fabric collector) on two bulk carbon products railcar loading operations in Muncy Creek Township, **Lycoming County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

**09-0050: Better Materials Corp.** (852 Swamp Road, Penns Park, PA 18943) on July 11, 2003, to operate one crusher and two conveyor belts in Wrightstown Township, **Bucks County**.

**46-0022: ATOFINA Chemicals, Inc.** (900 First Avenue, King of Prussia, PA 19406) on July 10, 2003, to operate a boiler in Upper Merion Township, **Montgomery County**.

**23-0045: Sunoco Partners Marketing and Terminal, LP** (3290 Sunset Lane, Hatboro, PA 19040) on July 10, 2003, to operate a vapor combustion unit in Upper Chichester Township, **Delaware County**.

**46-0036C: Visteon Systems LLC** (2750 Morris Road, Lansdale, PA 19446) on July 11, 2003, to operate a selective solder no. 8 in Worcester Township, **Montgomery County**.

**09-0015E: Rohm and Haas Co.** (Old Route 13 and Route 413, Bristol, PA 19007) on July 10, 2003, to operate a 1.7 mW emergency generator in Bristol Township, **Bucks County**.

**23-0001R: Sunoco, Inc.—R and M** (Delaware Avenue and Green Street, Marcus Hook, PA 19061) on July 14, 2003, to operate spud burners on No. 7 boiler in Marcus Hook Borough, **Delaware County**.

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

**64-322-001: Rosencranse Corp.** (Rosencranse Land-fill, 1815 South Wolf Road, Hillside, IL 60162) to install an air cleaning device at their facility in Berlin Township, **Wayne County**. The Plan Approval is being extended.

**39-309-056: Lafarge North America** (5160 Main Street, Whitehall, PA 18052) to install an air cleaning device on the B5 bulk storage group at their Whitehall Plant in Whitehall Township, **Lehigh County**. This Plan Approval is being extended.

**39-309-058: Lafarge North America** (5160 Main Street, Whitehall, PA 18052) to installation an air cleaning device on the nos. 2 and 6 clinker silos loadout spouts at their Whitehall Plant in Whitehall Township, **Lehigh County**. This Plan Approval is being extended.

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

**55-310-002A: National Limestone Quarry, Inc.** (P. O. Box 397, Middleburg, PA 17842) on July 3, 2003, to construct various pieces of stone crushing, screening and conveying equipment until October 31, 2003, to operate various other pieces of stone crushing, screening and conveying equipment on a temporary basis until October 31, 2003, and to construct a 6-foot by 20-foot triple deck screen rather than a 6-foot by 16-foot triple deck screen in Franklin Township, **Snyder County**. The authorization has been extended.

**18-00006B: Dominion Transmission Corp.** (625 Liberty Avenue, Pittsburgh, PA 15222) on July 2, 2003, to operate six natural gas-fired reciprocating internal combustion compressor engines (engines 4, 5, 6, 9, 10 and 11) on a temporary basis, until October 30, 2003, at the Leidy Compressor Station in Leidy Township, **Clinton County**. The plan approval has been extended.

**55-00002A: Department of Public Welfare** (P. O. Box 2675, Harrisburg, PA 17105) on July 1, 2003, operate three coal-fired boilers and associated air cleaning device (a core separator) on a temporary basis, until October 29, 2003, at Selinsgrove Center in Penn Township, **Snyder County**. The plan approval has been extended.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

**46-00133: Crystal, Inc.** (601 West 8th Street, Lansdale, PA 19446) on July 14, 2003, to operate a natural minor operating permit in Lansdale Borough, **Montgomery County**.

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

**06-05037: McConway and Torley Corp.** (109 48th Street, Pittsburgh, PA 15201) on July 10, 2003, to operate a steel foundry at their Kutztown Plant in Kutztown Borough, **Berks County**.

**36-03116: Wilbur Chocolate Co.** (200 Chocolate Avenue, Mount Joy, PA 17552) on July 9, 2003, to operate a chocolate manufacturing facility at their Mount Joy Plant in Mount Joy Borough, **Lancaster County**.

**36-03135: Shared Mail Acquisitions, LLC** (72 Industrial Circle, Lancaster, PA 17601) on July 8, 2003, to operate presses at their printing facility in Upper Leacock Township, **Lancaster County**.

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

**17-309-024: Mt. Savage Specialty Refractories Co.** (P. O. Box 60, Curwensville, PA 16833) on June 24, 2003, to operate a refractories manufacturing facility and associated air cleaning devices (a scrubber and eight fabric collectors) in Pike Township, **Clearfield County**.

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

**63-00546: Sherwood** (2200 North Main Street, Washington, PA 15301) on July 10, 2003, to operate valve manufacturing at Washington Plant in Chartiers Township, **Washington County**.

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

**25-00890: Burton Funeral Homes and Crematory, Inc.** (602 West Tenth Street, Erie, PA 16502) to issue a Natural Minor Operating Permit for emissions from a human crematory in the City of Erie, **Erie County**.

**43-00284: Keystone Rolls, Inc.** (40 Council Avenue, Wheatland, PA 16161) to issue a Natural Minor Operating Permit in the Borough of Wheatland, **Mercer County**. The facility's primary emissions are from two hard chromium electroplating processes.

**33-00016: NAC Carbon Products, Inc.** (Elk Run Avenue, Punxsutawney, PA 15767) to issue a Natural Minor Operating Permit in the Borough of Punxsutawney, **Jefferson County**. The facility's primary sources of emissions are the carbon baking kilns and associated equipment.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

**AQ-SE-0014: Haines and Kibblehouse, Inc.** (394 Sanatoga Road, Pottstown, PA 19464) on July 9, 2003, to

operate a portable crushing plant in Lower Pottsgrove Township, **Montgomery County**.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: Michael Saffo, Facilities Permitting Chief, (570) 826-2531.*

**54-00017: Lehigh Asphalt Paving Construction Co.** (P. O. Box 549, Tamaqua, PA 18252) to operate a crushing plant at their facilities in West Penn Township, **Schuylkill County**. This Operating Permit is for the source description change only.

## 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

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

**33930112 and NPDES Permit No. PA0211877. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). Transfer of an existing bituminous strip operation from Dunamis Resources, Inc. in Beaver Township, **Jefferson County** affecting 211.2 acres. Receiving streams: unnamed tributaries to Reitz Run, unnamed tributaries to Ferguson Run and unnamed tributaries to Beaver Run. Application received April 3, 2003. Permit issued July 2, 2003.

**24890107 and NPDES Permit No. PA0207624. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). Transfer of an existing bituminous strip and auger operation from Senate Coal Mines, Inc. in Horton Township, **Elk County** affecting 38.0 acres. Receiving streams: Johnson Run. Application received April 3, 2003. Permit issued July 2, 2003.

**33930104 and NPDES Permit No. PA0211591. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). Transfer of an existing bituminous strip and auger operation from Dunamis Resources, Inc. in Winslow Township, **Jefferson County** affecting 336.0 acres. Receiving streams: unnamed tributary to Trout Run and unnamed tributary to Front Run. Application received April 3, 2003. Permit issued July 2, 2003.

**16830107 and NPDES Permit No. PA0601471. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). Transfer of an existing bituminous strip and tiple refuse disposal operation from Dunamis Resources, Inc. in Perry and Toby Townships, **Clarion County** affecting 124.0 acres. Receiving streams: un-



named tributary to Black Fox Run. Application received April 3, 2003. Permit issued July 2, 2003.

**61970102 and NPDES Permit No. PA0227595. Rusnak Coal Company** (R. D. 1, Box 44, Grove City, PA 16127). Renewal of an existing bituminous strip and auger operation in Irwin Township, **Venango County** affecting 54.5 acres. Receiving streams: unnamed tributary to Scrubgrass Creek. Application received April 9, 2003. Permit issued July 9, 2003.

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

**11980202 and NPDES Permit No. PA0234788. Smith Energy, Inc.**, 1075 Chestnut Street, Nanty Glo, PA 15943, permit revision to change the land use from wildlife habitat to unmanaged natural habitat in Blacklick Township, **Cambria County**, affecting 10.0 acres. Receiving streams: Coalpit Run (CWF). Application received May 15, 2003. Permit issued July 11, 2003.

#### *Noncoal Permit Actions*

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

**3175SM3. I. A. Construction Corporation** (P. O. Box 8, Concordville, PA 19331). Renewal of NPDES Permit No. PA0208103, Plain Grove Township, **Lawrence County**. Receiving streams: unnamed tributary to Jamison Run and Jamison Run. Application received May 14, 2003. Permit issued July 8, 2003.

**4675SM18. G. L. Carlson, Inc.** (P. O. Box 97, Turtlepoint, PA 16750). Renewal of NPDES Permit No. PA0211222, Annin Township, **McKean County**. Receiving streams: Allegheny River. Application received May 19, 2003. Permit issued July 8, 2003.

**37870301. I. A. Construction Corporation** (P. O. Box 8, Concordville, PA 19331). Renewal of NPDES Permit No. PA0107913, Wayne Township, **Lawrence County**. Receiving streams: Duck Run, unnamed tributaries to Duck Run and unnamed tributaries to Connoquenessing Creek. Application received May 14, 2003. Permit issued July 8, 2003.

#### **ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 (73 P.S. §§ 151–161); and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

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

**52034014. Holbert Explosives, Inc.** (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting in Blooming Grove Township, **Pike County** with an expiration date of July 15, 2008. Permit issued July 7, 2003.

**36034056. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Warwick Township, **Lancaster County** with an expiration date of July 9, 2004. Permit issued July 7, 2003.

**64034008. E. R. Linde Construction Corp.** (R. R. 6 Box 6825, Honesdale, PA 18431), construction blasting in south Caanan Township, **Wayne County** with an expiration date of July 15, 2004. Permit issued July 7, 2003.

**46034020. AMROC** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting in Douglas Township, **Montgomery County** with an expiration date of July 2, 2004. Permit issued July 7, 2003.

**36034057. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Conoy Township, **Lancaster County** with an expiration date of August 10, 2003. Permit issued July 7, 2003.

**36034058. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in West Donegal Township, **Lancaster County** with an expiration date of July 10, 2004. Permit issued July 7, 2003.

**38034013. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in South Lebanon Township, **Lebanon County** with an expiration date of September 10, 2003. Permit issued July 7, 2003.

**46034022. Joao & Bradley Construction** (P. O. Box 20345, Lehigh Valley, PA 18002) and **AJT Blasting, LLC** (P. O. Box 20412, Bethlehem, PA 18002), construction blasting in Abington Township, **Montgomery County** with an expiration date of March 10, 2004. Permit issued July 7, 2003.

**48034020. Labrador Construction** (P. O. Box 1379, Marshalls Creek, PA 18335), construction blasting in Forks Township, **Northampton County** with an expiration date of January 1, 2004. Permit issued July 7, 2003.

**46034021. Schlouch Inc.** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting in Lower Salford Township, **Montgomery County** with an expiration date of July 10, 2004. Permit issued July 7, 2003.

**45034019. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Smithfield Township, **Monroe County** with an expiration date of June 5, 2004. Permit issued July 7, 2003.

**52034015. Don Hanay** (R. R. 1 Box 1909, Beach Lake, PA 18405) and **Holbert Explosives** (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting in Lackawaxen Township, **Pike County** with an expiration date of July 18, 2008. Permit issued July 7, 2003.

**48034022. Schlouch Inc.** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting in Hanover Township, **Northampton County** with an expiration date of July 18, 2004. Permit issued July 7, 2003.

**06034031. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Ontelaunee Township, **Berks County** with an expiration date of December 31, 2004. Permit issued July 7, 2003.

**15034020. Allan A. Myers, L. P.** (P. O. Box 98, Worcester, PA 19490), construction blasting in East Caln Township, **Chester County** with an expiration date of July 29, 2004. Permit issued July 7, 2003.

**23034007. Horst Drilling & Blasting, Inc.** (141 Ranck's Church Road, New Holland, PA 17557), construction blasting in Thornbury Township, **Delaware County** with an expiration date of July 10, 2005. Permit issued July 7, 2003.

**36034061. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in West Earl Township, **Lancaster County** with an expiration date of September 19, 2003. Permit issued July 7, 2003.

**22034013. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Swatara Township, **Dauphin County** with an expiration date of July 10, 2004. Permit issued July 7, 2003.

**67034036. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Windsor Township, **York County** with an expiration date of December 31, 2004. Permit issued July 10, 2003.

**48034021. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507), construction blasting in Upper Nazareth Township, **Northampton County** with an expiration date of December 31, 2004. Permit issued July 10, 2003.

**22034014. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Lower Paxton Township, **Dauphin County** with an expiration date of July 16, 2004. Permit issued July 10, 2003.

**38034014. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Jackson Township, **Lebanon County** with an expiration date of October 16, 2003. Permit issued July 10, 2003.

**46034023. Allan A. Myers, L. P.** (P. O. Box 98, Worcester, PA 19490), construction blasting in Montgomery Township, **Montgomery County** with an expiration date of July 16, 2004. Permit issued July 10, 2003.

**64034009. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Paupack Township, **Wayne County** with an expiration date of June 11, 2004. Permit issued July 10, 2003.

**67034037. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Fairview Township, **York County** with an expiration date of July 16, 2004. Permit issued July 10, 2003.

**36034059. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Leacock Township, **Lancaster County** with an expiration date of August 17, 2003. Permit issued July 10, 2003.

**21034026. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013), construction blasting in Silver Springs Township, **Cumberland County** with an expiration date of March 18, 2008. Permit issued July 10, 2003.

**35034010. Austin Powder Company** (P. O. Box 289, Northampton, PA 18067), construction blasting in Mayfield Borough, **Lackawanna County** with an expiration date of January 26, 2004. Permit issued July 10, 2003.

**38034015. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in North Cornwall Township, **Lebanon County** with an expiration date of October 17, 2003. Permit issued July 10, 2003.

**36034060. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in West Donegal Township, **Lancaster County** with an expiration date of July 17, 2006. Permit issued July 10, 2003.

**15034021. Explo-Craft, Inc.** (P. O. Box 1332, West Chester, PA 19380), construction blasting in East Goshen Township, **Chester County** with an expiration date of July 23, 2004. Permit issued July 10, 2003.

**46034025. Explo-Craft, Inc.** (P. O. Box 1332, West Chester, PA 19380), construction blasting in Horsham Township, **Montgomery County** with an expiration date of July 23, 2004. Permit issued July 10, 2003.

**45034021. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Pocono Township, **Monroe County** with an expiration date of June 15, 2004. Permit issued July 10, 2003.

**45034020. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Smithfield Township, **Monroe County** with an expiration date of June 15, 2004. Permit issued July 10, 2003.

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

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

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

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State Water Quality Standards.

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

Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary 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).**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

#### **WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E44-118: Department of Transportation, District 2-0**, 1924-30 Daisy Street, Clearfield, PA 16803 in Menno Township, **Mifflin County**, ACOE Baltimore District.

To remove the existing bridge and then to construct and maintain a 12-foot by 6-foot box culvert at the channel of an unnamed tributary to Saddler Run (TSF) on SR 0655, Section A02, Segment 0030, offset 0006 in Allensville Village (Allenville, PA Quadrangle N: 6.55 inches; W: 9.2 inches) in Menno Township, Mifflin County.

**E67-736: Cornerstone Development Group**, 300 Bailey Drive, Suite 106, Stewartstown, PA 17363 in Dover Township, **York County**, ACOE Baltimore District.

To construct and maintain: (1) 210 feet of 8-inch sanitary sewer line in the floodway of Little Conewago Creek (TSF); (2) 135 feet of 8-inch sanitary sewer line in the floodway of an unnamed tributary to Little Conewago Creek (TSF); and (3) fill two palustrine emergent wetland pockets which will directly impact 0.10 acre of wetlands with a secondary impact of 0.17 acre of wetlands for a 69-lot residential subdivision (West York, PA Quadrangle N: 15.8 inches; W: 12.0 inches) Dover Township, York County. The permittee is required to create a minimum of 0.27 acre of palustrine emergent replacement wetlands onsite.

**E67-734: Newberry Township**, 1915 Old Trail Road, Eppers, PA 17319 in Newberry Township, **York County**, ACOE Baltimore District.

To remove an existing bridge, then construct and maintain a 16-foot by 6-foot precast concrete box culvert in Bennetts Run (WWF) at a point where Garriston Road (T-904) crosses Bennetts Run. A 6-inch dry hydrant will be constructed along the upstream side of the box culvert (Dover, PA Quadrangle N: 22.12 inches; W: 10.0 inches) in Newberry Township, York County.

**E44-119: Department of Transportation, Engineering District 2-0**, 1924-30 Daisy Street, Clearfield, PA 16830 in Derry Township, **Mifflin County**, ACOE Baltimore District.

To remove the existing bridge and then to construct and to maintain a box culvert with a normal span of 23 feet with an under clearance of 6.5 feet at the channel of an unnamed tributary to Buck Run (TSF) on SR 4013, Section A02, Segment 0170, offset 0829 about 1.5 miles west of Burnham Borough (Lewistown, PA Quadrangle N: 21.8 inches; W: 13.5 inches) in Derry Township, Mifflin County.

**E01-239: United Natural Foods, Inc.**, 260 Lake Road, Dayville, CT 06241 in Oxford Township, **Adams County**, ACOE Baltimore District.

To fill a 0.03-acre palustrine emergent wetland at the northeast portion of the United Natural Foods, Inc. property to construct 40 new parking spaces. The wetland is associated with an unnamed tributary to the South Branch Conewago Creek (WWF) in the Conewago Creek watershed (McSherrystown, PA Quadrangle N: 20.6 inches; W: 6.0 inches). The amount of wetland impact is considered a de minimis impact of a 0.03 acre of palustrine emergent wetland and wetland mitigation is not required.

**E05-310: Dixie L. Tew**, 3001 Teaberry Road, Bedford, PA 15522 in Bedford Township, **Bedford County**, ACOE Baltimore District.

To relocate 60 feet of stream channel, construct and maintain a 60-foot by 12-inch culvert within the relocated reach that will discharge to another unnamed tributary to Shobers Run and fill 350 feet of the abandoned channel all on an unnamed tributary to Shobers Run (HQ-CWF, perennial) in Bedford Township, Bedford County (Rainsburg, PA Quadrangle N: 15.4 inches; W: 7.7 inches).

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

**E12-132. L & M Lumber**, 923 Sizerville Road, Emporium, PA 15834. Structures in Floodway in Shippen Township, **Cameron County**, ACOE Baltimore District (Emporium, PA Quadrangle N: 2.7 inches; W: 12.4 inches).

To operate and maintain a 6,300 square foot material storage building placed on 7 feet of fill, a 280 square foot concrete storage bin and 1,030 square foot lumber bin. The structures and fill are in the floodway of the Sinnemahoning Portage Creek (CWF). The permit also authorizes containing the entire property with a chain link fencing in addition to storing all materials that may be adversely affected by water above the 100-year floodwater elevation. The permitted site is on Sizerville Road (SR 155), 1.2 miles north of the intersection with SR 120 in Shippen Township, Cameron County.

**E17-384. Department of Conservation and Natural Resources—Forestry District No. 9**, 3372 State Park Road, Penfield, PA 15849-9502. Mountain Run Bike Trail in Huston Township, **Clearfield County**, ACOE Baltimore District (Penfield, PA Quadrangle N: 19.2 inches; W: 15.2 inches).

To construct, operate and maintain three single span bridges across Wilson Run for public access to a mountain bike trail system in the Moshannon State Forest. Bridge No. 1 shall be constructed with a minimum width of 4 feet and single span 30 feet, Bridge No. 2 shall be constructed with a minimum width of 4 feet and single span of 33 feet and Bridge No. 3 shall be constructed with a minimum width of 4 feet and single span of 52 feet. Construction of the bridges shall not be conducted within the stream channel. The project is on the western right-

of-way of SR 0153 approximately 2,000 feet south of Nolan Road and SR 0153 intersection. This permit does not authorize any temporary or permanent wetland impacts.

**E18-354. EDABH, Inc.**, 145 East Walnut Street, Lock Haven, PA 17754. Riverside Pavilion in Woodward Township, **Clinton County**, ACOE Baltimore District (Lock Haven, PA Quadrangle N: 3.75 inches; W: 6.00 inches).

To maintain a 20-foot by 26-foot open-sided pavilion on an existing at-grade concrete pad in the left 100-year floodway of the West Branch of the Susquehanna River on Lot No. 1 of the Havenview Riverfront Retreat, which is at the southern end of Havenview Road. Riverside Pavilion (Lock Haven, PA Quadrangle N: 3.75 inches; W: 6.00 inches) is in Woodward Township, Clinton County.

**E19-233. Municipal Authority of Ralpho Township**, 32A South Market Street, Elysburg, PA 17824. Sewage pump station in Franklin Township, **Columbia County**, ACOE Baltimore District (Danville, PA Quadrangle N: 1.4 inches; W: 0.9 inch).

To construct and maintain a 625 square foot wastewater pumping station and emergency generator in an 8-foot high 55-foot by 65-foot chain link fence enclosed area in the floodplain at the end of the 100-year floodway of the South Branch of Roaring Creek (HQ-CWF, wild trout) off the east side of Route 487 at the northern exit from Knoebels Amusement Park. The project will not impact wetlands or waterways. This permit was issued under section 105.13(e) "Small Projects."

**E59-438. Dominion Transmission, Inc.**, 445 West Main Street, Clarksburg, WV 26301. Dominion Transmission, Inc., LN-2 Operation and Maintenance in Clymer, Chatham, Farmington, Westfield and Lawrence Townships, **Tioga County**, ACOE Baltimore District (Elkland, PA Quadrangle N: 6.5 inches; W: 11.2 inches).

To operate and maintain an existing 26-inch diameter LN-2 pipeline over 20.5-miles within an existing 75-foot right-of-way for the transmission of natural gas. Replacement or maintenance of the 26-inch diameter pipeline may require 28 stream crossings as follows:

<i>Stream</i>	<i>Stream Classification</i>	<i>Latitude</i>	<i>Longitude</i>
Jemison Creek	WWF	41° 53' 1"	77° 29' 30"
Unnamed tributary to Jemison Creek	WWF	41° 53' 20"	77° 28' 25"
Unnamed tributary to Crooked Creek	WWF	41° 53' 39"	77° 26' 3"
Unnamed tributary to Crooked Creek	WWF	41° 53' 41"	77° 24' 49"
Unnamed tributary to Crooked Creek	WWF	41° 53' 46"	77° 24' 1"
Unnamed tributary to Crooked Creek	WWF	41° 54' 242"	77° 22' 48"
Unnamed tributary to Losey Creek	WWF	41° 54' 10"	77° 22' 13"
Losey Creek	WWF	41° 54' 15"	77° 21' 22"
Croft Hollow	WWF	41° 54' 17"	77° 20' 38"
Unnamed tributary to Losey Creek	WWF	41° 54' 31"	77° 19' 41"
Unnamed tributary to Cummings Creek	WWF	41° 55' 4"	77° 17' 2"
Unnamed tributary to Cummings Creek	WWF	41° 55' 13"	77° 16' 37"
Baldwin Creek	WWF	41° 56' 08"	77° 11' 28"
Bear Creek	WWF	41° 56' 42"	77° 9' 52"
Unnamed tributary to Cook Creek	WWF	41° 57' 21"	77° 8' 59"

All gas transmission lines under streambeds shall be replaced so there will be a minimum of 3 feet of cover between the top of the pipe and the lowest point in the streambed. Trench plugs or clay dikes shall be used at every waterway and wetland crossing to ensure the existing hydrology is not altered. If upon investigation the Department determines the gas transmission line approved by this permit is serving to degrade water quality, stream profile, meander pattern or channel geometries, then the permittee shall be required to implement all measures necessary to mitigate the degradation. This permit also authorizes the crossing of any wetland that may occur along the 26 1/2 mile pipeline right-of-way; during replacement and maintenance operations, the permittee shall take all precautions necessary to ensure that wetland impacts along the right-of-way are temporary.

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

**E10-369, Slippery Rock Borough**, Municipal Building, 306 East Water Street, Slippery Rock, PA 16057. East Water Street Channel Stabilization Project in Slippery Rock Borough, Butler County, ACOE Pittsburgh District (Slippery Rock, PA Quadrangle N: 12.0 inches; W: 7.75 inches).

To modify and maintain a total of approximately 600 feet of the channel of a tributary to Wolf Creek along the

north side of East Water Street between SR 258 and SR 173 to provide flood capacity and erosion protection. The project includes additional remediation to stabilize approximately 550 feet of channel previously modified without a permit and to realign and stabilize an additional 50 feet of channel including riprap, vegetative stabilization, rock vanes and guide rail and fence installation.

**E25-671, United States Coast Guard**, Civil Engineering Unit Room 2179, 1240 East Ninth Street, Cleveland, OH 44199-2060. United States Coast Guard Station—Erie in City of Erie, Erie County, ACOE Pittsburgh District (Erie North, PA Quadrangle N: 5.0 inches; W: 10.75 inches).

To conduct the following activities associated with rehabilitation of the existing United States Coast Guard boat basin at the entrance to Presque Isle Bay, Lake Erie:

1. To dredge approximately 2,000 cubic yards of accumulated sediment from the floor of the basin by hydraulic method discharging the dredged material directly into the Erie Harbor Confined Disposal Facility south of the entrance channel.

