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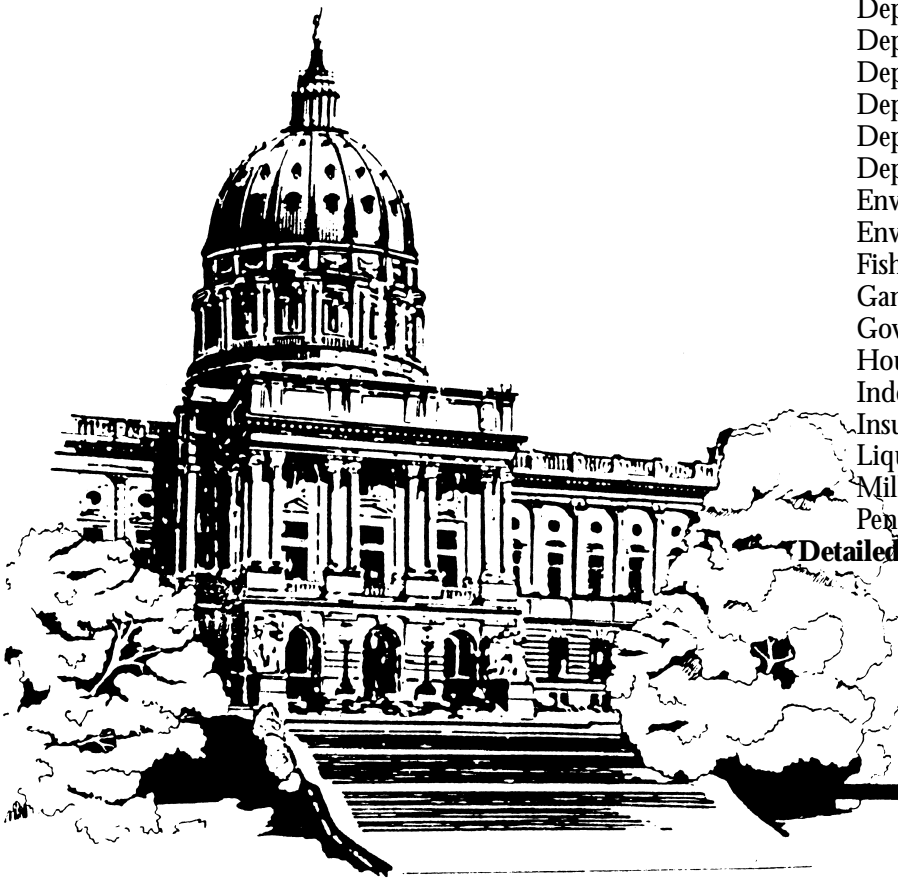
# PENNSYLVANIA BULLETIN

Volume 32  
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Number 39  
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The Courts  
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Department of Community and Economic  
Development  
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Independent Regulatory Review Commission  
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Liquor Control Board  
Milk Marketing Board  
Pennsylvania Public Utility Commission

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**No. 334, September 2002**

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## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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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 2002.

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# THE GOVERNOR

## Title 4—ADMINISTRATION

### PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 6]

[EXECUTIVE ORDER NO. 2002-11]

### Homeland Security Organizational Structure

September 12, 2002

*Whereas*, in response to the September 11, 2001, terrorist attacks on the United States and its people, the President of the United States, George W. Bush, called upon all Americans to be vigilant to the threat of terrorism and to defend our nation; and

*Whereas*, additional terrorist attacks against United States' citizens are likely as the technical means for carrying out such attacks and access to such means increase; and


*Whereas*, terrorist attacks may result in mass casualties to civilian populations, disruption of critical government functions and/or disruption or destruction of interdependent critical infrastructures that can impact the national economy and deny services upon which the welfare of citizens and vitality of the nation depends; and

*Whereas*, protecting the United States from future terrorist acts, including domestic, biological, and cyber-terrorism, is a primary security mission of the United States Government and a primary concern of state governments; and

*Whereas*, in light of the act of terrorism that occurred on September 11, 2001, it is timely and appropriate for the Commonwealth to review its capacity to coordinate the emergency preparedness and response activities across a range of divergent agencies, bureaus, and departments in the fight against terrorism; and

*Whereas*, we know that our future strength as a State and a Nation is dependent upon our continued vigilance and tenacity.

*Now, Therefore*, I, Mark S. Schweiker, Governor of the Commonwealth of Pennsylvania, by the virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws of the Commonwealth, do hereby establish the Pennsylvania Homeland Security Organizational Structure. By doing so, I invest it with the necessary powers to perform the duties and functions set forth herein and to advise and counsel me in the development and operation of homeland security initiatives specifically with respect to the Commonwealth's overall duty to ensure public safety.



Governor

**Fiscal Note:** GOV 02-12. No fiscal impact; (8) recommends adoption.

## Annex A

## TITLE 4. ADMINISTRATION

## PART I. GOVERNOR'S OFFICE

## CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES

## Subchapter E. HOMELAND SECURITY ORGANIZATIONAL STRUCTURE

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**§ 6.41. Homeland Security Organizational Structure.**

The Homeland Security Organizational Structure consists of the Office of Homeland Security, the Governor's Homeland Security Executive Cabinet and the Homeland Security Advisory Council. Each entity shall be responsible for fulfilling specific activities, as outlined in this subchapter, necessary to support homeland security.

**§ 6.42. Goals.**

The goals of the Homeland Security Organizational Structure are to:

(1) Coordinate local, State and Federal homeland security efforts within this Commonwealth.

(2) Set forth necessary plans and actions to ensure the preservation of critical infrastructures, including communications, electrical energy, water supply systems, health systems, gas and oil storage and delivery, transportation, banking and finance, emergency services, government operations and agriculture.

(3) Develop partnerships and communication with external stakeholders, organizations and all levels of government.

(4) Reduce vulnerability by identifying, preventing, countering and neutralizing domestic and international terrorism.

(5) Heighten awareness, preparedness and the need for planning at all levels of government and citizenry through training, planning, exercises and outreach.

(6) Build upon the existing homeland security and crisis response infrastructure by unifying and maximizing our assets and acquiring resources.

**§ 6.43. Office of Homeland Security.**

The Office of Homeland Security (Office) is managed by a Director of Homeland Security (Director), who serves as the Commonwealth's single-point-of-contact on homeland security issues.

(1) *Responsibilities.* The Office shall:

(i) Make written recommendations to the Governor on issues that may affect the security of the Commonwealth.

(ii) Review and make recommendations to the Governor regarding all pending legislation and regulations that pertain to homeland security.

(iii) Submit to the Governor an annual report on homeland security activities.

(iv) Monitor government grant and private sector funding opportunities that may be used to strengthen homeland security efforts and resources.

(v) Convene, at least monthly, the Homeland Security Executive Cabinet.

(vi) Convene, at least quarterly, the Homeland Security Advisory Council.

(vii) Create and recommend that the Governor appoint task force members to address issues of specific or ongoing concern, or both, including terrorist act prevention, preparedness and response, as needed.

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

(2) *Organizational location.* The Office is located within the Governor's Executive Offices and the Director reports to the Governor.

(3) *Priorities.* The Office priorities shall be established based on the advice of the Governor's Homeland Security Executive Cabinet and the Homeland Security Advisory Council within the overall strategic direction set forth by the Governor.

**§ 6.44. Governor's Homeland Security Executive Cabinet (Executive Cabinet).**

The Executive Cabinet was previously referred to as the Pennsylvania Security Cabinet.

(1) *Responsibilities.* The Executive Cabinet shall coordinate State government resources and advise the Director of the Office of Homeland Security and the Governor on matters related to homeland security.

(2) *Composition.* The Executive Cabinet shall be composed of:

- (i) The Governor.
- (ii) The Director of the Pennsylvania Emergency Management Agency.
- (iii) The Commissioner of the Pennsylvania State Police.
- (iv) The Adjutant General of Pennsylvania.
- (v) The Secretary of General Services.
- (vi) The Secretary of Health.
- (vii) The Secretary of Transportation.
- (viii) The Secretary of Administration.
- (ix) The Secretary of Agriculture.
- (x) The Secretary of Environmental Protection.

**§ 6.45. Homeland Security Advisory Council (Council).**

The purpose of the Council is to advise the Governor, the Director of the Office of Homeland Security and the Governor's Homeland Security Executive Cabinet on matters relating to homeland security.

(1) *Composition.* The Council shall be composed of the Director of the Office of Homeland Security and representatives from the following agencies and entities as selected by the Governor:

- (i) A representative of the Pennsylvania Emergency Management Agency.
- (ii) A representative of the Pennsylvania State Police.
- (iii) A representative of the Department of Agriculture.
- (iv) A representative of the Department of Environmental Protection.
- (v) A representative of the Department of Health.
- (vi) A representative of the Department of Transportation.
- (vii) A representative of the Department of Military and Veterans Affairs.
- (viii) A representative of the Department of General Services.
- (ix) A representative of the Public Utility Commission.
- (x) A representative of the Office of Attorney General.
- (xi) Nine additional members to be appointed by the Governor, including the following:
  - (A) A representative of the local government conference.
  - (B) A representative of the hospital industry.
  - (C) A representative of the first responder community.
  - (D) A representative of the Federal government.
  - (E) A representative of the private sector.
  - (F) A representative of the Regional Counter-Terrorism Task Force.

(xii) Additional members appointed at the Governor's discretion with the total membership not to exceed 25.

(2) *Chairperson.* The Governor will designate, to serve at the Governor's pleasure, one person from the Council membership as chairperson of the Council.

(3) *Terms.* Terms of members initially appointed shall be eight members for 2 years, eight members for 3 years and nine members for 4 years, as designated by the Governor at the time of appointment. Thereafter, the terms are for 4 years. Each member shall serve until the expiration of the term to which the member was appointed or until death, resignation or removal, or until the member's successor has been selected and qualified. A member may not serve more than 6 months beyond the expiration of the member's appointed term.

(4) *Compensation.* Members of the Council shall serve without compensation for their services except that members may be reimbursed the necessary and actual expenses incurred in attending meetings of the Council and in performance of their duties.

**§ 6.46. Relationship with other agencies.**

All agencies under the Governor's jurisdiction shall cooperate with and provide assistance to the Office of Homeland Security, the Governor's Homeland Security Executive Cabinet and the Homeland Security Advisory Council in performing its functions.

**§ 6.47. Rescission and termination.**

Executive Order 2001-6, Governor's Task Force on Security, is rescinded. This subchapter remains in effect unless revised or rescinded by the Governor.

[Pa.B. Doc. No. 02-1667. Filed for public inspection September 27, 2002, 9:00 a.m.]

## GOVERNOR'S OFFICE

### Governor's Commission on Abandoned Mine Voids and Mine Safety; Executive Order 2002-10

September 4, 2002

*Whereas*, on July 24, 2002, miners at Quecreek Mining Company's mine in Lincoln Township, Somerset County, unexpectedly encountered flooded abandoned mine workings; and

*Whereas*, although nine members of one crew in the mine escaped, the inrushing waters trapped another nine miners who were miraculously saved after a more than 77 hour rescue effort; and

*Whereas*, the U. S. Department of Labor's Mine Safety and Health Administration and the Pennsylvania Department of Environmental Protection's Bureau of Deep Mine Safety joint investigation of the actual events at the Quecreek Mine will determine specific follow-up enforcement actions with respect to that specific accident; and

*Whereas*, the Department of Environmental Protection has already taken steps to notify existing mine owners to verify the location of abandoned mine voids in close proximity to their operations; and

*Whereas*, the Pennsylvania miners and their families need to be assured that existing and future mines are safe from flooding and other hazards associated with the inaccurate location of mine voids; and

*Whereas*, Pennsylvania's coal mining industry cannot continue to operate safely and contribute to the economy of the Commonwealth without knowing the location of abandoned mine voids.

Now, Therefore, I, Mark S. Schweiker, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby establish the Governor's Commission on Abandoned Mine Voids and Mine Safety, as hereinafter set forth:



Governor

**Fiscal Note:** GOV 02-11. No fiscal impact; (8) recommends adoption.

1. *Mission.* To investigate and document the hazards posed by abandoned mine voids, in particular the flooding of adjacent operating mines, and to make recommendations regarding the accurate location of voids and avoidance of other hazards associated with mining.

2. *Functions.* Using the accident at Quecreek Mine as a general reference, make recommendations regarding each of the following:

a. The best engineering practices to be used in the design and layout of modern mines adjacent to abandoned mine workings.

b. The regulatory policies and permit review procedures for permitting mines adjacent to abandoned underground mine workings.

c. The practices and procedures of mine operations in advance of mining to detect mine voids.

d. The training of mine workers who operate mines adjacent to underground mine workings.

e. The inspection and compliance of the mine operations with the approved mine plans and operating requirements.

f. The rescue and response procedures which shall include policies for sharing information with families of miners affected by the accident.

3. *Composition of the Commission.* The Commission shall consist of the following nine members appointed by the Governor:

a. A respected mine engineer and member of academia familiar with underground mining, who shall serve as Chair.

b. Member of the United Mine Workers' Association.

c. Mine engineer/surveyor.

d. Geologist.

e. Representative of the Office for Mineral Resources Management of the Department of Environmental Protection.

f. Mine safety professional.

g. Coal mine operator.

h. Drilling expert.

i. Emergency response professional.

4. *Terms of Membership.*

a. Members shall be appointed to serve until November 15, 2002, unless the Commission is reestablished or dissolved sooner. All members shall serve at the pleasure of the Governor.

b. Should a vacancy occur due to resignation, disability, or death of a member, the Governor shall appoint a successor as expeditiously as possible and the successor shall serve the duration of the unexpired term.

5. *Compensation.* Members of the Commission shall receive no compensation for their service, except that such members may be reimbursed for actual travel and related expenses in accordance with the Commonwealth Travel and Subsistence Regulations.



6. *Meetings and Communication.* The Commission shall interview and solicit testimony from experts and citizens to gather information for this investigation. The Commission shall hold public hearings for the purpose of gathering information.

7. *Reports.* The Commission shall report on current mining practices and regulatory policies and provide recommendations to improve safety when mines are adjacent to abandoned mine workings. By November 15, 2002, the Commission shall present, for the Governor's review and approval, a written report of the Commission's activities and a detailed report including any dissenting opinions of the Commission's findings and recommendations.

8. *Executive Agencies.* All agencies under the Governor's jurisdiction shall cooperate with and provide assistance as needed to the Commission in performing its functions. The Commission will receive administrative support from the Department of Environmental Protection.

9. *Effective Date.* This Executive Order shall be effective immediately.

10. *Termination Date.* This Executive Order shall terminate on November 15, 2002, unless reestablished or sooner rescinded.

[Pa.B. Doc. No. 02-1668. Filed for public inspection September 27, 2002, 9:00 a.m.]

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# THE COURTS

## Title 255—LOCAL COURT RULES

### Lehigh County

#### Amendment to Local Rule CR-101A; Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth; File No. 2002/1971-M

#### Order

*And Now*, this 3rd day of September, 2002, *It Is Ordered* that the local rule for Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth in the 31st Judicial District composed of Lehigh County be, and the same is, hereby amended, to become effective thirty (30) days after the publication of the rule in the *Pennsylvania Bulletin*; that seven (7) certified copies shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Criminal Procedural Rules Committee; and that one (1) copy shall be filed with the Clerk of Courts of Common Pleas of Lehigh County.

*By the Court*

WILLIAM H. PLATT,  
*President Judge*

#### Rule CR-101A. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth.

The District Attorney of Lehigh County having filed a certification pursuant to Pa.R.Crim.P. 507:

##### 1. Enumerated Offenses.

Criminal complaints and arrest warrant affidavits by police officers, as defined in the Rules of Criminal Procedure, charging one or more of the following offenses shall not hereafter be accepted by any judicial officer unless the complaint and affidavit has the approval of an attorney for the Commonwealth prior to filing:

- a. Criminal homicide in violation of 18.Pa.C.S. § 2501
  - Murder of any degree in violation of 18.Pa.C.S. § 2502
  - Voluntary manslaughter in violation of 18.Pa.C.S. § 2503
  - Involuntary manslaughter in violation of 18.Pa.C.S. § 2504
  - Drug delivery resulting in death 18.Pa.C.S. § 2506
  - Criminal homicide of unborn child 18 Pa.C.S. § 2604
  - Murder of unborn child 18 Pa.C.S. § 2604
  - Voluntary manslaughter of unborn child 18 Pa.C.S. § 2605
- b. Homicide by vehicle 75 Pa.C.S. § 3732
  - Homicide by vehicle while driving under influence in violation of 75 Pa.C.S. § 3735
  - Accidents involving death or serious bodily injury 75 Pa.C.S. § 3742(b)(2) and (3)

- c. Aggravated assault 18 Pa.C.S. § 2702
  - Assault by prisoner 18 Pa.C.S. § 2703
  - Assault by life prisoner 18 Pa.C.S. § 2704
  - Kidnapping 18 Pa.C.S. § 2901
  - Recklessly endangering another person 18 Pa.C.S. § 2705
- d. Rape 18.Pa.C.S. § 3121
  - Statutory sexual assault 18.Pa.C.S. § 3122
  - Involuntary deviate sexual intercourse 18.Pa.C.S. § 3123
  - Sexual assault 18 Pa.C.S. § 3124.1
  - Institutional sexual assault 18 Pa.C. § 3124.2
  - Aggravated indecent assault 18 Pa.C.S. § 3125
  - Sexual abuse of children 18 Pa.C.S. § 6312
  - Neglect of care-dependent person 18 Pa.C.S. § 2713
- e. Arson 18 Pa.C.S. § 3301
  - Causing or risking a catastrophe 18 Pa.C.S. § 3302
  - Burglary 18 Pa.C.S. § 3502
  - Robbery 18 Pa.C.S. 3701
  - Robbery of motor vehicle 18 Pa.C.S. § 3702
- f. Person not to possess firearm 18 Pa.C.S. § 6105
  - Firearms not to be carried without a license 18 Pa.C.S. § 6106
  - Possession of firearm by a minor 18 Pa.C.S. § 6110.1
  - Possession of firearm with altered serial number 18 Pa.C.S. § 6110.2
  - Certain bullets prohibited 18 Pa.C.S. § 6121
  - Theft and Receiving stolen property (firearms) 18 Pa.C.S. § 3903(a)(2) and (a.1)
  - Discharge of a firearm into an occupied structure 18 Pa.C.S. § 2707.1
- g. Ethnic intimidation 18 Pa.C.S. § 2710
  - Bribery in official and political matters 18 Pa.C.S. § 4701
  - Threats and other improper influences in official and political matters 18 Pa.C.S. § 4702
  - Perjury 18 Pa.C.S. § 4902
  - Interception, disclosure or use of wire, electronic or oral communications 18 Pa.C.S. § 5703
  - Election code violations 25 Pa.C.S. (all offenses)
- h. Controlled substance, drug device and cosmetic act 35 P. S. § 780-113 (all felonies)
- i. Criminal attempt to commit any of the above offenses 18 Pa.C.S. § 901
  - Criminal solicitation to commit any of the above offenses 18 Pa.C.S. § 902
  - Criminal conspiracy to commit any of the above offenses 18 Pa.C.S. § 903

- j. Any offense enumerated in Act No. 1995-33 (SS1) which is not a "delinquent act" as defined in § 6302<sup>1</sup> (2) (I), (ii), and (iii) (delinquent act), and which is now treated as an adult offense.

<sup>1</sup> 6302(2) The term shall not include:

- (i) The crime of murder.  
(ii) Any of the following prohibited conduct where the child was 15 years of age or older at the time of the alleged conduct, and a deadly weapon as defined in 18 Pa.C.S. § 2301 (relating to definitions) was used during the commission of the offense, which, if committed by an adult, would be classified as:  
(A) Rape as defined in 18 Pa.C.S. § 3121 (relating to rape).  
(B) Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).  
(C) Aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to aggravated assault).  
(D) Robbery as defined in 18 Pa.C.S. § 3701(a)(1)(I), (ii) or (iii) (relating to robbery).  
(E) Robbery of motor vehicle as defined in 18 Pa.C.S. § 3702 (relating to robbery of motor vehicle).  
(F) Aggravated indecent assault as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).  
(G) Kidnapping as defined in 18 Pa.C.S. § 2901 (relating to kidnapping).  
(H) Involuntary manslaughter.  
(I) An attempt, conspiracy or solicitation to commit murder or any of these crimes, as provided in 18 Pa.C.S. §§ 901 (relating to criminal attempt), 902 (relating to criminal solicitation) and 903 (relating to criminal conspiracy).  
(iii) Any of the following prohibited conduct where the child was 15 years of age or older at the time of the alleged conduct, and has been previously adjudicated delinquent of any of the following prohibited conduct, which, if committed by an adult, would be classified as:  
(A) Rape as defined in 18 Pa.C.S. § 3121.  
(B) Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123.  
(C) Robbery as defined in 18 Pa.C.S. § 3701(a)(1)(I), (ii) or (iii).  
(D) Robbery of motor vehicle as defined in 18 Pa.C.S. § 3702.  
(E) Aggravated indecent assault as defined in 18 Pa.C.S. § 3125.  
(F) Kidnapping as defined in 18 Pa.C.S. § 2901.  
(G) Voluntary manslaughter.  
(H) An attempt, conspiracy or solicitation to commit murder or any of these crimes as provided in 18 Pa.C.S. §§ 901, 902 and 903.

## 2. Re-Arrests and Refilings

Police criminal complaints or arrest warrant affidavits shall not hereafter be accepted by any judicial officer unless the complaint and affidavit has the approval of an attorney for the Commonwealth prior to filing where the complaint or arrest warrant are for the rearrest of a defendant previously discharged, or to reinstitute a charge or charges previously dismissed by an issuing authority for failure to prove a prima facie case, provided the current and the former cases arise out of the same criminal episode.

## 3. Arrest Warrant Affidavits Requiring Sealing.

Arrest warrant affidavits shall not hereafter be accepted by any judicial officer unless the arrest warrant affidavit has the approval of an attorney for the Commonwealth prior to filing in any case where the affidavit contains information the disclosure of which, in the opinion of the police, would endanger the safety of an informant, jeopardize the integrity of an ongoing criminal investigation, or which for any other reason should not be disclosed at or about the time of the execution of the warrants. The judicial officer shall ask the police, prior to accepting an affidavit, whether it contains any such information, and if the police indicate it does, the judicial officer shall require that it be submitted to an attorney for the Commonwealth for approval in accordance with this Rule. If the police indicate it does not, the judicial officer shall accept the affidavit.

[Pa.B. Doc. No. 02-1669. Filed for public inspection September 27, 2002, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 93]

#### Stream Redesignations (Class A Wild Trout Waters)

The Environmental Quality Board (Board) by this order amends Chapter 93 (relating to water quality standards) to read as set forth in Annex A.

This order was adopted by the Board at its meeting of July 16, 2002.

##### A. *Effective Date*

This final-form rulemaking is effective upon publication in the *Pennsylvania Bulletin*.

##### B. *Contact Persons*

For further information, contact Edward R. Brezina, Chief, Division of Water Quality Assessment and Standards, Bureau of Water Supply and Wastewater Management, 11th Floor, Rachel Carson State Office Building, P. O. Box 8467, 400 Market Street, Harrisburg, PA 17105-8467, (717) 787-9637 or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection's (Department) website (<http://www.dep.state.pa.us>).

##### C. *Statutory and Regulatory Authority*

This final-form rulemaking is being made under the authority of sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402), which authorize the Board to develop and adopt rules and regulations to implement The Clean Streams Law and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), which grants to the Board the power and duty to formulate, adopt and promulgate rules and regulations for the proper performance of the work of the Department. In addition, section 303 of the Federal Clean Water Act (33 U.S.C.A. § 1313) sets forth requirements for water quality standards and 40 CFR 131.32 (relating to Pennsylvania) which sets forth certain requirements for portions of the Commonwealth's antidegradation program.

##### D. *Background of the Amendments*

Water quality standards are in-stream water quality goals that are implemented by imposing specific regulatory requirements (such as treatment requirements and effluent limits) on individual sources of pollution.

The Department considers candidates for High Quality (HQ) or Exceptional Value (EV) Waters designation in its ongoing review of water quality standards. In general, HQ and EV waters shall be maintained at their existing quality, and wastewater treatment requirements shall ensure the attainment of designated and existing uses.