2. To remove approximately 1,750 square yards of the existing concrete "fabriform" bank revetment on the east and north sides of the basin and to install and maintain sloped rock riprap shoreline protection.

3. To remove two sheet pile cells at the entrance to the basin to widen the entrance to allow for more maneuvering room for a larger vessel.

## SPECIAL NOTICES

### Certified Emission Reduction Credits in Pennsylvania's ERC Registry

Emission reduction credits (ERCs) are surplus, permanent, quantified and Federally enforceable emission reductions used to offset emission increases of NO<sub>x</sub>, VOCs and the following criteria pollutants: CO, lead, SO<sub>x</sub>, PM, PM<sub>10</sub> and PM<sub>10</sub> precursors.

The Department of Environmental Protection (Department) maintains an ERC registry in accordance with the requirements of 25 Pa. Code § 127.209. The ERC registry system provides for the tracking of the creation, transfer and use of ERCs. Prior to registration of the credits, ERC Registry applications are reviewed and approved by the Department to confirm that the ERCs meet the requirements of 25 Pa. Code §§ 127.206—127.208. Registration of the credits in the ERC registry system constitutes certification that the ERCs satisfy applicable requirements and that the credits are available for use. The following registered and certified ERCs in the ERC Registry are currently available for use as follows:

(1) To satisfy new source review (NSR) emission offset ratio requirements.

(2) To "net-out" of NSR at ERC-generating facilities.

(3) To sell or trade the ERCs for use as emission offsets at new or modified facilities.

The certified ERCs, expressed in tons per year (tpy), satisfy the applicable ERC requirements contained in 25 Pa. Code §§ 127.206—127.208. ERCs created from the curtailment or shutdown of a source or facility expires for use as offsets 10 years after the emission reduction occurs. ERCs generated by the overcontrol of emissions by an existing facility do not expire for use as offsets. However, credits in the registry that are not used in a plan approval will be discounted if new air quality requirements are adopted by the Department or the EPA.

For additional information, contact Virendra Trivedi, Bureau of Air Quality, Division of Permits, Department of Environmental Protection, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. This Pennsylvania ERC Registry report, ERC Registry applications and instructions are at [www.dep.state.pa.us](http://www.dep.state.pa.us), select Subjects, Air Quality, Business, Permits, Emission Reduction Credits.

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
U. S. Naval Hospital County: Philadelphia Nonattainment Status: Severe Contact Person: Mark Donato, (215) 897-1809	NO <sub>x</sub>	30.50	3/31/2005	Trading
R. R. Donnelley & Sons Co. County: Lancaster Ozone Nonattainment Status: Moderate Contact Person: Frederick Shaak, Jr.	VOCs	54.00		Internal Use
R. R. Donnelley & Sons Co. County: Lancaster Ozone Nonattainment Status: Moderate Contact Person: Frederick Shaak, Jr.	VOCs	25.00	3/30/2011	Internal Use
Kurz Hastings Inc. County: Philadelphia Nonattainment Status: Severe Contact Person: George Gornick, (215) 632-2300	VOCs	137.45		Trading
ConAgra Grocery Products Company Source Location: Milton Borough County: Northumberland Ozone Nonattainment Status: Moderate Contact Person: Karl Henschel, (570) 742-6644	NO <sub>x</sub> VOCs	24.45 12.88	4/1/2006	Trading
Metallized Paper Corporation of America Recipient/Holder: PNC Bank, National Association, assignee (by private lien foreclosure) from Metallized Paper Corp. Source Location: McKeesport County: Allegheny Ozone Nonattainment Status: Moderate Contact Person: Martin Mueller, (412) 762-5263	VOCs	41.70	6/30/2006	Trading

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<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
PPG Industries, Inc. Source Location: Springdale Complex County: Allegheny Ozone Nonattainment Status: Moderate Contact Person: Lori Burgess, (412) 274-3884	VOCs	171.82		Trading
York International Corporation Sources: Trichloroethylene Vapor Degreaser (151 and 152) Source Location: Spring Garden Township County: York Ozone Nonattainment Status: Moderate Contact Person: Garen Macdonald, (717) 771-7346	VOCs VOCs	12.20 2.70	6/01/2006 10/01/2005	Trading
REXAM DSI Source Location: Muhlenberg Township County: Berks Ozone Nonattainment Status: Moderate Contact Person: LeRoy H. Hinkle, (610) 916-4248	NOx	9.42	11/22/2005	Trading
Recipient/Holder of ERC: Coastal Aluminum Rolling Mills Inc. ERC-Generating Facility: Fasson Div. of Avery Dennison Corp. ERC-generating facility location: Quakertown, Bucks Ozone Nonattainment Status: Severe Contact Person: Jesse Hackenberg, (570) 323-4430	VOCs	3.62		Internal Use/Trading
Recipient/Holder of ERC: PG&E Energy Trading-Power, L. P. ERC-Generating Facility: Fasson Div. of Avery Dennison Corp. ERC-generating facility location: Quakertown, Bucks Ozone Nonattainment Status: Severe Contact Person: Mark Sheppard, (301) 280-6607	VOCs	39.84	8/1/2006	Trading
Baldwin Hardware Corporation Source Location: Reading County: Berks Ozone Nonattainment Status: Moderate Contact Person: D. David Hancock, Jr., (215) 777-7811	VOCs	18.00	7/28/2005	Trading
Magee Rieter Automotive Systems Source Location: Bloomsburg County: Columbia Ozone Nonattainment Status: Moderate Contact Person: Tim Bergerstock, (717) 784-4100	NOx VOCs	0.39 0.02	4/17/2006	Trading and Internal Use
Congoleum Corporation Source Location: Marcus Hook County: Delaware Ozone Nonattainment Status: Severe Contact Person: Theresa C. Garrod, (609) 584-3000	NOx	5.20		Trading

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<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Dominion Transmission, Inc. CNG Transmission Corporation Source Location: Leidy Township County: Clinton Ozone Nonattainment Status: Moderate Contact Person: Sean R. Sleigh, (304) 623-8462	NOx VOCs	15.28 0.55	10/27/2004	Trading
Bethlehem Structural Products Corp. Source Location: Bethlehem County: Northampton Ozone Nonattainment Status: Moderate Contact Person: Joseph E. Schindler, (610) 694-5104	NOx VOCs	1,054.00 473.80	Varies from 3/28/2008 to 6/19/2008	Trading
Morgan Adhesives Company (MACTac) Source Location: Scranton County: Lackawanna Ozone Nonattainment Status: Moderate Contact Person: Tim Owens, (330) 688-1111	VOCs	75.00	6/30/2008	Trading
National Fuel Gas Supply Corporation Sources: Generators, No. 1 Source Location: Ellisburg Station County: Potter Ozone Nonattainment Status: Moderate Contact Person: Gary A. Young, (814) 871-8657	NOx VOCs	16.14 1.80	2/1/2009	Internal Use
General Electric Company Source Location: Lawrence Park County: Erie Ozone Nonattainment Status: Moderate Contact Person: Scott Gowdy, (814) 875-2427	VOCs	44.20	Varies from 12/31/2003 to 12/31/2005	Internal Use/Trading
Sun Company, Inc. Source: API Separator 10 and 1-F Source Location: Marcus Hook County: Delaware Ozone Nonattainment Status: Severe Contact Person: John A. Rossi	VOCs	2.37	9/30/2004	Internal Use
TYK America, Inc. Source Location: Irvona Facility County: Clearfield Ozone Nonattainment Status: Moderate Contact Person: David B. Orr, (412) 384-4259	NOx VOCs PM10	0.30 0.02 0.24	11/6/2008	Trading
SmithKline Beechman Pharmaceuticals Sources: Two boilers and oxidizer Source Location: Spring Garden Street Facility County: Philadelphia Ozone Nonattainment Status: Severe Contact Person: Eileen Ackler, (610) 239-5239	NOx VOCs	5.72 0.10	12/31/2008	Trading
Recipient/Holder of ERC: PG&E Energy Trading-Power, L. P. ERC-Generating Facility: Global Packaging, Inc. ERC-generating facility location: Oaks Plant, Montgomery County Ozone Nonattainment Status: Severe Contact Person: Sarah M. Barpoulis, (301) 280-6607	VOCs	7.70	9/1/2006	Trading

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<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Recipient/Holder of ERC: PG&E Energy Trading-Power, L. P. ERC Generating Facility: Global Packaging, Inc. ERC-generating facility location: Oaks Plant, Montgomery County Ozone Nonattainment Status: Severe Contact Person: Sarah M. Barpoulis, (301) 280-6607	VOCs	43.50		Trading
The Procter & Gamble Paper Products Company Source Location: Mehoopany Plant County: Wyoming Ozone Nonattainment Status: Moderate Contact Person: Lars Lundin, (570) 833-3545	NOx VOCs	136.00 237.67	5/3/2009	Internal Use/Trading
Caparo Steel Company Source: EAF Furnace No. 2 and Ladle Preheater No. 2 Source Location: Farrell Plant County: Mercer County Ozone Nonattainment Status: Moderate Contact Person: Richard A. Herman, (724) 983-6464	NOx VOCs	36.73 12.07	8/18/2007	Trading
LTV Steel Company, Inc. Source Location: Pittsburgh Coke Plant County: Allegheny Ozone Nonattainment Status: Moderate Contact Person: William L. West, (216) 642-7178	NOx VOCs	1,663.00 373.00	2/28/2008	Trading
Kurz-Hastings, Inc. Source Location: Philadelphia County: Philadelphia Ozone Nonattainment Status: Severe Contact Person: Derrick Schweitzer, (215) 632-2300	VOCs	53.10		Trading
Newcomer Products Inc. Source Location: Latrobe County: Westmoreland Ozone Nonattainment Status: Moderate Contact Person: Edward M. Nemeth, (724) 694-8100	VOCs	26.00	7/14/2010	Trading
Smith-Steelite Plant: Emsworth Manufacturing Facility Ozone Nonattainment Status: Moderate Contact Person: Wm. K. Shadle, (412) 299-8167	VOCs	7.32	6/7/2004	Trading
Cyprus Cumberland Resources Corporation Source Location: Cumberland Mine Whiteley Township County: Greene Ozone Nonattainment Status: Moderate Contact Person: Terry L. Dayton, (412) 627-2219	NOx VOCs	64.00 15.00	6/30/2005	Trading
Allegheny Ludlum Corp. Sources: Three electric arc furnaces Source Location: Washington Plant County: Washington Ozone Nonattainment Status: Moderate Contact Person: Deborah L. Calderazzo, (724) 226-5947	NOx	7.78	7/31/2004	Trading



<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Rohm & Haas County: Philadelphia Ozone Nonattainment Status: Severe Contact Person: Frank Jackson, (215) 537-4000	VOCs	6.10	7/31/2003	Trading
Scranton-Altoona Terminals Corporation Source Location: Monroe Township County: Cumberland County Ozone Nonattainment Status: Moderate Contact Person: Thomas M. Carper, (717) 939-0466	VOCs	4.84	9/30/2010	Trading
Pennzoil Wax Partner Company Source Location: Rouseville County: Venango Ozone Nonattainment Status: Moderate Contact Person: David W. Dunn, (713) 546-6941	NOx VOCs	15.47 0.68	2/26/2010	Trading
Pennzoil Wax Partner Company Source Location: Rouseville County: Venango Ozone Nonattainment Status: Moderate Contact Person: David W. Dunn, (713) 546-6941	NOx VOCs	2.82 44.34	4/1/2010	Trading
INDSPEC Chemical Corp. Source: Boiler No. 8 Source Location: Petrolia County: Butler Ozone Nonattainment Status: Moderate Contact Person: Terry Melis, (412) 756-2376	NOx	158.68		Trading
Sun Company, Inc. Sources: Separators Source Location: Marcus Hook Borough County: Delaware Ozone Nonattainment Status: Severe Contact Person: Steve Martini, (610) 859-1000	VOCs	81.88	9/30/2004	Trading/Internal Use
Sun Company, Inc. Source: Wastewater Conveyance System Source Location: Marcus Hook Borough County: Delaware Ozone Nonattainment Status: Severe Contact Person: Steve Martini, (610) 859-1000	VOCs	426.59		Trading/Internal Use
Jefferson Smurfit Corporation Source Location: Upper Providence Township County: Montgomery Ozone Nonattainment Status: Severe Contact Person: Thomas Tutwiler, (610) 935-4119	VOCs	12.4	5/31/2004	Trading
Columbia Gas Transmission Corporation Source Location: Kent Station County: Indiana Ozone Nonattainment Status: Moderate Contact Person: Gregory Lago, (304) 357-2079	NOx VOCs	44.36 2.66	5/31/2011	Trading
Columbia Gas Transmission Corporation Source Location: Homer Station County: Indiana Ozone Nonattainment status: Moderate Contact Person: Gregory Lago, (304) 357-2079	NOx VOCs	45.89 3.79	5/31/2011	Trading

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<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Bethlehem Steel Corporation Source: Rail Heat Treating and Quenching Source Location: Steelton Plant County: Dauphin Ozone Nonattainment Status: Moderate Contact Person: James R. Hernjak, (717) 986-2042	NOx VOCs	7.00 43.00	11/9/2009	Trading
General Electric Transportation System Source: Boiler No. 2 Source Location: E. Lake Road County: Erie Ozone Nonattainment Status: Moderate Contact Person: Mark D. Restifo, (814) 875-5406	NOx VOCs	280.90 1.70	12/31/2010	Trading
Hershey Foods Corporation Source Location: East Plant County: Dauphin Ozone Nonattainment Status: Moderate Contact Person: Shawn P. Greenwood, (610) 678-0552	NOx	189.00	10/4/2004	Trading
3M Minnesota Mining & Manufacturing Source Location: Bristol Plant County: Bucks Ozone Nonattainment Status: Severe Contact Person: Jeff Muffat, (651) 778-4450	VOCs VOCs	607.00 279.00	11/30/2011 12/17/2011	Trading
Standard Steel, Division of Freedom Forge Source Location: Burnham County: Mifflin Ozone Nonattainment Status: Moderate Contact Person: John O. Parke, (717) 248-4911	NOx VOCs	48.42 0.12	8/1/2003	Trading
Kosmos Cement Company, Cemex Inc. Source Location: Neville Road, Pittsburgh County: Allegheny Ozone Nonattainment Status: Moderate Contact Person: Amarjit Gill, (713) 653-8554	NOx VOCs	910.00 26.00	4/24/2011	Trading
Edgewater Steel Ltd. Source Location: College Avenue, Oakmont County: Allegheny Ozone Nonattainment status: Moderate Contact Person: Peter M. Guzanick, (412) 517-7217	NOx VOCs	17.05 1.87	8/6/2008	Trading
Transit America, Inc. Source Location: One Red Lion Road Ozone Nonattainment Status: Severe Contact Person: Timothy J. Bergere, Esq., (215) 772-7431	NOx	43.8	4/30/2004	Trading
JG Furniture Group, Inc. Source Location: Quakertown, Bucks County: Bucks Ozone Nonattainment Status: Severe Contact Person: Donald Boisselle, (336) 410-7263	VOCs	24.4	9/1/2007	Trading

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<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Recipient/Holder of ERC: Cypress Energy, Inc. ERC-Generating Facility: Laclede Steel Corporation Source Location: Fairless County: Bucks Ozone Nonattainment Status: Severe Contact Person: Gary Stephenson, (781) 993-3098	NOx VOCs	104.00 45.00	11/29/2011	Trading
Recipient/Holder of ERC: Natsource Emissions Brokers ERC-Generating Facility: Laclede Steel Corporation Source Location: Fairless County: Bucks Ozone Nonattainment Status: Severe Contact Person: David Oppenheimer, (212) 232-5305	NOx VOCs	0.27 1.50	11/29/2011	Trading
Trinity Industries, Inc. Source Location: Greenville County: Mercer County Ozone Nonattainment Status: Moderate Contact Person: Dennis Lencioni, (214) 589-8141	VOCs	61.65	10/31/2010	Trading
Rohm and Haas Company Source Location: Bristol Township County: Bucks Ozone Nonattainment Status: Severe Contact Person: Lloyd Davis, (215) 785-8871	VOCs VOCs	1.15 0.32	10/30/2010 1/30/2011	Trading
The Worthington Steel Company Source Location: Malvern, East Whiteland County: Chester Ozone Nonattainment Status: Severe Contact Person: Gregory Sautter, (614) 438-3197	VOCs	113.00	1/31/2012	Trading
PPL Inc. Source Location: Holtwood Station County: Lancaster Ozone Nonattainment Status: Moderate Contact Person: Linda A. Boyer, (610)-774-5410	NOx	1,745.47	4/29/2009	Trading
North American Refractories Company Source Location: Womelsdorf County: Lebanon Ozone Nonattainment Status: Moderate Contact Person: Rhonda Vete, (412) 469-6122	NOx NOx VOCs	5.11 62.57 0.25	12/15/2010 9/30/2008 9/30/2008	Trading
The Quaker Oats Company Source Location: Shiremanstown Plant County: Cumberland Ozone Nonattainment Status: Moderate Contact Person: Richard C. Pitzer, (717) 731-3334	NOx VOCs	4.00 1.68	Varies from 4/3/2010 to 7/15/2011	Trading
Naval Surface Warfare Center Source Location: Philadelphia Naval Shipyards County: Philadelphia Ozone Nonattainment Status: Severe Contact Person: Mark Donato	VOCs	45.70	9/15/2005	Internal Use

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<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Glasgow, Inc. Source Location: Plymouth Meeting County: Montgomery Ozone Nonattainment Status: Severe Contact Person: Brian Chabak, (215) 884-8800	NOx VOCs NOx VOCs	2.72 0.21 6.54 0.52	12/31/2010 12/31/2010 6/01/2010 6/01/2010	Trading
National Fuel Gas Supply Corp. Source Location: Van Compressor Station County: Erie County Ozone Nonattainment Status: Moderate Contact Person: Gary A. Young, (814) 871-8657	NOx VOCs	80.9 0.65	7/19/2006	Trading
Scranton-Altoona Terminals Corporation Source Location: East Freedom Terminal County: Cumberland County Ozone Nonattainment Status: Moderate Contact Person: Thomas M. Carper, (717) 939-0466	VOCs	9.19	4/1/2009	Trading
SLI Lighting Inc. Source Location: Ellwood City County: Lawrence Ozone Nonattainment Status: Moderate Contact Person: Tim Haubach, (724) 752-6493	VOCs	5.70	6/3/2010	Trading
National Fuel Gas Supply Corp. Source Location: Cranberry Township County: Venango Ozone Nonattainment Status: Moderate Contact Person: Gary A. Young, (814) 871-8657	NOx VOCs	80.90 0.65	7/19/2006	Trading
Harvard Industries, Inc. Plant name: Pottstown Precision Casting Inc. Source Location: West Pottsgrove Township County: Montgomery Ozone Nonattainment Status: Severe Contact Person: Allan B. Currie, Jr., (517) 787-5181	NOx VOCs	28.25 8.70	11/12/2011	Trading
Recipient/Holder of ERC: Morgan Stanley Capital Group Inc. ERC-Generating Facility: Occidental Chemical Corp. ERC-Generating Source Location: Pottsgrove Township County: Montgomery County Ozone Nonattainment Status: Severe Contact Person: Trevor Woods, (212) 761-8895	NOx	71.40	2/28/2007	Trading
Recipient/Holder of ERC: Kvaerner Philadelphia Shipyard, Inc. ERC-Generating Facility: Occidental Chemical Corp. ERC-Generating Source Location: Pottsgrove Township County: Montgomery County Ozone Nonattainment Status: Severe Contact Person: Michael Masington, (215) 875-2649	NOx	50.00	2/28/2007	Trading

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Wyeth-Ayerst Laboratories, Inc. Source Location: West Chester Township County: Chester Ozone Nonattainment Status: Severe Contact Person: Harry Yekel, (610) 313-4490	NOx	28.40	12/21/2003	Trading
Horsehead Resource Co., Inc. Source Location: East Plant (Waelz) County: Carbon Ozone Nonattainment Status: Moderate Contact Person: John M. Cigan, (610) 826-8719	NOx VOCs SOx PM10	30.80 53.80 47.20 4.90	5/31/2006	Trading
Lafarge Corporation Source Location: Whitehall Plant County: Lehigh Ozone Nonattainment Status: Moderate Contact Person: Edward F. Werkheiser, (610) 261-3424	NOx VOCs	298.10 3.70	10/15/2004	Trading
The Peoples Natural Gas Company Source Location: Laurel Ridge Station County: Cambria Ozone Nonattainment Status: Moderate Contact Person: Sheri Franz, (412) 497-6582	NOx VOCs CO	13.00 4.00 13.0	11/11/2004	Trading
Alcoa, Inc. Source Location: Lebanon Township County: Lebanon County Ozone Nonattainment Status: Moderate Contact Person: Kevin S. Barnett, (412) 553-2094	NOx VOCs	48.86 882.43	Varies from 9/29/2010 to 5/1/2012	Trading

#### Summary of ERC Transaction

The following ERC transactions are approved by the Department's Bureau of Air Quality. The ERC transaction requirements are specified in 25 Pa. Code § 127.208.

1. **ERC HOLDER/GENERATING FACILITY INFORMATION**

ERC Holder/Transferor: Free State Electric, LLC  
 ERC-Generating Facility Name: General Motors Corporation  
 ERC-Generating Facility Location: Baltimore City, MD  
 Certified ERCs (tpy): 76.46 tpy of VOCs  
 Amount of ERCs traded to Purchaser/Recipient: 76.46 tpy of VOCs  
 Date of ERCs Transfer: 5/21/2003  
 ERCs available for future use: None

**PURCHASER/RECIPIENT OF ERCs**

Purchaser/Recipient of ERCs: US Navy Naval Surface Warfare Center  
 Location of Source: Carderock Division—Ship Systems Engineering Station, Philadelphia  
 VOCs credits used: 0  
 VOCs credits available for future use: 76.46 tpy

2. **ERC HOLDER/GENERATING FACILITY INFORMATION**

ERC Holder/Transferor: Free State Electric, LLC  
 ERC-Generating Facility Name: Quebecor World Inc.  
 ERC-Generating Facility Location: Glen Burnie, MD  
 Certified ERCs (tpy): 127.5 tpy of VOCs  
 Amount of ERCs traded to Purchaser/Recipient: 127.5 tpy of VOCs  
 Date of ERCs Transfer: 5/21/2003  
 ERCs available for future use: None

**PURCHASER/RECIPIENT OF ERCs**

Purchaser/Recipient of ERCs: US Navy Naval Surface Warfare Center  
 Location of Source: Carderock Division—Ship Systems Engineering Station, Philadelphia  
 VOCs credits used: 0  
 VOCs credits available for future use: 127.5 tpy

**1. ERC HOLDER/GENERATING FACILITY INFORMATION**

ERC Holder/Transferor: Free State Electric, LLC  
 ERC-Generating Facility Name: General Motors Corporation  
 ERC-Generating Facility Location: Baltimore City, MD  
 Certified ERCs (tpy): 76.46 tpy of VOCs  
 Amount of ERCs traded to Purchaser/Recipient: 76.46 tpy of VOCs  
 Date of ERCs Transfer: 5/21/2003  
 ERCs available for future use: None

**3. ERC-GENERATING FACILITY INFORMATION**

ERC-Generating Facility Name: Meritor Heavy Vehicle Systems LLC  
 Location of Source: Lawrence County  
 Certified ERCs (tpy): 54.40 tpy of NOx  
 Amount of ERCs traded to Purchaser/Recipient: 54.40 tpy of NOx  
 Date of ERCs Transfer: 5/30/2003  
 ERCs available for future use: None

**PURCHASER/RECIPIENT OF ERCs**

Purchaser/Recipient of ERCs: Alcoa Extrusion, Inc.  
 Location of Source: Cressona, Schuylkill County  
 NOx credits used: 54.40 tpy  
 NOx credits available for future use: None

**4. ERC HOLDER/GENERATING FACILITY INFORMATION**

ERC Holder/Transferor: FPL Energy, Linfield LLC  
 ERC-Generating Facility Name: Occidental Chemical Corporation  
 ERC-Generating Facility Location: Montgomery County  
 Certified ERCs (tpy): 71.4 tpy of NOx  
 Amount of ERCs traded to Holder/Transferor: 71.4 tpy of NOx  
 Date of ERCs Transfer: 6/12/2003  
 ERCs available for future use: None

**ERC HOLDER INFORMATION**

ERC Holder/Transferor: Morgan Stanley Capital Group, Inc.  
 NOx credits used: 0  
 NOx ERCs available for future use: 71.4 tpy

**5. ERC HOLDER/GENERATING FACILITY INFORMATION**

ERC Holder/Transferor: Air Resources Group, LLC  
 ERC-Generating Facility Name: Cogentrix of Pennsylvania, Inc.  
 ERC-Generating Source Location: Jefferson County  
 Certified ERCs (tpy): 658.72 tpy of NOx and 31.61 tpy of VOCs  
 Amount of ERCs traded to Purchaser/Recipient: 658.72 tpy of NOx and 31.61 tpy of VOCs  
 Date of ERCs Transfer: 6/19/2003  
 ERCs available for future use: None

**PURCHASER/RECIPIENT OF ERCs**

Purchaser/Recipient of ERCs: St. Lawrence Cement Company, LLC  
 Location of Source: Columbia County, NY  
 Permit Number: 4-1040-00011  
 ERCs used: 658.72 tpy of NOx and 31.61 tpy of VOCs  
 ERCs available for future use: None

[Pa.B. Doc. No. 03-1446. Filed for public inspection July 25, 2003, 9:00 a.m.]

**Availability of Technical Guidance**

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

*Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view guidance documents. When this option is not avail-

able, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling the Department at (717) 783-8727.

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

*Changes to Technical Guidance Documents*

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

*Draft Technical Guidance*

DEP ID: 362-0300-002. Title: Small Flow Treatment Facilities Manual. Description: This policy provides major amendments to the existing guidance regarding the design and construction of small flow treatment facilities. The purpose of this guidance is to amend, clarify and add additional treatment facilities to the previous guidance regarding the design, permitting, installation, operation and maintenance of domestic wastewater treatment facilities with flows not greater than 2,000 gallons per day. Comment Period Ends: 5 p.m., August 25, 2003. Anticipated Effective Date: October 25, 2003. Contact: Keith Bair, (717) 787-8184, kebair@state.pa.us.

DEP ID: 257-3120-001. Title: Evaluation of Underground Storage Tank Liners. Description: This guidance provides the procedures and guidelines for underground storage tank lining evaluations that will assist tank lining evaluators and tank owners to achieve compliance with regulatory requirements. Comment Period Ends: 5 p.m., August 25, 2003. Anticipated Effective Date: November 29, 2003. Contact: Ray Powers, (717) 772-5551, rapowers@state.pa.us.

*Final Technical Guidance*

DEP ID: 580-2219-004. Title: Section 224(b)—Alternate Method of Test Drilling. Description: This policy is prepared to protect the health and safety of underground coal mine workers, written in efforts of ensuring that active mine workings will not accidentally mine through to adjacent workings. Effective Date: July 26, 2003. Contact: Allison Gaida, (724) 439-7469, agaida@state.pa.us.

DEP ID: 550-2100-008. Title: Policy for NPDES Permits for Stormwater Discharges Associated with Construction Activities at Oil and Gas Wells. Description: This is the Department's final guidance for evaluating whether an oil and gas well operator must obtain an NPDES stormwater permit for discharges from construction activities at oil and gas well operations. Effective Date: July 26, 2003. Contact: Ron Gilius, (717) 772-2199, rgilius@state.pa.us.

KATHLEEN A. MCGINTY,

*Secretary*

[Pa.B. Doc. No. 03-1447. Filed for public inspection July 25, 2003, 9:00 a.m.]

**Plan Approval and Operating Permit Exemptions**

Under 25 Pa. Code § 127.14 (relating to exemptions), the Department of Environmental Protection (Department) may determine sources or classes of sources to be exempt from the plan approval and permitting requirements of 25 Pa. Code Chapter 127 (relating to construction, modification, reactivation and operation of sources). Proposed changes to the lists of these exemptions were published at 33 Pa.B. 1294 (March 8, 2003). During the 30-day comment period, four comments were received. In response to these comments, the Department has added clarification to plan approval exemption 12, as follows. For a complete summary of the comments and responses, contact Douglas Leshner, Chief, New Source Review/Title V Section of the Division of Permits, Bureau of Air Quality Control, P. O. Box 8468, Harrisburg, PA 17105-8486, (717) 787-4325, dlesher@state.pa.us.

A complete copy of the plan approval and operating permit exemptions lists is as follows.

**Plan Approval and Operating Permit Exemptions**

Under 25 Pa. Code § 127.14, the Department of Environmental Protection (Department) may determine sources or classes of sources to be exempt from the plan approval and permitting requirements of 25 Pa. Code Chapter 127.

*Listing of Plan Approval Exemptions**Section 127.14(a) Exemptions*

In accordance with § 127.14(a), approval is not required for the construction, modification, reactivation or installation of the following:

1. Air conditioning or ventilation systems not designed to remove pollutants generated by or released from other sources.
2. Combustion units rated at 2.5 million or less Btus per hour of heat input.
3. Combustion units with a rated capacity of less than 10 million Btus per hour of heat input fueled by natural gas supplied by a public utility or by commercial fuel oils which are No. 2 or lighter-viscosity less than or equal to 5.82 C St—and which meet the sulfur content requirements of § 123.22 (relating to combustion units). Combustion units converting to fuel oils which are No. 3 or heavier-viscosity greater than 5.82 C St or contain sulfur in excess of the requirements of § 123.22 require approval. For the purpose of this section, commercial fuel oil shall be virgin oil which contains no reprocessed, recycled, or waste material added.
4. Sources used in residential premises designed to house four or less families.
5. Space heaters which heat by direct heat transfer.
6. Mobile sources.
7. Laboratory equipment used exclusively for chemical or physical analyses.
8. Other sources and classes of sources determined to be of minor significance by the Department.

*Section 127.14(a)(8) Exemptions*

The following is a list of those sources and classes of sources determined, in accordance with § 127.14(a)(8), to be exempt from the Plan Approval requirements of §§ 127.11 and 127.12. Unless labeled otherwise, emission rates are to be considered actual ton per year (tpy). Note that certain exceptions and qualifications regarding this list are contained in the discussion that follows the list.

1. Incinerators with rated capacities less than 75 lb per hour burning a municipal or residual waste as defined by the Bureau of Land Recycling and Waste Management.
2. Shot blast and sandblasting units with appropriately designed fabric collectors, cartridge collectors or scrubbers manufactured as an integral part of the design and which have exhaust volumes equal to or smaller than 5,000 scfm.
3. Combustion turbines rated at less than 1,000 horsepower or 10.7 gigajoules per hour.
4. Internal combustion engines rated at less than 100 brake horsepower. Note Category 36 addresses oil and gas facilities.
5. Portable, temporary internal combustion engines used for 14 days or less at special events (such as county fairs, circuses and concerts).
6. Internal combustion engines regardless of size, with combined NOx emissions less than 100 lbs/hr, 1000

lbs/day, 2.75 tons per ozone season and 6.6 tons per year on a 12-month rolling basis for all exempt engines at the site.

7. Natural gas-fired heat-treating furnaces with less than 10 million Btus per hour heat input (fuel burning emissions only).

8. Steam aspirated vacuum degassing of molten steel.

9. Coal handling facilities processing less than 200 tons per day. (Thermal coal dryers and pneumatic coal cleaners remain subject to the requirements of § 127.11). This exemption includes internal combustion engines meeting the criteria for plan approval exemption described in category 6 above.

10. Wet sand and gravel operations (screening only) and dry sand and gravel operations (including crushers) processing unconsolidated materials with a rated capacity of less than 150 tons per hour.

11. Coal and non-metallic mineral handling activities directly associated with either deep or surface mines that consist only of conveyors and non-vibratory screens (aka. grizzlies). This exemption includes internal combustion engines meeting the criteria for plan approval exemption described in category 6 above.

12. Portable crushers that are controlled with properly located water sprays or with fabric filters, have a rated capacity less than 150 tons per hour, operated during daylight, and located on a site for less than 60 days; provided, however, that the crushers do not process materials containing asbestos. This exemption includes; associated screens and drop points; tub grinders used to mulch grubbing waste; and, internal combustion engines meeting the criteria for plan approval exemption described in category 6 above.

13. Concrete batch plants and associated storage vessels that are equipped with appropriately designed fabric collectors.

14. Bulk material storage bins, except those associated with a production facility with total actual facility particulate emissions greater than 10 tpy.

15. Storage vessels for volatile organic compounds [which do not contain hazardous air pollutants (HAPs)] which have capacities less than 40 m<sup>3</sup> (10,000 gallons) based on vessel dimensions, unless subject to § 129.59 (bulk gasoline terminals) or § 129.60(b) and (c) (bulk gasoline plants).

16. Storage vessels containing non-VOC, non-malodorous, or nonhazardous air pollutant materials.

17. Diesel fuel, Nos. 2, 4 and 6 fuel oils, or kerosene and jet fuel storage and dispensing facilities as long as the stored or dispensed product has a vapor pressure less than 1.5 psia.

18. Covered wastewater transfer systems such as covered junction boxes, sumps, and tanks at industrial sites.

19. Plastic bead or pellet milling, screening, and storage operations (does not include handling and storage of resin powders).

20. Plastic parts casting ovens and injection molding processes.

21. Tire buffing.

22. Paper trimmers/binders.

23. Vocational education shops. Chemistry laboratories at schools and colleges.

24. Bench-scale laboratory equipment used for kinetic studies, mass/energy transport studies, chemical synthesis and physical or chemical analysis.

25. Research and development activities with annual emission rates:

i. less than or equal to 20 tpy of CO;

ii. less than or equal to 0.12 tpy of lead;

iii. less than or equal to 3 tpy of PM<sub>10</sub>;

iv. less than or equal to 8 tpy of SO<sub>2</sub> or VOC;

v. less than or equal to 10 tpy of NO<sub>x</sub>;

vi. less than or equal to one tpy of a single HAP or 2.5 tpy of a combination of HAPs.

26. Woodworking facilities including sawmills and pallet mills which process green wood; or, small woodworking facilities processing kiln-dried wood or wood products (flakeboard, particleboard, etc.) associated with pattern shops, retail lumber yards, shipping and packing departments, etc. This category also includes woodworking facilities of any size processing kiln-dried wood or wood products equipped with appropriately designed fabric collectors designed to have emission rates that are less than 0.01 gr/dscf.

This exemption does not apply to woodworking facilities processing wood that has been treated with a wood preservative of any kind. The term "woodworking facilities" refers only to operations in which wood or a wood product is sawed, sanded, planed, or similarly shaped or reshaped. The term does not include such activities as painting, finishing, hardboard manufacturing, plywood manufacturing, and the like.

27. Smokehouses.

28. Slaughterhouses (rendering cookers remain subject to the requirements of § 127.11).

29. Restaurant operations.

30. Degreasing operations using solvents containing no more than 5% VOC by weight, except those emitting more than 2.7 tons of VOCs or those subject to the Federal NESHAP for halogenated solvent cleaners under 40 CFR Part 63.

31. Sources of uncontrolled VOC emissions not addressed elsewhere in this exemption listing modified or newly added, such that emission increases are less than 2.7 tpy. Facilities' claiming this exemption must provide a 15-day prior written notification to the Department and limit VOC emission increases to less than 2.7 tpy.

32. Dry-cleaning facilities that are not subject to § 129.70, NSPS, MACT (area MACT sources are currently deferred from plan approval and operating permit requirements), PSD or NSR requirements.

33. Retail gasoline stations and vehicle-fueling operations at industrial plant sites.

34. Sources of particulate matter (not subject to NESHAPs, NSPS, PSD, or major source requirements) that are controlled by a baghouse, have an emission rate which meets the limits of Chapter 123, and are exhausted indoors and cannot be bypassed to exhaust to the outdoor atmosphere. These sources should not emit more than 0.12 tpy of lead, one tpy of a single HAP or 2.5 tpy of a combination of HAPs. Multiple sources within this category may be exempt from plan approval requirements.



35. Sources emitting inert gases only, such as argon, helium, krypton, neon, and xenon; pure constituents of air such as nitrogen, oxygen, or carbon dioxide; or, methane or ethane.

36. Source(s) qualifying under § 127.449 as de minimis emission increases.

37. Sources that exhaust to a filter/baghouse and have particulate loading (before control) below limits specified in Chapter 123.

38. Oil and gas exploration and production facilities and operations that include wells and associated equipment and processes used either to: a) drill or alter oil and gas wells; b) extract, process and deliver crude oil and natural gas to the point of lease custody transfer; c) plug abandoned wells and restore well sites, or d) treat and dispose of associated wastes. This includes petroleum liquid storage tanks which are used to store produced crude oil and condensate prior to lease custody transfer (Multiple sources within this subcategory may be exempt from plan approval requirements.). This category does not include gas compressor station engines equal to or greater than 100 HP or gas extraction wells at landfills.

39. Combustion units with a rated capacity of less than 10 million Btus per hour of heat input fueled by natural gas supplied by an independent gas producer. Sources firing natural gas supplied by an independent producer shall be given the same consideration given sources that fire natural gas provided by a public utility.

40. Any source qualifying for exemption based on criteria contained in a general permit developed in accordance with the procedures described in §§ 127.601 through 127.642.

41. Powdered metal sintering furnaces using only organic lubricants equal to or less than 0.75% organic lubricant by weight. The furnace atmosphere must contain hydrogen ( $H_2$ ) at 3% or greater. The furnace must also maintain an operating flame curtain between the part entry and pre-heat zone. In the absence of an operating flame curtain, the furnace must operate an afterburner.

A sintering furnace using only metal containing lubricants may be exempted if the furnace emits particulate matter not exceeding 0.15 lb./hr. (determined by mass balance or stack tests). Note, for mass balance purposes, the following conversion factors are to be used:

Zinc Stearate to Zinc Oxide particulate matter = 0.129,

Lithium Stearate to Lithium Carbonate particulate matter = 0.15.

The Department may approve alternate conversion factors provided a satisfactory written justification is submitted to the Department.

A sintering furnace using organic lubricants and operating outside the limitations specified above, may be exempted under a case-by-case determination through the execution of a Request for Determination of Requirement for Plan Approval Application form. The owner/operator of a sintering furnace exempt from permitting requirements must notify the Department within 30 days of the furnace installation. For sintering furnaces using metal containing lubricants, records must be maintained to demonstrate compliance with the particulate matter emission limit of 0.15 lb/hour for each product.

Facilities that use both organic and metal-containing lubricants are exempted if the lubricants are less than 0.75% organic lubricant by weight; and, the furnace is

designed and operated as described in the preceding paragraph and emits particulate matter at rates less than 0.15 lb./hr (determined by mass balance or stack tests).

The previous exemption does not apply to sintering furnaces used to sinter parts that are treated with oil.

42. Facilities engaged primarily in collision repair and refinishing of automobiles and light duty trucks.

43. Remediation of gasoline or fuel oil contaminated soil, groundwater or surface water by equipment installed, maintained and operated as provided herein. All air exhaust points are controlled by dual, activated carbon beds operating in series or a thermal/catalytic oxidizer. For activated carbon beds, monitoring (e.g. intrinsically safe ionization detector) at an appropriate frequency (e.g., one-fourth the predicted time to breakthrough of the first bed) must be performed at the inlet, between the first and second beds and after the second bed. If breakthrough of the first bed is detected, the first bed is removed, the second bed is shifted to the first position and the new bed is placed in the second position. Monitoring, operating, and maintenance records are maintained and available to the Department upon request. Equipment installed and operated as described above must be designed to achieve a minimum VOC control efficiency of 90%. As long as actual annual emissions after control are less than one TPY VOC or HAPs, the remediation project is determined to be of minor significance in accordance with 127.14 (8), no Air Quality Plan Approval is required and no Request for a Determination (RFD) needs to be filed. Other remediation projects may be considered for exemption via a Request For Determination and may be required to obtain Plan Approval at the discretion of the Department on a case-by-case basis.

44. Any source granted an exemption by the Department through the execution of a Request for Determination of Requirement for Plan Approval/Operating Permit (RFD) form.

*Further Qualifications Regarding Plan Approval Exempted Sources:*

1. This notice shall not be construed to exempt facilities that include multiple sources of air contaminants, unless specifically stated in the source category.

2. The addition of any source that would subject the facility to major source New Source Review or Prevention of Significant Deterioration, Title V or Reasonably Available Control Technology (RACT) requirements shall comply with plan approval requirements, even if such sources are within a category in the above list.

3. Sources exempt from plan approval may be required to be included in the operating permit if the source is not included in the trivial activity listing.

4. Sources located in Allegheny and Philadelphia Counties may be subject to different permitting requirements. Please contact the Allegheny County Air Quality Program at 412-567-8115 or the Philadelphia Air Management Services at 215-823-7580 for information applicable to sources located in those counties.

5. Any sources claiming an exemption based on emission thresholds must keep adequate records to clearly demonstrate to the Department that the applicable thresholds are not exceeded.

These determinations do not exempt the above-listed sources from compliance with the emission limitations, work practice, and other applicable requirements con-

tained in Chapters 121, 122, 123, 124, 127, 129, and 135. Although a source may be exempt from the plan approval and operating permit requirements of Chapter 127, the source is subject to all other applicable air quality regulations. For example, combustion units exempt from the requirements of Chapter 127 are not exempt from the opacity limitations of § 123.41 or the emission limitations of § 123.22. Storage vessels for organic compounds with capacities between 2,000 gallons to 40,000 gallons, not subject to the requirements of Chapter 127, must install pressure relief valves in accordance with the requirements of § 129.57. (Note: Storage vessels in this size range would also not be subject to the requirements of §§ 129.59 and 129.60.)

If the Department determines that any exempted source is causing air pollution in violation of Section 8 of the Air Pollution Control Act, 35 P.S. § 4008, or 25 Pa. Code 121.7, the Department may order the installation of additional air cleaning devices. In those cases, plan approvals and operating permits may be required.

Requests for exemptions from the plan approval requirements of Chapter 127 for multiple source facilities must be considered on a case-by-case basis.

As noted in Category 44 of the list, additional exemptions, when appropriate, may be obtained through the submission of a completed Request for Determination of Requirement for Plan Approval Application form. These forms are available from any of the Department's Air Quality offices and on the DEP website [www.dep.state.pa.us](http://www.dep.state.pa.us) under the Air Quality page.

*Physical Changes Qualifying for Exemption Under Section 127.14(a)(9)*

In accordance with § 127.14(a)(9), the Department has determined that the following physical changes qualify for plan approval exemption if the change: a) would not violate the terms of an operating permit, the Air Pollution Control Act, the Clean Air Act or the regulations adopted under the acts; b) would not result in emission increases above the allowable in the operating permit; and, c) would not result in an increased ambient air quality impact for an air contaminant. These changes may be made without notification to the Department.

*Caution:* Do not make determinations regarding the following list without consideration of the preceding criteria.

1. Changes in the supplier or formulation of similar raw materials, fuels, paints and other coatings which do not affect emissions and which meet all applicable standards and limitations.
2. Changes in product formulations that do not affect air emissions.
3. Changes that result in different speciation of pollutants but fall within permit limitations.
4. Changes in the method of raw material addition.
5. Changes in the method of product packaging.
6. Changes in temperature, pressure, or other operating parameters that do not adversely affect air cleaning device performance or air emissions.
7. Additions of or changes to sampling connections used exclusively to withdraw materials for testing and analysis including air contaminant detection and vent lines.
8. Changes to paint drying oven length designed to alter curing time, so long as capture efficiencies of control equipment are not altered.

9. Routine maintenance, inspection and cleaning of storage tanks and process vessels or the closure or dismantling of a storage tank or process.

10. Changing water sources to air cleaning devices when there is no effect on air cleaning device performance or air emissions.

11. Moving a source from one location to another at the same facility with no change in operation or controls.

12. Installation of an air-cleaning device that is not installed to comply with regulatory requirements and will not be used to generate emission reduction credits.

13. Repairing, replacing, upgrading, maintaining, or installing pollution control device instrumentation or component equipment including pumps, blowers, burners, filters, filter bags, devices for measuring pressure drop across an air cleaning device or a filter breakage detector for a baghouse, provided such changes would not violate an operating permit term or condition.

14. Installing a fume hood or vent system for industrial hygiene purposes or in a laboratory.

15. The temporary (no longer than six months) replacement of a source with a source of equal or less emission potential.

16. Repairing, replacing, upgrading, maintaining, or installing equipment and processes at oil and gas extraction and production facilities and operations. The category includes equipment or processes used either to drill or alter oil and natural gas to the point of lease custody transfer, to plug abandoned wells and restore well sites, or treat and dispose of associated wastes.

In accordance with § 127.14(c), additional physical changes may be determined to be of minor significance and not subject to plan approval requirements through the following procedure:

1. If the changes do not involve the installation of equipment, the changes may be made within 7 calendar days of the Department's receipt of a written request provided the Department does not request additional information or objects to the change within the 7-day period.
2. If the changes involve the installation of equipment, the changes may be made within 15 calendar days of the Department's receipt of a written request provided the Department does not request additional information or objects to the change within the 15-day period.
3. If the change would violate the terms of an operating permit the plan approval exemption may be processed contemporaneously with the minor operating permit modification under the procedures described in § 127.462.

*Exemption Criteria for Operating Permits*

A Title V operating permit is needed by all facilities that have the potential to emit (PTE) exceeding the levels described in the definition of "Title V facility." A state-only operating permit is needed for facilities that do not have a PTE which exceeds the Title V facility thresholds, but which has actual emissions equal to or exceeding the facility levels summarized below. An existing facility which does not have a PTE exceeding the Title V facility thresholds and which does not have actual emissions exceeding the levels shown below is exempt from the requirement to obtain an operating permit.

*State-Only Operating Permit Facility Exemptions\**

<i>Pollutant</i>	<i>PTE&lt;</i>	<i>Actual Emission Rate&lt;</i>
CO	100 TPY	20 TPY
NO <sub>x</sub>	100 TPY**	10 TPY
SO <sub>x</sub>	100 TPY	8 TPY
PM <sub>10</sub>	100 TPY	3 TPY
VOCs	50 TPY**	8 TPY
Single HAP	10 TPY	1 TPY
Multiple HAPs	25 TPY	2.5 TPY

\* Sources located in Allegheny and Philadelphia Counties may be subject to different permitting requirements. Please contact the Allegheny County Air Quality Program at 412-567-8115 or the Philadelphia Air Management Services at 215-823-7580 for information applicable to sources located in those counties.

\*\* 25 TPY for Severe Ozone NA areas including Bucks, Chester, Delaware, and Montgomery counties.

Sources listed in the plan approval exemption list should be included in an operating permit application unless it is also included in the listing of trivial activities. When a RFD is issued for a source not included on the list of trivial activities the source need not be brought onto the operating permit until the renewal of the operating permit. So long as all applicable requirements are met there is no need to revise an operating permit to include a source installed under an RFD or the de minimis provisions of an operating permit. Only in the case where a physical change of minor significance would violate the terms of an operating permit should a plan approval exemption and a minor permit modification under § 127.462 be processed contemporaneously. A facility that currently has or should have a plan approval or an operating permit is not exempted from the operating permit requirements. However, if the facility would now be eligible for exemption, the owner/operator may submit a RFD in accordance with § 127.14(c).

*Exempted Facility and Source Categories for Operating Permits*

Unless preclude by the Clean Air Act, or the regulations there under, the following facilities and source categories are exempted from the operating permit requirements of § 127.402.

1. Residential wood stoves.
2. Asbestos demolition/renovation sites.
3. Facilities engaged primarily in collision repair and refinishing of automobiles and light duty trucks.
4. Retail gasoline stations.

*Deferral of Operating Permit Requirements for Area Sources*

Sources subject to MACT standards are not exempted from operating permit requirements. However, the permitting of MACT area sources will be deferred at this time. Area MACT sources emit or have the PTE less than 10 tpy of any hazardous air pollutant or 25 tpy of any combination of hazardous air pollutants. These non-major sources include: perchloroethylene dry cleaning, halogenated solvent cleaning, ethylene oxide commercial sterilization and fumigation operations, hard and decorative chromium electroplating, chromium anodizing tanks and secondary lead smelters. These MACT area sources are still required to meet all applicable emission control requirements established by the respective MACT re-

quirement. The owner or operator of a MACT area source need not submit an operating permit application until December 9, 2004.

*Trivial Activities*

Trivial activities are those located within a facility, which do not create air pollution in significant amounts. These insignificant activities need not be described in a Title V or state-only operating permit application. Also, these activities do not require a plan approval. Sources listed in the plan approval exemption list should be included in an operating permit application unless it is also listed in the following list. Certain of these listed activities include qualifying statements intended to exclude many similar activities.

1. Combustion emissions from propulsion of mobile air contamination sources. The term "mobile air contamination source" means an air contamination source, including, but not limited to, automobiles, trucks, tractors, buses and other motor vehicles; railroad locomotives; ships, boats and other waterborne craft. The term does not include a source mounted on a vehicle, whether the mounting is permanent or temporary, which source is not used to supply power to the vehicle. Examples might include lawn mowers, tow and lift vehicles, and the like.

2. Air-conditioning units used for human comfort that do not have applicable requirements under Title VI of the Act.

3. Ventilating units used for human comfort that do not exhaust air pollutants into the ambient air from any manufacturing, industrial or commercial process.

4. Electric space heaters. Propane and gas fired space heaters with a plant-wide capacity less than 2.5 million Btus per hour heat input and which have not been subject to RACT requirements.

5. Electrically heated furnaces, ovens and heaters, and other electrically operated equipment from which no emissions of air contaminants occur.

6. Non-commercial food preparation.

7. Use of office equipment and products, not including printers or businesses primarily involved in photographic reproduction.

8. Any equipment, machine or device from which emission of air contaminant does not occur.

9. Janitorial services and consumer use of janitorial products.

10. Internal combustion engines used for landscaping purposes.

11. Garbage compactors and waste barrels.

12. Laundry activities, except for dry-cleaning and steam boilers.

13. Bathroom/toilet vent emissions.

14. Emergency (backup) electrical generators at residential locations.

15. Tobacco smoking rooms and areas.

16. Blacksmith forges.

17. Plant maintenance and upkeep activities (such as, grounds-keeping, general repairs, cleaning, painting, welding, plumbing, re-tarring roofs, installing insulation, and paving parking lots) provided these activities are not conducted as part of a manufacturing process, are not related to the source's primary business activity, and not otherwise triggering a permit modification.<sup>1</sup>

18. Repair or maintenance shop activities not related to the source's primary business activity, not including emissions from surface coating or de-greasing (solvent metal cleaning) activities, and not otherwise triggering a permit modification.