The Department may identify candidates during routine waterbody investigations. Requests for consideration may also be initiated by other agencies, such as the Fish and Boat Commission (Commission). Organizations, businesses or individuals may submit a rulemaking petition to the Board. These streams were evaluated in response to a submittal from the Commission under § 93.4b (relating to qualifying as High Quality or Exceptional Value Waters). Section 93.4b(a)(2)(ii) is the Class A wild trout stream qualifier. It states that a surface water that has been designated a Class A wild trout stream by the Commission following public notice and comment qualifies for HQ designation. The Commission published notice and requested comments on the Class A designation of these streams at 29 Pa.B. 4624 (August 28, 1999) and 29 Pa.B. 4831 (September 11, 1999). The Commissioners approved these waters on September 27, 1999, and this action was announced at 29 Pa.B. 6202 (December 4, 1999).

Department staff conducted an independent review of the trout biomass data in the fisheries management reports for these streams. This review was conducted to ensure that the Class A criteria were met.

Copies of the Commission's fisheries management reports for these waterbodies are available from Edward R. Brezina whose address and telephone number are listed in Section B of this Preamble.

##### E. *Summary of Comments and Responses on the Proposed Rulemaking*

A total of 145 form letters were received by e-mail in support of the redesignations. The letters read, in part, "I am writing to show my support for your current proposal to add over 100 segments of waterways to the state's Special Protection Waters Program. Working to protect the state's waterways is an important part of protecting Pennsylvania's natural heritage and safeguarding our streams from potential pollution and degradation." The United States Environmental Protection Agency (EPA) Region 3 submitted a letter indicating that they had no comments on the proposed rulemaking and they commended the Department for its continuing efforts to upgrade streams.

##### F. *Summary of Changes to the Proposed Rulemaking*

No changes were made to the proposed rulemaking.

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

Executive Order 1996-1 requires a cost/benefit analysis of the amendments.

1. *Benefits.* Overall, the citizens of this Commonwealth will benefit from these recommended changes because they will reflect the appropriate designated use and maintain the most appropriate degree of protection for each stream in accordance with the existing use of the stream.

2. *Compliance Costs.* Generally, the changes should have no fiscal impact on, or create additional compliance costs for the Commonwealth or its political subdivisions. The streams are already protected at their existing use, and therefore the designated use changes will have no impact on treatment requirements. Costs will not be imposed directly upon local governments by this recom-

mendation. Political subdivisions that add a new sewage treatment plant or expand an existing plant in these basins may experience changes in cost as noted in this Preamble in the discussion of impacts on the private sector.

Persons conducting or proposing activities or projects that result in new or expanded discharges to streams must comply with the regulatory requirements relating to designated and existing uses. These persons could be adversely affected if they expand a discharge or add a new discharge point since they may need to provide a higher level of treatment to meet the designated and existing uses of the stream. These increased costs may take the form of higher engineering, construction or operating costs for wastewater treatment facilities. Treatment costs are site-specific and depend upon the size of the discharge in relation to the size of the stream and many other factors. It is therefore not possible to precisely predict the actual change in costs.

3. *Compliance Assistance Plan.* The regulatory revisions have been developed as part of an established program that has been implemented by the Department since the early 1980s. The revisions are consistent with and based on existing Department regulations. The revisions extend additional protection to selected waterbodies that exhibit high water quality and are consistent with antidegradation requirements established by the Federal Clean Water Act and The Clean Streams Law. Surface waters in this Commonwealth are afforded a minimum level of protection through compliance with the water quality standards, which prevent pollution and protect existing water uses.

The amendments will be implemented through the National Pollutant Discharge Elimination System (NPDES) permitting program since the stream use designation is a major basis for determining allowable stream discharge effluent limitations. These permit conditions are established to assure water quality criteria are achieved and designated and existing uses are protected. New and expanding dischargers with water quality based effluent limitations are required to provide effluent treatment according to the water quality criteria associated with existing uses and revised designated water uses.

4. *Paperwork Requirements.* The regulatory revisions should have no direct paperwork impact on the Commonwealth, local governments and political subdivisions or the private sector. These regulatory revisions are based on existing Department regulations and simply mirror the existing use protection that is already in place for these streams. There may be some indirect paperwork requirements for new or expanding dischargers to streams upgraded to HQ. For example, NPDES general permits are not currently available for new or expanded discharges to these streams. Thus an individual permit, and its associated paperwork, would be required. Additionally, paperwork associated with demonstrating social and economic justification, and the nonfeasibility of nondischarge alternatives, will be required for new or expanded discharges to certain HQ Waters.

#### H. *Pollution Prevention*

The antidegradation program is a major pollution prevention tool because its objective is to prevent degradation by maintaining and protecting existing water quality and existing uses. Although the antidegradation program does not prohibit new or expanded wastewater dis-

charges, nondischarge alternatives are encouraged, and required when environmentally sound and cost effective. Nondischarge alternatives, when implemented, remove impacts to surface water and reduce the overall level of pollution to the environment by remediation of the effluent through the soil.

#### I. *Sunset Review*

This final-form 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.

#### J. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 27, 2001, the Department submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments received, as well as other documentation. In preparing this final-form rulemaking, the Department has considered all comments received from the public. IRRC and the Committees did not provide comments on the proposed rulemaking.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5(d)), the final-form rulemaking was deemed approved by the House and Senate Committees on August 13, 2002. IRRC met on August 22, 2002, and approved the final-form rulemaking in accordance with section 5.1(e) of the Regulatory Review Act.

#### K. *Findings*

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

(3) This final-form rulemaking does not enlarge the purpose of the proposal published at 31 Pa.B 6678 (December 8, 2001).

(4) This final-form rulemaking is necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this Preamble.

(5) This final-form rulemaking does not contain standards or requirements that exceed requirements of the companion Federal regulations.

#### L. *Order*

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

(a) The regulations of the Department, 25 Pa. Code Chapter 93, are amended by amending §§ 93.9d, 93.9f, 93.9h, 93.9j, 93.9k, 93.9l, 93.9n, 93.9o, 93.9p, 93.9q, 93.9r, 93.9t, 93.9v and 93.9z to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and

the Office of Attorney General for approval and review as to legality and form, as required by law.

(c) The Chairperson of the Board shall submit this order and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees, as required by the Regulatory Review Act.

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

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

DAVID E. HESS,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 32 Pa.B. 4405 (September 7, 2002).)*

**Fiscal Note:** Fiscal Note 7-366 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION**

**PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart C. PROTECTION OF NATURAL RESOURCES**

**ARTICLE II. WATER RESOURCES**

**CHAPTER 93. WATER QUALITY STANDARDS**

**§ 93.9d. Drainage List D.**

**Delaware River Basin in Pennsylvania**

***Lehigh River***

<b>Stream</b>	<b>Zone</b>	<b>County</b>	<b>Water Uses Protected</b>	<b>Exceptions To Specific Criteria</b>
* * * * *				
3—Pohopoco Creek	Basin, Source to SR 3016 Bridge at Merwinsburg	Monroe	CWF	None
3—Pohopoco Creek	Main Stem, SR 3016 Bridge to SR 0209 Bridge at Kresgeville	Monroe	HQ-CWF	None
4—Unnamed Tributaries to Pohopoco Creek	Basins, SR 3016 Bridge to SR 0209 Bridge at Kresgeville	Monroe	CWF	None
4—Sugar Hollow Creek	Basin	Monroe	CWF	None
4—Weir Creek	Basin	Monroe	CWF	None
4—Middle Creek	Basin, Source to T-444 Bridge	Monroe	CWF	None
4—Middle Creek	Basin, T-444 Bridge to Mouth	Monroe	HQ-CWF	None
3—Pohopoco Creek	Basin, Middle Creek to Wild Creek	Carbon	CWF	None
* * * * *				
3—Saucon Creek	Basin, Source to Black River	Northampton	CWF	None
4—Black River	Basin	Northampton	CWF	None
3—Saucon Creek	Main Stem, Black River to SR 412 Bridge	Northampton	HQ-CWF	None
4—Unnamed Tributaries to Saucon Creek	Basins, Black Creek to SR 412 Bridge	Northampton	CWF	None
3—Saucon Creek	Basin, SR 412 Bridge to Mouth	Northampton	CWF	None
3—Nancy Run	Basin, Source to SR 3007 Bridge	Northampton	CWF, MF	None
3—Nancy Run	Basin, SR 3007 Bridge to Mouth	Northampton	HQ-CWF, MF	None
* * * * *				

**§ 93.9f. Drainage List F.**

**Delaware River Basin in Pennsylvania**

***Schuylkill River***

<b>Stream</b>	<b>Zone</b>	<b>County</b>	<b>Water Uses Protected</b>	<b>Exceptions To Specific Criteria</b>
* * * * *				
2—Schuylkill River	Main Stem, Source to Little Schuylkill River	Schuylkill	CWF	None

<b>Stream</b>	<b>Zone</b>	<b>County</b>	<b>Water Uses Protected</b>	<b>Exceptions To Specific Criteria</b>
* * * * *				
3—Bear Creek	Basin, Source to UNT 02300 at River Mile 7.6	Schuylkill	HQ-CWF	None
4—Unnamed Tributary 02300 to Bear Creek	Basin	Schuylkill	CWF	None
3—Bear Creek	Basin, UNT 02300 to Mouth	Schuylkill	CWF	None
* * * * *				
3—Little Schuylkill River	Basin, Still Creek to Owl Creek	Schuylkill	CWF	None
4—Owl Creek	Basin	Schuylkill	HQ-CWF	None
3—Little Schuylkill River	Basin, Owl Creek to Cold Run	Schuylkill	CWF	None
4—Cold Run	Basin, Source to Beaver Creek	Schuylkill	HQ-CWF	None
5—Beaver Creek	Basin, Source to Church Lane at River Mile 1.5	Schuylkill	HQ-CWF	None
5—Beaver Creek	Basin, River Mile 1.5 to Mouth	Schuylkill	CWF	None
4—Cold Run	Basin, Beaver Creek to Mouth	Schuylkill	CWF	None
3—Little Schuylkill River	Basin, Cold Run to UNT 02206 at River Mile 4.3	Schuylkill	CWF	None
4—Unnamed Tributary 02206 to Little Schuylkill River	Basin	Schuylkill	HQ-CWF	None
3—Little Schuylkill River	Basin, UNT 02206 to Rattling Run	Schuylkill	CWF	None
* * * * *				
3—Maiden Creek	Main Stem, Pine Creek to Moselem Creek	Berks	TSF	None
* * * * *				
4—Furnace Creek	Basin, Source to River Mile 3.0	Berks	HQ-CWF	None
4—Furnace Creek	Basin, River Mile 3.0 to Mouth	Berks	TSF	None
* * * * *				
3—Wyomissing Creek	Basin, Source to Inlet of Pond at Reading Public Museum	Berks	HQ-CWF	None
3—Wyomissing Creek	Basin, Inlet of Pond at Reading Public Museum to Mouth	Berks	CWF	None
* * * * *				
3—Perkiomen Creek	Basin, Source to SR 1010 Bridge at Hereford	Berks	HQ-CWF	None
3—Perkiomen Creek	Basin, SR 1010 Bridge to Green Lane Reservoir Dam	Montgomery	TSF	None
* * * * *				

§ 93.9h. Drainage List H.

Susquehanna River Basin in Pennsylvania

*Tioga River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
		*****		
3—Cowanesque River	Main Stem, North Fork to PA-NY State Border	Tioga	WWF	None
		*****		
4—Jemison Creek	Basin, Source to T-559 Bridge at Azelta	Tioga	HQ-CWF	None
4—Jemison Creek	Basin, T-559 Bridge to Mouth	Tioga	WWF	None
		*****		

§ 93.9j. Drainage List J.

Susquehanna River Basin in Pennsylvania

*Lackawanna River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
		*****		
2—Lackawanna River	Main Stem, Confluence East and West Branches to SR 0347 Bridge at Dickson City	Lackawanna	HQ-CWF	None
3—Unnamed Tributaries to Lackawanna River	Basins, Confluence of East and West Branches to SR 0347 Bridge at Dickson City	Susquehanna-Wayne-Lackawanna	CWF	None
		*****		
3—Hull Creek	Basin	Lackawanna	CWF	None
2—Lackawanna River	Main Stem, SR 0347 Bridge to Mouth	Luzerne	CWF	None
3—Unnamed Tributaries to Lackawanna River	Basins, SR 0347 Bridge to Mouth	Luzerne	CWF	None
3—Eddy Creek	Basin	Lackawanna	WWF	None
		*****		

§ 93.9k. Drainage List K.

Susquehanna River Basin in Pennsylvania

*Susquehanna River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
		*****		
2—Solomon Creek	Basin, Source to Pine Creek	Luzerne	HQ-CWF	None
3—Pine Creek	Basin	Luzerne	CWF	None
2—Solomon Creek	Basin, Pine Creek to Mouth	Luzerne	CWF	None
		*****		
2—Tenmile Run	Basin, Source to UNT 28081 at River Mile 2.49	Columbia	HQ-CWF	None
3—Unnamed Tributary 28081 to Tenmile Run	Basin	Columbia	CWF	None
2—Tenmile Run	Basin, UNT 28081 to Mouth	Columbia	CWF	None
		*****		
2—Catawissa Creek	Main Stem, Source to Rattling Run	Schuylkill	CWF	None
		*****		
3—Rattling Run	Basin	Schuylkill	HQ-CWF	None



Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
* * * * *				
3—Little Catawissa Creek	Basin, Source to T-431	Schuylkill	HQ-CWF	None
3—Little Catawissa Creek	Basin, T-431 to Trexler Run	Schuylkill	CWF	None
4—Trexler Run	Basin	Schuylkill	HQ-CWF	None
3—Little Catawissa Creek	Basin, Trexler Run to Mouth	Schuylkill	CWF	None
3—Tomhicken Creek	Basin, Source to Little Crooked Run	Schuylkill	CWF	None
4—Little Crooked Run	Basin	Schuylkill	HQ-CWF	None
3—Tomhicken Creek	Basin, Little Crooked Run to Raccoon Creek	Schuylkill	CWF	None
4—Raccoon Creek	Basin	Schuylkill	HQ-CWF	None
3—Tomhicken Creek	Basin, Raccoon Creek to Mouth	Schuylkill	CWF	None
3—Crooked Run	Basin	Schuylkill	HQ-CWF	None
3—Cranberry Run	Basin	Columbia	CWF	None
3—Klingermans Run	Basin	Columbia	HQ-CWF	None
3—Beaver Run	Basin	Columbia	CWF	None
3—Mine Gap Run	Basin	Columbia	CWF	None
3—Fisher Run	Basin	Columbia	HQ-CWF	None
3—Scotch Run	Basin	Columbia	CWF	None
3—Furnace Run	Basin	Columbia	HQ-CWF	None
* * * * *				

## § 93.91. Drainage List L.

## Susquehanna River Basin in Pennsylvania

*West Branch Susquehanna River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
* * * * *				
3—Clearfield Creek	Main Stem	Clearfield	WWF	None
* * * * *				
4—Sandy Run	Basin	Cambria	HQ-CWF	None
4—Powell Run	Basin	Cambria	CWF	None
4—Fallentimber Run	Basin	Cambria	CWF	None
4—Beaverdam Run	Basin	Cambria	CWF	None
* * * * *				
3—Moshannon Creek	Basin, Source to Roup Run	Clearfield-Centre	HQ-CWF	None
4—Unnamed Tributaries to Moshannon Creek	Basins, Roup Run to Mouth	Clearfield-Centre	CWF	None
* * * * *				
4—Laurel Run	Basin, Source to Simeling Run	Clearfield	CWF	None
5—Simeling Run	Basin	Clearfield	HQ-CWF	None
4—Laurel Run	Basin, Simeling Run to Mouth	Clearfield	CWF	None
* * * * *				
3—Sinnemahoning Creek				
* * * * *				

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<b>Stream</b>	<b>Zone</b>	<b>County</b>	<b>Water Uses Protected</b>	<b>Exceptions To Specific Criteria</b>
4—Bennett Branch Sinnemahoning Creek	Main Stem, Mill Run to Confluence with Driftwood Branch	Cameron	WWF	None
* * * * *				
5—Trout Run	Basin, Source to Spring Run	Elk	CWF	None
6—Spring Run	Basin	Elk	HQ-CWF	None
5—Trout Run	Basin, Spring Run to Mouth	Elk	CWF	None
* * * * *				
5—Dents Run	Basin	Elk	HQ-CWF	None
* * * * *				
5—Miller Run	Basin	Cameron	HQ-CWF	None
* * * * *				
4—Driftwood Branch Sinnemahoning Creek	Basin, Source to Elk Fork	Cameron	HQ-CWF	None
5—Elk Fork	Basin, Source to Nichols Run	Cameron	EV	None
6—Nichols Run	Basin	Cameron	HQ-CWF	None
5—Elk Fork	Basin, Nichols Run to Mouth	Cameron	HQ-CWF	None
4—Driftwood Branch Sinnemahoning Creek	Main Stem, Elk Fork to Confluence with Bennett Branch	Cameron	TSF	None
5—Unnamed Tributaries to Driftwood Branch Sinnemahoning Creek	Basins, Elk Fork to Confluence with Bennett Branch	Cameron	HQ-CWF	None
* * * * *				
3—Kettle Creek	Basin, Alvin Bush Dam to Twomile Run	Clinton	TSF	None
4—Twomile Run	Basin, Source to Middle Branch Twomile Run	Clinton	HQ-CWF	None
5—Middle Branch Twomile Run	Basin	Clinton	TSF	None
4—Twomile Run	Basin, Middle Branch to Mouth	Clinton	TSF	None
3—Kettle Creek	Basin, Twomile Run to Mouth	Clinton	TSF	None
* * * * *				
3—Bald Eagle Creek	Main Stem, Laurel Run to Nittany Creek	Centre	TSF	None
* * * * *				
4—Wallace Run	Basin, Unnamed Tributary at Gum Stump to Mouth	Centre	HQ-CWF	None
* * * * *				
4—Spring Creek	Main Stem, Source to PA 550 Bridge	Centre	HQ-CWF	None
* * * * *				
5—Slab Cabin Run	Basin, PA 26 at RM 9.0 to UNT 23037	Centre	CWF	None
6—Unnamed Tributary 23037 (locally Thompson Run)	Basin	Centre	HQ-CWF	None
5—Slab Cabin Run	Basin, UNT 23037 to Mouth	Centre	CWF	None
4—Spring Creek	Main Stem, PA 550 Bridge to Mouth	Centre	HQ-CWF	None
* * * * *				

<b>Stream</b>	<b>Zone</b>	<b>County</b>	<b>Water Uses Protected</b>	<b>Exceptions To Specific Criteria</b>
5—Logan Branch	Basin, Source to T-371 Bridge	Centre	CWF	None
5—Logan Branch	Main Stem, T-371 Bridge to Mouth	Centre	HQ-CWF	None
6—Unnamed Tributaries to Logan Branch	Basins, T-371 Bridge to Mouth	Centre	CWF	None
	* * * * *			
4—Nittany Creek	Basin, Source to I-80	Centre	CWF	None
4—Nittany Creek	Basin, I-80 to Mouth	Centre	HQ-CWF	None
	* * * * *			
3—Henry Run	Basin	Clinton	HQ-CWF	None
	* * * * *			
3—Pine Creek	Main Stem, South Branch Pine Creek to Marsh Creek	Tioga	EV	None
	* * * * *			
4—Marsh Creek	Main Stem, Source to Straight Run	Tioga	WWF	None
	* * * * *			
5—Baldwin Run	Basin	Tioga	HQ-CWF	None
	* * * * *			
5—Canada Run	Basin	Tioga	HQ-CWF	None
	* * * * *			
4—Little Pine Creek				
	* * * * *			
5—Blockhouse Creek	Basin, Source to Flicks Run	Lycoming	CWF	None
6—Flicks Run	Basin	Lycoming	HQ-CWF	None
5—Blockhouse Creek	Basin, Flicks Run to Confluence with Texas Creek	Lycoming	CWF	None
	* * * * *			
3—Aughanbaugh Run	Basin	Lycoming	HQ-CWF	None
3—Antes Creek				
4—Unnamed Tributary 21134	Basin, Source to Rauchtown Creek	Lycoming	CWF	None
5—Rauchtown Creek	Basin, Source to Confluence of Rockey Run and Gottshall Run	Clinton	HQ-CWF	None
5—Rauchtown Creek	Basin, Confluence of Rockey Run and Gottshall Run to Mouth	Lycoming	CWF	None
4—UNT 21134	Basin, Rauchtown Creek to Confluence with UNT 21135	Lycoming	CWF	None
4—UNT 21135	Basin, Source to McMurrin Run	Lycoming	CWF	None
5—McMurrin Run	Basin	Lycoming	HQ-CWF	None
4—UNT 21135	Basin, McMurrin Run to Confluence with UNT 21134	Lycoming	CWF	None
3—Antes Creek	Basin, Confluence of UNT 21134 and 21135 to Morgan Valley Run	Lycoming	CWF	None
4—Morgan Valley Run	Basin	Lycoming	HQ-CWF	None
3—Antes Creek	Basin, Morgan Valley Run to Mouth	Lycoming	CWF	None
	* * * * *			

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
3—Big Run	Basin	Lycoming	HQ-CWF	None
* * * * *				

§ 93.9n. Drainage List N.

Susquehanna River Basin in Pennsylvania

*Juniata River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
* * * * *				
3—Frankstown Branch Juniata River	Main Stem, Piney Creek to US 22 Bridge	Huntingdon	TSF	None
* * * * *				
4—Fox Run	Basin	Blair-Huntingdon	HQ-CWF	None
* * * * *				
3—Kishacoquillas Creek	Basin, Source to Frog Hollow	Mifflin	CWF	None
4—Frog Hollow	Basin	Mifflin	HQ-CWF	None
3—Kishacoquillas Creek	Basin, Frog Hollow to Tea Creek	Mifflin	CWF	None
4—Tea Creek	Basin	Mifflin	HQ-CWF	None
3—Kishacoquillas Creek	Main Stem, Tea Creek to Railroad Bridge between Yeagertown and Burnham	Mifflin	TSF	None
4—Unnamed Tributaries to Kishacoquillas Creek	Basins, Tea Creek to Yeagertown/Burnham Railroad Bridge	Mifflin	TSF	None
4—Honey Creek	Basin	Mifflin	HQ-CWF, MF	None
3—Kishacoquillas Creek	Main Stem, Yeagertown/Burnham Railroad Bridge to SR 2005 (Mill Road) Bridge at Mount Rock	Mifflin	HQ-CWF	None
4—Unnamed Tributaries to Kishacoquillas Creek	Basins, Yeagertown/Burnham Railroad Bridge to Mill Road Bridge	Mifflin	TSF	None
4—Hungry Run	Basin	Mifflin	TSF	None
4—Buck Run	Basin	Mifflin	TSF	None
3—Kishacoquillas Creek	Main Stem, Mill Road Bridge to Mouth	Mifflin	TSF	None
4—Unnamed Tributaries to Kishacoquillas Creek	Basins, Mill Road Bridge to Mouth	Mifflin	TSF	None
* * * * *				
3—Lost Creek	Basin, Source to SR 35 Bridge at Oakland Mills	Juniata	HQ-CWF	None
3—Lost Creek	Basin, SR 35 Bridge to Little Lost Creek	Juniata	CWF	None
3—Lost Creek	Basin, Little Lost Creek to Big Run	Juniata	TSF	None
4—Big Run	Basin	Juniata	CWF	None

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
3—Lost Creek	Basin, Big Run to Mouth	Juniata	TSF	None

\* \* \* \* \*

## § 93.9o. Drainage List O.

## Susquehanna River Basin in Pennsylvania

*Susquehanna River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
		* * * * *		
2—Conodoquinet Creek	Main Stem, PA 997 at Roxbury to Mouth	Franklin	WWF	None
		* * * * *		
3—Letort Spring Run	Basin, Railroad Bridge at Letort Park to T-710 (Post Road) Bridge	Cumberland	HQ-CWF	None
3—Letort Spring Run	Basin, T-710 Bridge to Mouth	Cumberland	CWF	None
		* * * * *		
3—Trindle Spring Run	Basin, Source to Spring near the Silver Spring Meeting House	Cumberland	CWF	None
3—Trindle Spring Run	Basin, Spring near the Silver Spring Meeting House to Mouth	Cumberland	HQ-CWF	None
		* * * * *		
2—Codorus Creek	Main Stem, West Branch to Oil Creek	York	HQ-CWF	None
		* * * * *		
2—Conowingo Creek	Basin, Source to SR 3005 Bridge	Lancaster	HQ-CWF	None
2—Conowingo Creek	Main Stem, SR 3005 to Mouth	Lancaster	CWF	None
3—Unnamed Tributaries to Conowingo Creek	Basins, (all sections in PA) SR 3005 to PA-MD State Border	Lancaster	HQ-CWF	None
		* * * * *		

## § 93.9p. Drainage List P.

## Ohio River Basin in Pennsylvania

*Allegheny River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
		* * * * *		
3—Dwight Creek	Basin	Potter	HQ-CWF	None
		* * * * *		
3—Allegheny Portage Creek	Main Stem, Source to Brown Hollow	Potter	TSF	None
4—Unnamed Tributaries To Allegheny Portage Creek	Basins	Potter-McKean	CWF	None
4—Planing Mill Hollow	Basin	Potter	CWF	None
4—Brown Hollow	Basin	Potter	HQ-CWF	None
3—Allegheny Portage Creek	Main Stem, Brown Hollow to Scaffold Lick Run	McKean	HQ-CWF	None
4—Indian Run	Basin	McKean	CWF	None

<b>Stream</b>	<b>Zone</b>	<b>County</b>	<b>Water Uses Protected</b>	<b>Exceptions To Specific Criteria</b>
4—Heath Hollow	Basin	McKean	CWF	None
4—Fair Run	Basin	McKean	HQ-CWF	None
4—Rock Run	Basin	McKean	CWF	None
4—Scaffold Lick Run	Basin	McKean	CWF	None
3—Allegheny Portage Creek	Main Stem, Scaffold Lick Run to Mouth	McKean	TSF	None
4—Cady Hollow	Basin	McKean	CWF	None
4—Hamilton Run	Basin	McKean	CWF	None
4—Tramroad Hollow	Basin	McKean	CWF	None
4—Combs Creek	Basin	McKean	CWF	None
* * * * *				
3—Tunungwant Creek				
* * * * *				
4—East Branch Tunungwant Creek	Basin, Railroad Run to T-331 Bridge	McKean	HQ-CWF	None
4—East Branch Tunungwant Creek	Main Stem, T-331 Bridge to SR 4002 Bridge	McKean	HQ-CWF	None
5—Unnamed Tributaries to East Branch Tunungwant Creek	Basins, T-331 Bridge to SR 4002	McKean	CWF	None
5—Sheppard Run	Basin	McKean	CWF	None
5—Minard Run	Basin	McKean	EV	None
4—East Branch Tunungwant Creek	Basin, SR 4002 to Confluence with West Branch	McKean	CWF	None
* * * * *				

§ 93.9q. Drainage List Q.