19. Portable electrical generators that can be moved by hand from one location to another.<sup>2</sup>

20. Hand-held equipment for buffing, polishing, cutting, drilling, sawing, grinding, turning or machining wood, metal or plastic.

21. Brazing, soldering and welding equipment, and cutting torches related to maintenance and construction activities that do not result in emission of HAP metals.<sup>3</sup>

22. Air compressors and pneumatically operated equipment, including hand tools.

23. Batteries and battery charging stations, except at battery manufacturing plants.

24. Storage tanks, vessels, and containers holding or storing liquid substances that will not emit any VOC or HAP.

25. Propane or natural gas tanks and containers.

26. Storage tanks, reservoirs, and pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized.

27. Equipment used to mix and package, soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized.

28. Drop hammers or hydraulic presses for forging or metalworking.

29. Equipment used exclusively to slaughter animals, but not including other equipment at slaughterhouses, such as rendering cookers, boilers, heating plants, incinerators, and electrical power generating equipment.

30. Vents from continuous emissions monitors and other analyzers.

31. Natural gas pressure regulator vents.

32. Hand-held applicator equipment for hot melt adhesives with no VOC in the adhesive formulation.

33. Equipment used for surface coating, painting, dipping or spraying operations, except those that will emit VOC or HAP.

34. CO<sub>2</sub> lasers used only on metals and other materials that do not emit HAP in the process.

35. Consumer use of paper trimmers/binders.

<sup>1</sup>Cleaning and painting activities qualify if they are not subject to VOC or HAP control requirements. Asphalt batch plant owners/operators must still get a permit.

<sup>2</sup>"Moved by hand" means that it can be moved without the assistance of any motorized or non-motorized vehicle, conveyance, or device.

<sup>3</sup>Brazing, soldering and welding equipment, and cutting torches related to manufacturing and construction activities that emit HAP metals are more appropriate for treatment as insignificant activities based on size or production level thresholds. Brazing, soldering, welding and cutting torches directly related to plant maintenance and upkeep and repair or maintenance shop activities that emit HAP metals are treated as trivial and listed separately in this appendix.

36. Electric or steam-heated drying ovens and autoclaves, but not the emissions from the articles or substances being processed in the ovens or autoclaves or the boilers delivering the steam.

37. Salt baths using nonvolatile salts that do not result in emissions of any regulated air pollutants.

38. Laser trimmers using dust collection to prevent fugitive emissions.

39. Bench-scale laboratory equipment used for kinetic studies, mass/energy transport studies, chemical synthesis and physical or chemical analysis.

40. Sources emitting inert gases only, such as argon, helium, krypton, neon, and xenon; pure constituents of air such as nitrogen, oxygen, or carbon dioxide; or the organic aliphatic hydrocarbon gases methane and ethane.

41. Routine calibration and maintenance of laboratory equipment or other analytical instruments.

42. Equipment used for quality control/assurance or inspection purposes, including sampling equipment used to withdraw materials for analysis.

43. Hydraulic and hydrostatic testing equipment.

44. Environmental chambers not using hazardous air pollutant (HAP) gasses.

45. Shock chambers.

46. Humidity chambers.

47. Solar simulators.

48. Fugitive emissions related to movement of passenger vehicles, provided the emissions are not counted for applicability purposes and any required fugitive dust control plan or its equivalent is submitted.

49. Process water filtration systems and demineralizers, but not including air strippers.

50. Demineralized water tanks and demineralizer vents.

51. Boiler water treatment operations, not including cooling towers.

52. Oxygen scavenging (de-aeration) of water.

53. Potable water treatment systems.

54. Ozone generators.

55. Fire suppression systems and activities involved in fire protection training, first aid or emergency medical training.

56. Emergency road flares.

57. Steam vents and safety relief valves.

58. Steam leaks.

59. Steam cleaning operations.

60. Steam sterilizers.

61. Oil and gas exploration and production facilities and operations that include wells and associated equipment and processes used either to: a) drill or alter oil and gas wells; b) extract, process and deliver crude oil and natural gas to the point of lease custody transfer; c) plug abandoned wells and restore well sites, or d) treat and dispose of associated wastes. This category does not include gas compressor station engines or gas extraction wells at landfills.

62. Typesetting, image setting, and plate making equipment used in the preparatory phase of printing.

If an applicant conducts an activity that is believed trivial but not covered by this listing, the applicant may list the activity in an operating permit application and provide a written justification for listing the activity as trivial. If the Department accepts the applicant's justification, no further information will be required on the activity. If the Department rejects the justification, additional information must be included in an operating permit application submitted to the Department.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 03-1448. Filed for public inspection July 25, 2003, 9:00 a.m.]

### Small Water Systems Technical Assistance Center Advisory Board Special Meeting

The Small Water Systems Technical Assistance Center Advisory Board will hold a special meeting on July 29, 2003, from 10 a.m. to 3 p.m. in Susquehanna Room A, South Central Regional Office, 909 Elmerton Avenue, Harrisburg, PA. The purpose of the meeting is to review and make recommendations to "Title 25, Chapter 303, Draft Rules and Regulations Governing Water and Wastewater System Operator Certification."

The schedule, agenda and handouts for the meeting will be available on the Department of Environmental Protection's (Department) website at <http://www.dep.state.pa.us>; choose "Participate." Questions concerning the schedule or agenda should be directed to Ray Braun, (717) 772-2186, [rabraun@state.pa.us](mailto:rabraun@state.pa.us).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Ray Braun at (717) 772-2186 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 03-1449. Filed for public inspection July 25, 2003, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Armstrong County Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Armstrong County Memorial Hospital has requested an exception to the requirements of 28 Pa. Code §§ 107.61 and 107.62 (relating to written orders; 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).

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, (717) 783-8980, for speech and/or hearing impaired persons, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 03-1450. Filed for public inspection July 25, 2003, 9:00 a.m.]

### Application of Bucktail Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Bucktail Medical Center has requested an exception to the requirements of 28 Pa. Code § 109.2(b) (relating to director of nursing services).

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).

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, (717) 783-8980, for speech and/or hearing impaired persons, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 03-1451. Filed for public inspection July 25, 2003, 9:00 a.m.]

### Application of Centre Community Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Centre Community Hospital has requested an exception to the requirements of 28 Pa. Code §§ 107.61 and 107.62 (relating to written orders; 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.

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, (717) 783-8980, for speech and/or hearing impaired persons, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 03-1452. Filed for public inspection July 25, 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) gives notice that Doylestown Hospital has requested an exception to the requirements of 28 Pa. Code § 107.61 (relating to written 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.

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, (717) 783-8980, for speech and/or hearing impaired persons, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 03-1453. Filed for public inspection July 25, 2003, 9:00 a.m.]

### Application of DuBois Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that DuBois Regional Medical Center has requested an exception to the requirements of 28 Pa. Code

§ 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 7.10.H3 (relating to control room).

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.

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, (717) 783-8980, for speech and/or hearing impaired persons, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 03-1454. Filed for public inspection July 25, 2003, 9:00 a.m.]

### Application of Geisinger Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Geisinger Medical Center has requested an exception to the requirements of 28 Pa. Code §§ 107.61 and 107.62 (relating to written orders; 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.

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, (717) 783-8980, for speech and/or hearing impaired persons, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 03-1455. Filed for public inspection July 25, 2003, 9:00 a.m.]

### Application of Greene County Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Greene County Memorial Hospital has requested an exception to the requirements of 28 Pa. Code §§ 107.61 and 107.62 (relating to written orders; 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.

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, (717) 783-8980, for speech and/or hearing impaired persons, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 03-1456. Filed for public inspection July 25, 2003, 9:00 a.m.]

### Application of Hazleton General Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hazleton General Hospital has requested an exception to the requirements of 28 Pa. Code §§ 107.61 and 107.62 (relating to written orders; 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.

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, (717) 783-8980, for speech and/or hearing impaired persons, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 03-1457. Filed for public inspection July 25, 2003, 9:00 a.m.]

### Application of Hazleton Saint Joseph Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hazleton Saint Joseph Medical Center has requested an exception to the requirements of 28 Pa. Code §§ 107.61 and 107.62 (relating to written orders; 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.

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, (717) 783-8980, for speech and/or hearing impaired persons, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 03-1458. Filed for public inspection July 25, 2003, 9:00 a.m.]

### Application of Healthsouth Nittany Valley Rehabilitation Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Healthsouth Nittany Valley Rehabilitation Hospital has requested an exception to the requirements

of 28 Pa. Code §§ 107.61 and 107.62 (relating to written orders; 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.

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, (717) 783-8980, for speech and/or hearing impaired persons, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 03-1459. Filed for public inspection July 25, 2003, 9:00 a.m.]

### Application of Lock Haven Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lock Haven 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: 7.23.D4 (relating to employee handwashing).

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.

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, (717) 783-8980, for speech and/or hear-

ing impaired persons, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 03-1460. Filed for public inspection July 25, 2003, 9:00 a.m.]

### Application of Marian Community Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Marian Community Hospital has requested an exception to the requirements of 28 Pa. Code §§ 107.61 and 107.62 (relating to written orders; 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.

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, (717) 783-8980, for speech and/or hearing impaired persons, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 03-1461. Filed for public inspection July 25, 2003, 9:00 a.m.]

### Application of Mercy Hospital, Scranton for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Mercy Hospital, Scranton has requested an exception to the requirements of 28 Pa. Code §§ 107.61 and 107.62 (relating to written orders; 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.

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, (717) 783-8980, for speech and/or hearing impaired persons, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 03-1462. Filed for public inspection July 25, 2003, 9:00 a.m.]

### Application of Mercy Hospital, Wilkes-Barre for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Mercy Hospital, Wilkes-Barre has requested an exception to the requirements of 28 Pa. Code §§ 107.61 and 107.62 (relating to written orders; 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.

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, (717) 783-8980, for speech and/or hearing impaired persons, V/TT: (717) 783-6514 or the Penn-

sylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 03-1463. Filed for public inspection July 25, 2003, 9:00 a.m.]

### Application of The Uniontown Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Uniontown 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.

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, (717) 783-8980, for speech and/or hearing impaired persons, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 03-1464. Filed for public inspection July 25, 2003, 9:00 a.m.]

### Decisions on Requests for Exceptions to Health Care Facility Regulations

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), effective June 6, 1998, the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P. S. §§ 448.101—448.904b), for exceptions to regulations contained in 28 Pa. Code Part IV, Subparts B—G.

Section 51.33(d) provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from April 1, 2003, through June 30, 2003. Future publications of decisions on exception requests will appear on a quarterly basis.

Requests for additional information on the exception requests and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals and ambulatory surgical facilities should be addressed to the Division of Acute and Ambulatory Care, Sandra Knoble, Director, P. O. Box 90, Harrisburg, PA 17108. Inquiries regarding long-term care facilities should be addressed to the Division of Nursing Care Facilities, William Bordner, Acting Director, P. O. Box 90, Harrisburg, PA 17108. Persons requiring special assistance for speech and/or hearing impairment should call V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

**Exception Requests—Hospitals**

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Req. Published</i>	<i>Decision</i>
Hazleton St. Joseph Medical Center	28 Pa. Code § 51.3(c)	notification	4/26/03	granted
Wyoming Valley Health Care System	28 Pa. Code § 51.23	PET scanning services	4/26/03	granted
Frankford Hospital	28 Pa. Code § 51.23	PET scanning services	4/26/03	granted
Mercy Jeannette Hospital	28 Pa. Code § 51.23	PET scanning services	6/21/03	granted
Geisinger Wyoming Valley Hospital	28 Pa. Code § 51.23	PET scanning	4/26/03	granted
Temple University Hospital	28 Pa. Code § 51.23	PET scanning services	6/21/02	granted
Pottsville Hospital and Warne Clinic	28 Pa. Code § 107.2	medical staff membership	4/26/03	granted
Montgomery Hospital	28 Pa. Code § 107.2	medical staff membership	4/26/03	granted
Select Specialty Hospital Philadelphia	28 Pa. Code § 107.2	medical staff membership	5/17/03	granted
Tyler Memorial Hospital	28 Pa. Code § 107.2	medical staff membership (podiatrists)	6/21/03	granted
Westmoreland Regional Hospital and Frick Hospital	28 Pa. Code § 107.2	medical staff membership	6/21/03	granted
Altoona Hospital	28 Pa. Code § 107.26(b)(2)	tissue committee	5/17/03	granted
Doylestown Hospital	28 Pa. Code § 107.32	meetings and attendance	5/17/03	granted
Carlisle Regional Medical Center	28 Pa. Code § 107.61	written orders	4/26/03	granted in part
Community Hospital of Lancaster	28 Pa. Code § 107.61	written orders	4/26/03	granted in part
Lancaster Regional Medical Center	28 Pa. Code § 107.61	written orders	4/26/03	granted in part
Mercy Hospital of Pittsburgh	28 Pa. Code § 107.61	written orders	6/21/03	granted in part
Mercy Providence Hospital	28 Pa. Code § 107.61	written orders	6/21/03	granted in part
Healthsouth Rehabilitation Hospital for Special Services	28 Pa. Code § 107.61	written orders	6/21/03	granted in part
Highlands Hospital	28 Pa. Code § 107.62	oral orders	4/26/03	granted
St. Joseph Medical Center	28 Pa. Code § 107.62	oral orders for physicians assistants	11/16/02	granted
Mercy Jeannette Hospital	28 Pa. Code § 107.62	oral orders	6/21/03	granted
Doylestown Hospital	28 Pa. Code § 107.62	oral orders	5/17/03	denied
Mercy Hospital of Pittsburgh	28 Pa. Code § 107.62	oral orders	6/21/03	granted in part
Mercy Providence Hospital	28 Pa. Code § 107.62	oral orders	6/21/03	granted in part
Healthsouth Rehabilitation Hospital for Sepcial Services	28 Pa. Code § 107.62	oral orders	6/21/03	granted in part
Memorial Hospital Towanda	28 Pa. Code § 107.62(b)	oral orders	5/17/03	granted in part
Allegheny General Hospital	28 Pa. Code § 107.64	administration of drugs	12/14/02	granted
Medical Center of Beaver	28 Pa. Code § 138.14(c)	diagnostic cardiac catheterization services	12/28/02	granted for 1 year
Holy Redeemer Health System	28 Pa. Code § 138.15	high risk cardiac catheterizations	3/16/02	denied
Jeanes Hospital	28 Pa. Code § 138.15	high risk cardiac catheterization	3/16/02	denied

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Req. Published</i>	<i>Decision</i>
Magee Women's Hospital of UPMC H. S.	28 Pa. Code § 139.13	equipment and supplies—NICU 24 hours	7/5/03	granted
Community Medical Center Healthcare	28 Pa. Code § 143.4	medical appraisal of podiatric patients	6/21/03	denied
Community Medical Center Healthcare	28 Pa. Code § 143.7	medical orders and patient records	6/21/03	denied
St. Clair Hospital	28 Pa. Code § 153.1	minimum standards—7.3.A8—handwashing stations	4/26/03	granted
Pinnacle Health @ Harrisburg Hospital	28 Pa. Code § 153.1	minimum standards—7.2.B10—examination rooms, 7.9.D7—ED examination room	4/26/03	granted
Pinnacle Health—Fredricksen Outpatient	28 Pa. Code § 153.1	minimum standards—7.33—hyperbaric suite, 9.2.H1.a—minimum public corridor width	3/29/03	not needed
Memorial Hospital—York	28 Pa. Code § 153.1	minimum standards—9.9.A1—procedure room minimum clear area	3/29/03	denied
The Washington Hospital	28 Pa. Code § 153.1	minimum standards—10.15.A5—handwashing stations	5/17/03	granted
Indiana Regional Medical Center	28 Pa. Code § 153.1	minimum standards—10.15.A2—min. patient room areas, 10.15.A5—handwashing stations, 10.15.B8—minimum exam/treatment room area, 10.24.A13—patient toilet grab bars	5/31/03	granted
Indiana Regional Medical Center	28 Pa. Code § 153.1	minimum standards—10.24.A9 window sills	5/31/03	not needed
Highlands Hospital	28 Pa. Code § 153.1	minimum standards—7.31.D Table 7.2—ventilation requirements	5/31/03	granted
Williamsport Hospital and Medical Center	28 Pa. Code § 153.1	minimum standards—Table 7.5 medical gasses	2/15/03	granted
Mercy Hospital Pittsburgh	28 Pa. Code § 153.1	minimum standards—7.3.A3—patient space, 7.3.A6—patient room window, 7.3.A8—handwashing stations	4/26/03	not necessary
Meadville Medical Center	28 Pa. Code § 153.1	minimum standards—7.4.A11—housekeeping/environmental services	6/21/03	granted

**Exception Requests—Ambulatory Surgical Facilities**

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Req. Published</i>	<i>Decision</i>
Main Line Spine Physical Medicine and Rehabilitation	28 Pa. Code § 571.1	minimum standards—9.30.B—elevators	5/17/03	granted
Reproductive Science Institute	28 Pa. Code § 571.1	minimum standards—9.5.E1—flush-type devices	5/17/03	granted
The Washington Hospital Neighbor Health	28 Pa. Code § 571.1	minimum standards—9.5.F2.d—size of OR, 9.5.F3.c—size of recovery station, 9.5.F4—step-down recovery area, 9.5.F5.j—medication administration, 9.5.H1.c—patient toilet rooms	4/26/03	granted
Evangelical Ambulatory Surgical Center	28 Pa. Code § 571.1	minimum standards—9.5.F5.f—anesthesia storage/workroom	4/26/03	denied

**Exception Requests—Nursing Care Facilities**

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Req. Published</i>	<i>Decision</i>
Jameson Hospital Transitional Care Unit—South	28 Pa. Code § 201.17	location	3/29/03	granted
Mary Evans Extended Care Center	28 Pa. Code § 201.17	location	3/29/03	granted
Evangelical Subacute Care Unit	28 Pa. Code § 201.17	location	4/26/03	not required
Church of the Brethren Home	28 Pa. Code § 205.6(a)	function of building	4/19/03	granted
Mary J. Drexler Home	28 Pa. Code § 205.6(a)	function of building	4/1/03	granted
Mahoning Valley Nursing and Rehab Center	28 Pa. Code § 205.6(a)	function of building		granted
Mary Evans Extended Care Center	28 Pa. Code § 205.6(a)	function of building	4/26/03	denied
Covenant at South Hills	28 Pa. Code § 205.6(a)	function of building	5/3/03	granted
Quincy United Methodist Home	28 Pa. Code § 205.6(a)	function of building	5/10/03	granted
Lutheran Nursing and Rehabilitation Center at Sprenkle Drive	28 Pa. Code § 205.6(a)	function of building	6/7/03	granted
Valley Crest Nursing Home	28 Pa. Code § 205.6(a)	function of building	6/21/03	granted
Trinity Living Center	28 Pa. Code § 205.6(a)	function of building	6/21/03	denied
Mulberry Square	28 Pa. Code § 205.6(a)	function of building	6/28/03	granted
Green Ridge Nursing Home	28 Pa. Code § 205.26(e)	laundry	5/31/03	denied
Mountain City Nursing and Rehabilitation Center	28 Pa. Code § 205.27	lounge and recreation rooms	3/29/03	denied
Evangelical Subacute Care Unit	28 Pa. Code § 205.32	janitor closet	5/10/03	granted
Hamilton Arms Center	28 Pa. Code § 205.38	toilet facilities	4/26/03	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Req. Published</i>	<i>Decision</i>
Jeanette District Memorial Hospital Skilled Nursing Center	28 Pa. Code § 211.12(b)	nursing services	6/21/03	temporary approval
Nipple Convalescent Home	28 Pa. Code § 211.12(f)(1)	nursing services	5/10/03	temporary approval

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 03-1465. Filed for public inspection July 25, 2003, 9:00 a.m.]

### Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee; Public Meeting

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health (Department) under sections 301(a) and 317(b) of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold a public meeting on Wednesday, August 20, 2003, from 9 a.m. to 3 p.m. at the Best Western Inn and Suites, 815 Eisenhower Boulevard, Middletown, PA, 17057.

The Department reserves the right to cancel this meeting without prior notice.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Thomas M. DeMelfi, (717) 783-0572, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 03-1466. Filed for public inspection July 25, 2003, 9:00 a.m.]

### Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee, established under 20 Pa.C.S. § 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund), will hold a public meeting on September 10, 2003, from 10 a.m. to 2 p.m. The business portion of the meeting agenda will be from 10 a.m. until 12 p.m. The meeting will be held in the conference room of the Musculoskeletal Transplant Foundation, 1232 Mid Valley Drive, Jessup, PA 18434.

For additional information, contact William J. Neil, Manager, Health Education and Information Program, Bureau of Chronic Diseases and Injury Prevention, Room 1000 Health and Welfare Building, Harrisburg, PA, 17120 (717) 787-5900.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact William J. Neil, (717) 787-5900 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 03-1467. Filed for public inspection July 25, 2003, 9:00 a.m.]

### Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.17 (relating to location):

Mercy Jeannette Hospital Skilled Nursing Center  
600 Jefferson Avenue  
Jeannette, PA 15644

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Holy Family Manor, Inc.  
1200 Spring Street  
Bethlehem, PA 18018

The Lebanon Valley Home  
550 East Main Street  
Annville, PA 17003

ManorCare Health Services—Pottstown  
724 North Charlotte Street  
Pottstown, PA 19464

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax: (717) 772-2163, paexcept@health.state.pa.us.

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 listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotape, Braille) should contact the Division of Nursing Care

Facilities at the address or phone number listed previously, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M.D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 03-1468. Filed for public inspection July 25, 2003, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Aladdin's Lamp Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Aladdin's Lamp.

2. *Price:* The price of a Pennsylvania Aladdin's Lamp instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Aladdin's Lamp instant lottery game ticket will contain one play area featuring an "Aladdin's Numbers" area and a "Your Numbers" area. The play symbols and their captions located in the "Aladdin's Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR) and 24 (TWYFOR). The play symbols and their captions located in the "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and a Genie Symbol (GENIE).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$2<sup>00</sup> (TWO DOL), \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$8<sup>00</sup> (EGT DOL), \$10<sup>00</sup> (TEN DOL), \$12\$ (TWELV), \$15\$ (FIFTN), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$75\$ (SVY FIV), \$150 (ONEHUNFTY), \$500 (FIV HUN) and \$75,000 (SVYFIVTHO).

5. *Prizes:* The prizes that can be won in this game are \$2, \$5, \$6, \$8, \$10, \$12, \$15, \$25, \$50, \$75, \$150, \$500 and \$75,000. A player can win up to ten times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 3,240,000 tickets will be printed for the Pennsylvania Aladdin's Lamp instant lottery game.

#### 7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Aladdin's Numbers" play symbols and a prize play symbol of \$75,000 (SVYFIVTHO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$75,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Genie Symbol (GENIE) and a prize play symbol of \$500 (FIV HUN) appears under the Genie Symbol (GENIE), on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Aladdin's Numbers" play symbols and a prize play symbol of \$500 (FIV HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Genie Symbol (GENIE) and a prize play symbol of \$150 (ONEHUNFTY) appears under the Genie Symbol (GENIE), on a single ticket, shall be entitled to a prize of \$150.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Aladdin's Numbers" play symbols and a prize play symbol of \$150 (ONEHUNFTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$150.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Genie Symbol (GENIE) and a prize play symbol of \$75\$ (SVY FIV) appears under the Genie Symbol (GENIE), on a single ticket, shall be entitled to a prize of \$75.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Aladdin's Numbers" play symbols and a prize play symbol of \$75\$ (SVY FIV) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$75.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Genie Symbol (GENIE) and a prize play symbol of \$50\$ (FIFTY) appears under the Genie Symbol (GENIE), on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Aladdin's Numbers" play symbols and a prize play symbol of \$50\$ (FIFTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Genie Symbol (GENIE) and a prize play symbol of \$25\$ (TWY FIV) appears under the Genie Symbol (GENIE), on a single ticket, shall be entitled to a prize of \$25.

(k) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Aladdin's Numbers" play symbols and a prize play symbol of \$25\$ (TWY FIV) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(l) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Genie Symbol (GENIE) and a prize play symbol of \$15\$ (FIFTN) appears under the Genie Symbol (GENIE), on a single ticket, shall be entitled to a prize of \$15.

(m) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Aladdin's Numbers" play symbols and a prize play symbol of \$15\$ (FIFTN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(n) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Genie Symbol (GENIE) and a prize play symbol of \$12\$ (TWELV) appears under the Genie Symbol (GENIE), on a single ticket, shall be entitled to a prize of \$12.

(o) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Aladdin's Numbers" play symbols and a prize play symbol of \$12\$ (TWELV) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$12.

(p) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Genie Symbol (GENIE) and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appears under the Genie Symbol (GENIE), on a single ticket, shall be entitled to a prize of \$10.

(q) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Aladdin's Numbers" play symbols and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(r) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Genie Symbol (GENIE) and a prize play symbol of \$8<sup>00</sup> (EGT DOL) appears under the Genie Symbol (GENIE), on a single ticket, shall be entitled to a prize of \$8.

(s) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Aladdin's Numbers" play symbols and a prize play symbol of \$8<sup>00</sup> (EGT DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$8.