**Ohio River Basin in Pennsylvania**

*Allegheny River*

<b>Stream</b>	<b>Zone</b>	<b>County</b>	<b>Water Uses Protected</b>	<b>Exceptions To Specific Criteria</b>
* * * * *				
3—French Creek	Main Stem, PA-NY State Border to Mouth	Venango	WWF	None
* * * * *				
4—Le Boeuf Creek	Basin, Source to Trout Run	Erie	TSF	None
5—Trout Run	Basin	Erie	HQ-CWF	None
* * * * *				
4—Sugar Creek	Basin, Source to East Branch Sugar Creek (RM 17.0)	Crawford	CWF	None
5—East Branch Sugar Creek	Basin, Source to SR 0428 Bridge	Crawford	CWF	None
5—East Branch Sugar Creek	Basin, SR 0428 Bridge to Mouth	Crawford	HQ-CWF	None
4—Sugar Creek	Basin, East Branch Sugar Creek to Mouth	Venango	CWF	None
* * * * *				

## § 93.9r. Drainage List R.

## Ohio River Basin in Pennsylvania

*Clarion River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
		* * * * *		
4—Little Toby Creek	Main Stem	Elk	CWF	None
		* * * * *		
5—Vineyard Run	Basin	Elk	HQ-CWF	None
		* * * * *		

## § 93.9t. Drainage List T.

## Ohio River Basin in Pennsylvania

*Kiskiminetas River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
		* * * * *		
6—Quemahoning Creek	Main Stem	Somerset	CWF	None
		* * * * *		
7—Higgins Run	Basin Source to River Mile (RM) 1.37	Somerset	CWF	None
7—Higgins Run	Main Stem, RM 1.37 to Mouth	Somerset	HQ-CWF	None
8—Unnamed Tributaries to Higgins Run	Basins, RM 1.37 to Mouth	Somerset	CWF	None
		* * * * *		
6—Shade Creek	Main Stem	Somerset	CWF	None
		* * * * *		
7—Dark Shade Creek	Basin, Source to Laurel Run	Somerset	CWF	None
8—Laurel Run	Basin, Source to Beaverdam Run	Somerset	CWF	None
9—Beaverdam Run	Basin, Source to River RM 1.93	Somerset	HQ-CWF	None
9—Beaverdam Run	Basin, RM 1.93 to Mouth	Somerset	CWF	None
8—Laurel Run	Basin, Beaverdam Run to Mouth	Somerset	CWF	None
7 -Dark Shade Creek	Basin, Laurel Run to Mouth	Somerset	CWF	None
		* * * * *		

## § 93.9v. Drainage List V.

## Ohio River Basin in Pennsylvania

*Monongahela River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
		* * * * *		
4—Indian Creek	Basin, Camp Run to Champion Creek	Fayette	HQ-CWF	None
		* * * * *		
5—Laurel Run	Basin, Source to Buck Run	Fayette	CWF	None
6—Buck Run	Source to River Mile (RM) 1.38	Fayette	HQ-CWF	None
6—Buck Run	Basin, RM 1.38 to Mouth	Fayette	CWF	None
5—Laurel Run	Basin, Buck Run to Mouth	Fayette	CWF	None
		* * * * *		

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
5—Rasler Run	Basin	Fayette	HQ-CWF	None
* * * * *				

§ 93.9z. Drainage List Z.

**Potomac River Basin in Pennsylvania**  
*Potomac River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
* * * * *				
3—West Branch Antietam Creek	Basin, Source to SR 997 Bridge	Franklin	HQ-CWF	None
3—West Branch Antietam Creek	Basin, SR 997 Bridge to Confluence with East Branch	Franklin	CWF	None
* * * * *				

[Pa.B. Doc. No. 02-1670. Filed for public inspection September 27, 2002, 9:00 a.m.]

## Title 58—RECREATION

### FISH AND BOAT COMMISSION

#### [58 PA. CODE CH. 69]

#### Fishing

The Fish and Boat Commission (Commission) by this order amends Chapter 69 (relating to fishing in Lake Erie and boundary lakes). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

*A. Effective Date*

The final-form rulemaking will go into effect on December 1, 2002, instead of January 1, 2003, as stated in the notice of proposed rulemaking.

*B. Contact Person*

For further information on the final-form rulemaking, contact Laurie E. Shepler, Assistant Counsel, P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7815. This final-form rulemaking is available electronically through the Commission's website (<http://www.fish.state.pa.us>).

*C. Statutory Authority*

The amendment to § 69.12 (relating to seasons, sizes and creel limits—Lake Erie) is published under the statutory authority of section 2102 of the code (relating to rules and regulations).

*D. Purpose and Background*

The final-form rulemaking is designed to update, modify and improve the Commission's regulations pertaining to fishing. The specific purpose of the final-form rulemaking is described in more detail under the summary of changes.

*E. Summary of Changes*

Current angling regulations, established in 1996 to conserve yellow perch in the waters of Lake Erie and Presque Isle Bay, include a daily possession limit of 20 fish, an 8-inch minimum size limit and no closed season

for sport fishing. On the open lake, these regulations were expected to constrain the harvest at or below the annual quota or total allowable catch (TAC) and reduce the harvest of small immature perch.

The same angling regulations were imposed upon the yellow perch fishery in Presque Isle Bay that has been subjected to very high fishing mortality especially during the ice fishery. The ice fishery had been responsible for the excessive over-fishing harvest prior to the implementation of the 8-inch minimum size limit and 20 perch per day possession limit.

The Commission's Lake Erie Research Unit is committed to continuing an intensive assessment of yellow perch to evaluate the yellow perch population, angler use and yellow perch harvest and to make appropriate adjustments to the yellow perch regulations. On the open lake, strong yellow perch year classes and conservative regulations have resulted in increased population abundance at the highest levels since 1990, and yellow perch catch rates continue to increase. However, a sizeable proportion of the open lake angler catch was released under the 8-inch minimum size limit and mortality of these release fish was high because of hydraulic decompression. The Lake Erie Boat Angler Survey in the summer of 2001 demonstrated that the 20 yellow perch creel limit was constraining the yellow perch harvest within the Lake Erie Committee TAC. The Presque Isle Bay yellow perch population has also rebounded subsequent to the implementation of the regulations. However, because of the high minimum size limit relative to the relatively slow perch growth, the Presque Isle Bay creel rate has been low. The harvest of Bay caught yellow perch was only 7—19% of those caught during the years 1997-2001.

These intensive yellow perch assessments have shown that reducing the minimum size limit to 7 inches will continue to adequately protect yellow perch spawning stock under the condition of higher yellow perch population sizes. This should reduce complaints about catch and release mortality on the open lake and complaints about the low harvest rates on Presque Isle Bay. Commission staff expect harvest to increase by at least 30% by



Presque Isle Bay anglers; however, on the open lake harvest, increases due to reducing the minimum size limit should be a little more than 15%.

Accordingly, the Commission proposed to amend § 69.12 to reduce the minimum size limit of yellow perch on Lake Erie and Presque Isle Bay from 8 inches to 7 inches and to keep the daily creel limit of 20 and the no closed season in effect. The Commission, on final-form rulemaking, adopted an amendment that reduces the minimum size limit of yellow perch on Lake Erie and Presque Isle Bay from 8 inches to 7 inches during the period, December 1 through March 31, and that maintains the current 8 inch minimum size limit during the period, April 1 through November 30. According to input received from the Commission's fisheries management staff, this change is as protective of yellow perch as the proposed amendment and will provide additional recreational opportunities for anglers.

#### F. Paperwork

The final-form rulemaking will not increase paperwork and will create no new paperwork requirements.

#### G. Fiscal Impact

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will impose no new costs on the private sector or the general public.

#### H. Public Involvement

A notice of proposed rulemaking was published at 32 Pa.B. 1728 (April 6, 2002). Prior to the public comment period, the Commission received four comments opposing the proposed rulemaking. No comments were received during the public comment period. Copies of all public comments were provided to the Commissioners.

#### Findings

The Commission finds that:

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

(2) A public comment period was provided, and the comments that were received were considered.

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

#### Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 69, are amended by amending § 69.12 to read as set forth in Annex A.

(b) The Executive Director will submit this order and Annex A to the Office of Attorney General for approval as to legality as required by law.

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

(d) This order shall take effect on December 1, 2002.

PETER A. COLANGELO,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-126 remains valid for the final adoption of the subject regulation.

### Annex A

## TITLE 58. RECREATION

### PART II. FISH AND BOAT COMMISSION

#### Subpart B. FISHING

### CHAPTER 69. FISHING IN LAKE ERIE AND BOUNDARY LAKES

#### Subchapter B. SPORT FISHING AND ANGLING

#### § 69.12. Season, sizes and creel limits—Lake Erie.

(a) It is unlawful to take, catch, kill or possess fish, except during the seasons specified in this section. It is not a violation of this section if a fish caught out of season from water where fishing for other species is lawful is immediately returned unharmed to the waters from which it was taken.

(b) It is unlawful to take, catch, kill or possess fish of less than the minimum size specified in this section. It is not a violation of this section if an undersized fish taken from waters where fishing is otherwise lawful is immediately returned unharmed to the waters from which it was taken.

(c) It is unlawful to take, catch or kill more than 1 day's limit of any species of fish as specified in the following chart during 1-calendar day. It is unlawful to possess more than 1 day's limit of any species of fish as specified in the following chart except under the following circumstances:

(1) A person may possess any number of lawfully caught fish at the person's residence.

(2) A person who is engaged in a fishing trip away from home for 2 or more consecutive calendar days may, while transporting fish from the place where caught to his residence, possess a number of fish equal to no more than two times the daily creel limit for that species of fish. In prosecution for violation of this section, it shall be a rebuttable presumption that a person transporting fish from a fishing site caught all the fish during 1-calendar day.

(3) A fish will not be considered to be caught in violation of this section if it is immediately returned unharmed to the waters from which it was taken.

(4) A fish caught that is not to be counted in the creel limit shall be immediately released unharmed into the water from which taken. Except as otherwise provided in § 53.24 or § 63.40 (relating to tournament and fishing derby permits; and fishing tournament and fishing derbies), a fish placed on a stringer, or confined by any type of container, structure or device, or not returned immediately to the water, will be considered as part of the daily creel or possession limits. Fish returned to the water shall be handled carefully and be returned unharmed to the water from which taken.

(5) Fish may be given to another person, but the fish will be counted in the donor's creel limit and neither the donor nor the recipient may kill or possess (while in the act of fishing) more than the limit allowed.

(d) The following seasons, sizes and creel limits apply to Lake Erie and Presque Isle Bay, including peninsular waters:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
MUSKELLUNGE and MUSKELLUNGE HYBRIDS PIKE Northern	Inland seasons apply: See § 61.1.	40 inches  24 inches	1  2
WALLEYE*	January 1 to midnight March 15 and 12:01 a.m. the first Saturday in May to December 31	15 inches	6
BASS Largemouth Smallmouth	January 1 to opening day of trout season in April and first Saturday after June 11 until December 31  Opening day of trout season in April until first Saturday after June 11.*	15 inches  20 inches	4 (combined species)  1
TROUT and SALMON	First Saturday after April 11 until midnight Labor Day.  12:01 a.m. the day after Labor Day until midnight on the Friday before the first Saturday after April 11	9 inches  15 inches	8 (combined species only 2 of which may be lake trout). Of the entire catch (combined species) only 5 fish total may exceed 15 inches in length.  3 (combined species only 2 of which may be lake trout)
STURGEON	No open season	ENDAGERED SPECIES	
SUNFISH, CRAPPIES, CATFISH, ROCK BASS, SUCKERS, EELS, CARP, WHITE BASS	Open year round	None	50 (combined species)
YELLOW PERCH	From December 1 through March 31  From April 1 through November 30	7 inches  8 inches	20  20
BAIT FISH FISH BAIT	Open year-round	None	50 (combined species)
BURBOT (when taken by scuba divers by use of nonmechanical spears or gigs at a depth of at least 60 feet)	June 1 to September 30	None	5
ALL OTHER SPECIES	Inland regulations apply: See § 61.1		

\*It is unlawful to conduct or participate in a fishing tournament (as defined in § 63.40 (relating to seasons for fishing tournaments)) for bass on Lake Erie or Presque Isle Bay during the period from opening day of trout season in April until the first Saturday after June 11.

[Pa.B. Doc. No. 02-1671. Filed for public inspection September 27, 2002, 9:00 a.m.]

**GAME COMMISSION**  
**[58 PA. CODE CH. 135]**

**State Game Land Roads; Disabled Persons**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its July 28, 2002, meeting, adopted the following change:

Amend § 135.48 (relating to State game lands roads open to vehicular traffic for disabled persons) to no longer require the person who accompanies a disabled hunter to have a valid hunting license.

This final-form rulemaking was adopted under the authority of 34 Pa.C.S. (relating to the Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 32 Pa.B. 2894 (June 15, 2002).

*1. Introduction*

The Commission is amending § 135.48 to no longer require the person who simply accompanies a disabled hunter to have a valid hunting license.

*2. Purpose and Authority*

Many times the only person available to accompany disabled persons in their vehicles on game land roads

open for travel to disabled persons do not hunt and do not possess a hunting license as currently required. This limits the hunting opportunities available to disabled hunters. As a result, the Commission is only requiring individuals actually participating in the hunt to have a hunting license. This final-form rulemaking should expand hunting opportunities for disabled hunters.

Section 2102(a) of the code (relating to regulations) directs the Commission to promulgate regulations, as it deems necessary and appropriate, concerning game or wildlife and hunting or furtaking in this Commonwealth. This provides the regulatory authority for the final-form rulemaking.

### 3. *Regulatory Requirements*

The final-form rulemaking will relax current requirements.

### 4. *Persons Affected*

Individuals accompanying disabled hunters and the hunters themselves will benefit from this adoption.

### 5. *Comment and Response Summary*

There were no official comments received with regard to this final-form rulemaking.

### 6. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in any additional cost or paperwork.

### 7. *Effective Date*

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

### 8. *Contact Person*

For further information regarding this final-form rulemaking, contact David E. Overcash, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

### *Findings*

The Commission finds that:

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

(2) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

### *Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 135, are amended by amending § 135.48 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall submit this order and Annex A, and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-147 remains valid for the final adoption of the subject regulation.

## Annex A

### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 135. LANDS AND BUILDINGS

##### Subchapter C. STATE GAME LANDS

#### § 135.48. State game lands roads open to vehicular traffic for disabled persons.

(a) *Vehicular traffic permitted.* Vehicular traffic will be permitted on designated roads on State game lands for persons issued a Disabled Persons Permit under section 2923(a) of the act (relating to disabled person permits).

(1) Roads will be open for one-way travel, weather permitting, from 14 days prior to the opening day of archery season to the closing day of the muzzleloader/archery season.

(2) A permittee may be accompanied by only one person, and before participating in hunting in any manner that person shall be in possession of a valid Pennsylvania hunting or furtakers license. The permittee may also be accompanied by one or more of the permittee's children who hold a valid junior hunting or furtakers license.

(b) *Designated roads on State game lands.*

(1) State Game Lands No. 110—Berks and Schuylkill Counties—Game lands road beginning at State Route 183 to a parking lot located on Township Road T-720, north of Shartlesville, Pennsylvania, a distance of approximately 7.6 miles.

(2) State Game Lands No. 117—Washington County—game lands road beginning .5 miles north of Burgettstown Community Park along State Route 4007 to the intersection of State Route 18, a distance of approximately 2.5 miles.

(3) State Game Lands No. 12—Bradford and Sullivan Counties—Game lands road beginning at village of Wheelerville, Pennsylvania, along State Route 154 to the intersection of Township Road T-359 south of the town of Laquin, a distance of approximately 8.5 miles.

(4) State Game Lands No. 49—Bedford and Fulton Counties—Game lands road beginning 1.5 miles east of Robinsonville, Pennsylvania, along State Route 2006 to a parking lot located on Township Road T-316, a distance of approximately 3.8 miles.

(5) State Game Lands No. 244—Jefferson County—Game lands road beginning 3.5 miles east of Knox Dale, Pennsylvania, along State Route 2025 to a parking lot located on this game land, a distance of approximately 3 miles.

(6) State Game Lands No. 134—Lycoming and Sullivan Counties—Game lands road beginning 2.5 miles west of Hillsgrove, Pennsylvania, along State Route 4010 to the intersection of State Route 1005, a distance of approximately 6 miles.

(7) State Game Lands No. 210—Dauphin County—Game lands road (Lukes Trail) beginning at western

game lands boundary to the intersection of State Route 4013, a distance of approximately 1.4 miles.

(8) State Game Lands No. 59—McKean and Potter Counties—Game lands road beginning at northern game lands boundary on Township Route T-342 to the intersection of State Route 4001, a distance of approximately 2.4 miles.

(9) State Game Lands No. 37—Tioga County—Game lands road beginning at northern game lands boundary on Stephenhouse Run Road to Rarick Fire Tower and intersection of Township Route T-710, a distance of approximately 2.1 miles.

[Pa.B. Doc. No. 02-1672. Filed for public inspection September 27, 2002, 9:00 a.m.]

**GAME COMMISSION**  
**[58 PA. CODE CH. 141]**  
**Hunting and Trapping; Big Game**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its July 28, 2002, meeting, adopted the following changes:

Add § 141.8a (relating to accompanying junior hunters) to clarify what “accompany” means as well as require those accompanying junior hunters to wear required safety orange; add § 141.19 (relating to killing game or wildlife to protect property) to list approved methods to kill game or wildlife for crop damage and to require advanced written permission from the District Wildlife Conservation Officer; and § 141.41(4) and (5) (relating to general) to clarify the procedure of tagging and reporting of animals killed by accident or mistake.

These amendments were hereby adopted under the authority of 34 Pa.C.S. (relating to the Game and Wildlife Code) (code). Notice of proposed rulemaking was published at 32 Pa.B. 2891 (June 15, 2002).

*Adopted of § 141.8a*

*1. Introduction*

The Commission is adding § 141.8a to further clarify the term “accompany” as it is used in section 2711(a)(8) of the code (relating to unlawful acts concerning licenses) and require those accompanying junior hunters to wear required safety orange.

*2. Purpose and Authority*

Section 2711(a)(8) of the code requires persons accompanying junior hunters to be close enough that verbal instructions and guidance can be easily understood. Many sportsmen are questioning and do not clearly understand current language regarding accompanying junior hunters. Some are “accompanying” by radio or walkie-talkie. Adding § 141.8a will clarify what “accompany” means as well as require those accompanying junior hunters to be physically present and to wear required safety orange.

Section 2102(a) of the code (relating to regulations) authorizes the Commission to promulgate regulations relating to the hunting of game or wildlife and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth. This change was adopted under that authority.

*3. Regulatory Requirements*

The section clarifies the term “accompany” and requires those accompanying junior hunters to be physically present and to wear required safety orange.

*4. Persons Affected*

Junior hunters and those accompanying them will be affected by this adoption.

*Amendment to § 141.19*

*1. Introduction*

The Commission is adding § 141.19 to list approved methods to kill game or wildlife for crop damage.

*2. Purpose and Authority*

Section 2126(a)(2) of the code (relating to unlawful activities) provides that it is unlawful for persons killing game or wildlife for crop damage to use any method not approved by the Commission. The Commission has never formally listed approved methods. This can be accomplished by adding § 141.19.

Section 2102(a) of the code authorizes the Commission to promulgate regulations as it deems necessary and appropriate concerning game or wildlife in this Commonwealth. The changes were adopted under that authority.

*3. Regulatory Requirements*

The adopted change will list approved methods to kill game or wildlife for crop damage.

*4. Persons Affected*

Farmers wishing to kill animals for crop damage will be affected.

*Amendment to § 141.41*

*1. Introduction*

The Commission is adding § 141.41(4) and (5) to clarify the procedure for tagging and reporting of animals killed by accident or mistake.

*2. Purpose and Authority*

Section 2306 of the code (relating to killing game of wildlife by mistake) allows persons who have killed game or wildlife by mistake to deliver the animal to an officer of the Commission and pay restitution in lieu of penalty. There is often confusion regarding the tagging and reporting of animals killed by accident or mistake. The procedure has been clarified by amending § 141.41.

Section 2102(a) of the code authorizes the Commission to promulgate regulations relating to the hunting of game or wildlife in this Commonwealth. The changes were adopted under this authority.

*3. Regulatory Requirements*

The adopted change clarifies the procedure for tagging and reporting of animals killed by accident or mistake.

*4. Persons Affected*

Hunters who kill animals by accident or mistake will be affected.

*Comment and Response Summary*

There were no official comments received with regard to this final-form rulemaking.

*Cost and Paperwork Requirements*

This final-form rulemaking will not result in additional cost or paperwork.

*Effective Date*

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

*Contact Person*

For further information regarding this final-form rulemaking, contact David E. Overcash, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

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

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by adding §§ 141.8a and 141.19; and by amending § 141.41 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order takes effect upon publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-144 remains valid for the final adoption of the subject regulations.

**Annex A****TITLE 58. RECREATION****PART III. GAME COMMISSION****CHAPTER 141. HUNTING AND TRAPPING****Subchapter A. GENERAL****§ 141.8a. Accompanying junior hunters.**

It is unlawful while accompanying junior hunters under section 2711(a)(8) of the act (relating to unlawful acts concerning licenses) to be out of sight of or unable to physically or verbally control the junior hunter or to fail to comply with fluorescent orange requirements. Verbal instructions given through the use of an electronic or other sound amplification device do not meet this requirement.