(t) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Genie Symbol (GENIE) and a prize play symbol of \$6<sup>00</sup> (SIX DOL) appears under the Genie Symbol (GENIE), on a single ticket, shall be entitled to a prize of \$6.

(u) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Aladdin's Numbers" play symbols and a prize play symbol of \$6<sup>00</sup> (SIX DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(v) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Genie Symbol (GENIE) and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appears under the Genie Symbol (GENIE), on a single ticket, shall be entitled to a prize of \$5.

(w) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Aladdin's Numbers" play symbols and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(x) Holders of tickets upon which any one of the "Your Numbers" play symbols matches any of the "Aladdin's Numbers" play symbols and a prize play symbol of \$2<sup>00</sup> (TWO DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

*When Any of Your Numbers Match Any of the Aladdin's Numbers, Win With Prize(s) of:*

<i>Prize(s) of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 3,240,000 Tickets</i>
\$5	\$5	1:28.57	113,400
\$5 w/Genie	\$5	1:9.09	356,400
\$6	\$6	1:120	27,000
\$6 w/Genie	\$6	1:120	27,000
\$8	\$8	1:200	16,200
\$8 w/Genie	\$8	1:300	10,800
\$2 x 5	\$10	1:120	27,000
\$5 x 2	\$10	1:120	27,000
\$10	\$10	1:120	27,000
\$10 w/Genie	\$10	1:120	27,000
\$6 x 2	\$12	1:300	10,800
\$12	\$12	1:600	5,400
\$12 w/Genie	\$12	1:300	10,800
\$5 x 3	\$15	1:600	5,400
\$10 + \$5	\$15	1:300	10,800
\$15	\$15	1:600	5,400
\$15 w/Genie	\$15	1:600	5,400
\$15 + \$5 x 2	\$25	1:200	16,200
\$5 x 5	\$25	1:100	32,400
\$5 x 3 + \$10	\$25	1:300	10,800
\$10 + \$15	\$25	1:600	5,400
\$25	\$25	1:600	5,400
\$25 w/Genie	\$25	1:85.71	37,800
\$25 x 2	\$50	1:6,000	540
\$15 x 3 + \$5	\$50	1:6,000	540
\$5 x 10	\$50	1:6,000	540
\$10 x 5	\$50	1:6,000	540

*When Any of Your Numbers Match Any of the Aladdin's Numbers, Win With Prize(s) of:*

<i>Prize(s) of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 3,240,000 Tickets</i>
\$50	\$50	1:6,000	540
\$50 w/Genie	\$50	1:6,000	540
\$15 × 5	\$75	1:400	8,100
\$25 × 3	\$75	1:480	6,750
\$75	\$75	1:398.67	8,127
\$75 w/Genie	\$75	1:240	13,500
\$15 × 10	\$150	1:360,000	9
\$150	\$150	1:360,000	9
\$150 w/Genie	\$150	1:360,000	9
\$50 × 10	\$500	1:1,080,000	3
\$500	\$500	1:1,080,000	3
\$500 w/Genie	\$500	1:1,080,000	3
\$75,000	\$75,000	1:1,080,000	3

Genie = Win prize automatically

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Aladdin's Lamp instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Aladdin's Lamp, prize money from winning Pennsylvania Aladdin's Lamp instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Aladdin's Lamp instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Aladdin's Lamp or through normal communications methods.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 03-1469. Filed for public inspection July 25, 2003, 9:00 a.m.]

### Pennsylvania Money Mania Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Money Mania.

2. *Price:* The price of a Pennsylvania Money Mania instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Money Mania instant lottery game ticket will contain one play area featuring a "Winning Numbers" area and a "Your Numbers" area. The play symbols and their captions located in the "Winning Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN) and 16 (SIXTN). The play symbols and their captions located in the "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN) and a Bill Symbol (BILL).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$80\$ (EIGHTY), \$400 (FOR HUN) and \$20,000 (TWY THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$5, \$10, \$20, \$40, \$80, \$400 and \$20,000. A player can win up to eight times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 4,320,000 tickets will be printed for the Pennsylvania Money Mania instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$20,000 (TWY THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Bill Symbol (BILL) and a prize play symbol of \$400 (FOR HUN) appears under the Bill Symbol (BILL), on a single ticket, shall be entitled to a prize of \$400.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$400



(FOR HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Bill Symbol (BILL) and a prize play symbol of \$80\$ (EIGHTY) appears under the Bill Symbol (BILL), on a single ticket, shall be entitled to a prize of \$80.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$80\$ (EIGHTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$80.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Bill Symbol (BILL) and a prize play symbol of \$40\$ (FORTY) appears under the Bill Symbol (BILL), on a single ticket, shall be entitled to a prize of \$40.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$40\$ (FORTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Bill Symbol (BILL) and a prize play symbol of \$20\$ (TWENTY) appears under the Bill Symbol (BILL), on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$20\$ (TWENTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(j) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Bill Symbol (BILL) and a prize play symbol of \$10<sup>.00</sup> (TEN DOL) appears under the Bill Symbol (BILL), on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$10<sup>.00</sup> (TEN DOL) appears under the matching "Your Numbers"

play symbol, on a single ticket, shall be entitled to a prize of \$10.

(l) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Bill Symbol (BILL) and a prize play symbol of \$5<sup>.00</sup> (FIV DOL) appears under the Bill Symbol (BILL), on a single ticket, shall be entitled to a prize of \$5.

(m) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$5<sup>.00</sup> (FIV DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(n) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Bill Symbol (BILL) and a prize play symbol of \$3<sup>.00</sup> (THR DOL) appears under the Bill Symbol (BILL), on a single ticket, shall be entitled to a prize of \$3.

(o) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$3<sup>.00</sup> (THR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(p) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Bill Symbol (BILL) and a prize play symbol of \$2<sup>.00</sup> (TWO DOL) appears under the Bill Symbol (BILL), on a single ticket, shall be entitled to a prize of \$2.

(q) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$2<sup>.00</sup> (TWO DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(r) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$1<sup>.00</sup> (ONE DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any of Your Numbers Match Either Winning Number Win With Prize(s) of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 4,320,000 Tickets</i>
\$1 × 2	\$2	1:21.43	201,600
\$2	\$2	1:21.43	201,600
\$2 w/Bill	\$2	1:18.07	239,040
\$1 × 3	\$3	1:150	28,800
\$3	\$3	1:150	28,800
\$3 w/Bill	\$3	1:53.57	80,640
\$1 × 5	\$5	1:75	57,600
\$5	\$5	1:150	28,800
\$5 w/Bill	\$5	1:150	28,800
\$2 × 5	\$10	1:500	8,640
\$5 × 2	\$10	1:500	8,640
\$10	\$10	1:500	8,640
\$10 w/Bill	\$10	1:136.36	31,680
\$5 × 4	\$20	1:150	28,800
\$20	\$20	1:150	28,800

*When Any of Your Numbers*

*Match Either Winning*

<i>Number Win With Prize(s) of:</i>	<i>Win</i>
\$20 w/Bill	\$20
\$5 × 8	\$40
\$10 × 4	\$40
\$20 × 2	\$40
\$40	\$40
\$40 w/Bill	\$40
\$10 × 8	\$80
\$20 × 4	\$80
\$40 × 2	\$80
\$80	\$80
\$80 w/Bill	\$80
\$80 × 5	\$400
\$400	\$400
\$400 w/Bill	\$400
\$20,000	\$20,000

Bill = Automatically win prize shown

*Approximate Odds*

1:75	57,600
1:12,000	360
1:12,000	360
1:12,000	360
1:12,000	360
1:15,000	288
1:60,000	72
1:60,000	72
1:60,000	72
1:60,000	72
1:60,000	72
1:120,000	36
1:120,000	36
1:120,000	36
1:1,440,000	3

*Approximate No. of Winners Per 4,320,000 Tickets*

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Money Mania instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Money Mania, prize money from winning Pennsylvania Money Mania instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Money Mania instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Money Mania or through normal communications methods.

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 03-1470. Filed for public inspection July 25, 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 Protection Services Inc., 204 South Main Street, East Pittsburgh, PA, seeking to lease highway right-of-way located beneath the Brad-dock Avenue Spur on the westerly side of Main Street in the Borough of East Pittsburgh, Allegheny County, containing 9,000 sq. ft. ± adjacent to S. R. 2083, Spur 001, for the purpose of a storage area for equipment and material.

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. 03-1471. Filed for public inspection July 25, 2003, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Meetings Scheduled

The Health Care Cost Containment Council (Council) meetings originally scheduled for July 9 and 10, 2003, that were postponed have been rescheduled as follows: Thursday, July 31, 2003, Data Systems Committee Meeting—9:30 a.m., Council Meeting—11 a.m. The meetings will be held in the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons who need accommodation due to a disability who wish to attend the meetings should contact Cherie Elias, Health Care Cost Contain-

ment Council, 225 Market Street, Harrisburg, PA 17101, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

MARC P. VOLAVKA,  
*Executive Director*

[Pa.B. Doc. No. 03-1472. Filed for public inspection July 25, 2003, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Alleged Violation of Insurance Laws; Gary J. Spirk; Doc. No. SC03-07-031

Notice is hereby given of the Order to Show Cause issued on July 16, 2003, by the Deputy Insurance Commissioner in the previously referenced matter. Violation of the following is alleged: sections 208, 209, 604, 607 and 639 of The Insurance Department Act of 1921 (40 P.S. §§ 46, 47, 234, 237 and 279).

The respondent shall file a written answer to the Order to Show Cause within 20 days of the date of issue. If the respondent files a timely answer, a formal administrative hearing shall be held in accordance with 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), 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

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 ADA Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 03-1473. Filed for public inspection July 25, 2003, 9:00 a.m.]

### Highmark Blue Cross Blue Shield; Rate Filing

On July 10, 2003, Highmark Blue Cross Blue Shield submitted filing no. 1-CPE-03HBCBS (Department ID no. A71613001) requesting a 24.3% rate increase for the Direct Pay ClassicBlue Hospital Plan (Western Region) and a rate increase of 37% for the HIPAA and Health Coverage Tax Credit (HCTC) eligibles. The following benefit changes are also proposed:

- Outpatient physical therapy visits are limited to 15, changed from unlimited.
- Speech and occupational therapy visits are limited to 15, combined from unlimited.
- An outpatient deductible of \$100 is being added.

A calendar year maximum benefit of \$1 million and a lifetime maximum of \$5 million per member is being added.

The filing will affect about 6,200 non-HIPAA and HCTC eligible contract holders and 3,600 HIPAA and HCTC eligible contract holders and produce additional premium income of about \$5.58 million and \$4.96 million, respectively.

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. 03-1474. Filed for public inspection July 25, 2003, 9:00 a.m.]

### Highmark Inc. d/b/a Highmark Blue Cross Blue Shield; ClassicBlue Medical Surgical Plan (Western Region); Rate Filing

Effective January 1, 2004, the Preferred Medical Surgical Benefits program in the Western Region will assume the name ClassicBlue Medical Surgical. This has no impact on the rates.

By filing no. 1-DPMS-03-HBCBS (Department ID no. A71612001), Highmark Inc. d/b/a Highmark Blue Cross Blue Shield requests approval to increase its premium rates for its Direct Pay ClassicBlue Medical Surgical Plan (Western Region). The filing requests an increase of 0.0% for Plan C and 6.8% or \$9.18 per contract per month for UCR 100. This will affect about 4,175 UCR 100 contract holders and produce additional annual premium income of about \$459,600. For HIPAA and Health Coverage Tax Credit eligibles, the filing requests an increase of 15.20% or \$20.51 per contract per month for UCR 100. This will affect about 3,630 contract holders and produce additional annual premium income of about \$894,000.

In addition to the increase in premium rates, the following changes are being made to the ClassicBlue Major Medical Plan:

- A deductible of \$250 per individual/\$750 per family nonaggregate per calendar year is being added.
- A lifetime maximum benefit of \$5 million per member is being added.
- A calendar maximum of \$1 million per member is being added.

The requested effective date of the change is January 1, 2004.

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 Rashmi Mathur, 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. 03-1475. Filed for public inspection July 25, 2003, 9:00 a.m.]

### Highmark Inc. d/b/a Highmark Blue Cross Blue Shield; Direct Pay ClassicBlue Major Medical Program; Rate Filing

By filing no. 1-PMM-03-HBCBS (Department ID no. A71611001), Highmark Inc. d/b/a Highmark Blue Cross Blue Shield requests approval to increase its premium rates for its Direct Pay ClassicBlue Major Medical Plan (Western Region). The filing requests an increase of 40.3% or \$48.27 per contract per month. This will affect about 4,100 contract holders and produce additional annual premium income of about \$2.3 million. For HIPAA and Health Coverage Tax Credit eligibles, the filing requests an increase of 60.0% or \$71.87 per contract per month. This will affect about 3,600 contract holders and produce additional annual premium income of about \$3.1 million.

In addition to the increase in premium rates, the following changes are being made to the ClassicBlue Major Medical Plan:

- The current overall \$750 deductible will be separated into a \$250 deductible for prescription drug benefits and a \$500 deductible for other major medical services.
- The prescription drug coinsurance will change from 80% to 70%.
- A \$25,000 calendar year prescription drug maximum per member is being added.
- A prescription drug minimum copay of \$10 and a maximum of \$100 is being added.
- The prescription drug benefit will become closed formulary and hard mandatory generic.
- The physical therapy benefit will change from unlimited visits to 15 visits per calendar year.
- The speech and occupational therapy benefits will change from unlimited visits to 15 visits per calendar year.

The requested effective date of the change is January 1, 2004.

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 Rashmi Mathur, 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. 03-1476. Filed for public inspection July 25, 2003, 9:00 a.m.]

### Highmark, Inc. d/b/a Highmark Blue Cross Blue Shield; Request to Increase Rates for the Security 65 Medical Surgical Plans in the Western Region; Filing No. 1-DPCM-03-HBCBS

Highmark, Inc. d/b/a Highmark Blue Cross Blue Shield requests approval to increase its premium rates for its Security 65 Medical Surgical Plans for the Western Region. The filing requests an average rate increase of 7.6% or \$4.43 per contract per month. This will affect about 76,000 contract holders and produce additional annual premium income of about \$4 million. The requested effective date of the change is January 1, 2004.

The actual requested rates are as follows:

*Requested Rates  
Security 65 Plans  
(Western Region)  
Effective January 1, 2004*

#### *Security 65—Plans A, B and H*

First Eligible	\$58.90
Late Entry: 65—69	\$58.90
Late Entry: 70—79	\$68.30
Late Entry: 80 and over	\$76.60

#### *Security 65—Plan C*

First Eligible	\$66.55
Late Entry: 65—69	\$66.55
Late Entry: 70—79	\$75.95
Late Entry: 80 and over	\$84.25

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

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

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 03-1477. Filed for public inspection July 25, 2003, 9:00 a.m.]

### Keystone Health Plan Central; Premium Rate Increase—Group Business; Rate Filing

On July 10, 2003, Keystone Health Plan Central submitted its annual rate filing (ID no. A71625001) to the Insurance Department (Department) requesting a rate

increase for the base medical plans of 7.3% in the Lehigh Valley service area, 16.3% in the Harrisburg service area and 8.9% in the Northern Tier service area. This filing will affect 28,431 members in the Lehigh Valley service area, 63,029 members in the Harrisburg service area and 6,624 members in the Northern Tier service area, resulting in an estimated revenue increase of \$30.8 million annually. The proposed effective date of this increase is October 1, 2003.

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

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. 03-1478. Filed for public inspection July 25, 2003, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Access Charge Investigation

Public Meeting held  
July 10, 2003

*Commissioners Present:* Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Aaron Wilson, Jr.; Glen R. Thomas; Kim Pizzingrilli

*Access Charge Investigation per Global Order of September 30, 1999; Doc. Nos. M-00021596, P-00991648 and P-00991649*

*Verizon Pennsylvania Inc.'s 2003 Price Change Opportunity; Doc. No. M-00031694*

*AT&T Communications of Pennsylvania, Inc. v. Verizon Pennsylvania Inc. Re: Verizon Pennsylvania Inc.'s 2003 PCO; Doc. Nos. M-00031694C0001 and P-00930715*

### Order

*By the Commission:*

Presently before this Commission for consideration is the Joint Procedural Stipulation filed on June 5, 2003, by the Rural Telephone Company Coalition (RTCC), The United Telephone Company of Pennsylvania (Sprint/United), Office of Trial Staff (OTS), Office of Consumer Advocate (OCA), Office of Small Business Advocate (OSBA), AT&T Communications of Pennsylvania, Inc. LLC (AT&T), Verizon Pennsylvania Inc. (Verizon-Pa.), Verizon North Inc. (Verizon) and MCI WorldCom Network Services, Inc. (MCI). The Joint Procedural Stipulation concerns the RTCC/Sprint United Joint Proposal for Access Charge Reductions (Joint Proposal) for the rural telephone companies that had been filed on December 16, 2002, under the generic access charge investigation at M-00021596.

### *Procedural History*

The Global Order<sup>1</sup> of September 30, 1999, reduced access charges of all local incumbent exchange carriers operating in this Commonwealth. That Order directed a Pennsylvania Universal Service Fund (PaUSF) be established to enable the rural incumbent local exchange carriers (ILECs) and Sprint/United to reduce access charges and intraLATA toll rates while at the same time, ensuring that residential basic local service rates do not exceed the designated price cap of \$16 per month. The Global Order also called for an investigation to be initiated in January 2001 to further refine a solution to the question of how the carrier charge (CC) pool can be reduced and to consider the appropriateness of a toll line charge to recover any resulting reductions.

By Secretarial Letter dated October 24, 2001, the Commission postponed the formal Statewide access charge investigation and initiated a collaborative to determine whether the parties could reach an agreement. Also at that time, the RTCC and Sprint/United were given some time to put together an access charge settlement proposal in an effort to save time and costs involved with litigation and to narrow the issues. It was expected that the settlement proposal would take notice of the recent Federal Communications Commission's (FCC) MAG<sup>2</sup> and CALLS<sup>3</sup> orders, which had further reduced interstate access charges for rural and nonrural companies, respectively. Ultimately, we opened a docket at M-00021596 in January 2002 to accommodate the access charge investigation required by the Global Order.

In a related matter, on March 21, 2002, AT&T filed a formal complaint against Verizon seeking to have Verizon's access charges reduced to Verizon-Pa.'s levels under the requirements in our Merger Order at A-310200F0002.<sup>4</sup> The complaint was docketed at C-20027195. Thereafter, the complaint was initially dismissed by Chief Administrative Law Judge Robert Christianson, but later reinstated by Commission Order entered December 24, 2002. That order also bifurcated the access charge investigation at M-00021596 so that all Verizon matters (that is, those pertinent access charge matters pertaining to Verizon-Pa. and Verizon-North, including the complaint, were to be litigated at the C-20027195 docket).

On November 26, 2002, Verizon-Pa. submitted its annual Price Change Opportunity (PCO) filing requesting authority to use its \$17.7 million negative PCO money for 2003 to fund its contributions to the PaUSF. That filing was docketed at M-00031694 and P-00930715 (Verizon-Pa.'s Chapter 30 Plan docket). On January 31, 2003, AT&T filed a complaint at M-00031694C0001 challenging Verizon-Pa.'s proposal to use its negative PCO money to support Verizon's 2003 contribution to the PaUSF. On February 27, 2003, Verizon-Pa. filed an answer and motion to dismiss the complaint.

On December 16, 2002, RTCC, Sprint/United, OCA, OTS and OSBA filed a Joint Proposal seeking revenue-

<sup>1</sup> *Re Nextlink Pennsylvania, Inc.*, Docket No. P-00991648; P-00991649, 93 PaPUC 172 (September 30, 1999) (Global Order); 196 P.U.R. 4th 172, aff'd sub nom. *Bell Atlantic-Pennsylvania, Inc. v. Pennsylvania Public Utility Commission*, 763 A.2d 440 (Pa.Cmwlth. 2000), alloc. granted.

<sup>2</sup> *In re: Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers et al., Second Report and Order and Further Notice of Proposed Rulemaking in CC Docket No. 00-256, Fifteenth Report and Order in CC Docket No. 96-45 and Report and Order in CC Docket Nos. 98-77 and 98-166, FCC 01-304, November 8, 2001.*

<sup>3</sup> *In Re: Coalition for Affordable Local and Long Distance Service (CALLS) Access Charge Reform, et al., Sixth Report and Order in CC Docket Nos. 96-262 and 94-1 Report and Order in CC Docket No. 99-249, Eleventh Report and Order in CC Docket No. 96-45, May 31, 2000.*

<sup>4</sup> *Joint Application of Bell Atlantic Corporation and GTE Corporation for Approval of Agreement and Plan of Merger*, Docket No. A-310200F0002, etc. (Opinion and Order entered November 4, 1999) (Merger Order).

neutral access charge reductions. This Joint Proposal was published January 4, 2003, at 33 Pa.B. 97. Comments and replies were received by the Commission. AT&T and MCI WorldCom filed comments opposing the proposal. Specifically, AT&T and MCI WorldCom called for more detail about the resulting access rates. AT&T and MCI WorldCom emphasize the need to move switched access rates to cost-based levels. Verizon filed comments that placed conditions on their acceptance of the proposal. Verizon wanted to also reduce its access charges in a revenue-neutral method and it wanted approval to use its PCO moneys to fund any future contributions owed the PaUSF as a result of the Joint Proposal.

On April 2, 2003, Verizon-Pa. filed a letter with the Commission stating that it did not oppose the RTCC/Sprint Joint Proposal at M-00021596. On the same date, Sprint/United and the RTCC filed letters in support of Verizon-Pa. being able to use its negative PCO money to pay its 2003 contribution to the PaUSF.

On May 5, 2003, the Commission, acknowledging that there was opposition at that time to the Joint Proposal by the comments filed by AT&T and MCI WorldCom, ordered the Joint Proposal be assigned to an Administrative Law Judge for evidentiary hearings and a recommended decision regarding an appropriate level of access charges for Sprint and the rural ILECs operating in this Commonwealth, and whether the PaUSF should be continued beyond the Global Order's expiration date of December 31, 2003, the expiration date specified in the Global Order. Further, the Commission expected the ALJ to issue a recommended decision regarding whether Verizon-Pa. could properly use its negative 2003 PCO moneys to fund its PaUSF contributions.

On May 15, 2003, the RTCC and Sprint/United provided MCI and AT&T with further data reports. On May 20, 2003, under 52 Pa. Code § 5.572, the RTCC and Sprint/United filed a Petition for Reconsideration concerning portions of our May 5, 2003, Order. A prehearing conference was held on June 4, 2003, before ALJ Michael Schreirle, at which time all of the parties that had filed comments to the Joint Petition came to an agreement. Subsequently, on June 5, 2003, a Joint Procedural Stipulation signed by OCA, RTCC, Sprint/United, OTS, OSBA, AT&T, Verizon and MCI was filed with the Commission.

#### *Background of Global Order*

We established the PaUSF through our Global Order wherein we stated:

The USF is a means to reduce access and toll rates for the ultimate benefit of the end-user and to encourage greater toll competition, while enabling carriers to continue to preserve the affordability of local service rates. Although it is referred to as a fund, it is actually a pass-through mechanism to facilitate the transition from a monopoly environment to a competitive environment—an exchange of revenue between telephone companies which attempts to equalize the revenue deficits occasioned by mandated decreases in their toll and access charges.

Global Order, page 142.

The establishment of the PaUSF was carried out on a revenue-neutral basis and included the rebalancing of intrastate access charges, toll rates and local rates by the rural local exchange carriers. The PaUSF was a modified version of a settlement plan submitted by the RTCC and Bell Atlantic-Pennsylvania, Inc. (Bell now Verizon-Pa.).

The components of the PaUSF, from the standpoint of the RTCC members, are briefly summarized as follows:

1. All small ILECs, which included all ILECs other than Bell and GTE North (GTE North is now Verizon), were directed to be recipients of the PaUSF. The PaUSF was established for the purpose of the rate rebalancing needs of the rural local exchange carriers including reductions in their intrastate access and toll rates. All Pennsylvania telecommunications service providers (excluding wireless carriers) were directed to contribute to the PaUSF based upon their intrastate end-user revenues.

2. The RTCC members were permitted to restructure, modify and reduce their access, toll and local rates, as follows:

a) Intrastate traffic sensitive switched access rates and structure (including local transport restructure) were converted to interstate switched access rates and structure in effect on July 1, 1998.

b) The Common Carrier Line Charge ("CCLC") was restructured as a flat-rate Carrier Charge ("CC") and reduced to an intrastate rate not exceeding \$7.00 per line and allocated to intrastate toll providers based on their relative minutes of use.

c) The RTCC members were given the opportunity to reduce their intrastate toll rates to an average rate not lower than \$.09 per minute.

d) The RTCC members with low local exchange rates were permitted to increase their residential one-party basic, local rates to an average monthly charge of at least \$10.83, to the extent necessary to offset the reduced toll rates.

e) Those RTCC members with an average monthly R-1 rate above \$16.00 (inclusive of touch-tone) were directed to provide their customers with a Universal Service credit to effectively reduce the rate to \$16.00 with the difference coming out of the PaUSF.

See Global Order at pp. 151-152. Sprint was not an original participant in the RTCC plan in the Global proceeding, but after pleading its inclusion in the USF at the Global Order hearings, the Commission ordered that it be included as a recipient carrier and in exchange for access charge reductions, it be allowed to draw \$9 million from the PaUSF annually.