**§ 141.19. Killing game or wildlife to protect property.**

(a) Persons authorized to kill game or wildlife under the authority of Chapter 21, Subchapter B of the act (relating to destruction for agricultural protection) shall be limited to use only those firearms and types of ammunition that have been approved by the Commission with regard to particular classifications, for the taking of game or wildlife during an open season.

(b) It is unlawful for a person to use bows and arrows or crossbows and bolts or a muzzleloading firearm of any kind to kill game or wildlife under the authority of Chapter 21, Subchapter B of the act, without advanced written permission from the District Wildlife Conservation Officer.

**Subchapter C. BIG GAME****§ 141.41. General.**

*(Editor's Note: The amendment to § 141.41 has been incorporated into the amendments published at 32 Pa.B. 4712, 4713 (September 28, 2002).)*

[Pa.B. Doc. No. 02-1673. Filed for public inspection September 27, 2002, 9:00 a.m.]

**GAME COMMISSION****[58 PA. CODE CH. 141]****Hunting and Trapping; Crossbow**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its July 28, 2002, meeting, adopted the following changes:

Amend § 141.1 (relating to special regulations areas) by making crossbows lawful for hunting deer during the Statewide regular firearms season in the special regulations areas; § 141.41 (relating to general) by making it unlawful to hunt deer, bear or elk with a crossbow that does not have a draw weight between 125 and 200 pounds, and to allow crossbows to be used to hunt with during the regular firearms season for deer; and § 141.43 (relating to deer) to require persons hunting deer during the archery seasons Statewide to have a valid disabled persons crossbow permit to take deer with a crossbow except during the Statewide regular firearms season for deer.

These amendments were adopted under the authority of 34 Pa.C.S. (relating to the Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 32 Pa.B. 2892 (June 15, 2002).

*Amendments to §§ 141.1, 141.41 and 141.43*

**1. Introduction**

The Commission is changing §§ 141.1, 141.41 and 141.43 to make crossbows with a draw weight between 125 and 200 pounds lawful for hunting deer during the regular firearms deer season Statewide, and for hunting bear and elk during the appropriate seasons.

**2. Purpose and Authority**

The Commission has allowed hunters in the special regulations areas to use crossbows with a draw weight between 125 and 200 pounds to take deer during the firearms deer seasons. The Commission has adopted changes expanding the use of crossbows to include their use during the regular firearms deer season Statewide, and to hunt bear and elk during their respective seasons.

Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to promulgate regulations relating to seasons and bag limits for hunting or furtaking and the number and types of devices and equipment allowed. Section 2102(d) of the code authorizes the Commission to promulgate regulations stipulating the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the

devices may be used, the species the devices may be used for and the season when the devices may be used. The changes were adopted under this authority.

3. *Regulatory Requirements*

The adopted changes will allow the use of crossbows during the regular firearms deer season Statewide, and during bear and elk seasons.

4. *Persons Affected*

Individuals wishing to hunt deer, bear or elk using a crossbow may be affected by these amendments.

5. *Comment and Response Summary*

A total of 94 comments were received with regard to these amendments. Those supporting voiced many reasons for supporting crossbows, headed by ease of use by those with some physical handicap. Those opposing focused on crossbows not being true archery equipment and that, if permitted in archery seasons, crossbow use would attract many unskilled hunters afield.

6. *Cost and Paperwork Requirements*

The adopted changes should not result in additional cost or paperwork.

7. *Effective Date*

The adopted changes are effective upon final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

8. *Contact Person*

For further information regarding these changes, contact David E. Overcash, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

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

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending §§ 141.1, 141.41 and 141.43 to read as set forth in Annex A.

(*Editor's Note:* Amendments to § 141.41 contained in the rulemaking at 32 Pa.B. 4711 (September 28, 2002) have been incorporated into this rulemaking.)

(b) The Executive Director of the Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order is effective upon final-form publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-143 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 141. HUNTING AND TRAPPING**

**Subchapter A. GENERAL**

**§ 141.1. Special regulations areas.**

(a) *Name.* The areas shall be known and referred to as special regulations areas.

(b) *Descriptions.*

(1) *Southwest area.* Includes the County of Allegheny.

(2) *Southeast area.* Includes the Counties of Bucks, Montgomery, Chester, Delaware and Philadelphia and also includes Tyler and Ridley Creek State Parks and other publicly-owned lands therein.

(c) *Prohibitions.*

(1) Except as provided in subsection (d), it is unlawful to take, kill or attempt to take or kill wildlife through the use of a firearm of any description which discharges single-projectile ammunition, or, while hunting for wild birds or wild animals, to possess single-projectile ammunition, except for employees of political subdivisions and other persons who have a valid deer control permit issued under the authority of Chapter 29 of the act (relating to special licenses and permits).

(2) It is unlawful to use buckshot in Allegheny or Philadelphia Counties without specific authorization of the Director.

(d) *Permitted acts.* It is lawful to:

(1) Except in Philadelphia County, Ridley Creek State Park, Delaware County and Tyler State Park, Bucks County, hunt and kill deer through the use of a muzzleloading long gun or a shotgun, at least .410 gauge (rifled barrels permitted), including semiautomatics which, upon discharge, propel a single projectile.

(2) Take deer with a shotgun 20 gauge or larger—including semiautomatic—using buckshot in the Southeast area only.

(3) Take small game, furbearing animals, crows or wildlife with a manually operated .22 caliber rimfire rifle or handgun.

(4) Kill an animal legally caught in a trap with a manually operated .22 caliber rimfire rifle or handgun while trapping.

(5) Take deer with a crossbow with a draw weight of not less than 125 pounds nor more than 200 pounds during the Statewide regular firearms season.

**Subchapter C. BIG GAME**

**§ 141.41. General.**

(a) *Permitted acts.* It is lawful to take:

(1) Bear or elk with a crossbow with a draw weight of not less than 125 pounds nor more than 200 pounds.

(2) Deer during the regular firearms deer season with a crossbow with a draw weight of not less than 125 pounds nor more than 200 pounds.

(b) *It is unlawful to:*

(1) Hunt for big game birds or animals with arrows or crossbow bolts other than those tipped with broadheads of a cutting-edge design.

(2) Hunt for or assist to hunt for deer, bear or elk during the regular firearms season or special firearms season without wearing a minimum of 250 square inches of daylight fluorescent orange-colored material. The material shall be worn on the head, chest and back combined so it is visible in a 360° arc.

(3) Hunt for deer, bear or elk through the use of any muzzleloading handgun.

(4) Kill big game by mistake or accident and immediately after killing and before removing any big game from the location of the killing, fail to fully complete the proper game kill tag in compliance with the instructions printed on the tag and attach only the game kill tag to the big game.

(5) Kill big game by mistake or accident and fail to report the killing to the appropriate Commission regional office as soon as possible but no later than 12 hours after the time of kill.

#### § 141.43. Deer.

(a) *Archery season.* It is unlawful while hunting deer with a bow and arrow or crossbow during the archery season to:

(1) Possess a firearm.

(2) Take a deer with a device not provided for in the act or this title.

(3) Move about or relocate during that portion of the archery deer season that is concurrent with any flintlock muzzleloading season (antlerless only) that precedes the regular firearms season for deer or is concurrent with the fall turkey season without wearing a minimum of 250 square inches of daylight fluorescent orange-colored material. The material shall be worn on the head, chest and back combined so it is visible in a 360° arc.

(4) Be on stand and stationary during that portion of the archery deer season that is concurrent with any flintlock muzzleloading season (antlerless only) that precedes the regular firearms season for deer or is concurrent with the fall turkey season without placing a band containing a minimum of 100 square inches of daylight fluorescent orange-colored material, in lieu of the required 250 square inches, within 15 feet of their location so it is visible in a 360° arc.

(5) Hunt or take deer with a crossbow without a valid disabled persons crossbow permit.

(b) *Flintlock muzzleloading and muzzleloading season.* Firearms lawful for use are original muzzleloading single-barrel long guns manufactured prior to 1800, or a similar reproduction of an original muzzleloading single-barrel long gun which:

(1) Is .44 caliber or larger and has open sights.

(2) Propels single-projectile ammunition.

(c) *Ignition.* Flintlock mechanisms shall consist of a hammer containing a naturally occurring stone which is spring propelled onto an iron or steel frizzen which, in turn, creates sparks to ignite a priming powder.

(d) *Prohibitions.* It is unlawful to:

(1) Use manmade materials attached to the hammer or frizzen to create sparks.

(2) Use telescope, aperture or peep sights.

(3) Use or possess single projectile ammunition other than specified in subsection (b)(2).

(4) Hunt, take or attempt to take deer through the use of a device not specifically described in this subsection.

(5) Hunt for or assist to hunt for deer during any flintlock muzzleloading or muzzleloading season that precedes the regular firearms season for deer without wearing a minimum of 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined so that it is visible in a 360° arc.

(e) *Archery, special firearms, flintlock muzzleloader and muzzleloader seasons.* When archery, special firearms, flintlock muzzleloader or muzzleloader seasons run concurrently, holders of any of the appropriate licenses or stamps may cooperate if pertinent provisions of this section and the act are met.

(f) *.22 caliber rimfire required for furbearers.* When using a firearm only a .22 caliber rimfire may be used to dispatch legally trapped furbearers during the regular or special firearms deer seasons.

[Pa.B. Doc. No. 02-1674. Filed for public inspection September 27, 2002, 9:00 a.m.]

## GAME COMMISSION

### [58 PA. CODE CHS. 141 AND 143]

#### Muzzleloading

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its July 28, 2002, meeting, adopted the following changes:

Amend § 141.43 (relating to deer) by allowing any long gun muzzleloading firearm to be used in the early muzzleloading season to make available more options and opportunities to hunters.

Amend § 143.82 (relating to definitions) by removing the word "flintlock" in the license definition to allow the use of any long gun muzzleloading firearm to be used in the early muzzleloading season.

These final-form amendments were adopted under the authority of 34 Pa.C.S. (relating to the Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 32 Pa.B. 2889 (June 15, 2002).

#### 1. Introduction

The Commission is amending § 141.43 to allow any long gun muzzleloading firearm to be used in the early muzzleloading season and § 143.82 to change "flintlock" to "muzzleloading." This will expand opportunities for hunters to use a wider range of firearms during the early muzzleloading season.

#### 2. Purpose and Authority

Under current § 141.43, those wishing to hunt deer during the flintlock muzzleloading and muzzleloading seasons are limited to single-barrel long guns manufactured prior to 1800 or a similar reproduction. Although this provides a primitive touch to the seasons, it severely limits the options available to those wishing to hunt deer during those seasons. As a result, the Commission is amending § 141.43 to allow the use of any .44 caliber or larger muzzleloading single barrel long gun during the early muzzleloading season. This amendment also necessitated deleting "flintlock" and only having "muzzleloading" in the definition in § 143.82.

Section 322(c)(5) of the code (relating to powers and duty of commission) authorizes the Commission to fix the type and number of devices which may be used to take game and wildlife. Section 2102(d) of the code (relating to regulations) directs the Commission to promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the device may be used for and the season when the device may be used.

3. *Regulatory Requirements*

The final-form rulemaking will authorize the use of any muzzleloading long gun during the early muzzleloading season, easing current restrictions.

4. *Persons Affected*

Individuals wishing to hunt with muzzleloading long guns during the early muzzleloader season will be affected by this final-form rulemaking.

5. *Comment and Response Summary*

A total of 91 comments were received with regard to this final-form rulemaking. Those supporting liked the opportunity to use what they viewed as more effective firearms in this deer season. They also pointed out that they could use muzzleloading firearms currently legal in other states. Those opposing voiced fear that these changes would take away from the tradition of flintlock muzzleloader hunting in this Commonwealth.

6. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in any additional cost or paperwork.

7. *Effective Date*

The final-form rulemaking will be effective on publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

8. *Contact Person*

For further information regarding the final-form rulemaking, contact David E. Overcash, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Game Commission finds that:

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

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 141 and 143, are amended by amending § 141.43 to read as set forth at 32 Pa.B. 2889 and by amending § 143.82 to read as set forth in Annex A.

(b) The Executive Director of the Game Commission shall certify this order, 32 Pa.B. 2889 and Annex A, and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,  
*Executive Director*

*(Editor's Note: The amendment to § 143.82 was not included in the proposed rulemaking at 32 Pa.B. 2889.)*

**Fiscal Note:** Fiscal Note 48-142 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 143. HUNTING AND FURTKAKER LICENSES**

**Subchapter E. FLINTLOCK (MUZZLELOADER) DEER LICENSES**

**§ 143.82. Definitions.**

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

*License*—The special stamp issued by a license issuing agent authorizing the holder thereof to hunt deer with a muzzleloading firearm during the special season.

[Pa.B. Doc. No. 02-1675. Filed for public inspection September 27, 2002, 9:00 a.m.]

**GAME COMMISSION**

**[58 PA. CODE CH. 147]**

**Sale of Wildlife and Wildlife Parts**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its July 28, 2002, meeting, adopted the following change:

Amend § 147.141 (relating to sale of wildlife and wildlife parts) to establish prices for the sale of elk or elk parts.

This final-form rulemaking was adopted under the authority of 34 Pa.C.S. (relating to the Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 32 Pa.B. 2893 (June 15, 2002).

1. *Introduction*

The Commission is amending § 147.141 to provide a fee schedule for persons who wish to purchase elk or elk parts from the Commission.

2. *Purpose and Authority*

Under section 103(a) of the code (relating to ownership, jurisdiction and control of game and wildlife), the ownership, jurisdiction over and control of game and wildlife is vested in the Commission. Often game and wildlife comes into the possession of the Commission for various reasons including being accidentally killed on highways, being killed for crop damage or being unlawfully taken or removed from the wild. To avoid waste of these wildlife resources, the Commission issues permits to various persons to possess all or part of game and wildlife. The fee schedule for these permits currently does not include elk.

Section 2102(a) of the code (relating to regulations) authorizes the Commission to promulgate regulations as



are necessary concerning game or wildlife in this Commonwealth. Section 2901(b) of the code (relating to authority to issue permits) authorizes the Commission to promulgate regulations for the issuance of any permit. In addition, section 2904(c) of the code (relating to permit fees) authorizes the Commission to set a reasonable fee for any permit required but not specifically set forth in the section. The final-form rulemaking is adopted under this authority.

### 3. *Regulatory Requirements*

The final-form rulemaking will provide a fee schedule for persons wishing to purchase elk or elk parts from the Commission.

### 4. *Persons Affected*

Persons wishing to purchase elk or elk parts from the Commission will be affected.

### 5. *Comment and Response Summary*

There were no official comments received with regard to this final-form rulemaking.

### 6. *Cost and Paperwork Requirements*

The final-form rulemaking will result in fees being established to obtain a permit to possess elk or elk parts.

### 7. *Effective Date*

The final-form rulemaking will be effective on final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

### 8. *Contact Person*

For further information regarding this final-form rulemaking, contact David E. Overcash, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

### *Findings*

The Commission finds that:

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

(2) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

### *Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending § 147.141 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall submit this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-145 remains valid for the final adoption of the subject regulations.

## Annex A

### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 147. SPECIAL PERMITS

#### Subchapter H. PROTECTED SPECIMEN

#### § 147.141. Sale of wildlife and wildlife parts.

(a) Wildlife or parts of wildlife accidentally killed on the highway or by other causes, illegally taken, shot for crop damage or live deer removed from the wild, may be sold to a person under the following minimum fee schedule:

- (1) Deer antlers—\$10 per point.
- (2) Deer cape—to include entire hide—\$25.
- (3) Doe or spike buck head and hide—\$25.
- (4) Fawn deer—\$75.
- (5) Any live deer—\$150.
- (6) Deer hide only—\$5.
- (7) Pheasant, grouse, quail, squirrel, rabbit, hare, woodchuck, mink, muskrat, opossum, skunk, weasel and raccoon—\$25.
- (8) Other small mammals—\$25.
- (9) Turkey, beaver and fox—\$50.
- (10) Bobcat, otter and fisher—\$100.
- (11) Bears—minimum of \$100.
- (12) Cow or spike elk head and hide—\$100.
- (13) Elk cape—to include entire head—\$100 plus \$20 per point.
- (14) Elk antlers—\$20 per point.
- (15) Elk hide—\$25.
- (16) Live elk—minimum of \$100.
- (17) Any other species may be sold at public auction or through sealed bid.

(b) An official Commission receipt shall serve as a person's permit to possess and retain the wildlife sold under authority of subsection (a).

(c) Live deer may only be sold to persons holding an existing and current Wildlife Propagation or Wildlife Menagerie Permit.

(d) Except those accidentally killed by a vehicle, sales of wildlife or wildlife parts may not be made to the person who caused the death or removal from the wild of the bird or animal or a member of the immediate household, or a person acting on their behalf.

[Pa.B. Doc. No. 02-1676. Filed for public inspection September 27, 2002, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF AGRICULTURE

[7 PA. CODE CH. 59]

### Milk Sanitation

The Department of Agriculture (Department) proposes to amend §§ 59.1 and 59.22 (relating to definitions; and milk dating) to read as set forth in Annex A.

#### *Statutory Authority*

The act of July 2, 1935 (act) (P. L. 589, No. 210) (31 P. S. §§ 645–660g) provides the legal authority for this proposed rulemaking. In particular, section 21 of the act (31 P. S. § 660e) makes the Department generally responsible for the safety and wholesomeness of the milk supply and allows the Department to exclude milk from commerce if it fails to meet the requirements of the act, and section 19 of the act (31 P. S. § 660c) authorizes the Department to regulate for the proper enforcement of the act.

#### *Purpose*

The primary purpose of the proposed rulemaking is to amend § 59.22 to extend the maximum sell-by date for pasteurized milk by 3 days. The current maximum sell-by date is 14 days beginning after midnight of the date of pasteurization. Modern processing and refrigeration allows for the production of pasteurized milk that can remain on-the-shelf for longer periods of time without bacterial growth exceeding acceptable limits. The proposed rulemaking will follow the trend among states to extend sell-by dates for pasteurized milk—whether by designating a maximum sell-by period (as the proposed rulemaking would do) or allowing individual producers to demonstrate their pasteurization and refrigeration processes result in dairy products that remain within acceptable bacterial limits for the period in which they are marketed to consumers.

The proposed rulemaking would also reformat § 59.1. The section is currently divided into two subsections—one containing “general definitions” and the other containing definitions related to “milk and milk products.” The proposed rulemaking would delete these subsection designations and combine the two sets of terms and definitions into a single, more readable set.

In addition, proposed § 59.1 would add definitions of “aseptically processed dairy products” and “higher heat shorter time pasteurization,” two terms describing relatively recent advances in the processing of dairy products. These processes result in milk with a longer shelf life than milk processed through typical pasteurization processes. Proposed § 59.22(d) would exempt milk processed through either of these methods (and several other methods) from the sell-by date requirements described in that section.

Proposed § 59.22 would also describe the process by which the Department would sample and analyze pasteurized milk to ensure it does not exceed bacterial limits prescribed by regulation.

#### *Background*

The Department has increased the maximum “sell-by” date for pasteurized milk several times in recent years, to

keep pace with developments in the fluid milk industry. The nature of the fluid milk industry is changing. The number of milk processing plants and milk distributing plants has declined significantly. Where the average plant once distributed its pasteurized milk in a 100-150 mile radius, the average modern plant’s distribution radius is between 300 and 400 miles. Although these plants are fewer in number, they tend to be larger, more modern and more efficient. Modern processing, refrigeration and transportation gives pasteurized milk a longer shelf life than it has had in the past.

The milk “sell-by” date that appears on a container of pasteurized milk does not control the time within which the milk may be consumed, only the time within which it may be sold. All pasteurized milk supports bacterial growth that, in time, affects the flavor of the milk. Although the bacteria in milk does not pose a threat to the health of people who drink it, there is a general consumer expectation that milk will have a certain crisp, consistent taste.

Although the proposed rulemaking would extend the maximum sell-by date for pasteurized milk, a milk plant would have the discretion to use a shorter sell-by period. This exercise of discretion might be driven by a milk plant’s desire to meet a particular consumer taste preference, or by the processing, refrigeration and transportation system through which the milk is delivered to the consumer.

#### *Need for the Proposed Rulemaking*

The proposed rulemaking is necessary to keep Commonwealth-produced pasteurized milk competitive in interstate commerce. The proposed increase in the maximum sell-by date for pasteurized milk is justified by advances in processing, packaging and transportation that result in pasteurized milk with a longer shelf life.

The Department is satisfied of the need for the proposed rulemaking and believes the document is consistent with the principles outlined in Executive Order 1996-1, “Regulatory Review and Promulgation.”

#### *Overview of the Major Provisions of the Proposed Rulemaking*

Section 59.22 would be amended by extending the maximum sell-by date for pasteurized milk by 3 days. In addition, subsection (c) would be revised to clarify the sell-by date requirement. Subsection (d) would list the types of dairy products that are exempt from the sell-by date requirements. Subsection (e) would describe the sampling and testing that would be undertaken by the Department to ensure the bacterial levels of milk remain within acceptable limits for the duration of the sell-by period set forth on the milk container.

#### *Affected Individuals and Organizations*

The Commonwealth’s dairy industry will benefit from this proposed rulemaking in that it will make this Commonwealth’s pasteurized milk more competitive in interstate commerce. The milk sell by date also provides processors with a tool by which to insure consistent turnover of their inventories. Milk retailers will also benefit from this proposed rulemaking in that, by extending the sell-by date from 14 days to 17 days, the retailers will have an additional 3 days within which to turn over their milk inventories. This proposed rulemaking is not expected to have an adverse affect on any person or entity.

*Fiscal Impact*

The proposed rulemaking would impose no costs and have no fiscal impact on the Commonwealth, political subdivisions or the general public.

The proposed rulemaking would impose no costs and have no adverse fiscal impact upon the private sector. The extension of the maximum sell-by date for pasteurized milk is expected to have a favorable economic impact upon milk processors and milk retailers. None of these favorable economic impacts can be readily quantified, though.

*Paperwork Requirements*

The proposed rulemaking would not appreciably increase the paperwork burden of the Department, local government units, milk producers, milk distributors or other affected entities.

*Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

*Sunset Date*

There is no sunset date for the proposed rulemaking. The Department will review the efficacy of these regulations on an ongoing basis.

*Public Comment Period/Contact Person*

Interested persons are invited to submit written comments regarding the proposed rulemaking within 30 days following publication in the *Pennsylvania Bulletin*. Comments shall be submitted to the Department of Agriculture, Bureau of Food Safety and Laboratory Services, 2301 North Cameron Street, Harrisburg, PA 17110-9408, Attention: James C. Dell.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 18, 2002, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Standing Committees on Agriculture and Rural Affairs. 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 in compliance with Executive Order 1996-1. 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 10 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.

SAMUEL E. HAYES, Jr.,  
Secretary

**Fiscal Note:** 2-141. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 7. AGRICULTURE  
PART III. BUREAU OF FOOD SAFETY AND LABORATORY SERVICES

Subpart B. LIQUID FOODS

CHAPTER 59. MILK SANITATION

Subchapter A. PRELIMINARY PROVISIONS

TERMS AND APPLICATION

§ 59.1. Definitions.

[ (a) *General definitions.* ] The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

***Aseptically processed dairy products***—Milk and milk products which are packaged in hermetically sealed containers allowing storage for long periods of time without refrigeration.

\* \* \* \* \*

***Certified milk***—Milk from dairy farms operated in accordance with "Methods and Standards for the Production and Distribution of Certified Milk," last adopted by the American Association of Medical Milk Commissioners, Inc., the production and handling of which shall be certified by a commission instituted in compliance therewith.

\* \* \* \* \*

***Commingled milk***—Milk from two or more producers; in a milk plant, a representative sample of all daily sources of milk prior to pasteurization.

\* \* \* \* \*

***Dry milk and whey products***—Products which have been produced for use in pasteurized milk or milk products and which have been manufactured under this chapter.

\* \* \* \* \*

***Higher heat shorter time pasteurization***—A process through which every particle of a dairy product is heated to between 191°F and 212°F at holding times between 1.0 and 0.1 seconds before packaging, so as to produce a product which has an extended shelf life under refrigerated conditions.

\* \* \* \* \*

***Lactose-reduced milk or lactose-reduced lowfat milk or lactose-reduced skim milk***—The product resulting from the treatment of milk, lowfat milk or skim milk by the addition of safe and suitable enzymes to convert sufficient amounts of lactose to glucose or galactose, or both, so that the remaining lactose is less than 30% of the lactose in milk, lowfat milk or skim milk.

\* \* \* \* \*

***Milk***—The natural lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows or goats.

\* \* \* \* \*

***Milk for pasteurization***—Milk which conforms with relevant provisions of this chapter and is used in the preparation of pasteurized milk and milk products.

\* \* \* \* \*

**Milk products**—Ice cream, ice cream mix, custard ice cream, French ice cream, frozen custard, ice milk, sherbet, and other similar frozen and semifrozen products and all dairy products used in the manufacture thereof.

\* \* \* \* \*

**Pasteurized concentrated dairy products**—Includes homogenized concentrated milk, concentrated skim milk, concentrated lowfat milk, and similar concentrated products made from concentrated milk or concentrated skim milk, which, when combined with potable water in accordance with instructions printed on the container, conform with the definitions of the corresponding dairy products in this section.

**Pasteurized frozen milk concentrate**—A frozen dairy product with a composition of milkfat and milk solids not fat in proportions so that, when a given volume of concentrate is mixed with a given volume of water, the reconstituted product conforms to the milkfat and milk solids not fat requirements of whole milk. In the manufacturing process, water may be used to adjust the primary concentrate to the final desired concentration. The adjusted primary concentrate is pasteurized, packaged, and immediately frozen. This product is stored, transported and sold in the frozen state.

**Pasteurized low-sodium milk or low-sodium lowfat milk or low-sodium skim milk**—The product resulting from the treatment of milk, lowfat milk or skim milk by a process of passing the milk, lowfat milk or skim milk through an ion exchange resin process or by any process which has been recognized by the Food and Drug Administration that effectively reduces the sodium content of the product to less than 10 milligrams in 100 milliliters.

\* \* \* \* \*

**Raw milk**—Raw milk is milk which conforms with the relevant provisions of this chapter and may be sold to consumers without further treatment or processing.

\* \* \* \* \*

[ (b) **Milk and milk products.** The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

**Certified milk**—Milk from dairy farms operated in accordance with “Methods and Standards for the Production and Distribution of Certified Milk,” last adopted by the American Association of Medical Milk Commissioners, Inc., the production and handling of which shall be certified by a commission instituted in compliance therewith.

**Commingled milk**—Milk from two or more producers; in a milk plant, a representative sample of all daily sources of milk prior to pasteurization.

**Dry milk and whey products**—Products which have been produced for use in pasteurized milk or milk products and which have been manufactured under the provision of this chapter.

**Lactose-reduced milk or lactose-reduced lowfat milk or lactose-reduced skim milk**—The product resulting from the treatment of milk, lowfat milk,

or skim milk by the addition of safe and suitable enzymes to convert sufficient amounts of lactose to glucose or galactose, or both, so that the remaining lactose is less than 30% of the lactose in milk, lowfat milk, or skim milk.

**Milk**—The natural lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows or goats.

**Milk for pasteurization**—Milk which conforms with relevant provisions of this chapter and is used in the preparation of pasteurized milk and milk products.

**Milk products**—Ice cream, ice cream mix, custard ice cream, French ice cream, frozen custard, ice milk, sherbet, and other similar frozen and semifrozen products and all dairy products used in the manufacture thereof.

**Pasteurized concentrated dairy products**—Includes homogenized concentrated milk, concentrated skim milk, concentrated lowfat milk, and similar concentrated products made from concentrated milk or concentrated skim milk, which, when combined with potable water in accordance with instructions printed on the container, conform with the definitions of the corresponding dairy products in this section.

**Pasteurized frozen milk concentrate**—A frozen dairy product with a composition of milkfat and milk solids not fat in such proportions that, when a given volume of concentrate is mixed with a given volume of water, the reconstituted product conforms to the milkfat and milk solids not fat requirements of whole milk. In the manufacturing process, water may be used to adjust the primary concentrate to the final desired concentration. The adjusted primary concentrate is pasteurized, packaged, and immediately frozen. This product is stored, transported, and sold in the frozen state.

**Pasteurized low-sodium milk or low-sodium lowfat milk or low-sodium skim milk**—The product resulting from the treatment of milk, lowfat milk, or skim milk by a process of passing the milk, lowfat milk, or skim milk through an ion exchange resin process or by any process which has been recognized by the Food and Drug Administration that effectively reduces the sodium content of the product to less than 10 milligrams in 100 milliliters.

**Raw milk**—Raw milk is milk which conforms with the relevant provisions of this chapter and may be sold to consumers without further treatment or processing. ]

LABELING

§ 59.22. Milk dating.

(a) **Label requirement.** The cap or nonglass container of pasteurized milk held in **retail food** stores, restaurants, schools or similar food establishments for resale shall be conspicuously and legibly marked in a contrasting color with the designation of the “**sell-by**” **date**—the month and day of the month after which the product may not be sold or offered for sale. The designation may be numerical—such as “8-15”—or with the use of an abbreviation for the month, such as “AUG 15” or “AU 15.” The words “Sell by” or “Not to be sold after” shall precede the designation of the date, or the statement “Not to be sold after the date stamped above” shall appear legibly on the container. This designation of the date may not exceed

[ 14 ] 17 days beginning after midnight on the day on which the [ dairy products were ] milk was pasteurized. [ Stores, as used in this subsection, include mercantile establishments which offer milk for sale except on premises where processed. ]

(b) *Prominence of sell-by date on label.* The sell-by date shall be separate and distinct from any other number, letter or intervening material on the cap or nonglass container.

(c) *Prohibition.* Pasteurized milk may not be sold [ after the date designated on the container. ] or offered for sale if either of the following occurs:

(1) The milk is sold or offered for sale after the sell-by date designated on the container.

(2) Without regard to the sell-by date designated on the container, the milk exceeds the bacterial limits for pasteurized milk described in § 59.52 (relating to table).

(d) *Exemption.* [ Sterile, ultra-pasteurized and cultured dairy products are exempt from the dating requirements. ] The following pasteurized dairy products are exempt from the requirements of this section:

(1) Ultra-pasteurized dairy products.

(2) Cultured dairy products.

(3) Aseptically processed dairy products.

(4) Dairy products that have undergone higher heat shorter time pasteurization.

(5) Milk sold or offered for retail sale on the same premises at which it was processed.

(e) *Monitoring by the Department.* The Department will periodically sample containers of pasteurized milk in the possession of the processor or distributor. This sampling may occur at any time before the pasteurized milk is delivered to the store or the customer. The samples shall be analyzed to determine whether the bacterial test results exceed the bacterial limits for pasteurized milk described in § 59.52 (relating to table) prior to the expiration of the sell-by date designated on the retail container. When two or more samples demonstrate a processor cannot produce pasteurized milk that remains consistently within the referenced bacterial limits during a 17-day sell-by period, the Department will require a processor to use a sell-by date of something less than the 17-day period described in subsection (a).

[Pa.B. Doc. No. 02-1677. Filed for public inspection September 27, 2002, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CH. 101]

### Appeals from Determinations of Department

The Department of Labor and Industry (Department),  
Unemployment Compensation Board of Review (Board),

proposes to amend Chapter 101 (relating to general requirements) to read as set forth in Annex A.

#### *Statutory Authority*

The amendments are proposed under the authority provided in section 3(d) of the Unemployment Compensation Law (43 P. S. § 763(d)), which provides that the Board has the duty to adopt, amend or rescind rules of procedure. The Department has the power to make rules and regulations for carrying into effect the laws regulating the labor of persons within this Commonwealth under section 2205 of The Administrative Code of 1929 (71 P. S. § 565). Additionally, section 1(a) of the act (43 P. S. § 761(a)) gives the Department authority to adopt, amend and rescind rules and regulations that it deems necessary or suitable.

#### *Compliance with Executive Order 1996-1, "Regulatory Review and Promulgation"*

The Board solicited input regarding the proposed rulemaking from a cross-section of stakeholder organizations during the drafting process. It contacted the following individuals and groups for their suggestions: Community Legal Services, Inc.; John Stember, Esq.; Widener University School of Law; Pennsylvania Chamber of Business and Industry; Pennsylvania Bar Association; Pennsylvania AFL-CIO; Employer's Unity, Inc.; The Frick Company; University of Pennsylvania; and Duquesne University. The Board received input from four organizations: Employer's Unity, Inc.; Community Legal Services; the Pennsylvania AFL-CIO; and the Duquesne University Unemployment Compensation Clinic.

One stakeholder requested that the Board consider specifying that a United States Postal Service certified mail receipt could be used as another means of establishing timely mailing of an appeal. After consideration, the Board will provide that a United State Postal Service Form 3817 (Certificate of Mailing) or a United States Postal Service certified mail receipt can be used to establish timely mailing of an appeal.

Some stakeholders expressed some concern about the use of postage meter marks for determining timeliness, where there is no official United States Postal Service postmark. The Board has considered the stakeholders' concerns regarding the potential for fraud. However, it feels that this potential is outweighed by its interest in providing parties with additional methods by which to file appeals and that there are laws and rules of professional conduct that would deter and punish this conduct.

Some stakeholders also stated that the proposed rulemaking does not address cases when a party alleges that an appeal was filed; however, the Department has no record of receiving the appeal. The proposed rulemaking is designed to determine the timeliness of appeals that the Department actually receives. This factual situation is more appropriately considered on a case-by-case basis, weighing the individual circumstances of each case, the credibility of the testimony and evidence presented by the appealing party and the case law concerning nunc pro tunc appeals to administrative agencies.

#### *Purpose*

The proposed rulemaking pertains to the administration of unemployment compensation appeals, revises the manner in which parties may file appeals and determines the timeliness of these appeals. The proposed rulemaking reflects court decisions allowing various means of filing appeals and urging the Board to update its regulations for determining timeliness to reflect advances in technol-

ogy. The proposed rulemaking will codify the Board's existing and judicially accepted practice of allowing the filing of appeals by fax. The proposed rulemaking will provide additional means for parties to file appeals, including common carrier services and electronic transmission. The proposed rulemaking will also set a uniform standard for determining the date of filing and timeliness of appeals or notices of appeal. This will result in a reduction in the number of hearings that the Board is required to conduct relating to timeliness of appeals and will assist the Board in meeting Federal guidelines for timely issuance of unemployment compensation decisions.

#### *Background*

A party in an unemployment compensation proceeding may appeal a determination of the Department to a referee or a referee decision to the Board within 15 days. See sections 501(e) and 502 of the act (43 P. S. §§ 821(e) and 822). A party may file an appeal on a prescribed appeal form or through a written communication and notice advising the Department that the aggrieved party requests review of the decision. Existing § 101.82(c) (relating to filing of appeal from decision determination of Department) recognizes only actual delivery to the Department or the Board or an official United States postmark as the filing date. The Department has accepted appeals or notice of appeals through various other methods, including fax transmission and common carrier and frequently receives appeals bearing a private postage meter mark.

Commonwealth Court recognized that the Board may interpret its regulations to allow delivery of appeals or notices of appeal by fax transmission under § 101.82. However, the date of filing is the date that the faxed document is actually received by the Department or the Board. *George v. Unemployment Compensation Bd. of Review*, 767 A.2d 1124 (Pa. Cmwlth. 2001). This judicial interpretation could result in the rejection of an appeal that was faxed within the prescribed 15-day period but that was, nonetheless, received after the 15 days elapsed. Commonwealth Court has urged the Board to reconsider the effect of its regulations on parties who use common carriers and parties who do not place an official United States postmark on the envelope accompanying the appeal. *Copyright, Inc. v. Unemployment Compensation Board of Review*, 739 A.2d 219 (Pa. Cmwlth. 1999); *UGI Utilities, Inc. v. Unemployment Compensation Board of Review*, 776 A.2d 344 (Pa. Cmwlth. 2001).

#### *Summary of Proposed Rulemaking*

##### *Section 101.2. Definitions.*

The proposed rulemaking will add a definition of "workforce investment office" as an office where the Department provides employment services under the Wagner-Peyser Act (29 U.S.C.A. §§ 49—49m). A Team Pennsylvania CareerLink may serve as this office.

##### *Section 101.81. Filing of appeal from determination of Department.*

The word "determination" will replace the word "decision" in the section heading to reflect the terminology contained in sections 501 and 502 of the act. The proposed rulemaking will alter § 101.81(a) by providing instructions to appealing parties regarding approved appeal forms. The parties may obtain information regarding the filing of an appeal from a Department office responsible for unemployment compensation or a Board office.

The description of the contents of the appeal form, formerly contained in subsection (a), will be placed in

subsection (c) in the proposed rulemaking. The proposed rulemaking removes the requirement that an appeal contain the appealing party's signature. The proposed rulemaking will permit appeals filed by electronic transmission. The proposed rulemaking changes the term "decision" to "determination" to reflect the terminology of sections 501 and 502 of the act.

The proposed rulemaking completely deletes the current language of § 101.81(b). The proposed subsection is amended to state that information about filing an appeal may be obtained from a Department office responsible for unemployment compensation or a Board office.

The proposed rulemaking will add § 101.81(d) which requires the Department or the Board to docket and process appeals.

Section 101.81(e) is added and will provide that any written notice that may reasonably be construed as an appeal will be processed as an appeal without requiring the appellant to complete an official appeal form.

##### *Section 101.82. Time for filing appeal from determination of Department.*

The proposed rulemaking amends the section heading with the addition of the words "time for filing" and the deletion of the phrase "filing of." The word "determination" replaces "decision."

The proposed rulemaking will delete subsection (a) because this information will be contained in proposed § 101.81(a). Subsection (a), as amended, will contain the information previously contained in subsection (b), which sets forth the 15-day appeal period.

Section 101.82(b) of the proposed rulemaking sets forth acceptable methods of filing appeals and determination of the filing date according to the filing method used. Subsection (b)(1) will provide that an appeal may be personally delivered to a local employment office or the Board during its normal business hours. The filing date will be the date of personal delivery.

Subsection (b)(2) will provide that an appeal may be filed by United States Postal Service mail. The filing date will be the date of the official United States postmark appearing on the document, a United States Postal Service Form 3817 (Certificate of Mailing) or certified mail receipt. If there is no official United States postmark, United States Postal Service Form 3817 (Certificate of Mailing) or certified mail receipt, the date of a postage meter mark will determine the date of filing. If there is no legible postmark or postage meter mark, the date of filing will be the date of receipt indicated by the Department.

Subsection (b)(3) will allow appeals delivered by a common carrier, which is subject to the authority of the Pennsylvania Public Utility Commission or the United States National Surface Transportation Board. The filing date will be the date that the document was delivered to the common carrier. A document or record prepared by the common carrier may be used as evidence of filing.

Subsection (b)(4) will provide for appeals filed by fax transmission. The transmission date imprinted by the Department's or the Board's receiving fax machine will be the date of filing. If no legible date appears, the date imprinted by the sender's fax machine will be the date of filing. If there is no legible date of transmission, the date of filing will be the date of receipt indicated by the Department.

Subsection (b)(5) will provide for appeals filed by electronic transmission. It places the risk of delay, disrupt-

tion, interruption of electronic signals and readability of the document on the filing party. The date of filing will be the receipt date provided by the Department's information processing system. An appellant filing by electronic transmission will have to comply with the Department's instructions concerning format.

The proposed rulemaking will delete § 101.82(c) and (d).

#### *Affected Persons*

The proposed rulemaking affects appealing parties, and their representatives, in unemployment compensation matters. The proposed rulemaking provides these parties with increased flexibility in filing or delivering appeals and with an easily verifiable manner of determining whether an appeal was timely filed or delivered.

#### *Fiscal Impact*

There is minimal fiscal impact associated with this proposed rulemaking. Parties will experience some potential savings, as the proposed rulemaking will clarify the manner in which timeliness will be determined and therefore reduce the need for hearings and litigation regarding the timeliness of appeals.

#### *Reporting, Recordkeeping and Paperwork Requirements*

The proposed rulemaking will not increase paperwork for parties in unemployment compensation matters or the Department. The proposed rulemaking will provide recognition of the technological improvements in submission of documents and provide easier methods for transmitting appeals. The proposed rulemaking acknowledges the acceptable means for filing appeals. It clarifies the date of filing for each of these methods. Parties who file an appeal without using the Department form will no longer be required to complete that form to perfect an appeal. The Department will still use its current forms, with updated instructions, and it will continue to ensure that an appeal is routed to the Board. Specifically, the Department will provide instructions on fax transmission and the appropriate format for electronic filing. There are no significant costs associated with the proposed rulemaking for the Commonwealth or to parties to unemployment compensation cases.

#### *Effective Date*

The proposed rulemaking will be effective upon publication in the *Pennsylvania Bulletin* as a final-form rulemaking.

#### *Sunset Date*

There is no sunset date for the proposed rulemaking. The Department will continuously monitor the filing of appeals or notices of appeals and the proposed rulemaking's effectiveness. The Department will also monitor the filing of appeals to ensure that appeals are filed timely under the proposed rulemaking and that the date of filing is accurately recorded.

#### *Contact Person*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to the Department within 30 days of publication in the *Pennsylvania Bulletin*. These may be submitted to Kelly K. Smith, Assistant Counsel, Office of Chief Counsel, Department of Labor and Industry, 10th Floor, Labor and Industry Building, 7th and Forster Streets, Harrisburg, PA 17121, e-mail to kellsmith@state.pa.us or faxed to (717) 783-5027.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 12, 2002, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Labor and Industry Committee and the House Labor Relations Committee. 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 in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." 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 10 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.

JAMES J. MCNULTY,  
*Secretary*

**Fiscal Note:** 12-59. No fiscal impact; (8) recommends adoption.

#### **Annex A**

### **TITLE 34. DEPARTMENT OF LABOR AND INDUSTRY**

#### **PART VI. UNEMPLOYMENT COMPENSATION BOARD OF REVIEW**

#### **CHAPTER 101. GENERAL REQUIREMENTS**

#### **Subchapter A. GENERAL PROVISIONS**

#### **§ 101.2. Definitions.**

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

\* \* \* \* \*

***Department***—The Department of Labor and Industry of the Commonwealth.

\* \* \* \* \*

***Workforce investment office***—An office where the Department provides employment services under the Wagner-Peyser Act (29 U.S.C.A. §§ 49—49m). A workforce investment office may be identified as a Team Pennsylvania CareerLink.

#### **Subchapter C. APPEALS FROM [ DECISIONS ] DETERMINATIONS OF DEPARTMENT**

§ 101.81. Filing of appeal from [ decision ] determination of Department.

(a) **Department-provided appeal forms may be obtained from a Department office responsible for unemployment compensation, a workforce investment office or the Board's appeals system administrator in Harrisburg.**

(b) **Information about filing an appeal may be obtained from a Department office responsible for unemployment compensation or an office of the Board.**

(c) An appeal from a [ decision ] determination of the Department shall be filed [ in a local employment office ] with a Department office responsible for unemployment compensation, a workforce investment office or a Board office and shall [ include ] contain the following information [ , furnished by appellant ]:

(1) The name and address of the claimant.

\* \* \* \* \*

(3) The date of [ decision ] the determination which is being appealed.

\* \* \* \* \*

(5) The [ signature ] name and address of the appellant.

[ (b) Assistance in completing the appeal form and perfecting the appeal may be obtained at a local employment office or at an office of the Board, with the following information to be furnished by the local employment office representative:

(1) The appeal number.

(2) The nature of the decision from which appeal is being filed.

(3) The date of the application of claimant for benefits or claim weeks.

(4) The name and address of employers who have filed information in writing, and the date thereof, which might raise a question as to the eligibility of the claimant.

(5) The name and address of the last employer of claimant.

(6) The date and number in which appeal was delivered by appellant, personally or by mail.

(7) The signature of the local employment office representative. ]

(d) Upon receipt of an appeal, the Department or the Board will docket and process the appeal form.

(e) The Board will consider a written objection to the Department's determination as an appeal and process it under subsection (c) if the appellant does not complete the Department-provided appeal form.

§ 101.82. [ Form of ] Time for filing appeal from [ decision ] determination of Department.

(a) [ Appeal forms approved by the Board may be obtained from a local employment office or the secretary of the Board at Harrisburg.

(b) An appeal from a decision of the Department shall be filed within the prescribed time if it is filed ] A party seeking to appeal a Department determination shall file an appeal in the form and manner [ as ] specified in § 101.81 (relating to filing of appeal from determination of Department) and this [ part ] section on or before the 15th day after the date on which notification of the decision of the Department was delivered personally to the appellant, or mailed to him at his last known post office address.

(b) A party may file an appeal by any of the following methods:

(1) *Personal delivery to a workforce investment office or to the Board.* The filing date will be the date the appeal was personally delivered to the workforce investment office or Board, during its normal business hours.

(2) *United States mail.* The filing date will be determined as follows:

(i) The date of the official United States Postal Service postmark on the envelope containing the appeal, a United States Postal Service Form 3817 (Certificate of Mailing) or a United States Postal Service certified mail receipt.

(ii) If there is no official United States Postal Service postmark, United States Postal Service Form 3817 or United States Postal Service certified mail receipt, the date of a postage meter mark on the envelope containing the appeal.

(iii) If the filing date cannot be determined by any of the methods in subparagraph (i) or (ii), the filing date will be the date recorded by the Department, the workforce investment office or the Board when it receives the appeal.

(3) *Common carrier.* An appeal may be delivered by a common carrier of property which is subject to the authority of the Pennsylvania Public Utility Commission or the United States National Surface Transportation Board. The date of filing is the date the document was delivered to the common carrier, as established by a document or other record prepared by the common carrier in the normal course of business.

(4) *Fax transmission.* The filing date will be determined as follows:

(i) The date of receipt imprinted by the Department, the workforce investment office or the Board's fax machine.

(ii) If the Department, the workforce investment office or the Board's fax machine does not imprint a legible date, the date of transmission imprinted on the faxed appeal by the sender's fax machine.

(iii) If the faxed appeal is received without a legible date of transmission, the filing date will be the date recorded by the Department, the workforce investment office or the Board when it receives the appeal.

(5) *Electronic transmission other than fax transmission.* The date of filing is the receipt date recorded by the Department, the workforce investment office or the Board's information processing system, if the electronic record is in a form capable of being processed by that system. A party filing by electronic transmission shall comply with Department instructions concerning format. A party filing an appeal by electronic transmission is responsible for using the proper format and for delay, disruption, interruption of electronic signals and readability of the document and accepts the risk that the appeal may not be properly or timely filed.

[ (c) Use of the prescribed appeal form is not mandatory to initiate an appeal. The following procedure may be followed:

(1) A written notice specifically advising that the interested party thereby files an appeal or requests a review of decision, delivered or mailed to a representative of the Department or Board, within



the prescribed 15-day appeal period, shall constitute an appeal from the decision of the Department and will be processed accordingly without requiring the appellant to complete the appeal form.

(2) A written notice that may reasonably be construed as a request for an appeal, delivered or mailed to a representative of the Department or Board, within the prescribed 15-day appeal period, advising that the interested party is aggrieved and apparently desires a review of the decision, shall be deemed to initiate an appeal and shall constitute an appeal from the decision of the Department, if the appellant subsequently perfects the appeal by filing a completed appeal form within a reasonable time after instructions for filing the appeal form have been delivered or mailed to him at his last known post office address. (In order to expedite the disposition of claims, the interested party will be requested to return the completed appeal form within 15 days after instructions for filing the appeal form have been delivered or mailed to him.)

(d) The date of initiation of an appeal delivered by mail, either on the prescribed appeal form or by any form of written communication, shall be determined from the postmark appearing upon the envelope in which the appeal form or written communication was mailed. ]

[Pa.B. Doc. No. 02-1678. Filed for public inspection September 27, 2002, 9:00 a.m.]

## FISH AND BOAT COMMISSION

[58 PA. CODE CH. 69]

### Fishing in Lake Erie and Boundary Lakes

The Fish and Boat Commission (Commission) proposes to amend Chapter 69 (relating to fishing in Lake Erie and boundary lakes). The Commission is publishing these amendments as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed amendments relate to fishing.

#### A. *Effective Date*

The proposed amendments, if approved on final-form rulemaking, will go into effect on January 1, 2003, or upon publication of an order adopting the amendments in the *Pennsylvania Bulletin*, whichever occurs later.

#### B. *Contact Person*

For further information on the proposed amendments, contact Laurie E. Shepler, Assistant Counsel, (717) 705-7815, P. O. Box 67000, Harrisburg, PA 17106-7000. This proposal is available electronically through the Commission's website (<http://www.fish.state.pa.us>).