We also stated in our Global Order:

[W]e shall initiate an investigation on or about January 2, 2001, to further refine a solution to the question of how the Carrier Charge (CC) pool can be reduced. At its conclusion, but no later than December 31, 2001, the pool will be reduced. In addition, we shall consider the appropriateness of a Toll Line Charge (TLC) [or an intrastate Subscriber Line Charge] to recover any resulting reductions.

Global Order at 60. By Secretarial Letter dated October 24, 2001, the Commission postponed the formal Statewide access charge investigation and initiated a collaborative to determine whether the parties could reach an agreement.

#### *Further Intrastate Rate Rebalancing*

In addition to the Commission's competitive undertakings on the intrastate side, the FCC instituted numerous proceedings aimed at further addressing an orderly transition from monopoly to a more competitive environment.

Under TA-96, the FCC undertook reform of both interstate access charges and Federal universal service support mechanisms. Beginning in 1997, the FCC adopted several measures to move interstate access charges for

price cap carriers toward lower, cost-based levels by revising the recovery of loop and other nontraffic sensitive costs from per-minute charges to flat rate per line charges thereby aligning rates more closely with the way the costs are incurred. For example, in order to phase out Carrier Common Line (CCL) charges, the per-minute charges assessed on interexchange (IXC) carriers through which ILECs recover their residual interstate loop costs that are not recovered through their capped Federal SLCs, the FCC created the presubscribed interexchange carrier charge (PICC), a flat, per line monthly charge imposed on IXCs. The FCC also shifted the nontraffic sensitive costs of the line ports from per-minute local switching charges to the common line category and established a mechanism to phase out the per-minute transport interconnection charge. The FCC held that more rate structure modifications would be required to create a system that accurately reflects the true cost of service in all respects. The FCC believes the market-based approach, in which competitive forces primarily drive access charges down to cost-based levels, would serve the public interest better than regulatory-prescribed rates.

In the Interstate Access Support Order<sup>5</sup> the FCC adopted in large part the CALLS plan, continuing the process of access charge and universal service reform for price cap carriers. This order prescribed a more straightforward, and purportedly economical rational, common line rate structure by increasing the caps on the Federal SLC, a flat monthly charge assessed directly on end-users to recover interstate loop costs and phasing out the PICC, which the FCC viewed as economically inefficient due to the indirect flow of loop costs to end-users through IXCs. The FCC also revisited the controversial "X-factor," changing its function from a productivity offset to a tool for reducing per-minute access charges to target levels proposed by the CALLS members.

The FCC also established a new interstate access support mechanism, capped at \$650 million annually, to replace what the FCC deemed implicit support included in the interstate access charges of price cap carriers, finding \$650 million to be a reasonable amount that would provide sufficient, but not excessive, support. In this regard, it observed that a range of funding levels might be deemed "sufficient" for purposes of TA-96 and that "identifying an amount of implicit support in our interstate access charge system to make explicit is an imprecise exercise."<sup>6</sup>

In recognition of the need for a more comprehensive and distinctly different review of the issues of access charge and universal service reform for the remaining 1,300 or so rural carriers serving less than 2% of the Nation's access lines, the FCC placed the reforms for the nonprice cap carriers on a separate track. As documented in a series of white papers prepared by the Rural Task Force, which was constituted by the FCC to study the differences between the provision of telecommunications services in rural and nonrural areas, rural carriers generally have higher operating and facilities costs due to lower subscriber density, smaller exchanges and limited economies of scale.<sup>7</sup> Significantly, rural carriers rely more heavily on revenues from access charges and universal service support in order to provide ubiquitous and affordable local service. On May 23, 2001, the FCC released its

*Fourteenth Report and Order and Twenty-Second Order on Reconsideration, and Further Notice of Proposed Rulemaking, Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers*, CC Docket No. 00-256, Report and Order, 16 FCC RCD 11244 (released May 23, 2001) (Rural Task Force Order).

The Rural Task Force Order compelled several changes to the manner in which rural interstate universal service support is currently calculated and applied. Among other things, the Rural Task Force Order endorsed use of a modified embedded cost mechanism for rural carriers, as opposed to a forward-looking cost mechanism required for price cap carriers, to determine rural carrier support and included implementation of a rural growth factor (the sum of annual line growth and a general inflation factor) and a safety net additive and safety valve to provide support for new investment and growth above stated thresholds. While created as an interim plan, the FCC also made clear its intention to develop "a long-term plan that better targets support to carriers serving high-cost areas, while at the same time recognizing the significant differences among rural carriers, and between rural and non-rural carriers."<sup>8</sup>

Having taken major steps in beginning to reform interstate high-cost support, interstate access charges and universal service support systems for nonrural carriers through a series of Reports and Orders in the matter of *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45 and the Interstate Access Support Order and the interstate high-cost support for rural carriers through the Rural Task Force Order, the FCC has now begun to address the matter of interstate access charge and universal service support reforms for the rural carriers. On November 8, 2001, the FCC issued its Second Report and Order at CC Docket Nos. 01-304, 00-256 (MAG Plan), 96-45 (USF), 98-77 (Access Charge Reform) and 98-166 (Authorized ROR), in what is referred to as the MAG Order. In the MAG Order, the FCC states its intent to align the interstate access rate structure with a lower, more cost-based level, remove what the FCC deemed to be implicit support for universal service and replace it with explicit, portable and competitively neutral support. Specifically, the MAG Order lowers interstate access charges from approximately \$0.046 per minute to possibly as low as \$0.022 per minute; increases the interstate SLC over a period of time; and phases out the CCL by July 1, 2003, and replaces it with a portable Interstate Common Line Support universal service mechanism. In addition, SLC caps were increased effective January 1, 2002, raising monthly per line rates from \$3.50 to \$5 for residence and single line business and from \$6 and \$6.50, respectively. These interstate changes have resulted in significant increases to most Commonwealth consumers which are in addition to the interstate increases in local service rates under Chapter 30 rate rebalancings.

#### Discussion

The Joint Procedural Stipulation is threefold. First, the parties request Commission approval and implementation of the Joint Proposal as filed on December 16, 2002, as it is no longer opposed by any of the parties that filed comments against it. Second, the parties agree that the existing PaUSF contained in the Commission's regulations in 52 Pa. Code § 63.161—63.171 shall remain in full force and effect until further Commission rulemaking. The parties agree to the initiation of a rulemaking

<sup>5</sup> *Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers, Transport Rate Structure and Pricing, End User Common Line Charges*, CC Docket Nos. 96-262, 94-1, 91-213, 95-72, First Report and Order, 12 FCC Rcd 15982, May 31, 2000 (Access Charge Reform Order) at 15998 Par. 35.

<sup>6</sup> Interstate Access Support Order at 13046 par. 201.

<sup>7</sup> See *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9164-65 (1977) (Universal Service First Report and Order) at 8917 par. 253 (subsequent history omitted); Rural Task Force Order.

<sup>8</sup> Id. at 11249 par. 8.

proceeding prior to December 31, 2004, to address any needed modifications to the PaUSF regulations and the simultaneous initiation of a rate proceeding to determine whether any rate changes should be made in the future in the event that disbursements from the PaUSF are reduced. Third, the parties agree that AT&T's complaint against Verizon-Pa.'s PCO filing should be resolved separately from the Joint Proposal on cross-motions for summary judgment without the need for a hearing on the issue as the Complaint raises only a legal issue and no genuine issues as to any material facts. In other words, the PCO Complaint does not aver that the amount of the PCO money (\$17.7 million) is in dispute, only the use of the money, which is a legal issue, not a factual one.

#### *Joint Proposal*

In view of the many changes that have taken place and the increases customers have experienced in their interstate and intrastate rates for access to basic local service over the last few years, the RTCC members have been reluctant to advocate a flash cut reduction in access charges to achieve full access reform on an intrastate basis. The RTCC/Sprint Proposal is offered as the next transitional step in access charge reform in this Commonwealth in an attempt to avoid a rate shock to Commonwealth local telephone consumers. The Joint Proposal advocates a continuation of the current PaUSF under the existing regulations codified in 52 Pa. Code §§ 63.161—63.171, until a future rulemaking determines otherwise. The Joint Proposal requests further access charge reductions in a revenue-neutral method that are recovered not through an increase in the size of the PaUSF, but rather through gradual increases to local residential and business rates.

The Joint Proposal essentially provides for each RTCC company to do what is permitted under their respective Chapter 30 Plans, that is, restructure rates on a revenue-neutral basis in a manner that does not increase local rates by more than \$3.50 per month. The Joint Proposal is a means of effectuating further access reform while also mitigating the administrative costs involved in pursuing 31 company-specific Chapter 30 filings. Further, while the decision to pursue a Chapter 30 rate rebalancing is at the companies' sole discretion, the Joint Proposal mandates certain filings that in turn will assure access charge reductions of approximately \$25 million<sup>9</sup> within the next 11 months. The access reductions resulting from the Joint Proposal exceed by almost 20% the combined toll and access reductions order in the Global Order.

We commend the parties' united efforts in agreeing to one proposed access charge reduction plan at this time. The RTCC and Sprint/United have offered cost data to support their petition. The Commission has reviewed the cost data from the rural ILECs and Sprint/United and we are satisfied that the Joint Proposal, if implemented, will be revenue-neutral. At this juncture, the Commission is persuaded that the proposed access charge reductions are in the public's interest and in accordance with the Commission's objective to reduce implicit subsidy charges such as access charges that impede competition in the telecommunications market. As implicit charges become explicit charges, competitors are better able to compete for local and long distance customers in an ILEC's service territory because IXCs are not hindered by paying ILECs excessive access charges in providing competitive toll services and CLECs are better able to compete with ILEC local service rates that have been kept artificially low as

a result of the access charge subsidies. Thus, although our approval of the Joint Proposal will allow the rural ILECs and Sprint/United to raise their local residential monthly service rates up to a cap of \$18 per month (\$2 more than the current \$16 cap), this increase is incremental so as to avoid customer rate shock and, at the same time, encourages the IXCs, CLECs and wireless telecommunications carriers to compete on a more level playing field with the ILECs.

Furthermore, there has been some demonstrated savings to IXC customers in their long distance calls since April 2000 when the PaUSF was initiated and the initial access charge reductions took effect. In our Global Order, IXCs were required to file annual reports reflecting price reductions and flow through expense savings resulting from the access charge reductions in April 2000. On June 6, 2000, and November 2, 2000, MCI WorldCom filed reports showing what its savings were from recent access reductions and how they have been flowed through to the Commonwealth residential and business toll consumers. On May 4, 2000, AT&T filed a tariff showing the flow-through of Verizon-Pa.'s access charge reduction to AT&T's business and residential customers. As a condition of approving the Joint Petition and ordering further access charge reductions, the Commission directs that all of the IXCs that benefit from these reductions, demonstrate through the filing of annual reports due on March 31 of each year how the additional reductions in access charges will reduce the IXCs' average revenue per minute proportionately on a dollar for dollar basis to residential and business customers in this Commonwealth. Global Order at pp. 41-42. Failure on the part of IXCs operating in this Commonwealth to file annual reports will result in enforcement action by the Commission.

We further look to the FCC's recent decisions in the CALLS and MAG orders for precedence in ordering implicit charges to become explicit, through either an increase in basic local telephone service rates or through service line charges on customer bills. This enables other carriers to compete due to reduced subsidies. While the Joint Proposal does not require a rural ILEC or Sprint/United to mirror interstate access charges, the fact that this is a step towards making the charges closer to cost and closer to the interstate access charges will help to avoid arbitrage and will help competition enter the ILECs territories.

This is a unanimous Joint Proposal. Thus, even though no evidentiary hearing has been held, we believe due process is being afforded the parties in ruling to approve the Joint Proposal since the Joint Proposal was published, and all parties that filed comments to the Joint Proposal are in agreement with the Proposal. Accordingly, since we find the Joint Proposal to be in the public interest, we shall order that the Joint Proposal, included as "Attachment A" to this Order, is granted. The PaUSF will continue beyond December 31, 2003, until amended through a rulemaking proceeding which will commence before December 31, 2004. We shall direct the recipient carriers to file their calculations required to implement paragraph no. 7 of the Joint Proposal by October 1, 2003, to allow Commission Staff and the National Exchange Carrier Association (NECA) enough time within which to make a recommendation to the Commission regarding changes to the disbursements of the PaUSF for the next calendar year and in time for the Commission to issue its annual order adjusting the contribution factors and setting the next calendar year's Fund size, contributions, disbursements and budget.

<sup>9</sup>There will also be an additional \$2.2 million reduction in access charges for the smaller ILECs in January 2004.



Given that this is a compromise proposal that merely seeks to extend and continue additional access reform as initially begun in the Global Order, we will not require the ILECs to incur the expense of producing detailed cost studies. However, we do not intend to declare the access rates established by this Order as the final word on access reform. Rather, this is the next step in implementing continued access reform in this Commonwealth in an efficient and productive manner. Thus, for all of the aforementioned reasons, the Commission finds that the Joint Proposal is in the public's interest and shall be granted.

*PaUSF*

Our Global Order calls for the PaUSF to expire December 31, 2003, subject to the provisions of an access charge investigation.<sup>10</sup> However, the PaUSF regulations codified in 52 Pa. Code §§ 63.161—63.171 do not have a sunset provision. The Joint Proposal calls for a continuation of the PaUSF beyond December 31, 2003, until a further Commission rulemaking determines otherwise. The Commission stated in its Final Rulemaking Order entered November 29, 2000, at L-00000148, that “if the Commission wants to rescind this [Universal Service Fund] regulation at some point, it should do so by promulgating another regulation.”

The Commission agrees to open a rulemaking proceeding to be initiated no later than December 31, 2004, to address what if any modifications should be made to the PaUSF regulations and we agree to the simultaneous institution of an appropriate proceeding for consideration of any and all rate issues and rate changes which should or would result in the event that disbursements from the PaUSF are reduced. The proceedings may be combined as one proceeding.

*Verizon's PCO Proposal*

As stated previously, on January 31, 2003, AT&T filed a formal complaint at M-00031694, M-00031694C0001 and P-00930715 challenging Verizon-Pa.'s proposal to use its negative PCO money to fund Verizon's 2003 contribution to the PaUSF. In the May 5, 2003 Order, the Commission consolidated Verizon's PCO filing and AT&T's formal complaint regarding the same with the RTCC/Sprint/Public Parties Joint Access Proposal. The matters were consolidated because “the issue of whether Verizon-Pa. has authority to use its negative PCO . . . is intricately related to issues expressed in the RTCC/Sprint Joint Proposal.” Order at 6. Although Verizon initially agreed with this statement in its Prehearing Memorandum, the Joint Procedural Stipulation provides that AT&T's complaint against Verizon's PCO filing shall be resolved separately on cross-motions for summary judgment without hearings. AT&T, MCI and Verizon have filed motions for summary judgment. Briefs were due by July 3, 2003. The parties request that the Commission resolve the PCO dispute separately from the Joint Proposal by August 29, 2003. The Commission respects the requests of the parties, and given the time constraints, directs that Commission staff prepare a draft Order for the Commission's consideration regarding the cross-motions for summary judgment to be decided before August 29, 2003. *Therefore, It Is Ordered That:*

1. The Joint Procedural Stipulation is granted in its entirety.

2. The RTCC/Sprint/OCA/OTS/OSBA Joint Proposal as filed on December 16, 2002, and follows as “Attachment A” is granted.

<sup>10</sup>Global Order at 151.

3. Recipient carriers to the PaUSF are directed to file their calculations required to implement paragraph no. 7 of the RTCC/Sprint/OCA/OTS/OSBA Joint Proposal by October 1, 2003.

4. Upon receipt of the recipient carriers' calculations and Commission staff approval thereof, the NECA as the Administrator of the PaUSF shall recalculate contributions and disbursements owed for the calendar year 2004.

5. The PaUSF shall continue under the existing regulations codified in 52 Pa. Code §§ 63.161—63.171 until a further Commission rulemaking determines otherwise.

6. Staff is directed to issue another Request for Proposals to hire an Administrator of the Fund for a contractual period from January 1, 2004, through December 31, 2006.

7. The cross-motions for Summary Judgment filed on or about June 20, 2003, shall be assigned to the Law Bureau for a recommended draft Order to be decided on or before August 29, 2003.

8. All IXCs shall file annually, by March 31 of each year, a report showing how the additional reductions in access charges will reduce the IXCs' average revenue per minute proportionately on a dollar for dollar basis to residential and business customers in this Commonwealth. Failure on the part of IXCs operating in this Commonwealth to file annual reports will result in enforcement action by the Commission.

9. A copy of this Order be delivered to all telecommunications carriers operating in this Commonwealth and the NECA.

10. A copy of this Order be delivered for publication to the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
*Secretary*

**Attachment A**  
**RTCC/SPRINT/OCA/OTS/OSBA**  
**Joint Access Proposal**  
**in Response to the Commission's**  
**Access Charge Investigation—Phase II**

*Defined Terms*

As employed herein, the following terms shall have these specified meanings:

- “ILEC” means an RTCC member or The United Telephone Company of Pennsylvania d/b/a Sprint (“Sprint”).

- “RTCC” means Rural Telephone Company Coalition. The RTCC members are ALLTEL Pennsylvania, Inc. (“ALLTEL”), Armstrong Telephone Company—PA, Armstrong Telephone Company—North, Bentleyville Communications Corporation, d/b/a The Bentleyville Telephone Company, Buffalo Valley Telephone Company (“Buffalo Valley”), Citizens Telephone Company of Kecksburg, Citizens Telecommunications Company of New York,<sup>11</sup> Commonwealth Telephone Company (“Commonwealth”), Conestoga Telephone and Telegraph Company (“Conestoga”), Denver and Ephrata Telephone and Telegraph Company (“D&E”), Deposit Telephone Company, Frontier Communications of Breezewood, Inc., Frontier Communications of Canton, Inc., Frontier Communications of Lakewood, Inc., Frontier Communications of Oswayo River, Inc., Frontier Communications of Pennsylvania, Inc. (“Frontier PA”), The Hancock Telephone Com-

<sup>11</sup>Because Citizens Telecommunications Company of New York has and continues to operate under New York access tariffs, it is not to be deemed a party to this proposal. Likewise, West Side Telephone Company was not included in the Global proceeding and is excluded here.

pany, Hickory Telephone Company, Ironton Telephone Company, Lackawaxen Telecommunications Services, Inc., Laurel Highland Telephone Company, Mahanoy & Mahantango Telephone Co., Marianna & Scenery Hill Telephone Company, The North-Eastern PA Telephone Company, North Penn Telephone Company, North Pittsburgh Telephone Company ("NPTC"), Palmerton Telephone Company, Pennsylvania Telephone Company, Pymatuning Independent Telephone Company, South Canaan Telephone Company, Sugar Valley Telephone Company, Venus Telephone Corporation, and Yukon-Waltz Telephone Company.

- "Larger ILEC," for purposes of this Proposal only,<sup>12</sup> means ALLTEL, Buffalo Valley, Commonwealth, Conestoga, D&E, Frontier PA, NPTC, and Sprint.

- "Smaller ILEC," for purposes of this Proposal only, means any RTCC member that is not a Larger ILEC.

#### *Elements of Proposal*

1) If an ILEC's intrastate traffic sensitive (TS) rates exceed its interstate TS rates, the ILEC may, at its sole discretion, lower its intrastate TS rates to match or move closer to its interstate TS rates, and simultaneously increase its Carrier Charge (CC) by a corresponding revenue neutral amount using the 12 months ended August 31, 2002, or the most current 12 month period, thereby creating a revised CC. An ILEC may, at its sole discretion, lower its intrastate TS rates to match or move closer to its interstate TS rates, and simultaneously increase its Carrier Charge (CC) by a corresponding revenue-neutral amount, again in 2004, using a recent 12 month period, thereby creating a further revised CC. All references to CC herein shall be to the then current revised CC if the ILEC has chosen to implement this element of the proposal.

2) Pursuant to an Order entered adopting this access proposal without modification, and after notice through bill insert, bill message or separately mailed notice to all customers at least 30 days prior to the date of any rate change, each ILEC will increase local rates, based upon one-day tariff compliance filing, to be effective on a date between January 1, 2003 and December 31, 2003 (as to be determined at the sole discretion of the individual ILEC) as follows:

(a) Each ILEC with a weighted average R-1 rate below \$10.83 as of December 31, 2002, will increase its R-1 rates in a manner to achieve a weighted average R-1 rate of \$11. If the increase results in R-1 rates greater than 150% of the current rate, then the increase shall be implemented in two steps, the second of which shall become effective no later than December 31, 2003. This increase shall be subject to the Company's Chapter 30 Plan rate rebalancing limitation with respect to the limitation on calendar year per line increases, i.e. not more than \$3.50 per line per month in rate increases in any one year, but shall not be subject to any other Chapter 30 process or requirements. To the extent that any ILEC shall not be able to complete the required rate increase within any year, such rate increase may be deferred to the following year subject to the Company's Chapter 30 Plan rate rebalancing limitations. Any rate rebalancing in excess of that specifically referenced in Paragraph 2 shall be subject to the Chapter 30 Plan rate rebalancing process and requirements.

<sup>12</sup>The designation of larger and smaller ILEC was based upon the factor of 20,000 access lines and was for purposes of this Proposal only, for the purpose of redirecting monies out of the existing USF that were previously allocated to Sprint.

(b) Each ILEC with a weighted average R-1 rate between \$10.83—\$12 as of December 31, 2002, will increase its R-1 rates in a manner to achieve a weighted average R-1 rate of \$13.50.

(c) Each ILEC with a weighted average R-1 rate between \$12.01—\$14 as of December 31, 2002, will increase its R-1 rates in a manner to achieve a weighted average R-1 rate of \$15.

(d) Each ILEC with a weighted average R-1 rate between \$14.01—\$16 as of December 31, 2002, will increase its R-1 rates in a manner to achieve a weighted average R-1 rate of \$16.

(e) Each ILEC may, at its sole option, increase its weighted average Business line rate by up to the same amount that its weighted average R-1 rate is increased, but in no event may the B-1 rate be less than the R-1 rate.

3) Pursuant to an Order entered adopting this access proposal without modification, and after notice through bill insert, bill message or separately mailed notice to all customers at least 30 days prior to the date of any rate change, each ILEC may increase local rates, based upon a one-day tariff compliance filing, to be effective on a date between January 1, 2004 and December 31, 2004 (as to be determined at the sole discretion of the individual ILEC) as follows:

(a) Each ILEC with a weighted average R-1 rate of \$11 (or less) as of December 31, 2003 (as described and calculated in Step 2 above) may increase its R-1 rates in a manner to achieve a weighted average R-1 rate of \$13.50.

(b) Each ILEC with a weighted average R-1 rate of \$13.50 as of December 31, 2003 (as described and calculated in Step 2 above) may increase its R-1 rates in a manner to achieve a weighted average R-1 rate of \$15.

(c) Each ILEC with a weighted average R-1 rate of \$15 as of December 31, 2003 (as described and calculated in Step 2 above) may increase its R-1 rates in a manner to achieve a weighted average R-1 rate of \$17.

(d) Each ILEC with a weighted average R-1 rate of \$16 as of December 31, 2003 (as described and calculated in Step 2 above) may increase its R-1 rates in a manner to achieve a maximum weighted average R-1 rate of \$18.

(e) Each ILEC may, at its sole option, increase its weighted average Business line rate by up to the same amount that its weighted average R-1 rate is increased, but in no event may the B-1 rate be less than the R-1 rate.

Any rate rebalancing in excess of that specifically referenced in Paragraphs 2 and 3 shall be subject to the Chapter 30 Plan rate rebalancing process and requirements.

4) The monthly \$16.00 cap on R-1 average rates established in the Global Order and any ILEC-specific weighted average rate cap which may have been established in any individual ILEC's Chapter 30 Plan will be increased for all ILECs to the weighted average \$18.00 cap for a minimum three (3) year period January 1, 2004 through December 31, 2006. As to any ILEC which as of July 1, 2002 has hit the \$16.00 cap and takes a credit from the USF, the ILEC shall continue to receive and apply the credit but would be limited to recovering from its customers future R-1 increases of \$2.00 under the foregoing \$18.00 cap reflecting the USF credit in effect as of July 1, 2002. Any approved future increases in rates

above the \$18.00 rate cap for any ILEC shall also be recoverable from the USF under the exact same terms and conditions as approved in the Global Order. For example, if ILEC A's R-1 rates are currently \$17.25, then their customer is billed \$17.25 but receives a credit of \$1.25 from USF, receiving a net bill of \$16.00. ILEC A could, as of December 31, 2004, implement the provisions of Paragraph 3 hereof, increase its rates, if justified, by \$2.00 to \$19.25, charge its customers \$19.25, reflect a credit of \$1.25 to its customers, receive \$1.25 from the USF, and then send a net bill to its customers of \$18.00. If ILEC A justified an R-1 rate of \$20.25, then it would be entitled to \$2.25 from the USF and will send a net bill to its customers of \$18.00.

5) Pursuant to an Order entered adopting this access proposal without modification, each ILEC shall have the right, in whole or in part, in lieu of raising local service rates as provided in Paragraphs 2 and 3 hereof to raise rates on other services by an equivalent amount, based on a one-day tariff compliance filing.

6) To offset the increase to local rates described above in Paragraphs 2 and 3, each ILEC (except Sprint) will file a compliance tariff(s) to reduce its CC or TS rates, or any combination thereof, by a revenue-neutral amount (depending upon changes undertaken in Paragraph 1, above), effective on dates consistent with the increases in Paragraphs 2 and 3.

7) In addition to any rate modifications undertaken pursuant to Paragraphs 2 and 3, each Smaller ILEC that increases its rates consistent with Paragraph 2, above, or is at the \$16.00 capped rates on December 31, 2003, will additionally reduce its CC or TS rates, or any combination thereof, by the equivalent of \$2 per line per month effective January 1, 2004 and shall receive an equal (a revenue-neutral) amount of support from the PA USF (annual total for all Smaller ILECs ranging from an estimated \$1.8 million to \$2.2 million), as provided in Paragraph 8.b. For ease of administration, the amount of additional USF received by the Smaller ILECs under this proposal will be determined as of December 31, 2003, and will be applied effective January 1, 2004 and each year thereafter for the duration of the Pa. USF (as addressed in Paragraph 1 of the Conditions of Proposal.) Beginning in 2005, any growth in access lines shall be accounted for in accordance with the annual USF calculation in 52 Pa. Code § 63.165 and the Smaller ILECs' total receipt from the Pa. USF, including the amount provided for herein, shall be included in the Smaller ILECs' prior year funding.

8) (a) To offset the increase to Sprint's local rates described above in Paragraph 2, above, Sprint will file compliance tariff(s) to reduce its CC or TS rates, or any combination thereof, by a revenue-neutral amount (depending upon changes undertaken in Paragraph 1, above) effective on dates consistent with the increases in Paragraph 2.

(b) Beginning on or after January 1, 2004, Sprint will reduce its receipt from the current PA USF equal to the \$2 per line per month reduction to the CC or TS, from Smaller ILECs as expressed in Paragraph 7. These dollars (annual total ranging from an estimated \$1.8 million to \$2.2 million) will be directly paid to the Smaller ILECs, as described in Paragraph 7, from the PA USF to offset the Smaller ILECs' reduction in access charges on a revenue neutral basis.

9) On/or after January 1 of each year beginning in 2005 each ILEC may request such rate changes or rate

rebalancing as are permitted by any Chapter 30 Plans and/or applicable statutory and regulatory provisions.

#### *Conditions of Proposal*

1) The only change to the existing universal service fund in PA is that Sprint will be shifting a portion (estimated to be \$1.8m—\$2.2m) of its current fund receipt (\$9 million) to Smaller ILECs as noted in Paragraphs 7 and 8 above. This Proposal is dependent upon all other aspects of the PA universal service program and the USF regulations remaining intact, including the recovery of rates above the rate cap into the future, specifically beyond December 31, 2003. The existing universal service fund, including the recovery of monies under Paragraph 4 of Elements of Proposal above, and regulations promulgated thereunder shall, as provided in the regulations, continue in place until modified by further Commission rulemaking.

2) Each ILEC reserves the right, subject to Chapter 30 Plan requirements, to change its access rates to ensure that each access rate element at least recovers its cost and the ILEC's service price index continues to be equal to or less than the ILEC's price stability index, in the event the ILEC's access rates are determined to be below cost based upon the development of a cost study.

3) This proposal is made in its entirety and no part hereof is valid or binding unless all components are accepted by all parties. Should any part be specifically modified or otherwise adversely impacted at any later date as to any ILEC or party, the ILEC or party shall have full unilateral rights to withdraw from the plan or revisit the plan in its sole discretion. This potential agreement is proposed by the parties to settle the instant controversy and is made without any admission against or use that is intended to prejudice any positions which any party might adopt during subsequent litigation, including further litigation in related proceedings. This agreement is conditioned upon the Commission's approval of all terms and conditions contained herein, except for the terms of this paragraph. If the Commission should fail to grant such approval or should modify the terms and conditions herein, this agreement may be withdrawn upon written notice to the Commission and all parties within five business days by any of the parties and, in such event, shall be of no force and effect. In the event that the Commission does not approve the Settlement or any party elects to withdraw as provided above and any proceeding continues, the parties reserve their respective rights to submit testimony or other pleadings and briefs in this or a related proceeding.

4) Elements of this Proposal shall constitute rate rebalancings or rate filings as defined and allowed under each ILEC's Chapter 30 Plan only to the extent of determining the maximum amount of an increase allowed per year, but shall not preclude the filing of one additional rate restructuring/rebalancing filing in the calendar year so long as the total rate rebalancing rate increases do not exceed the maximum annual increase allowed and comply with other Chapter 30 Plan limitations and requirements. That is, implementation of proposed Paragraphs 2, 3 and 5 under Elements of Proposal are not considered rate rebalancings under the Chapter 30 Plans except in determining the maximum limitation on per year line rate increases to monthly dial tone rates. All parties retain all other rights under the approved Chapter 30 Plan to implement or oppose all rate rebalancings and other rate filings permitted under its Chapter 30 Plan. All parties reserve all rights in any proceedings relative to Chapter 30.

5) Increases to weighted average business rates on a dollar basis will be less than or equal to the increases to weighted average residential rates on a dollar basis.

6) This access proposal will be revenue neutral relative to each ILEC implementing a rate change. Absolutely no changes shall be required which are not revenue-neutral. Other access reductions that are not revenue neutral are permissible at the ILEC's sole option, but not required.

7) When notice is sent to each company's customers as provided in Paragraphs 2 and 3 under elements of Proposal, it will also be served upon all parties to this Proposal.

[Pa.B. Doc. No. 03-1479. Filed for public inspection July 25, 2003, 9:00 a.m.]

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### Railroad With Hearing

**C-00861036. Borough of Ingram v. Consolidated Rail Corporation, Corliss Roadways Corporation, Department of Transportation, County of Allegheny, Equitable Gas Company, Western Pennsylvania Water Company and AT&T Communications of Pennsylvania.**

**A-00107227. Consolidated Rail Corporation.** Application of Consolidated Rail Corporation for approval of the abolition of the crossings where the tracks of Consolidated Rail Corporation's Pittsburgh-Columbus Main Line and Sheridan Branch cross public highways in the City of Pittsburgh, the Borough of Ingram and Crafton, Allegheny County.

An initial hearing on this matter will be held on Thursday, September 11, 2003, at 10 a.m. in an available hearing room, Suite 1103, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-1480. Filed for public inspection July 25, 2003, 9:00 a.m.]

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### 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 August 18, 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 beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.**

**A-00119955. MCT Transportation, Inc.** (4425 Rising Sun Ave., Philadelphia, PA 19140), a corporation of the Commonwealth—persons upon call or demand: (1) in the Borough of Jenkintown, Montgomery County; (2) in the Township of Abington, Montgomery County, and within an airline distance of 2 statute miles thereof; (3) between points in that part of Philadelphia bounded by the Philadelphia-Montgomery County line (Northwestern Avenue), Schuylkill River, School Lane, Church Lane, Wister Street, Stenton Avenue, Vernon Road, Cheltenham Avenue, Cresheim Street and Stenton Avenue and between points in the Townships of Whitemarsh and Springfield, Montgomery County, all transportation to be in answer to calls made either in person or by telephone at the certificate holder's stand located at the Chestnut Hill Station of the Pennsylvania Railroad; with right No. 2 subject to the following condition: That the rights, power or privileges granted herein are limited to the operation of ten motor vehicles and no right is granted to operate more than ten motor vehicles except upon formal application and approval thereof by the Commission; (4) in those portions of the Townships of Cheltenham and Abington, Montgomery County, bounded and described as follows: Beginning at the Glenside Railway Station in the Village of Glenside, Cheltenham Township, Montgomery County; thence extending in a northerly direction along Roberts Avenue to Mt. Carmel Avenue (the dividing line between the Townships of Cheltenham and Abington); thence extending in an easterly direction along Mt. Carmel Avenue to Highland Avenue; thence extending in a northerly direction along Highland Avenue to Jenkintown Road; thence extending in a westerly direction along Jenkintown Road to Abington Avenue, thence extending in a southerly direction along Abington Avenue to Wharton Road; thence extending in a westerly direction along Wharton Road and on an airline to Hawthorne Road and on an airline to Spruce Avenue; thence continuing in a westerly direction along Spruce Avenue to North Hills Avenue; thence extending in a southerly direction along North Hills Avenue to Brooke Road; thence extending in an easterly direction along Brooke Road to Limekiln Pike; thence extending in an easterly direction along Mt. Carmel Avenue to Roberts Avenue to Glenside Railway Station, the place of beginning; and beginning at the Glenside Railway Station in the Village of Glenside, Cheltenham Township, Montgomery County; thence extending in a northerly direction along Roberts Avenue to Mt. Carmel Avenue (the dividing line between the Townships of Cheltenham and Abington); thence extending in an easterly direction along Mt. Carmel Avenue to Rice's Mill Road; thence extending in a southwesterly direction along Rice's Mill Road to Church Road; thence extending in a westerly direction along Church Road to the dividing line of the Townships of Cheltenham and Springfield; thence extending in a northerly direction on an airline to Mt. Carmel Avenue; thence extending in an easterly direction along Mt. Carmel Avenue to Roberts Avenue; thence extending in a southerly direction along Roberts Avenue to Glenside Railway Station, the place of beginning; 5) in that portion of the Townships of Abington, Upper Dublin and Springfield, Montgomery County, within the following described area: beginning at the

intersection of Welsh Road and Dillon Road (Jarrett Road), thence via Welsh Road, North Hills Avenue, Woodland Road to Easton Road, thence via airline to Edge Hill Road, thence via Edge Hill Road and Easton Road to the Ward Line of Voting District No. 11, thence along the said Ward Line of Voting District No. 11 in a southeasterly direction to Abington Avenue, thence via Abington Avenue to its intersection with Crescent Avenue, thence via Crescent Avenue, Abington Avenue to Wharton Road, thence by way of Wharton Road in a westerly direction, continuing in a westerly direction on an airline to Spruce Avenue, thence via Spruce Avenue, North Hills Avenue, Station Avenue, Church Road, Green Valley Road and Dreshertown Road to Mundock Road (also known as Camp Hill Road), thence via Mundock Road (Camp Hill Road), Susquehanna Road and Dillon Road to the place of beginning; with right No. 5 subject to the following condition: That no right, power or privilege is granted to maintain stands at points other than Casa-Conti and Ardsley Station; (6) in that portion of the Counties of Philadelphia and Montgomery bounded on the west by Germantown Avenue and the Germantown and Perkiomen Turnpike; on the south by Mt. Airy Avenue and Easton Road; on the east by eastern township lines of Springfield and Whitemarsh Townships, Montgomery County; and on the north by Whitemarsh Township line; provided that all calls for said service must be received at a stand located at the Gulf Station situated at the northeast corner of Germantown Avenue and the Bethlehem Pike in the City of Philadelphia; with right No. 6 subject to the following condition: That the rights, power and privileges herein granted shall be limited to the operation of ten motor vehicles and no right is granted to operate more than ten motor vehicles except upon formal application and approval thereof by the Commission; which is to be a transfer of the rights authorized under the certificate issued at A-00098302 to Walsh Cab Company, subject to the same limitations and conditions. *Attorney:* Michael S. Henry, 1163 South 11th Street, Philadelphia, PA 19147

**A-00119955, F.2 MCT Transportation, Inc.** (4425 Rising Sun Ave., Philadelphia, PA 19140), a corporation of the Commonwealth—persons in paratransit service; (1) between points in the Township of Lower Moreland, and the Borough Bryn Athyn, Montgomery County, and from said area to points in the Township of Cheltenham and the Borough of Jenkintown, Montgomery County, and return; and between points in the Township of Cheltenham and the Borough of Jenkintown, Montgomery County, and from said area to points in the Township of Lower Moreland and the Borough of Bryn Athyn, Montgomery County, and return; with right No. 1 subject to the following condition: The service granted herein is to be rendered without the use of domelights or taximeters; (2) between points in the Townships of Abington, Springfield, Upper Dublin and Whitemarsh and that portion of the Township of Cheltenham north of Rice's Mill Road and east of Church Road, and the Boroughs of Ambler and Rockledge, all in Montgomery County; and the City and County of Philadelphia; with right No. 2 subject to the following conditions: (a) that the service herein authorized is not to be rendered in vehicles equipped with taximeters; and (b) that no right, power or privilege is granted to transport handicapped or wheelchair patients in vehicles with side opening doors and ramps; (3) from points in the Townships of Lower Moreland, Cheltenham, Abington, Springfield, Upper Dublin and Whitemarsh, and the Boroughs of Bryn Athyn, Jenkintown, Ambler and Rockledge, Montgomery County, and that portion of the City and County of Philadelphia bounded as follows:

the Montgomery County-Philadelphia County line (Northwestern Avenue), the Schuylkill River, School House Lane, Germantown Avenue, Church Lane, Wister Street, Stenton Avenue, Vernon Road, Cheltenham Avenue, Ivy Hill Road and Stenton Avenue, to points in that part of Philadelphia bounded on the east by Sixth Street, on the west by 18th Street, on the south by Locust Street, on the north by Vine Street, and the hospital of the University of Pennsylvania, 34th and Spruce Streets, and the Veteran's Hospital, 40th and Market Streets, and return; with right No. 3 subject to the following condition: The service granted herein is to be rendered without the use of domelights or taximeters; (4) from points in the Township of Lower Moreland, and the Township of Cheltenham, except that portion of the Township of Cheltenham and the Boroughs of Bryn Athyn and Jenkintown, Montgomery County, to points in the City and County of Philadelphia, and return; with right No. 4 subject to the following conditions: (a) that the service herein authorized is not to be rendered in vehicles equipped with taximeters; and (b) that no right, power or privilege is granted to transport handicapped or wheelchair patients in vehicles with side opening doors and ramps; (5) between points in the City and County of Philadelphia, limited to the use of vehicles equipped with wheelchair lifts, ramps or other facilities to accommodate wheelchairs; with right No. 5 subject to the following condition: that no service is to be provided in vehicles equipped with taximeters; and (6) between points in the Townships of Abington, Springfield, Upper Dublin and Whitemarsh and that portion of the Township of Cheltenham north of Rice's Mill Road and east of Church Road, and the Boroughs of Ambler and Rockledge, all in Montgomery County, limited to the use of vehicles specially equipped to permit the transportation of handicapped persons, having wheelchair lifts, ramps or other facilities for the transportation of wheelchairs; which is to be a transfer of the rights authorized under the certificate issued at A-00098302, F.2 to Walsh Cab Company, subject to the same limitations and conditions. *Attorney:* Michael S. Henry, 1163 South 11th Street, Philadelphia, PA 19147.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-1481. Filed for public inspection July 25, 2003, 9:00 a.m.]

### Tentative Order

Public Meeting held  
July 10, 2003

*Commissioners Present:* Terrance J. Fitzpatrick, Chairperson; Robert K. Bloom, Vice Chairperson; Aaron Wilson, Jr.; Glen R. Thomas; Kim Pizzigrilli

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. United Gas Management, Inc. d/b/a a/k/a Titan Energy, Inc., Anthony C. Lewis and Ryan Arce (2001.0305); Doc. No. C-20039986; A-125012*

### Tentative Order

*By the Commission:*

On May 2, 2003, Law Bureau Prosecutory Staff filed a Formal Complaint against United Gas Management, Inc.

d/b/a a/k/a Titan Energy, Inc. (Respondent), a natural gas supplier (NGS) licensed at A-125012. The Complaint also named Anthony C. Lewis and Ryan Arce, corporate officers of NGS, as party Respondents. In the Complaint, Prosecutory Staff alleged that Commission staff had contacted Mr. Arce by telephone on November 15, 2001, and Mr. Arce had represented that Respondents would be filing a petition to abandon service in this Commonwealth. This was Staff's last communication with Respondents.

The Complaint requested that the Commission issue an order imposing a \$1,000 fine and canceling the Respondent's NGS license for attempting to transfer its NGS license at A-125012 from United Gas Management, Inc. to Titan Energy, Inc. (a fictitious name) without Commission approval in violation of 66 Pa.C.S. § 2208(d) (relating to transferability of licenses). The Complaint also requested an additional \$1,000 fine and cancellation of Respondent's NGS license for failure to inform the Commission of a material change in the organizational structure or operation that affects the licensee's operation in this Commonwealth within 30 days of the date of the change in violation of 52 Pa. Code § 62.105(b).

The Complaint gave Respondents notice that an answer was due 20 days from the date of service of the Complaint. More than 30 days elapsed since the Complaint was mailed and no answer has been received. The date of mailing on the Complaint was May 2, 2003. Attempts to contact the Respondents by telephone were fruitless. United Gas Management is a Canadian Corporation, and we believe the Respondents are no longer operating in this Commonwealth; for these reasons, we will issue a Tentative Order canceling the NGS license held by Respondents instead of any monetary fines. We will publish the Tentative Order in the *Pennsylvania Bulletin*. If no objection is raised within 30 days of publication, then the Tentative Order will become final by operation of law.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of another remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301 instead of cancellation, if a party seeks relief from this Tentative Order; *Therefore,*

*It Is Ordered That:*

1. The allegations in Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is hereby sustained.
2. The NGS license held by United Gas Management, Inc. d/b/a a/k/a Titan Energy, Inc. at A-125012 is hereby cancelled.
3. Notice of this Tentative Order shall be published in the *Pennsylvania Bulletin*. In the event no objections, exceptions or comments are filed to this Tentative Order within 30 calendar days of publication, the Tentative Order shall become a final order by operation of law without further action by this Commission.

4. Upon this Tentative Order becoming final, the Secretary's Bureau shall strike the name of United Gas Management, Inc. d/b/a a/k/a Titan Energy, Inc. from all active-utility lists maintained by the Annual Report Section of the Secretary's Bureau and the Assessment Section of the Bureau of Administrative Services.

5. The Secretary serves a copy of this Tentative Order upon all jurisdictional natural gas distribution companies as well as upon the Department of Revenue.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-1482. Filed for public inspection July 25, 2003, 9:00 a.m.]

### Wastewater Service

**A-230098. Q Wastewater Company, Inc.** Application of Q Wastewater Company, Inc. for approval to offer, render, furnish or supply wastewater service to the public in portions of Providence and East Drumore Townships, Lancaster 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 August 11, 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:* Q Wastewater Company, Inc.

*Through and by Counsel:* Louise A. Knight, Esquire, Malatesta, Hawke and McKeon, 100 North Tenth Street, P. O. Box 1778, Harrisburg, PA 17105-1778.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-1483. Filed for public inspection July 25, 2003, 9:00 a.m.]

### Water Service

**A-210115. Q Water Company, Inc.** Application of Q Water Company, Inc. for approval to offer, render, furnish or supply water service to the public in portions of Providence and East Drumore Township, Lancaster 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 August 11, 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:* Q Water Company, Inc.

*Through and by Counsel:* Louise A. Knight, Esquire, Malatesta, Hawke and McKeon, 100 North Tenth Street, P. O. Box 1778, Harrisburg, PA 17105-1778.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 03-1484. Filed for public inspection July 25, 2003, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #03-062.1, Cleat Removal and Bollard Installation at PAMT until 2 p.m. on Thursday, August 14, 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 July 29, 2003. The cost of the bid document is \$35 (includes 7% Pennsylvania sales tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations.

A mandatory prebid job site meeting will be held on August 7, 2003, at 11 a.m. at PAMT, South Gate, Philadelphia, PA.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 03-1485. Filed for public inspection July 25, 2003, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

October 8, 2003	Paul Barbadoro (Class T-D)	1 p.m.
	C. Jeanne Fox (Adjustment Waiver)	2:30 p.m.
October 22, 2003	Joyce Hughes (Purchase of Service)	1 p.m.
	Ethel B. Norcini (Final Average Salary)	2:30 p.m.

November 5, 2003 Suzanne P. Murdza  
(Adjustment Waiver) 1 p.m.

Lillyan E. Koszowski  
(Purchase of Service) 2:30 p.m.

Persons with a disability who wish to attend the listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant to the Executive Director, (717) 720-4921 to discuss how the System may best accommodate their needs.

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 22 Pa. Code § 201.1 (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.

JEFFREY B. CLAY,  
*Interim Executive Director*

[Pa.B. Doc. No. 03-1486. Filed for public inspection July 25, 2003, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Right-to-Know Law Policy

#### I. *General Policy*

The State Employees' Retirement System (SERS) shall provide the public with access to public records to the fullest extent required by law consistent with its duties to protect the interests and rights of SERS and its members. This policy relates to the release of information pertaining to SERS business in compliance with the Pennsylvania Right-to-Know Law (RTKL), 65 P. S. §§ 66.1—66.9, Management Directive 205.36 and Management Directive 505.18 Amended. The Chief Counsel of SERS' Legal Office should be consulted in cases in which this policy does not provide sufficient guidance to reach a determination.

In promulgating this policy, the State Employees' Retirement Board (Board) is cognizant of the statutory and decisional law on the subject and the fiduciary and administrative duties it owes to the members of SERS and its obligations to the citizens of this Commonwealth to operate in an open manner. In situations where the right of this Commonwealth's citizens competes with the foregoing duties of the Board, the standards listed shall, when appropriate, be applied.

- Medical records shall not be released to the public in compliance with State and Federal laws, including the Health Insurance Portability and Accountability Act of 1996 (HIPAA), which protect the privacy of health care information by restricting the disclosure of records.

- As a general rule, the disclosure of information that will be detrimental to SERS' investments shall be protected if disclosure would breach the fiduciary responsibility set forth in 71 Pa.C.S. § 5931.

- Disclosure of nonpublic information in response to court orders and subpoenas shall not result in disciplinary action.

- The names and home addresses of any active members, vestees, or annuitants who are law enforcement officers, enforcement officers and psychiatric security aides (as defined by 71 Pa.C.S. § 5102), members of the judiciary (as defined by 71 Pa.C.S. § 5102), prison personnel employed by the Department of Corrections, officers employed by the Pennsylvania Board of Probation and Parole, and similarly situated members shall not be released to the public because disclosure may impair such members' personal security. Hence, the active member and annuitant payroll listings maintained for public examination by the Office of Member Services shall omit the names and addresses of any active or retired members reasonably considered to be part of such protected employment categories.

Consistent with this policy, SERS may, from time to time, make available on its website ([www.sers.state.pa.us](http://www.sers.state.pa.us)) certain financial and investment information to facilitate access to such information and reduce time delays and processing efforts associated with formal written RTKL requests.

## II. Definitions

*Business day*—Any Monday, Tuesday, Wednesday, Thursday, or Friday, except those days when SERS Central Office in Harrisburg is closed for all or part of a day due to a State holiday; under Management Directive 530.17, Partial and Full Day Closings of State Offices, or Management Directive 505.7, Personnel Rules, due to severe weather (such as blizzard or ice storm); due to natural or other disaster; or due to the request or direction of local, State, or Federal law enforcement agencies or officials.

*Deemed denied*—An RTKL request is deemed denied if one of the following conditions occurs: (i) SERS fails to respond within the initial 10 business day period after receiving a written RTKL request; (ii) SERS extends the 10 business day period by up to 30 calendar days but then fails to respond by the end of that extended period; or (iii) SERS notifies the requester that it requires additional time to issue or respond in excess of the permitted 30 calendar day period.

*Exceptions*—A written administrative appeal filed with the RTKL exceptions official by a requester challenging an RTKL official's denial or a deemed denial of an RTKL request.

*Mailing date*—(1) the date affixed to a response from the RTKL official, which is to be the date the response is deposited in the United States Mail; (2) the date affixed to a final determination from the RTKL exceptions official, which is to be the date the final determination is deposited in the United States Mail; (3) the postmark date stamped by the United States Post Office on the envelope transmitting the RTKL request or exceptions filed by a requester; or (4) the date the exceptions are received by the exceptions official if they are hand delivered or faxed.

*Potential records custodian*—Any person who is believed to have custody, possession, or control of a document. If this person does possess any such record, he/she is an actual records custodian.

*Public record*—Any document that satisfies the general definition of public record set forth in the RTKL and does not fall within any of the exceptions set forth therein. The

general definition consists of two parts: (i) “[a]ny account, voucher, or contract dealing with the receipt or disbursement of funds by [SERS], or its acquisition, use or disposal of services or of supplies, materials, equipment or other property,” and (ii) “any minute, order or decision by [SERS] fixing the personal or property rights, privileges, immunities, duties or obligations of any person or group of persons.” 65 P.S. § 66.1(2). The exceptions to this definition are (i) any report, communication or other paper, the publication of which would disclose the institution, progress or result of an investigation undertaken by SERS in the performance of its official duties or (ii) any record, document, material, exhibit, pleading, report, memorandum or other paper, access to or the publication of which is prohibited, restricted or forbidden by statutory law or order or decree of court, or which would operate to the prejudice or impairment of a person's reputation or personal security, or which would result in the loss by the Commonwealth or any of its political subdivisions or commissions or State or municipal authorities of Federal funds, excepting therefrom, however, the record of any conviction for any criminal act.

*Records custodian*—Any person having custody, possession or control of a document.

*Redaction*—The removal of a portion of a document by any means while retaining the remainder.

*Requester*—A natural person who is a resident of this Commonwealth and submits an RTKL request.

*Response*—SERS' reply to a RTKL request made under the RTKL. A response may be (i) the act of providing the requester with access to a public record, (ii) SERS' written notice granting, denying or partially granting and partially denying access to a record, or (iii) an interim response which extends the time for SERS' reply as discussed later herein. A response denying an RTKL request in whole or in part must list all of the specific reasons relied on for denying the request and must include one or more citations of supporting authority. Inaction by SERS is not a response, even when it results in an RTKL request being deemed denied.