#### C. *Statutory Authority*

The proposed changes to §§ 69.12—69.15 are published under the statutory authority of section 2102 of the code (relating to rules and regulations).

#### D. *Purpose and Background*

The proposed amendments are designed to update, modify and improve the Commission's regulations pertaining to fishing in Lake Erie and its tributaries. The specific purpose of the proposed amendments is described in more detail under the summary of proposal.

#### E. *Summary of Proposal*

Commission staff has identified the need to update and improve the current regulations applicable to recreational fishing in Lake Erie and its tributaries. The immediate impetus for the proposed amendments was the need to clarify the prohibition on fishing in the Lake Erie tributaries during a brief period before the opening day of trout season in April. Currently, § 69.13 (relating to seasons, sizes and creel limits—Lake Erie tributaries) prohibits fishing for trout and salmon in tributary streams during a 32-hour period before opening day of trout or salmon. The wording of this prohibition differs to some degree from the general prohibition on fishing in approved trout waters during the closed season, and this difference has caused staff to identify the need for clarification. Under the proposed amendments, the regulation will clearly provide that fishing (for all species) is prohibited during this 32-hour period on Lake Erie tributaries and a portion of Presque Isle State Park. In addition, possession of trout or salmon will be prohibited on these streams during the same period.

The review by the Commission's staff of the Lake Erie and tributary regulations showed that it should be possible to simplify and consolidate these regulations. Currently, these regulations are spread across several sections of the fishing regulations. The Commission's staff believe that § 69.12 (relating to seasons, sizes and creel limits—Lake Erie) and § 69.13 can be consolidated into a single provision. The main substantive change from this consolidation relates to the creel limit for trout and salmon during the period from opening day in April until Labor Day in September. Currently, both Lake Erie and the tributaries have an eight trout per day creel limit. On the Lake and the Bay, only five of these fish may exceed 15 inches in length, while on the tributaries, only three of these fish may exceed 15 inches in length. From an enforcement perspective, having different limits for the same species on waters in that close proximity raises issues. The Commission's fisheries managers also report that there would be no negative consequences from simplifying the trout/salmon creel limit. Accordingly, as part of the consolidation of these provisions, the Commission is proposing that during the period from opening day until Labor Day, a creel limit of five trout/salmon (only two of which may be lake trout) should apply to the Lake, the Bay and the tributaries. This would bring the trout/salmon creel limit on these waters into line with the Statewide limits, and it would eliminate the sometimes confusing limitations on taking trout in excess of 15 inches in length.

Commission staff also has identified an opportunity to simplify the special regulations that apply to particular tributaries during the steelhead season (see § 69.14 (relating to special regulations applicable during the salmon and steelhead trout season)) and the miscellaneous special regulations (see § 69.15 (relating to miscellaneous special regulations)). The Commission is proposing elimination of the somewhat confusing table of special prohibitions applicable to specific streams during steelhead season (Labor Day to opening day in the following year) and clarification of the miscellaneous special regulation provisions.

The Commission believes that the simplification and consolidation of these regulations will improve their enforceability and make them easier to understand. The only major substantive change relates to the clarification of the fishing prohibition during the 32-hour period before opening day of trout season and the proposed change to

the creel limit on trout/salmon during the regular season. The Commission proposes that the amendments will read as set forth in Annex A.

F. Paperwork

The proposed amendments will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

The proposed amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendments will impose no new costs on the private sector or the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendments to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at ra-pfbcregs@state.pa.us. A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,  
*Executive Director*

**Fiscal Note:** 48A-134. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart B. FISHING**

**CHAPTER 69. FISHING IN LAKE ERIE AND BOUNDARY LAKES**

**Subchapter B. SPORT FISHING AND ANGLING**

**§ 69.12. Seasons, sizes and creel limits—Lake Erie and Lake Erie tributaries.**

\* \* \* \* \*

(d) [The] It is unlawful to fish in or along any Lake Erie tributary stream or the Water Works Ponds at Presque Isle State Park from 12:01 a.m. on the Friday before the opening day of trout season until 8 a.m. on the opening day of trout season in April.

(e) It is unlawful to possess trout or salmon in or along any Lake Erie tributary stream or the Water Works Ponds at Presque Isle State Park from 12:01 a.m. on the Friday before the opening day of trout season until 8 a.m. on the opening day of trout season in April.

(f) Subject to the provisions of subsections (d) and (e), the following seasons, sizes and creel limits apply to Lake Erie, Lake Erie tributaries and Presque Isle Bay, including peninsula waters:

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
		* * *	
WALLEYE [ * ]	January 1 to midnight March 15 and 12:01 a.m. the first Saturday in May to December 31	15 inches	6
		* * *	
TROUT and SALMON	First Saturday after April 11 until midnight Labor Day.	9 inches	[ 8 ] 5 (combined species only 2 of which may be lake trout). [ Of the entire catch (combined species) only 5 fish total may exceed 15 inches in length. ]
	12:01 a.m. the day after Labor Day until midnight on the Friday before the first Saturday after April 11.	15 inches	3 (combined species only 2 of which may be lake trout).
		* * *	

\*It is unlawful to conduct or participate in a fishing tournament (as defined in § 63.40 (relating to seasons for fishing tournaments)) for bass on Lake Erie, Lake Erie tributaries or Presque Isle Bay during the period from opening day of trout season in April until the first Saturday after June 11.

**§ 69.12a. Special regulations applicable to Lake Erie tributary streams.**

(a) The following Lake Erie tributary streams are designated as Nursery Waters—Trout Run and its tributaries; Godfrey Run; Orchard Beach Run; and Crooked Creek (where posted). It is unlawful to fish, wade or possess fishing equipment while in or

along Lake Erie tributary streams designated as Nursery Waters.

(b) Archery fishing or spear fishing is prohibited in or along Lake Erie tributary streams.

(c) From 12:01 a.m. on the day after Labor Day, until the opening day of trout season in April, all Lake Erie tributary streams are closed to fishing

from 10 p.m. until 5 a.m. on the following day except for Walnut Creek and Elk Creek north of Route 5.

**(d) It is unlawful to fish from 10 p.m. until 5 a.m. of the following day within 50 yards of the mouth of both Trout Run and Godfrey Run while fishing the Lake Erie shoreline.**

*(Editor's Note: The Commission is proposing to delete §§ 69.13—69.15 as they currently appear in the Pennsylvania Code, pages 69-4 to 69-82 (serial pages (280032) and (236589) to (236594).)*

**§ 69.13. (Reserved).**

**§ 69.14. (Reserved).**

**§ 69.15. (Reserved).**

[Pa.B. Doc. No. 02-1679. Filed for public inspection September 27, 2002, 9:00 a.m.]

### [58 PA. CODE CHS. 51, 91 AND 93]

#### Issuing Agents; Boating Safety Education Certificates

The Fish and Boat Commission (Commission) proposes to amend Chapters 51, 91 and 93 (relating to administrative provisions; general provisions; and boat registration and numbering). The Commission is publishing the amendments as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed amendments relate to issuing agents and Boating Safety Education Certificates.

##### A. Effective Date

The proposed rulemaking, if approved on final rulemaking, will go into effect upon publication of an order adopting the amendments in the *Pennsylvania Bulletin*.

##### B. Contact Person

For further information on the proposed rulemaking, contact Laurie E. Shepler, Assistant Counsel, P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7815. The proposed rulemaking is available electronically through the Commission's website (<http://www.fish.state.pa.us>).

##### C. Statutory Authority

Proposed § 51.10 (relating to representation as issuing agent) is published under the statutory authority of sections 2711(c) and 5304(d.1) of the code (relating to issuing agents; and issuing agents). The proposed amendment to § 51.35 (relating to operation of issuing agency) is published under the statutory authority of section 2711 of the code. The proposed amendment to § 91.6 (relating to Boating Safety Education Certificates) is published under the statutory authority of section 5123 of the code (relating to general boating regulations). The proposed amendment to § 93.13 (relating to issuing agents) is published under the statutory authority of section 5304(d.1) of the code.

##### D. Purpose and Background

The proposed rulemaking is designed to update, modify and improve the Commission's regulations pertaining to issuing agents and Boating Safety Education Certificates. The specific purpose of the proposed rulemaking is described in more detail under the summary of proposal.

##### E. Summary of Proposal

(1) *Sections 51.10 and 93.13.* Several regions of the Commission's Bureau of Law Enforcement have reported that there have been problems with issuing agents for temporary boat registrations and notaries who are not Commission agents giving the public the impression that they have the ability to renew boat registrations. Accordingly, the Commission proposes that these sections be amended to read as set forth in Annex A.

(2) *Section 51.35.* Section 2711 of the code provides that the Commission may establish administrative fees for fishing license issuing agents. This section further provides that county treasurers and issuing agents active on or before January 1, 2000, shall be exempt from payment of any administrative fee established by the Commission. Accordingly, the Commission proposes to amend its regulations to require new fishing license issuing agents to pay a one-time, nonrefundable fee of \$100 to help offset the Commission's costs. Last year, the Commission adopted a similar amendment requiring new issuing agents for temporary boat registrations to pay a one-time, nonrefundable fee of \$100. The Commission proposes to amend § 51.35 to read as set forth in Annex A.

(3) *Section 91.6.* One of the Commission's waterways conservation officers recently reported that he encountered an individual who was in possession of a Boating Safety Education Certificate that belonged to another person. This individual had not taken any boating courses and had borrowed his cousin's certificate while operating a personal watercraft. The officer recognized the personal watercraft and the name on the certificate as someone he had cited a week earlier. The Commission suspects that this occurrence was not an isolated one.

Section 2705 of the code (relating to improper license use and false application) provides that a person may not alter, borrow, lend or transfer any license authorized under the code or give any false or misleading information to an issuing agent or to the Commission, its officers or agents in an application for a license. However, this section speaks in terms of licenses and does not extend to Boating Safety Education Certificates. Accordingly, the Commission proposes the amendment set forth in Annex A to address this loophole.

##### F. Paperwork

The proposed rulemaking will not increase paperwork and will create no new paperwork requirements.

##### G. Fiscal Impact

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. As previously described, the proposed amendment to § 51.35 will impose a one-time, nonrefundable fee of \$100 on new issuing agents only. The Commission anticipates that it will receive applications from approximately 30 new issuing agents each year. The proposed rulemaking will impose no new costs on the general public.

##### H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically to [ra-pfbcregs@state.pa.us](mailto:ra-pfbcregs@state.pa.us). A subject heading of the proposal

and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-132. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 51. ADMINISTRATIVE PROVISIONS

Subchapter A. PRELIMINARY PROVISIONS

§ 51.10. Representation as issuing agent.

It is unlawful for persons to perform the functions of or to represent themselves as fishing license issuing agents or issuing agents for temporary boat registrations without being appointed or designated as such by the Commission.

Subchapter D. ISSUING AGENTS

§ 51.35. Operation of the issuing agency.

(a) A person, sole proprietorship, partnership or corporation may apply to become an issuing agent of the Commission for the purpose of selling fishing licenses. [The Commission will not consider an application unless it is accompanied by a bond in favor of the Commission in a minimum amount specified by the Commission.] An applicant seeking to become an issuing agent shall complete and submit to the Commission an application on the form prescribed by the Commission and shall pay a one-time, nonrefundable fee of \$100. Applications shall be accompanied by a bond in favor of the Commission in a minimum amount specified by the Executive Director or designee.

\* \* \* \* \*

Subpart C. BOATING

CHAPTER 91. GENERAL PROVISIONS

§ 91.6. Boating Safety Education Certificates.

\* \* \* \* \*

(f) A person may not alter, borrow, lend or transfer a Boating Safety Education Certificate or give false or misleading information to the Commission, its officers or agents when applying for a Boating Safety Education Certificate.

CHAPTER 93. BOAT REGISTRATION AND NUMBERING

Subchapter A. REGISTRATION OF BOATS

§ 93.13. Issuing agents.

\* \* \* \* \*

(o) Renewal of boat registrations. It is unlawful for a person, other than the Commission, Commission offices and on-line messenger services approved by the Department of Transportation, to

issue renewals for boat registrations or collect the applicable fees.

[Pa.B. Doc. No. 02-1680. Filed for public inspection September 27, 2002, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CHS. 1, 3 AND 5]

Advance Notice of Proposed Rulemaking Order

Public Meeting held September 12, 2002

Commissioners Present: Glen R. Thomas, Chairperson; Robert K. Bloom, Vice Chairperson; Aaron Wilson, Jr.; Terrance J. Fitzpatrick; Kim Pizzingrilli

Advance Notice of Proposed Rulemaking for Revision of 52 Pa. Code Chs. 1, 3 and 5 pertaining to Practice and Procedure before the Commission; Doc. No. L-00020156

Advance Notice of Proposed Rulemaking Order

By the Commission:

The Commission's rules of practice and procedure have been the subject of numerous formal revisions in 1985, 1988, 1989 and, most recently, in 1996. The Commission views the procedural regulations as a work in progress, which are meant to provide guidance and structure for practice before the Commission. As utility regulation itself evolves, the rules must also change to adapt to the realities of the practice itself.

Recognizing that the years since the last revision have brought significant changes to the Commission's jurisdiction and responsibilities and noting room for improvement in the rules, it is the Commission's intent to solicit input regarding revision of 52 Pa. Code Chs. 1, 3 and 5 and to carefully consider the views of all interested persons prior to taking any formal action. In particular, with the advent of competition in the utility industry, bringing new players and an increased complexity of the issues to be addressed, we are interested in obtaining comments to improve the efficiency, effectiveness, clarity and basic fairness of our rules of practice. For example, the comments may address any number of topics, including but not limited to:

- Rules regarding preliminary objections
• Procedures for off-the-record communications
• ADR/settlements
• Representation before the Commission
• Sanctions
• ETA and TA Applications
• Standards for intervention and standing
• Standards and procedures for emergency orders
• Consistency in filing deadlines
• Procedures to obtain extensions of time
• Procedures for review of compliance filings
• Policies that should be codified as regulations
• Standards for filing

Comments may be filed by any interested person or on behalf of an entity, and each comment should clearly indicate: (1) the numerical designation of the subject section(s); (2) the reason for the proposed change(s); and (3) specific proposed language for the regulation(s). These three factors are vital to enable the Commission to give due consideration to each comment received.

Due to the comprehensive nature of a rulemaking and the sheer number of regulatory sections which are open for review, interested parties will be given 60 days from the date of publication of the Advance Notice of Proposed Rulemaking in the *Pennsylvania Bulletin* for the submission of comments. The Commission is committed to completing the revisions to its procedural regulations in a timely fashion. Since the comment period is a generous one, no extensions will be granted for the filing of comments; *Therefore,*

*It is Ordered That:*

1. A rulemaking proceeding is hereby initiated at this docket to consider the revision of the regulations appearing in 52 Pa. Code Chs. 1, 3 and 5, relating to the Commission's rules of practice and procedure.

2. An Advance Notice of Proposed Rulemaking regarding revision of regulations appearing in 52 Pa. Code Chs. 1, 3 and 5, relating to the Commission's rules of practice and procedure, be published in the *Pennsylvania Bulletin*.

3. Interested parties shall have 60 days from the date of publication in the *Pennsylvania Bulletin* of the Advance Notice of Proposed rulemaking to file written comments.

4. Comments should, where appropriate, include a numerical reference to the existing regulation(s) which the comment(s) address, should include proposed language for revision and should provide a clear explanation for the recommendation.

5. Interested parties should file an original plus ten copies of each comment to the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. The Commission's contact person is Assistant Counsel, Susan D. Colwell, (717) 783-3459.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-1681. Filed for public inspection September 27, 2002, 9:00 a.m.]

# 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 September 17, 2002.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
9-3-02	F.N.B. Corporation, Naples, FL, to acquire up to 20.0% of the voting shares of Sun Bancorp, Inc., Selinsgrove, PA	Naples, FL	Filed
9-13-02	Northwest Bancorp, Inc., Warren, PA, to acquire 100% of the voting shares of Prestige Bancorp, Inc., Pittsburgh, PA	Warren, PA	Effective

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-12-02	Brentwood Bank Bethel Park Allegheny County  Purchase of assets/assumption of liabilities of one branch office of Pittsburgh Savings Bank, Pittsburgh, located at: 5001 Library Road Bethel Park Allegheny County	Bethel Park	Filed
9-13-02	Northwest Savings Bank, Warren, and Prestige Bank, a Federal savings bank, Pittsburgh Surviving Institution—Northwest Savings Bank, Warren  All branch offices of Prestige Bank, including the former main office, will become branch offices of Northwest Savings Bank, as follows: 6284 Library Road Bethel Park Allegheny County 603 Scenery Drive Elizabeth Allegheny County	Warren	Effective
9-17-02	Standard Bank, PaSB Murrysville Westmoreland County  Purchase of assets/assumption of liabilities of two branch offices of Commercial National Bank of Pennsylvania, Latrobe, located at: 4785 Old William Penn Highway Murrysville Westmoreland County	Murrysville  543 Brownsville Road Mt. Oliver Allegheny County 710 Old Clairton Road Pittsburgh Allegheny County	Approved
		Redstone Presbyterian Senior Care 4951 Cline Hollow Road Murrysville Westmoreland County (Limited Service Facility)	

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-17-02	The Legacy Bank of Harrisburg, Harrisburg, and Northern State Bank, Towanda Surviving Institution—The Legacy Bank of Harrisburg, Harrisburg	Harrisburg	Filed

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-12-02	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Giant Eagle Eastgate Shopping Ctr. 1120A E. Pittsburgh St. Greensburg Westmoreland County	Opened
9-13-02	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	202 West Ridge Pike Conshohocken Montgomery County	Opened

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-16-02	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 128 N. Craig St. Pittsburgh Allegheny County (Temporary Relocation)  <i>From:</i> 5th Ave. and Craig St. Pittsburgh Allegheny County	Filed

**SAVINGS INSTITUTIONS**

No activity.

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

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
9-16-02	Erie Insurance Exchange Credit Union, Erie, and GTE Erie Federal Credit Union, Erie Surviving Institution—Erie Insurance Exchange Credit Union, Erie	Erie	Approved

PAUL H. WENTZEL, Jr.  
*Acting Secretary*

[Pa.B. Doc. No. 02-1682. Filed for public inspection September 27, 2002, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of October 2002**

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of October 2002, is 7 1/4%.

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

the individual occupies or has occupied as a principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.73 to which was added 2.50 percentage points for a total of 7.23 that by law is rounded off to the nearest quarter at 7 1/4%.

PAUL H. WENTZEL, Jr.  
*Acting Secretary*

[Pa.B. Doc. No. 02-1683. Filed for public inspection September 27, 2002, 9:00 a.m.]

# DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

## Action Plan for Federal Fiscal Year 2003

The Department of Community and Economic Development (Department) proposes to adopt the Commonwealth's Action Plan for Federal Fiscal Year 2003 (Plan) and the program year that starts on January 1, 2003. The Plan is an update of the Commonwealth's Consolidated Plan for FFY 2000-2004 (Consolidated Plan). The Plan discussed in this notice is the third annual update of the Consolidated Plan submitted by the Commonwealth.

The Plan updates documents previously submitted to the United States Department of Housing and Urban Development (HUD). These documents include the nonhousing community development plan and any changes that the Department may have implemented concerning the four programs administered by the Commonwealth. The programs administered by the Department are the Community Development Block Grant, the Home Investment Partnerships and the Emergency Shelter Grant Programs. The Department of Health administers the Housing Opportunities for Persons with AIDS Program.

This summary is designed to provide an opportunity to citizens, local governmental officials and interested organizations of this Commonwealth to comment about the Plan. Written comments should be submitted to Karen Overly Smith, Center for Community Building, Department of Community and Economic Development, 400 North Street, 4th Floor Commonwealth Keystone Building, Harrisburg, PA 17120-0225. Written comments must be received by October 18, 2002, to be included as testimony or by November 1, 2002, to be included in the Plan.

The public hearing has been scheduled as follows:

October 29, 2002  
PUC Hearing Room No. 5  
Commonwealth Keystone Building, Plaza Level  
400 North Street  
Harrisburg, PA 17120-0225  
9 a.m. to 12 p.m.

Persons who wish to speak should call to schedule a time to give oral testimony at the hearing. The hearing will be shortened if there is no one to testify or if there is minimal response. Contact Karen Overly Smith at (717) 214-5340 to schedule oral testimony no later than October 17, 2002.

Persons with a disability who wish to attend the public meeting should contact Karen Overly Smith, 4th Floor Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0225, (717) 214-5340, to discuss how the Department can accommodate their needs. Text telephone calls can be placed through the Pennsylvania Relay System at (800) 654-5984. Calls will be relayed to the Department's number listed previously.

### *Purpose*

The Plan is the third update to the Consolidated Plan. This Plan will describe how the programs will be administered in 2003. HUD must approve this Plan for the Commonwealth and organizations within this Commonwealth to receive funding under most HUD housing and

community development programs. Applicants for funding from Federal housing programs must obtain certification that their proposed use of HUD assistance will be consistent with the applicable Plan for the area. The Consolidated Plan creates a unified strategy for housing and community development programs as well as the necessary linkages for building successful neighborhoods and communities.

The Plan will have a major impact on the types, location and number of affordable housing units generated and preserved in this Commonwealth as well as the infrastructure and public facilities, services and other economic and community development initiatives that communities of this Commonwealth will undertake.

### *Content*

The Consolidated Plan was recently updated. Updates include the Housing Collaboration Initiative which is expected to provide TANF funds to the Department for a housing rehabilitation program in the amount of \$30 million for the year 2003.

### *Public Review*

The Consolidated Plan is available on the website or in hardcopy for public comment September 30, 2002, through November 1, 2002, at the following locations:

1. County Offices.
2. Department Regional Offices:

Southeast Regional Office, 908 State Office Building, Broad and Spring Garden Streets, Philadelphia, PA 19130, (215) 560-2256.

Northeast Regional Office, 201 Samters Building, 101 Penn Avenue, Scranton, PA 18503, (717) 963-4571.

Northcentral and Southcentral Regional Offices, 4th Floor Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, (717) 720-7302.

Southwest Regional Office, 413 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222, (412) 565-5002.

Northwest Regional Office, 1200 Lovell Place Apartments, Erie, PA 16503, (814) 871-4241.

3. This Commonwealth's 27 district libraries:

B. F. Jones Memorial Library, Aliquippa  
Allentown Public Library, Allentown  
Centre County Library, Bellefonte  
Bethlehem Area Public Library, Bethlehem  
Conococheague District Library, Chambersburg  
Clarion District Library, Clarion  
Bucks County Free Library, Doylestown  
Easton Area Public Library, Easton  
Erie County Library, Erie  
Dauphin County Library, Harrisburg  
Cambria County Library, Johnstown  
Lancaster County Library, Lancaster  
Delaware County Library, Brookhaven  
Monessen Public Library, Monessen  
New Castle Public Library, New Castle  
Montgomery County—Norristown Public Library,  
Norristown  
Free Library of Philadelphia, Philadelphia  
Carnegie Library of Pittsburgh, Pittsburgh  
Pottsville Free Public Library, Pottsville  
Reading Public Library, Reading  
Scranton Public Library, Scranton  
Warren Public Library, Warren  
Citizen's Library, Washington



Chester County Library, Exton  
Osterhout Free Library, Wilkes-Barre  
James V. Brown Library, Williamsport  
Martin Memorial Library, York

4. Audio Cassette copies of the Consolidated Plan can be obtained by contacting the Tri-County Branch of the Pennsylvania Association of the Blind, Patricia Summers, Coordinator, Harrisburg Area Radio Reading Services, 1800 North Second Street, Harrisburg, PA 17102, (717) 238-2531.

5. The draft action Plan can be viewed on the Internet at [www.inventpa.com](http://www.inventpa.com)

The Plan will be made available again at these same locations listed in this notice following HUD approval.

JOHN C. OLIVER,  
Secretary

[Pa.B. Doc. No. 02-1684. Filed for public inspection September 27, 2002, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

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

#### NPDES APPLICATIONS

#### PART I PERMITS

Under the Federal Clean Water Act and The Clean Streams Law, the following parties have applied for an NPDES permit or to renew their current permit to discharge controlled wastewaters into the waters of this Commonwealth or to conduct other activities required by the NPDES permit. For renewal applications listed in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements. For all new permit applications, renewal application with major changes or applications for permits not waived by EPA, the Department, based upon preliminary reviews, also made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications listed in Section II. These determinations are published as proposed actions for comments prior to taking final actions.

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

Persons wishing to comment on the proposed permit are invited to submit a statement, to the office noted before the application within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. The comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant. Following the comment period, the Department's Water Management Program Manager will make a final determination regarding these applications. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

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

#### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0057274	Michael and Antoinette Hughes 305 Auburn Drive Downingtown, PA 19335	Chester County Upper Uwchlan Township	UNT to Marsh Creek	Y
PA0052892	Donald F. Byrne 2201 N. Ridley Creek Road Media, PA 19063-1968	Delaware County Upper Providence Township	UNT to Ridley Creek	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0055484	Herbert and Veronica Keating 25 Old Orchard Road Chadds Ford, PA 19317	Delaware County Chadds Ford Township	Brandywine River	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0063703	Thomas E. Little R. R. 4, Box 89A Dalton, PA 18414	Benton Township Lackawanna County	04F—Unnamed tributary to South Branch Tunkhannock Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0020478	Bloomfield Borough P. O. Box 144 New Bloomfield, PA 17068	Perry County Bloomfield Borough	UNT to Little Juniata Creek 7A	Y
PA0081329	South Londonderry Township—Lawn P. O. Box 3 Campbelltown, PA 17010-0003	Lebanon County South Londonderry Township	Conewago Creek 7G	Y
PA0082007 Transfer	Kimberly Alexander Browell II 6827 Bedford Valley Road Bedford, PA 15522	Bedford County Cumberland Valley Township	Sandy Spring Run 13A	Y

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

**PA0000345, Amendment No. 1, Industrial Waste, Pennsylvania-American Water Company, Clarion Filter Plant, Water Company Road, Clarion, PA 16214.** This proposed facility is located in Clarion Township, **Clarion County**. This notice reflects changes to the notice published at 32 Pa.B. 3406 (July 13, 2002).

Description of Proposed Activity: treated discharge of industrial wastewater and stormwater at a potable water treatment facility.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is Pennsylvania-American Water Company Clarion District and the Clarion River located at Clarion, 0.04 mile below point of discharge.

The receiving stream, Clarion River and an unnamed tributary to the Clarion River, is in watershed 17B and classified for CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.6125 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
Total Suspended Solids	30.0	60.0	75.0
Total Aluminum	4.0	8.0	10.0
Total Iron	2.0	4.0	5.0
Total Manganese	1.0	2.0	2.5
Total Residual Chlorine	0.5		1.2
pH	6.0 to 9.0 standard units at all times		

The EPA Waiver is in effect.

**PA0102661, Sewage, Department of Conservation and Natural Resources, Jamestown Boat Livery, Pymatuning State Park, 2660 Williamsfield Road, Jamestown, PA 16134.** This proposed facility is located in West Springfield Township, **Crawford County**.

Description of Proposed Activity: Renewal of a treated minor discharge from a privately owned sewage treatment works.

The receiving stream, Shenango River (Pymatuning Reservoir), is in watershed 20-A and classified for WWF, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Greenville Municipal Authority intake on the Shenango River located at Greenville, approximately 12 miles below point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.007 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100ml as a geometric average 2,000/100ml as a geometric average	
Phosphorus (as P)	1		2
Total Residual Chlorine	1.5		3.5
pH		6.0 to 9.0 standard units at all times	

The proposed effluent limits for Outfall 002 based on a design flow of 0.002 mgd.

The EPA Waiver is in effect.

**PA0004766**, Industrial Waste, **National Forge Company**, One Front Street, Irvine, PA 16329-0258. This existing facility is located in Brokenstraw Township, **Warren County**. This is a redraft permit due to several permit limit changes.

Description of Proposed Activity: Discharge of treated sewage, treated industrial waste, noncontact cooling water, stormwater and domestic wastewater is in watershed 16-B and classified for CWF, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Municipal Water Company on the Allegheny River located at Emlenton, approximately 78 miles below point of discharge.

The proposed effluent limits for Outfall 101 are based on a design flow of 0.031 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Flow	XX				
TSS	1.9	5.7	XX	XX	18.4
Lead	0.0113	0.0338	XX	XX	0.11
Zinc	0.017	0.0508	XX	XX	0.164
pH		Within limits of 6.0 to 9.0 standard units at all times.			

The proposed effluent limits for Outfall 001 are based on a design flow of 1.3 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Flow (MGD)	XX				
Copper	0.17	0.35	0.016	0.032	0.041
Lead	XX	XX	XX	XX	XX
CBOD <sub>5</sub>			5.0		10.0
TSS			20.0		60.0
Fecal Coliform (5-1 to 9-30) *** (10-1 to 4-30)			65,000/100ml as a geometric average		
Total Residual Chlorine ****			1.0		3.3
Oil and Grease			15		30
pH		Within limits of 6.0 to 9.0 standard units at all times.			

XX—Monitor and report.

\*\*\*—Summer disinfection condition.

\*\*\*\*—TRC effluent minimization condition.

The EPA Waiver is in effect.

**PA0006441**, Industrial Waste, **CSX Transportation, Inc.**, 500 Water Street—J275, Environmental Department, Jacksonville, FL 32202. This proposed facility is located in Bell Township, **Jefferson County** (1.5 miles east of Punxsutawney, PA and 1,000 feet south of SR 119).

Description of Proposed Activity: discharge of treated industrial waste and stormwater.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Allegheny River and the Kittanning District Pennsylvania-American Water Company located at Kittanning, 67 miles below point of discharge.

The receiving stream, Mahoning Creek, is in watershed 17-C and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0504 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
CBOD <sub>5</sub>	XX		
COD	XX		
Total Iron	XX		
Total Suspended Solids	30		60
Oil and Grease	15		30
pH	6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfall Nos. 003—006 based on a design flow of n/a MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
CBOD <sub>5</sub>	XX		
COD	XX		
Total Iron	XX		
Total Suspended Solids	XX		
Oil and Grease	15		30
pH	6.0 to 9.0 standard units at all times		

The EPA Waiver is in effect.

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

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

**No. PA0051284, Amendment No. 1**, Industrial Waste, **Springfield Township**, 50 Powell Road, Springfield, PA 19064. This application is for renewal of an NPDES permit to discharge treated leachate from the Springfield Township Landfill in Springfield Township, **Delaware County**. This is an existing discharge to unnamed tributary to Crum Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.005 MGD, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	60	75
Total Dissolved Solids	Monitor and Report		
pH	Within limits of 6.0—9.0 Standard Units at all times		
Iron, Total	3.0	6.0	7.5
Iron, Dissolved	0.9	1.8	2.2
Color			100
Manganese	3.0	6.0	7.5
Magnesium	Monitor and Report		

Other Conditions: Conditions for future permit modification.

The EPA Waiver is in effect.

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

**PA0012726**, Industrial, SIC 3354, **Alcoa Extrusions, Inc.**, 53 Pottsville Street, Cressona, PA 17929-0187. This proposed facility is located in Cressona Borough, **Schuylkill County**.

The receiving stream, West Branch Schuylkill River, is in the State Water Plan watershed #3A and is classified for CWF. The nearest downstream public water supply intake for Pottstown Borough Water Authority is located on Schuylkill River, 72 miles below the point of discharge.

*Outfall 010—Process Wastewater*

The proposed effluent limits based on a design flow of 0.100 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	250.0	526.0	
Oil and Grease	15.0	30.0	30.0
Total Chromium	1.25	3.04	
Total Cyanide	0.84	2.00	
Total Zinc	4.21	10.00	
Total Aluminum	22.03	42.27	

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total PCBs	Not Detectable		
pH		7.0 to 10.0 at all times.	

*Outfall 002—Stormwater*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	Monitor Only		
Total PCBs	Monitor Only		

*Outfalls 007 and 009—Stormwater and Groundwater Infiltration*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	15.0		30.0
Total PCBs	Not Detectable		
pH	6.0 to 9.0 at all times		

*Outfall 008—Noncontact Cooling Water and Stormwater*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	15.0		30.0
Total PCBs	Not Detectable		
pH	6.0 to 9.0 at all times		

Total PCBs is the sum of the individual analysis results on PCB 1242, 1254, 1221, 1232, 1248, 1260 and 1016 using EPA Method 608, or equivalent, as approved by the Department.

The EPA waiver is in effect.

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

**Application No. PA0043541**, Industrial Waste, SIC Code 3263, **The Pfaltzgraff Company—Thomasville Complex**, Bowman Road, P. O. Box 244, Thomasville, PA 17364. This facility is located in Jackson Township, **York County**.

Description of activity: The application is for the renewal of an NPDES permit for existing discharges of industrial waste, sewage, noncontact cooling water (NCCW) and stormwater.

The receiving stream, Honey Run, is in Watershed 7-F and classified for TSF, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Wrightsville Water Supply Co. is located on the Susquehanna River, approximately 35 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limitations for Outfall 001 (industrial waste) based on an average flow of 0.077 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>
pH (S.U.)	XXX	XXX	From 6.0 to 9.0 inclusive		
Total Suspended Solids	Monitor and Report		25	50	60
Total Phosphorus	Monitor and Report		2.0	4.0	5.0
Total Boron	2.44	4.88	3.8	7.6	9.5
Total Mercury	XXX	XXX	Monitor and Report	Monitor and Report	XXX
Total Selenium	XXX	XXX	Monitor and Report	Monitor and Report	XXX
Total Thallium	XXX	XXX	Monitor and Report	Monitor and Report	XXX
Total Residual Chlorine	XXX	XXX	XXX	Monitor and Report	XXX
Oil and Grease	XXX	XXX	15	30	30

In addition, quarterly acute and chronic whole effluent toxicity monitoring is proposed.

The proposed effluent limitations for Outfall 002 (sewage) based on an average flow of 0.0035 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH (S.U.)			From 6.0 to 9.0 inclusive
Dissolved Oxygen			Minimum of 5.0 mg/l at all times
Total Suspended Solids	30	XXX	60
CBOD <sub>5</sub>	25	XXX	50

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
NH <sub>3</sub> -N (5-1 to 10-31)	3.5	XXX	7.0
(11-1 to 4-30)	10.5	XXX	21
Total Phosphorus	2.0	XXX	4.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,500/100 ml as a geometric average		

The proposed effluent limitations for Outfall 003 (NCCW) based on an average flow of 0.017 MGD are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
pH (S.U.)	XXX	XXX	From 6.0 to 9.0 inclusive		
Temperature (°F)	XXX	XXX	Monitor and Report		

One stormwater outfall (004) is identified in the permit, with proposed monitoring requirements for total suspended solids, BOD<sub>5</sub>, pH, oil and grease, total kjeldahl nitrogen, total phosphorus, total aluminum, total boron, total iron, total chromium, total copper, total lead and total zinc.

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.

**Application No. PA0246913**, Industrial Waste Hydrostatic Test Discharge Water, **PPL Gas Utilities Corporation**, 555 Camargo Road, Quarryville, PA 17566. This facility is located in Bedford Township, **Bedford County**.

Description of activity: The application is for issuance of an NPDES permit for a new discharge of treated industrial waste.

The receiving stream, Shobers Run, is in Watershed 11-C and classified for HQ-CWF, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Saxton Municipal Water Authority is located on Juniata River, approximately 20 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 are:

<i>Parameter</i>	<i>Average Monthly</i>	<i>Concentration (mg/l)</i>	
		<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Duration		Report Total Time	
Total Suspended Solids	Report Average	XXX	60
Oil and Grease	Report Average	XXX	30
Iron	Report Average	XXX	7.0
Total Residual Chlorine	Report Average	XXX	0.50
Dissolved Oxygen	Report Average	5.0	Report Maximum

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.

**Application No. PA0043257**, Sewage, SIC Code 4952, **New Freedom Borough Authority**, 49 East Main Street, New Freedom, PA 17349. This facility is located in Railroad Borough, **York County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated sewage from a sequencing batch reactor facility.

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

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

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

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

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

\*\* For total aluminum, total copper, total zinc, bis(2-ethylhexyl)phthalate and dichlorobromomethane, interim monitoring requirements are proposed for the first 3 years.

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

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

The EPA waiver is not in effect.

**PA0246964**, CAFO, **Kenneth R. Martin**, 1397 Robert Fulton Highway, Quarryville, PA 17566. This proposed facility is located in East Drumore Township, **Lancaster County**.

Description of Proposed Activity: The Ken Martin Farm is an existing dairy, swine and poultry operation with a total AEUs of 1,046.45. An estimated quantity of total annual manure production is 18,670 tons. The operation consists of 105 dairy cows, 6,600 swine and 86,000 pullets. There are four manure storages located on this operation. The first swine barn was built in 1994 and contains an under-house manure storage system with a capacity of 629,920 gallons of manure. The second swine barn was built in 1998 and contains an under-house manure storage system with a capacity of 755,738 gallons of manure. Neither structure has a leak detection system around the barn. The earthen dairy lagoon has the storage capacity of 1 million gallons with 1.12 million gallons of dairy manure produced on the farm per year. There is no leak detection system around the perimeter of the manure storage. The poultry barn houses 437 tons of manure per year. All of the 1.12 million gallons of dairy liquid generated on the farm is used on the farm. Of the 3,256,000 gallons of swine manure generated on the farm, 440,000 gallons are used on the farm with 2,816,000 gallons exported. Of the 437 tons of pullet manure generated on the farm, all of the manure is used on the farm.

The receiving stream, West Branch Octoraro, is in the State Water Plan watershed 7-K and is classified for HQ-CWF.

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

**PAG123565**, CAFO, **David Rosenberry, Gretna View Farms CAFO**, 3709 North Colebrook Road, Manheim, PA 17545. This proposed facility is located in Mount Joy Township, **Lancaster County**.

Description of Proposed Activity: The Gretna View Farms is an existing poultry and steer operation with a total AEUs of 792.4. An estimated quantity of total annual manure production is 6,817 tons. The operation consists of 130,000 layer chickens and 400 steers. The steers are confined 100% of the time in two different barns. All steer manure is handled as a liquid. The slotted floor pit below steer barn one is 112 ft. x 50 ft. x 4 ft. with a useable storage of 146,000 gallons assuming 6 inches of freeboard. The round concrete manure storage associated with steer barn two is 60 ft. x 12 ft. with a useable storage of 232,000 gallons assuming 1 foot of freeboard. This storage also handles the lot runoff of the 100 ft. x 50 ft. concrete barnyard. The poultry manure is handled as a solid stored below the high-rise layer house. All of the 1,251,110 gallons of the steer manure generated on the farm is used on the farm. The poultry operation generates 2,163 tons of manure with all of the manure being exported from the farm.

The receiving stream, Little Chickies Creek, is in the State Water Plan watershed 7-G and is classified for TSF.

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

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

**NPDES PA0021687**, Sewage, SIC 4952, **Wellsboro Municipal Authority**, 28 Crafton Street, Wellsboro, PA 16901. This proposed facility is located in the Wellsboro Borough, **Tioga County**.

Description of Proposed Activity: Renewal of Major NPDES Permit for the Wellsboro Municipal Authority Sewage Treatment Plant.

The receiving stream, Marsh Creek, is in State Water Plan watershed 9A and is classified for WWF. The nearest downstream public water supply intake, for the Pennsylvania-American Water Company at Milton, is located on the West Branch Susquehanna River 114 river miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on an Annual Average Design Flow of 2.0 MGD:

<i>Discharge Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Daily Maximum (mg/L)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	20	30		40
Total Suspended Solids	30	45		60
Total Chlorine Residual	0.17		0.29	0.56
Ammonia-N				
(6-1 to 10-31)	1.5			3.0
(11-1 to 5-31)	4.5			9.0
Dissolved Oxygen		5.0 mg/L as a Minimum		
Fecal Coliforms				
(5-1 to 9-30)		200 col/100 mL as a Geometric Mean		
(10-1 to 4-30)		2,000 col/100mL as a Geometric Mean		
pH		Within the range of 6.0 to 9.0		

Combined Sewer Overflow Outfalls 002 and 003

- Monitor and Report
- Continue Implementing CSO Strategy

In addition to the effluent limits, the permit contains the following major special condition: management and controls of combined sewers overflows.

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

**PA0219193**, Industrial Waste, **McHolme Builders, Inc.**, 315 Pay Days Drive, Elizabeth, PA 15037-9442. This application is for issuance of an NPDES permit to discharge treated stormwater from Hidden Brook Manor Residential Development in Peters Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, Chartiers Creek and Brush Creek, classified as WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is West View Water, located 28 miles below the discharge point.

*Outfall 001: discharge of treated stormwater runoff and groundwater.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids		35.0		70.0	
Iron, Total			3.0		6.0
Iron, Dissolved			Monitor and Report		
Aluminum			Monitor and Report		
Manganese			2.0		4.0
Mercury			Monitor and Report		
Zinc			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

Other Conditions: Approval of an erosion and sedimentation control plan requirement to implement best management practices and to conduct visual inspections.

*Outfall 002: new and stormwater discharge.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids			30.0		60.0
Lead			0.2		0.42
pH	not less than 6.0 nor greater than 9.0				



*Outfall 003: new and stormwater discharge.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids			35.0		70.0
Iron, Total			3.0		6.0
Iron, Dissolved			Monitor and Report		
Aluminum			Monitor and Report		
Manganese			2.0		4.0
Mercury			Monitor and Report		
Zinc			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PAS236101**, Industrial Waste, SIC, 2873, **Dyno Nobel, Inc.**, 1320 Galiffa Drive, Donora, PA 15033. This application is for issuance of an NPDES permit to discharge stormwater from the Donora Plant in Donora Borough, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, Monongahela River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Pennsylvania-American Water Company, located at Elrama, approximately 10 miles below the discharge point.

*Outfalls 001A, 004, 005 and 008: existing discharges.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow					Monitor and Report
Aluminum					Monitor and Report
Ammonia Nitrogen					Monitor and Report
Nitrate-Nitrite					Monitor and Report
Lead (T)					Monitor and Report
Iron (T)					Monitor and Report
Zinc (T)					Monitor and Report
pH					Monitor and Report

Special Condition for stormwater included in Part C.

The EPA waiver is in effect.

**PA0093165**, Sewage, **Claysville-Donnegal Joint Municipal Authority**, 314 Main Street, P. O. Box 467, Claysville, PA 15323. This application is for renewal of an NPDES permit to discharge treated sewage from Claysville Water Pollution Control Plant in Donegal Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Dutch Fork, which are classified as HQ-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 Bethany, WV Water Plant.

*Outfall 001: existing discharge, design flow of 0.16 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>	15	22.5		30
Suspended Solids	25	38		50
Ammonia Nitrogen				
(5-1 to 10-31)	1.5	2.3		3.0
(11-1 to 4-30)	4.0	6.0		8.0
Phosphorus	2	3		4
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	0.03			0.10

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Dissolved Oxygen	not less than 7.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0097411**, Sewage, **Glendale School District**, 1466 Beaver Valley Road, Flinton, PA 16640-8900. This application is for renewal of an NPDES permit to discharge treated sewage from Glendale High School STP in White Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Dutch Run, which are classified as 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 Pennsylvania-American Water Company on West Branch Susquehanna River near Milton.

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

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	2.5			5.0
(11-1 to 4-30)	6.0			12.0
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	0.15			0.35
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.

**PA0205869**, Sewage, **West Branch Sewer Authority**, 900 Philadelphia Avenue, Northern Cambria, PA 15714. This application is for renewal of an NPDES permit to discharge treated sewage from West Branch Sewer Authority WWTP in Susquehanna Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as West Branch Susquehanna River, which are classified as 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 Pennsylvania-American Water Company—Milton Division.

*Outfall 001*: existing discharge, design flow of 0.9 mgd.

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

The EPA waiver is in effect.

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

**PAS808307**, Industrial Waste, **Flying J Travel Plaza**, 246 Allegheny Blvd., Brookville, PA 15825. This proposed facility is located in Brookville Borough, **Jefferson County**.

Description of Proposed Activity: discharge of stormwater.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Redbank Creek and Hawthorn Borough located at Hawthorne, 18 miles below point of discharge.

The receiving stream, Clement Run, is in watershed 17C and classified for CWF, aquatic life, water supply and recreation.

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

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX		
Oil and Grease	15		30
Total Suspended Solids	30		60

The EPA waiver is in effect.

## WATER QUALITY MANAGEMENT PERMITS

### CONTROLLED INDUSTRIAL WASTE AND SEWAGE WASTEWATER APPLICATIONS UNDER THE CLEAN STREAMS LAW

#### PART II PERMITS

The following permit applications or requests for plan approval have been received by the Department of Environmental Protection (Department).

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

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

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

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

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

**WQM Permit No. 2302404**, Sewerage, **Pantos Corporation**, 202 Black Matt Road, Douglassville, PA 19518. This proposed facility is located in Chadds Township, **Delaware County**.

Description of Proposed Action/Activity: Construction and operation to install a dechlorination system at the existing wastewater treatment plant.

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

**WQM Permit No. 0602409**, Sewerage, **Earl Township**, 19 Schoolhouse Road, Boyertown, PA 19512-9111. This proposed facility is located in Earl Township and Amity Township, **Berks County**.

Description of Proposed Action/Activity: Approval for the construction of sewers and appurtenances.

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

**Application No. 1102401**, Sewerage, **Lilly Borough Sewer Authority**, 417 Cleveland Street, Lilly, PA 15938. Application for the construction and operation of a wastewater collection system to serve the entire Lilly Borough located in Lilly Borough, **Cambria County**.

The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

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

**WQM Permit No. 3796201**, Industrial Waste, **Dairy Farmers of America, Inc.**, R. R. 1, P. O. Box 268, New Wilmington, PA 16142-0268. This proposed facility is located in Wilmington Township, **Lawrence County**.

Description of Proposed Action/Activity: This project is to install an equalization tank at an existing wastewater treatment facility.

**WQM Permit No. 2002201**, Industrial Waste, **R. H. Watkins Services**, 1030 Market Street, Meadville, PA 16335. This proposed facility is located in Meadville City, **Crawford County**.

Description of Proposed Action/Activity: This project is for a biologically enhanced groundwater recirculation treatment system.

**WQM Permit No. 3302403**, Sewerage, **Falls Creek Municipal Authority**, 117 Taylor Avenue, Falls Creek, PA 15840. This proposed facility is located in Washington Township and Falls Creek Borough, **Jefferson County**.

Description of Proposed Action/Activity: This project is for a sewer system expansion.

**WQM Permit No. 1002413**, Sewerage, **Middlesex Township**, 133 Browns Hill Road, Valencia, PA 16059-3101. This proposed facility is located in Middlesex Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a sewage treatment facility and all related appurtenances.

**WQM Permit No. 3702405**, Sewerage, **City of New Castle**, 230 North Jefferson Street, New Castle, PA 1610. This proposed facility is located in City of New Castle, Union and Taylor Townships, **Lawrence County**.

Description of Proposed Action/Activity: This project is for the new West Bank Interceptor and trunk line sewer system.

**WQM Permit No. 4397403**, Sewerage, **Hermitage Municipal Authority**, 800 North Hermitage Road, Hermitage, PA 16148. This proposed facility is located in City of Hermitage, **Mercer County**.

Description of Proposed Action/Activity: This project is for the upgrade of the Jerry Lane Pumpstation.

**WQM Permit No. 2402403**, Sewerage, **City of St. Marys**, 808 South Michael Road, St. Marys, PA 15857-1994. This proposed facility is located in City of St. Marys, **Elk County**.

Description of Proposed Action/Activity: This project is for the replacement of the Elk Creek Interceptor gravity sewer line.

**WQM Permit No. 2002417**, Sewerage, **Brian S. Mullen**, 11344 Mill Grove Road, Springboro, PA 16435. This proposed facility is located in Spring Township, **Crawford County**.

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

**WQM Permit No. 2002418**, Sewerage, **Brent D. and Terry A. Jones**, 515 Beach Avenue, Cambridge Springs, PA 16403. This proposed facility is located in Cambridge Township, **Crawford County**.

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

**WQM Permit No. 2502419**, Sewerage, **Brandon T. Sherwood**, 1505 Lane Road, Waterford, PA 16441. This proposed facility is located in Waterford Township, **Erie County**.

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

**WQM Permit No. 2002420**, Sewerage, **Michael B. Frazier**, 17444 South Norrisville Road, Conneautville, PA 16406. This proposed facility is located in Hayfield Township, **Crawford County**.