*RTKL counsel*—Any attorney designated by the Chief Counsel of SERS' Legal Office to advise the RTKL official and to represent the RTKL official in exceptions proceedings.

*RTKL exceptions counsel*—Any attorney designated by the Chief Counsel of SERS' Legal Office to advise the RTKL exceptions official.

*RTKL exceptions official*—Any official or employee designated by the Board or, if authorized by the Board, the Executive Director to consider exceptions, conduct hearings, as appropriate, and issue final determinations resolving those exceptions. The Board or, if authorized by the Board, the Executive Director may designate a chief RTKL exceptions official and one or more individuals as associate RTKL exceptions officials. Except as otherwise directed by the Board or, if authorized by the Board, the Executive Director, the RTKL Exceptions Unit shall be the office of the chief RTKL exceptions official.

*RTKL liaison*—Any official or employee designated by the Board or, if authorized by the Board, the Executive Director to serve as a conduit between RTKL officials and potential records custodians and actual records custodians.

*RTKL official*—Any official or employee designated by the Board or, if authorized by the Board, the Executive Director to receive and respond to RTKL requests. The



Board or, if authorized by the Board, the Executive Director may designate a chief RTKL official and one or more individuals as assistant RTKL officials. Except as otherwise directed by the Board or, if authorized by the Board, the Executive Director, the RTKL office shall be the office of the chief RTKL official.

*RTKL request*—Either (i) a written request submitted to the RTKL official asking for access to a document, a copy of a document or information purported to be in the possession of SERS; or (ii) a written request (but not exceptions or appeal) presented to SERS that invokes the RTKL.

### III. Form of RTKL Request

All RTKL requests must:

- Be submitted in writing.
- Be delivered via mail, facsimile, or hand delivery.
- State the name and address of the requester.
- Set forth the address to which the response should be addressed.
- Identify or describe the records sought with sufficient specificity to enable SERS to ascertain which records are being requested.
- Agree to pay any applicable cost associated with complying with the request.

*Note:* SERS will not accept RTKL requests by e-mail.

All RTKL requests must be submitted in writing via mail, facsimile, or hand delivery to the RTKL official and be properly addressed as follows:

Mail: SERS Right-to-Know Law Official  
P. O. Box 1147  
Harrisburg, PA 17108-1147

Facsimile: SERS Right-to-Know Law Official  
(717) 783-7300

Hand delivery: SERS Right-to-Know Law Official  
30 North Third Street  
Harrisburg, PA 17101

SERS' business hours are from 8:30 a.m. to 4 p.m. on any business day.

### IV. Who Has the Right to Know

The RTKL specifically provides that "any citizen of the Commonwealth shall have the right" to obtain public records. The RTKL applies only to natural persons. If the requesting party is a corporation or other entity, the request may be refused on that basis, even if the corporation or other entity was created under the laws of the Commonwealth. SERS may, at its discretion, require a requesting party to produce proper identification to establish that the party is a resident of this Commonwealth.

Not uncommonly, however, SERS receives requests from parties domiciled outside of this Commonwealth, especially from businesses that may use the requested information for commercial purposes. In such cases, SERS may exercise discretion in either declining to comply with the request or providing the records as a courtesy to the requesting party. Among the factors that should be considered are the administrative burdens of compliance, the benefits to be derived by SERS (e.g., cooperating in a survey that would be of interest to SERS), the risk that the information could be used to SERS' or a member's

detriment, and other considerations that may be relevant to the particular request at hand. Voluntary disclosure by SERS shall not require SERS to provide the same records to others or to provide future records of the same type to anyone.

### V. Procedure for RTKL Requests

SERS shall respond only to written RTKL requests delivered by mail, facsimile, or hand delivery. All RTKL requests must be directed to the RTKL official. The time limitations set forth herein do not take effect until the RTKL official receives the RTKL request. Upon receipt of an RTKL request, the RTKL official will take the following actions:

- Date stamp the request.
- Assign a tracking number.
- Note the day on which the 10 business day period will expire and make a notation of that date on the first page of the request.
- Make an electronic or paper copy of the request, including all documents submitted with it and the envelope, if any, in which it came.
- Create an official file for the retention of the original request.
- Record the request in the system used by SERS for tracking RTKL requests.

The RTKL official shall be responsible for the issuance of interim and final responses to all RTKL requests. Upon receipt of an RTKL request, the RTKL official shall render a final response within 10 business days from the date the RTKL request is received, unless an interim response is warranted and issued within that time. For purposes of determining the end of the 10 business day period, the day that a RTKL request is received is not counted.

An interim response may be sent on or before the last day of the 10 business day period and must set forth one of the following reasons justifying the need for additional time:

- The request requires redaction of a public record.
- The request requires the retrieval of a public record stored in a remote location.
- A timely response to the request cannot be accomplished due to bona fide and specified staffing limitations.
- A legal review is necessary to determine if a record is a public record subject to access under the RTKL.
- The requester has not complied with SERS' policies regarding access to public records.
- The anticipated cost of complying with the RTKL request exceeds \$100 and the requester has not prepaid such amount.

If an interim response is issued, then a final response should be sent within 30 calendar days from the end of the 10 business day period. Failure to comply with either the 10 business day or the 30 calendar day time limit will result in the RTKL request being deemed denied.

*Note:* If the anticipated cost exceeds \$100 and the requester does not pay the amount within 30 calendar days after he/she is informed to do so by an interim response, the RTKL request will automatically be denied.

The RTKL official shall conduct an initial review of all RTKL requests according to the following intake procedure:

- Review the request for obvious defects, including but not limited to the following:

- A. Ambiguity.
- B. Request made by a nonresident.
- C. Identified records are obviously not public records.
- D. Identified records obviously fall within exceptions of public records.

E. The RTKL official has personal knowledge that the identified record does not exist.

F. The RTKL official has personal knowledge that the identified record is not in possession or control of SERS.

- Determine whether the request can be granted without further consideration.
- Draft any responses denying or granting access to the identified documents as necessary.
- Review any questions with RTKL counsel as necessary.
- Draft written instructions to records custodians regarding compliance with the request as necessary.
- Determine if the anticipated cost will exceed \$100 and prepayment will be required; if so, present requester with a demand for payment.

If the RTKL official does not see an obvious reason to deny the RTKL request, the RTKL official or RTKL liaisons as shall be requested to do so by the RTKL official, shall forward the RTKL request or relevant portions thereof to potential records custodians. Once the RTKL official, or RTKL liaison, forwards the RTKL request or relevant portions thereof, it shall be the responsibility of each potential records custodian to conduct a good faith investigation to determine if he/she has custody of the identified record. If he/she does possess the identified record, then he/she is an actual records custodian. It shall be the responsibility of each actual records custodian to promptly inform the RTKL official that he/she has possession of the identified record and the estimated cost of providing the record.

If a potential records custodian does not have custody of the identified record, then he/she shall inform the RTKL official of this fact as soon as possible. If the potential records custodian knows or believes that another employee of SERS has possession of the identified record, he/she shall inform the RTKL official of this immediately.

The RTKL official shall issue a final response within the aforementioned time specifications, which response shall specify that the RTKL request is (1) granted, (2) denied or (3) denied in part/granted in part. If a request is denied, in whole or in part, the RTKL official must specify the following in the response:

- The name, business address, business telephone number and signature of the employee on whose authority the denial is issued.
- The mailing date of the response.
- The specific reasons relied upon by the RTKL official for the denial.
- Any relevant citations of supporting authority.
- A notice informing the requester of his/her right to file exceptions with SERS.
- The name and mailing address of the RTKL exceptions official.

*Note:* SERS is not required to create a public record that does not already exist, nor is SERS required to compile, maintain, format or organize a public record in a manner that the agency does not currently do so.

#### VI. *Physical Access to Public Records*

The public records of SERS shall be accessible for inspection by any requester during the hours of 8:30 a.m. to 4 p.m. on any business day. A requester wishing to inspect SERS' public records onsite shall provide a written request to the RTKL official who shall determine on an ad hoc basis the time and place where records shall be made available to a requester and the manner of duplication that shall be available.

SERS will maintain an electronic copy of the public portion of its member lists and, at its discretion, copies of other public records at the Harrisburg Office. For those who wish to inspect a paper copy of the public portion of the member lists or other available public records, SERS (at no cost) will print the specific portions of the public portion of the member lists or other available public records that the requestor wishes to see. If the requestor wants to keep the pages or to receive a copy of the relevant computer discs (CDs), SERS will charge a fee. Before SERS prints any pages or makes a copy of any CDs, SERS will advise the requestor of the fee to keep the printed pages or to receive the CDs.

*Note:* Requesters will be charged a fee for printing or copying records from SERS' computers.

#### VII. *Exceptions Procedure*

All exceptions shall be directed to the RTKL exceptions official at the address and in the same manner for delivering RTKL requests specified in Article III of this policy. A requester shall have 15 business days from the mailing date of the written denial or 15 calendar days from the date a request is deemed denied to file exceptions with the RTKL exceptions official. Exceptions are deemed to be filed the date they are postmarked if properly addressed and submitted by United States mail on that same day or the date they are received by the RTKL exceptions official if submitted through any other means. The applicable aforementioned date shall also constitute the mailing date of exceptions. Any reasons for exceptions not stated in writing within the 15 business day or 15 calendar day period, as applicable, are deemed to be waived and shall be disregarded by SERS.

*Note:* SERS will not accept RTKL exceptions by e-mail.

All RTKL exceptions filed with SERS must:

- Be postmarked if sent by mail or received by the RTKL exceptions official within the aforementioned time period.
- State all grounds upon which the requester asserts that the record is a public record.
- Address the grounds stated by the RTKL official for denying the RTKL request (unless the request was deemed denied).
- Be correctly addressed or delivered to the RTKL exceptions official.

All RTKL exceptions must be submitted in writing by mail, facsimile, or hand delivery to the RTKL exceptions official and properly addressed as follows:

Mail: SERS Right-to-Know Law Exceptions  
Official  
P. O. Box 1147  
Harrisburg, PA 17108-1147

Facsimile: SERS Right-to-Know Law Exceptions  
Official  
(717) 783-7300

Hand delivery: SERS Right-to-Know Law Exceptions  
Official  
30 North Third Street  
Harrisburg, PA 17101

Exceptions that do not meet the previously described requirements shall be deemed defective and will not extend the time limit to file exceptions.

*Note:* A requester shall not be permitted to file exceptions to the decision of the RTKL official to send an interim response within the 10 business day time period.

Upon receipt of exceptions, the RTKL exceptions official shall take the following actions:

- Date stamp the exceptions.
- Retain the envelope and any other documents that accompany the exceptions.
- Send a copy of the exceptions and accompanying documents to the RTKL official, the RTKL counsel and the RTKL exceptions counsel.
- Schedule and conduct a hearing if a hearing is ordered by the RTKL exceptions official.
- Obtain the services of a court reporter if considered desirable by the RTKL exceptions official.
- Docket the receipt of evidence and other submittals.
- Maintain a record of SERS' final determination.
- Prepare an official record in case of appeal to Commonwealth Court.

If exceptions are to be resolved without a hearing, the General Rules of Administrative Practice and Procedure, as set forth at 1 Pa. Code, Chapters 31, 33, and 35, shall not apply.

The RTKL official shall have 15 calendar days from the mailing date of the exceptions to file a "Reply Exceptions" with the RTKL exceptions official. The reply exceptions must:

- Be in writing.
- Be mailed or delivered to the RTKL exceptions official within the aforementioned time period.
- Be mailed to the requester.
- Fully advise the requester and the RTKL exceptions official as to the reasons for the RTKL official's decision.
- Admit and/or deny specifically and in detail each material allegation of the exceptions.
- State clearly and concisely the facts and matters of law relied upon.

The RTKL exceptions official shall not accept any pleadings, responses, or briefs from the RTKL official or the requester other than the original exceptions of the requester and the reply exceptions of the RTKL official, unless a hearing is held. Upon receipt of the reply exceptions, the RTKL exceptions official shall rule on any pending requests for a hearing.

The RTKL exceptions official shall issue the final determination of the agency within 30 calendar days of the mailing date of the exceptions unless the requester agrees otherwise.

#### VIII. *RTKL Hearings*

Prior to the issuance of the final determination, the requester or the RTKL official may request a hearing. The decision of whether to grant a hearing is solely within the discretion of the RTKL exceptions official and may be conditioned on a waiver of the 30 calendar day time limit. The decision of whether to grant a hearing is not appealable. The RTKL exceptions official may order a hearing if considered desirable, notwithstanding that neither the requester nor the RTKL official has requested a hearing.

If a hearing is held, the identified records shall not be made part of the hearing record. Rather, the RTKL official shall provide a description of the document either in writing or by means of oral testimony. All exceptions hearings shall be held at SERS Central Office, 30 North Third Street, Harrisburg, PA 17101 before a RTKL exceptions official. Hearings shall be conducted under the General Rules of Administrative Practice and Procedure to the extent directed by the designated hearing official or the RTKL exceptions official.

#### IX. *Right to Appeal to Commonwealth Court*

If the RTKL exceptions official agrees with the RTKL official in denying the requester access to records, the requester shall be entitled to appeal the final decision of SERS to Commonwealth Court within 30 calendar days from the mailing date of SERS' final determination. Both SERS and the requester may be subject to fines and court costs as prescribed by the RTKL.

#### X. *Notice to Member*

At the time SERS issues a response to a RTKL request for public information regarding a member account, SERS may provide written notice to the individual member that identifies (a) the name of the requester and (b) the information provided by SERS. For those RTKL requests that seek public information regarding the accounts of multiple members, notice may be provided by publication through the website, newsletter or any other reasonable method.

Neither members nor employers have the right to approve or disapprove a request for SERS' public records. All RTKL requests for information on members should be retained in a separate file. Information regarding a member's status will be furnished to current agency employers and former employers upon request without written notice to the member.

#### XI. *Member Authorization for Release of Information*

Any information available to a member from his/her own member file should be released upon written authorization from the member and confirmation by SERS. Upon receiving a written authorization from a member, SERS will contact the member to confirm that the authorization was genuine prior to providing the information as directed in the member's authorization.

#### XII. *Redaction*

SERS shall redact those portions of a public record that are prohibited from disclosure and may redact those portions that are exempt from disclosure. The segregable portions of a public record that may remain after redaction of prohibited or exempt portions shall be subject to release.

### XIII. Fees

The following fees shall be applicable to all RTKL requests:

- Photocopies—A “photocopy” is a single-sided copy or one side of a double-sided copy. The charge for one side of a standard 8.5” x 11” page shall be \$0.15.

- Charges for other services and materials will be determined on a case-by-case basis based upon the applicable cost to SERS. This includes, but is not limited to, charges for the following:

- A) PC Diskettes copies.
- B) Microfilm/microfiche copies.
- C) Postage.
- D) Redaction.
- E) User fee for printing or copying records from SERS’ computers.
- F) Certification of copies.
- G) Employee time of records custodians for printing requested records (based on hourly wage and benefits).
- H) Employee time of records custodians for compiling electronic disk of requested records (based on hourly wage and benefits).

I) Billable computer time for compiling requested records.

The RTKL official shall, in all cases, inform a requester of the anticipated charges, to the extent practicable, prior to delivering the public record. The RTKL official, after consultation with the Executive Director, may waive fees on the basis of hardship or de minimus charges.

*Note:* The RTKL official may require a requester to prepay if the fees required to fulfill the request are expected to exceed \$100.

A requester who is informed that his/her RTKL request has been granted but that prepayment is necessary due to the anticipated costs exceeding \$100 shall have 30 calendar days to make payment to SERS. If SERS does not hear from the requester or receive payment by the end of this period, SERS will consider the RTKL request to have been withdrawn and will purge the file accordingly. Any future attempt to procure the identified records after this time must be done by initiating a new RTKL request.

JOHN BROSIUS,  
*Secretary*

[Pa.B. Doc. No. 03-1487. Filed for public inspection July 25, 2003, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

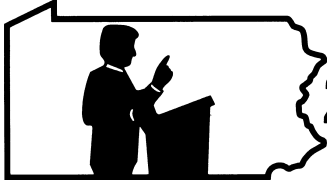
Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:  
 The payment date specified in the contract.  
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.  
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
 PA Department of Community and Economic Development  
 374 Forum Building  
 Harrisburg, PA 17120  
 800-280-3801 or (717) 783-5700

### Reader's Guide



**Legal Services & Consultation**

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
 Location: Harrisburg, Pa.  
 Duration: 12/1/93-12/30/93  
 Contact: Procurement Division  
 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦ (For Commodities: Contact:) Vendor Services Section  
 717-787-2199 or 717-787-4705

#### REQUIRED DATA DESCRIPTIONS

① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.

② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.

③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.

④ Department: State Department or Agency initiating request for advertisement.

⑤ Location: Area where contract performance will be executed.

⑥ Duration: Time estimate for performance and/or execution of contract.

⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.  
 (For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

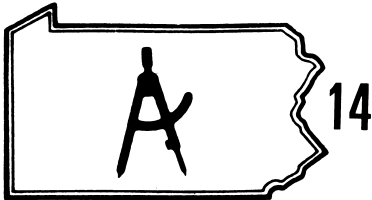
## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room G13 Finance Building  
 Harrisburg, PA 17120  
 717-787-2990  
 1-800-252-4700

BARBARA HAFER,  
*State Treasurer*

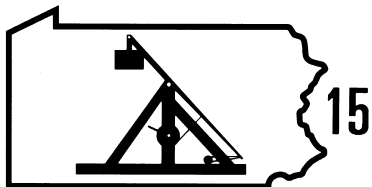
## SERVICES



### Engineering Services

**PennDOT-ECMS** The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at [www.dot2.state.pa.us](http://www.dot2.state.pa.us).

**Department:** Transportation  
**Location:** Various  
**Contact:** [www.dot2.state.pa.us](http://www.dot2.state.pa.us)



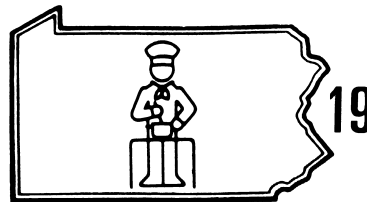
### Environmental Maintenance Service

**OSM 56(2520)205.1** Abandoned Mine Land Reclamation Project, North Central City. The principal items of work and approximate quantities include 1,200 c.y. of grading. This project issues on July 25, 2003 and bids will be opened on August 19, 2003 at 2:00 p.m. Payment in the amount of \$10.00 must be received before bid documents will be sent.

**Department:** Environmental Protection  
**Location:** Shade Township, Somerset County  
**Duration:** 180 calendar days after official starting date.  
**Contact:** Construction Contracts Section, (717) 783-7994

**OSM 63(3803)201.1** Abandoned Mine Reclamation Project, Monongahela South No. 1. The principal items of work and approximate quantities include utility relocation, 45,179 c.y. of earthwork, 700 h.l.f. coal seam drilling and 726 c.y. mine grouting for mine stabilization/seals and exposed coal protection, 440 l.f. AMD collection system, 616 l.f. AMD/stormwater collection system, 386 s.y. installation of pre-cast concrete retaining wall panels including soldier piles and lagging and 1,000 s.y. rock face support system. This project issues on July 25, 2003 and bids will be opened August 21, 2003 at 2:00 p.m. A pre-bid conference for this project is scheduled for August 7, 2003 from 10:00 a.m. until 1:00 p.m. Please use the contact information contained in this advertisement to find out more about the pre-bid conference. Payment in the amount of \$15.00 must be received before bid documents will be sent. Bid documents will be available for purchase by check or credit card during the pre-bid conference.

**Department:** Environmental Protection  
**Location:** City of Monongahela, Washington County  
**Duration:** 120 calendar days after official starting date.  
**Contact:** Construction Contracts Section, (717) 783-7994



### Food

**#AC 8403** Perishable Food Items - Meat, Poultry, Miscellaneous Foods, Produce, Prepared Salads, Fruits and Vegetables Frozen, Dairy Products, Cheese, Fish, Frozen Juices and Ice Cream and Sherbert and Shell Eggs. Commodities and quantities available from the Purchasing Office, Ebensburg Center, Rt. 22 W., PO Box 600, Ebensburg, PA 15931. Awards will be made in the best interest of the Commonwealth.

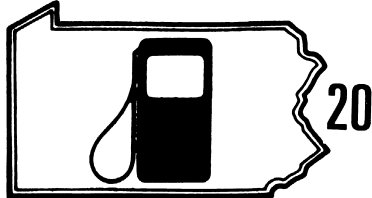
**Department:** Public Welfare  
**Location:** Altoona Center (Storeroom), Department of Public Welfare, 1515 Fourth Street, Altoona, PA 16601.  
**Duration:** October 1, 2003 through December 31, 2003  
**Contact:** Nannette McCreary, Clerk Typist 3, (814) 472-0290

**#8402** Perishable Food Items - Meat, Poultry, Miscellaneous Foods, Produce, Prepared Salads, Fruits and Vegetables Frozen, Dairy Products, Cheese, Fish, Frozen Juices and Ice Cream and Sherbert. Commodities and quantities available from the Purchasing Office, Ebensburg Center, Rt. 22 W., PO Box 600, Ebensburg, PA 15931. Awards will be made in the best interest of the Commonwealth.

**Department:** Public Welfare  
**Location:** Ebensburg Center (Dietary Building), Department of Public Welfare, Rt. 22 W., PO Box 600, Ebensburg, PA 15931  
**Duration:** October 1, 2003 through December 31, 2003  
**Contact:** Nannette McCreary, Clerk Typist 3, (814) 472-0290

**SU-03-03** Food Service: The Head Start Program based at Shippensburg University is seeking vendors interested in providing food service for five (5) Head Start Centers located in Shippensburg, PA; Newville, PA; and Carlisle, PA. Meals will be prepared in accordance with USDA regulations and delivered on a daily basis in accordance with menu cycle. Contract award will be made for the period 10/1/03 through 9/30/04. Vendors interested in receiving a bid package must request in writing to Karen Smith, Purchasing and Contracting Office, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257, by fax (717) 477-1350 or email at kmsmit@wharf.ship.edu. Bids must be received at the address above no later than 4:00 PM Monday, August 25, 2003 and will be opened at 2:00 PM on Tuesday, August 26, 2003.

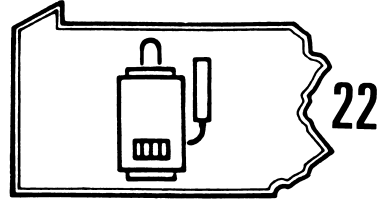
**Department:** State System of Higher Education  
**Location:** Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257  
**Duration:** October 1, 2003 to September 30, 2004  
**Contact:** Karen M. Smith, (717) 477-1386



### Fuel Related Services

**SU-03-02** Shippensburg University is seeking proposals for a Contractor to provide Gasoline Credit Cards for University owned fleet vehicles. Current fuel costs to be competitively priced at Shippensburg, PA location. Contract for a one year period, with the option to renew for 4 additional years, but not to exceed five years total. Requests for the proposal package should be faxed to Deborah K. Martin at FAX: (717) 477-4004 or emailed to dkmart@wharf.ship.edu.

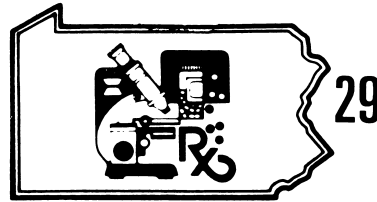
**Department:** State System of Higher Education  
**Location:** Shippensburg, PA 17257  
**Duration:** One year, with option for 4 additional years.  
**Contact:** Deborah K. Martin, (717) 477-1121



### HVAC Services

**100233** Qualified HVAC contractor needed to provide preventative maintenance and repair of all equipment and associated devices related to the heating, ventilation and air-conditioning system located at 2550 Oakland Avenue, Indiana, Pennsylvania. To request a bid package, please send Company Name, Address, Phone Number, Fax Number and Name of Contact Person to Diane Spence, by email to dspence@state.pa.us or by fax to 724-357-2872.

**Department:** Transportation  
**Location:** PENNDOT, Engineering District 10-0, 2550 Oakland Avenue, P. O. Box 429, Indiana, PA 15701  
**Duration:** 2 years with three 1-year options to renew by mutual consent  
**Contact:** Diane Spence, (724) 357-7987



### Medical Services

**SP1345031003** Vendor shall supply the following products on an "as-needed" basis to residents. All maintenance and in-services related to the appropriate handling and functioning of equipment will be included in the cost of the rental as quoted. 1. Specialty mattresses (including low air-loss or continuous air-flow system mattresses, or equivalent.) 2. Specialty beds (including Flexicare Eclipse bed, "Bariatric" resident low bed, or equivalent for aggressive pressure relief and healing of full thickness pressure ulcers or morbidly obese residents). Contract will be on a daily rental basis with a detailed monthly rental invoice for services rendered. This contract will include a continual monitoring program for all mattresses and beds placed in the facility.

**Department:** Military Affairs  
**Location:** Southeastern Veterans Center, One Veteran's Drive, Spring City, PA 19475  
**Duration:** Contract to run for a period of one (1) year with an option to renew up to four (4) times in one year  
**Contact:** Joan A. Gutchen, (610) 948-2492

[Pa.B. Doc. No. 03-1488. Filed for public inspection July 25, 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*