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

**WQM Permit No. 2502420**, Sewerage, **Clark R. Troutman**, 12687 Route 98, Edinboro, PA 16412. This proposed facility is located in Elk Creek Township, **Erie County**.

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

**WQM Permit No. 1002414**, Sewerage, **Jean and Joseph Scherer**, 160 Leisie Road, Renfrew, PA 16053. This proposed facility is located in Forward Township, **Butler County**.

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

#### **NPDES Stormwater Individual Permit**

The following parties have applied for an NPDES permit to discharge stormwater associated with a construction activity into waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regula-

tions, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices which restrict the rate and quantity of sediment discharged.

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

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

Following the 30-day comment period, the appropriate Regional Office Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity, are on file and may be inspected at the office identified in this notice.

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

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

**NPDES Permit PAS10G545**, Stormwater, **Heritage Building Group**, 3326 Old York Road, Suite A100, Furlong, PA 18925, has applied to discharge stormwater associated with a construction activity located in East Coventry Township, **Chester County** to Pigeon Creek (HQ-TSF).

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

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

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10U080-R	Hornstein Enterprises, Inc. 1150 S. Cedar Crest Blvd. Allentown, PA 18103	Northampton County Forks Township	Bushkill Creek HQ-CWF
PAS10U179	Ron DelSerro Ron Del Development Co. 3242 Farmersville Road Bethlehem, PA 18020	Northampton County Lower Nazareth Township	Monocacy Creek HQ-CWF

*Pike County Conservation District: HC6, Box 6770, Hawley, PA 18428, (570) 226-8220.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10V042	Pike County Industrial & Commercial Development Authority Suite 301, 10 Buist Rd. Milford, PA 18337	Pike County Lehman Township	Little Bushkill Creek EV

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

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

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS104512	Michael Timmons 1060 W. SR 434, Suite 112 Longwood FL 32750	Granville Township Mifflin County	Unnamed tributary to Juniata River HQ-CWF

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

*Fayette County Conservation District: 10 Nickman Plaza, Lemont Furnace, PA 15456.*

**NPDES Permit PAS10L027**, Stormwater, **Indian Creek Valley Water Authority**, P. O. Box 486, Indian Head, PA 15446, has applied to discharge stormwater associated with a construction activity located in Stewart Township and Ohioyle Borough, **Fayette County** to Youghiogheny River (CWF), Laurel Run (HQ-CWF), Bear Run (EV) and Jim Run (CWF).

## PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

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

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### SAFE DRINKING WATER

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

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

**Permit No. 4602504**, Public Water Supply.

Applicant	<b>Horsham Water and Sewer Authority</b>
Township	Horsham
Responsible Official	Michael McRee 617B Horsham Road Horsham, PA 19044
Type of Facility	PWS
Consulting Engineer	Carroll Engineering Corporation 949 Easton Road Warrington, PA 18976
Application Received Date	September 16, 2002
Description of Action	Installation of multi-stage aeration system and clear well to remove tetrachloroethylene contamination from Well No. 2.

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

**Permit No. 3902503**, Public Water Supply.

Applicant	<b>Terry's Place</b>
Township or Borough	Weisenburg Township, <b>Lehigh County</b>
Responsible Official	Terry Campbell
Type of Facility	Noncommunity water system
Consulting Engineer	Michael Krasley, P. E.
Application Received Date	August 20, 2002
Description of Action	Treatment with GAC contractors to remove MTBE.

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

**Permit No. 3602515**, Public Water Supply.

Applicant	<b>Manheim Borough Authority</b>
County	<b>Lancaster</b>

Responsible Official Jerry L. Stehman, Chairperson  
15 East High Street  
Manheim, PA 17545

Type of Facility PWS

Consulting Engineer George H. Wagner, Jr.  
Rettew Assoc., Inc.  
3020 Columbia Ave.  
Lancaster, PA 17603

Application Received August 30, 2002  
Date

Description of Action Upgrade of an existing filtration  
plant. Installation of diatomaceous  
earth filters, stripping towers,  
conversion of existing floc/sed  
tanks into chlorine contact tanks.  
Existing chlorination and  
fluoridation chemical feed systems  
to remain.

**Permit No. 0702501**, Public Water Supply.

Applicant **Westwood Park Water  
Company**

Municipality Logan Township

County **Blair**

Responsible Official George Sackandy, President  
R. R. 4 Box 218  
Altoona, PA 16602

Type of Facility PWS

Consulting Engineer Mark V. Glenn, P. E.  
Gwin, Dobson & Foreman, Inc.  
3121 Fairway Dr.  
Altoona, PA 16602-4475

Application Received August 27, 2002  
Date

Description of Action Installation of corrosion control  
treatment for lead and copper  
treatment. pH adjustment and a  
corrosion inhibitor is treatment of  
choice.

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

**Permit No. 2602502**, Public Water Supply.

Applicant **NWL Company**  
1001 Lafayette Drive  
Farmington, PA 15437

Township or Borough Wharton Township

Responsible Official Pete Magerko  
NWL Company  
1001 Lafayette Drive  
Farmington, PA 15437

Type of Facility Woodlands Outdoor store

Consulting Engineer McMillen Engineering  
115 Wayland Smith Drive  
Uniontown, PA 15401

Application Received August 28, 2002  
Date

Description of Action Pump station and storage tank

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

**Permit No. 1602501**, Public Water Supply.

Applicant **Pennsylvania-American Water  
Co.**  
800 Hersheypark Dr.  
Hershey, PA 17033

Township or Borough Farmington Township, **Clarion  
County**

Responsible Official Paul A. Zielinski, Director

Type of Facility PWS

Consulting Engineer Jerry E. Hankey, P. E.  
Pennsylvania-American Water Co.  
2736 Ellwood Dr.  
New Castle, PA 16101

Application Received September 3, 2002  
Date

Description of Action Install one booster station and  
approximately 36,400 feet of 12  
inch DIP to provide water service  
to Pain, Knox and Farmington  
Townships.

**Permit No. 1602502**, Public Water Supply.

Applicant **Farmington Township**  
P. O. Box 148  
Leeper, PA 16233

Township or Borough Farmington Township, **Clarion  
County**

Responsible Official Gene Fredericks, Chairperson  
Farmington Township Supervisors

Type of Facility PWS

Consulting Engineer Northwest Engineering Inc.  
P. O. Box Q  
Tidioute, PA 16351

Application Received September 5, 2002  
Date

Description of Action Potable water distribution lines  
and storage facility.

**MINOR AMENDMENT****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. N/A**, Minor Amendment.

Applicant **Borough of Emmaus**  
28 South Fourth Street  
Emmaus, PA 18049

Township or Borough Emmaus Borough

Responsible Official Daniel Delong, Director of Public  
Works

Type of Facility PWS

Consulting Engineer Hanover Engineering  
252 Broadhead Road, Suite 100  
Bethlehem, PA

Application Received August 28, 2002  
Date

Description of Action pH adjustment at well 6 to meet  
the lead copper rule

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

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

Applicant **College Township Water Authority**  
 Township College Township, **Centre County**  
 Responsible Official R. David Derr, Chairperson  
 College Township Water Authority  
 1481 East College Avenue  
 State College, PA 16801  
 Type of Facility PWS  
 Consulting Engineer Entech Engineering, Inc.  
 4 South Fourth Street  
 P. O. Box 32  
 Reading, PA 19603  
 Application Received Date September 10, 2002  
 Description of Action Installation of 10,500 feet of 12-inch ductile iron waterline including a meter pit and pressure reducing vault to interconnect the College Township water system with the Rockview SCI water system

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

**Application No. 6502503**, Minor Amendment.

Applicant **Ligonier Municipal Authority**  
 120 East Main Street, Town Hall  
 Ligonier, PA 15658  
 Township or Borough Ligonier Township  
 Responsible Official Paul Fry, Authority Chairperson  
 Ligonier Municipal Authority  
 120 East Main Street, Town Hall  
 Ligonier, PA 15658  
 Type of Facility WTP  
 Consulting Engineer The EADS Group, Inc.  
 450 Aberdeen Drive  
 P. O. Box 837  
 Somerset, PA 15501  
 Application Received Date September 5, 2002  
 Description of Action Addition of Stern PAC 70

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, or 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 site identified, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved and comments, should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notice of Intent to Remediate:

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

**Frost-Watson**, Newtown Borough, **Bucks County**. Mark Fortna, DelVal Soil & Environmental Consultants, Inc., 4050 Skyron Dr., Suite A1, Doylestown, PA 18901, on behalf of Donald Plump, Jr., Frost-Watson, 17 S. Lincoln Ave., Newtown, PA 18940, has submitted a Notice of Intent to Remediate soil contaminated with inorganics, lead and PAHs. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bucks County Courier Times* on August 21, 2002.

**Sunoco Inc., Icedale Terminal (DUNS #9000-0080)**, West Brandywine Township, **Chester County**. Lisa

Holderbach, Groundwater & Environmental Services, Inc., 410 Eagleview Blvd., Suite 110, Exton, PA 19341, on behalf of Sunoco, Inc., Bradford L. Fish, P.G., P. O. Box 1135, Post Rd. and Blueball Ave., Marcus Hook, PA 19061, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with Fuel Oil No. 2. The applicant proposes to remediate the site to meet Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Daily Local News* on August 14, 2002.

**Eddystone Industrial Park**, Eddystone Borough, **Delaware County**. David S. Coyne, Walter B. Satterthwaite Associates, Inc., 720 Old Fern Hill Rd., West Chester, PA 19380, on behalf of John Jardine, E.I.P. Limited Partnership, c/o Re-Steel Supply Co., Inc., 2000 Eddystone Industrial Park, Eddystone, PA 19022-1588, has submitted a Notice of Intent to Remediate groundwater contaminated with inorganics, MTBE, other organics and PAH. 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 *News of Delaware County* on August 28, 2002.

**Fogel Property**, Upper Providence Township, **Montgomery County**. Terence A. O'Reilly, P.G., TriState Environmental Management Services, Inc., 362 Dunks Ferry Rd., Bensalem, PA 19020, on behalf of John Ciccone, Agent for Mary Fogel, John Ciccone Architects, 2006 Samson St., Philadelphia, PA 19103, has submitted a Notice of Intent to Remediate soil contaminated with inorganics. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Norristown Times Herald* on August 28, 2002.

**Paul Grater Farm**, Skippack Township, **Montgomery County**. Richard P. Almquist, Jr., OXFORD Engineers & Consultants, Inc., 2121 VanBuren Ave., Suite 500, Norristown, PA 19403, on behalf of Jerry Gorski, Lucon Business Park, LLC, 528 Main St., Suite 100, Harleysville, PA 19438, has submitted a Notice of Intent to Remediate soil contaminated with chlorinated solvents, inorganics, lead, other organics, PAH and pesticides. 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 Independent* on August 21, 2002.

**Dallas Miller Service Station**, Douglass Township, **Montgomery County**. Eric P. Kohlsaas, AMEC Earth & Environmental, Inc., 285 Davidson Ave., Somerset, NJ 08873, on behalf of Kathy Miller, 858 Forgedale Rd., Barto, PA 19504, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with unleaded gasoline. 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 Pottstown Mercury* on August 23, 2002.

**Former Cochrane, Inc.**, Upper Merion Township, **Montgomery County**. Paul Ledebur, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of Sugartown Worldwide, Inc., 500 American Ave., King of Prussia, PA 19406, has submitted a revised Notice of Intent to Remediate soil contaminated with BTEX. 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 *King of Prussia Courier* on August 23, 2002.

**Former Bridgestone/Firestone Retail Store and Western Metal Bed Co.**, City of Philadelphia, **Philadelphia County**. Craig Herr, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of BFS Retail & Commercial Operations, LLC, 333 E. Lake St., Bloomingdale, IL 60108; BDF Corp., Bernard Featherman, Daniel Featherman and Franklyn Featherman, P. O. Box 23208, Philadelphia, PA 19125, has submitted a revised Notice of Intent to Remediate soil contaminated with chlorinated solvents and groundwater contaminated with chlorinated solvents and other organics. The applicant proposes to remediate the site to meet Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in *Philadelphia Inquirer* on August 27, 2002.

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

**James Property**, Douglass Township, **Berks County**. Penn Environmental and Remediation, Inc., 2755 Berger Road, Hatfield, PA 19440, on behalf of Christopher and Diane James, 130 Red Shale Drive, Boyertown, PA 19512, submitted a Notice of Intent to Remediate site soils contaminated with fuel oil No. 4 and No. 6. The applicant proposes to remediate the site to meet the Statewide health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Pottstown Mercury* on August 28, 2002.

**Sterling Packaging Corporation**, Union Township, **Lebanon County**. American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668, on behalf of S & T Bank, 800 Philadelphia Street, Box 190, Indiana, PA 15701, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with chlorinated solvents. The applicant proposes to remediate the site to meet the site-specific standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lebanon Daily News* on September 1, 2002.

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

**Donald Snyder Property**, Fairfield Township, **Lycoming County**. Hydrocon Services, Inc., on behalf of Donald Snyder, R. D. 1, Box 1, Montoursville, PA 17754 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with MTBE and unleaded gasoline. The applicant proposes to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Williamsport Sun-Gazette* on May 3, 2002. See additional notice in the Actions section of this *Pennsylvania Bulletin*.

#### MUNICIPAL WASTE GENERAL PERMITS

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

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

**General Permit Application No. WMGM018. L & W Demolition Co. Inc.**, 2224 Paxton St., Harrisburg, PA



17111. The application is for beneficial use of wood and shaker dirt recycled from construction and demolition debris. The wood is proposed for beneficial use as landscaping mulch and a bulking agent in sewage sludge and other waste composting. The shaker dirt is proposed for beneficial use as topsoil. The application was accepted on September 13, 2002.

Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. Persons interested in obtaining more information about the general permit application may contact the Division of Municipal and Residual Waste, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

#### RESIDUAL WASTE GENERAL PERMITS

**Application 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 Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

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

**General Permit Application No. WMGR086. Howes Leather Corporation**, 50 Cooper Road, Curwensville, PA 16833. General Permit Number WMGR086 is for the beneficial use of industrial wastewater treatment sludge as a soil conditioner for land application on agricultural lands and mine reclamation sites. Central Office received the application on August 1, 2002, and it was determined administratively complete on September 17, 2002.

**General Permit Application No. WMGR085. Lehigh Coal & Navigation Co.**, P. O. Box 311, Tamaqua, PA 18252-0311. The application is for processing and beneficial use of brackish and marine dredge material, cement kiln dust, lime kiln dust, coal ash and cogeneration ash in mine reclamation. The application was accepted by Central Office on September 16, 2002.

Comments concerning these applications should be directed to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in obtaining more information about the general permit application may contact the Division at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

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

**Application 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.

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

**Permit Application No. 101652. Pitt Mining Company**, 423 Weiss Road, Shelocta, PA 15774. **Pitt Mining Biosolids Facility**, 762 Pounds Road, Shelocta, PA 15774. A major permit modification application for a Radiation Protection Action Plan at a Resource Recovery Processing Facility in Young Township, **Indiana County** was received in the Regional Office on September 12, 2002.

Comments or information concerning the application should be directed to Michael Forbeck, Facilities Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

### AIR QUALITY

#### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

##### NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

#### PLAN APPROVALS

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

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

**40-320-019: Exopack, LLC** (3 Maplewood Drive, Hazleton, PA 18202) for construction of two in-line printing lines (Flexographic) in Hazle Township, **Luzerne County**.

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

**29-05003A: Allegheny Energy Solutions, Inc.** (100 Brush Run Road, Greensburg, PA 15601) for construction of six simple cycle combustion turbines at its McConnellsburg/Gilford Generating Station in McConnellsburg Borough, **Fulton County**. This electric generation station is a Title V facility and subject to 40 CFR Part 60, Subpart GG—Standards of Performance for Stationary Gas Turbines.

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

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

**15-0009B: Asahi Glass Fluoropolymers USA, Inc.** (255 South Baily Road, Downingtown, PA 19355) on September 16, 2002, for installation of a fluid bed dryer with existing scrubber as a control in Caln Township, **Chester County**. This facility is a Synthetic Minor facility. Emissions from this source are 2.01 tons of VOCs and 0.37 ton of NO<sub>x</sub> per year. The plan approval will contain recordkeeping and operating restriction designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: Michael Saffo, Facilities Permitting Chief, (570) 826-2531.*

**40-399-050: Genova Products** (502 Forest Road, Humboldt Industrial Park, Hazleton, PA 18202) for installation of an air cleaning device to control a PVC trimming operation in Hazle Township, **Luzerne County**. The installation will not emit particulate emissions more than 0.02 grain/dscf. The plan approval and operating permit

will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**54-301-040A: Magdalene** (Ruth Ann Brouse, P. O. Box 215, Ringtown, PA 17967) for installation of a second human crematory in Ringtown, **Schuylkill County**. A temperature of 1,800°F shall be maintained with a minimum residence time of one second when the unit is in operation. Particulate emissions shall not exceed 0.08 grain/dscf, corrected to 7% O<sub>2</sub>. The plan approval and operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**48-309-120: ESSROC Cement Corp.** (3251 Bath Pike, Nazareth, PA 18064-8928) for installation of an air cleaning device (fabric collector) for the existing Bucket Elevators 209 and 314 at the Nazareth Plant I in Lower Nazareth Township, **Northampton County**. The particulate emissions from the fabric collector will not exceed the best available technology standard of 0.01 grain/DSCFT (2.63 tons per year). The plan approval and operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The facility currently has a Title V Operating Permit No. 48-00004. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

**48-318-133: Milliken Valve Co., Inc.** (1995 Highland Avenue, Suite 500, Bethlehem, PA 18020) for construction of a paint spray booth and associated air cleaning device in Bethlehem Township, **Northampton County**. The manufacturing facility is a non-Title V facility. Annual VOC emissions from the spray booth will be 8.41 tons per year of which 4.54 tons per year will be HAPs. Particulate matter emissions from the process will be controlled through the use filter panels and will be less than 0.02 gr/dscf. The plan approval will include all appropriate monitoring, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements.

**40-303-021: Hazleton Materials LLC** (P. O. Box 1394, 2052 Lucon Road, Skippack, PA 19474) for construction and operation of a batch mix asphalt plant in Foster Township, **Luzerne County**. The facility will utilize Waste Derived Liquid Fuel (WDLF), #2 fuel oil, natural gas and propane gas as fuel. WDLF will be heated in a preheater prior to being used. Particulate emissions from the plant will be controlled by a baghouse. Expected particulate emission rate will be less than 0.02 grain/dscf. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system. The plan approval and operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

**06-05121A: Williams Metalfinishing, Inc.** (P. O. Box 2029, Sinking Spring, PA 19608) for construction of a vapor degreaser controlled by a refrigerated chiller in the Borough of Sinking Spring, **Berks County**. The source is subject to 40 CFR Part 63, Subpart T—National Emission Standards for Halogenated Solvent Cleaning. This is a

non-Title V (State only) facility at this time. This construction will result in no change in the potential to emit VOCs. The applicant will be required to remove from service an existing degreaser. The applicant will be required to record the solvent usage and calculate the VOC emissions monthly. The approval will include monitoring, recordkeeping, work practices and reporting requirements designed to keep the source operating within all applicable air quality requirements

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: Muhammad Zaman, Facilities Permitting Chief, (570) 327-3637.*

**59-00004B: Ward Manufacturing, Inc.** (P. O. Box 9, Blossburg, PA 16912-0009) for construction of a furan warm box core-making machine, the particulate matter emissions from which shall be controlled by a bin vent dust collector in Blossburg Borough, **Tioga County**. Ward Manufacturing, Inc. is a major facility for which a Title V Operating Permit (59-00004) has been issued.

The information provided by the applicant, as well as the Department's own analysis, indicates that the core machine will have the potential to emit 15.57 tons of VOCs per year, 3.00 tons of particulate matter per year, 1.10 tons of NOx per year, 0.23 ton of CO per year and less than 1 ton of HAPs per year.

A preliminary review of the information submitted by the applicant indicates that the proposed core machine will meet all applicable air quality requirements including the "best available technology" requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to approve the application and issue a plan approval.

To ensure compliance with all applicable standards, the Department proposes to place the following requirements in the respective plan approval.

- Only natural gas shall be used to fire this core machine.
- NOx and CO emissions shall not exceed 1.10 tons and 0.23 ton, respectively, during any 12 consecutive month period.
- The particulate matter concentration of the exhausts from the bin vent dust collector and the core machine exhaust system shall not exceed 0.01 grain per dry standard cubic foot. Additionally, the total combined particulate matter emissions from the core machine shall not exceed 3.0 tons per 12 consecutive month period.
- Only those resins and catalysts identified in the plan approval application and supplemental documentation, or their equivalent (as determined by the Department), shall be used in this core machine.
- The total combined amount of resins/catalysts used by this core machine shall not exceed 80 tons per 12 consecutive month period.
- The VOC emissions from the core machine shall not exceed 15.57 tons per 12 consecutive month period.
- The total combined HAP emissions from the core machine shall not exceed 1 ton per 12 consecutive month period.
- Records shall be maintained of the types of resins and catalysts used in the core machine as well as the amount of each used each month.

Ward also submitted applications requesting that that it be awarded 4.73 tons of VOC emission reduction credits (ERC) for shutting down three existing core machines

which Ward intended to utilize to partially offset the VOC emissions from the new core machine. The Department, however, has not yet completed its evaluation of the ERC applications so is not prepared to announce a decision regarding the respective applications at this time.

**19-320-005: Press Enterprise, Inc.** (3185 Lackawanna Avenue, Bloomsburg, PA 17815) for construction of an eight color heatset web offset lithographic printing press and associated natural gas-fired drying oven, the air contaminants from which shall be controlled by a regenerative thermal oxidizer, in Scott Township, **Columbia County**. Additionally, the company has voluntarily requested operating restrictions on three existing nonheatset web offset lithographic printing presses to limit the facility-wide emission of VOCs.

The facility is considered minor with respect to the emission of air contaminants.

The information provided by the applicant, as well as the Department's own analysis, indicates that construction of the printing press would potentially result in the emission of 3.37 tons of VOCs per 12 consecutive month period, of which 1.33 tons may be HAPs. With respect to the voluntary operating restrictions, the total combined potential VOC emissions from the three existing printing presses would be limited to 19.72 tons per 12 consecutive month period.

A preliminary review of the information submitted by the applicant indicates that the proposed construction will meet all applicable air quality requirements including the "best available technology" requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to approve the application and issue a plan approval.

To ensure compliance with all applicable standards, the Department proposes to place the following requirements in the respective plan approval.

- The oven and RTO shall only be fired on natural gas.
- The capture efficiency of the oven shall be equal to 100%.
- The destruction efficiency of the RTO shall be equal to or greater than 98%.
- The combustion chamber of the RTO shall be maintained at temperature of at least 1,500°F whenever the press is in operation.
- The RTO shall be equipped with instrumentation to continuously monitor combustion chamber temperature and shall incorporate interlocks to ensure a minimum combustion chamber temperature of 1,500°F for the oven to operate.
- The inks used by the heatset press shall not contain more than 50% VOCs and shall contain no HAPs.
- The amount of fountain solution additive used by the heatset press shall not exceed 2,000 gallons during any 12 consecutive month period.
- The fountain solution additive shall not contain more than 1.2 pounds of VOCs/HAPs per gallon, unless approved by the Department.
- The vapor pressure of the fountain solution additive shall be no greater than 16 mm Hg @ 20°C, unless approved by the Department.
- The fountain solution shall not contain more than 3 ounces of additive for every gallon of water.

- The amount of blanket wash solution used by the heatset press shall not exceed 600 gallons during any 12 consecutive month period.

- The blanket wash solution shall not contain more than 0.83 pound of HAPs per gallon, unless approved by the Department.

- The vapor pressure of the blanket wash solution shall be no greater than 3 mm Hg @ 20°C, unless approved by the Department.

- All solvent laden rags used for cleanup shall be stored in closed containers after use until properly disposed of. Solvent laden rags shall not be treated by allowing solvents to evaporate.

- The total combined VOC emissions from the heatset press shall not exceed 3.37 tons in any 12 consecutive month period.

- The total combined HAP emissions from the heatset press shall not exceed 1.33 tons in any 12 consecutive month period.

- The VOC emissions from the Goss press shall not exceed 8.05 tons in any 12 consecutive month period.

- The VOC emissions from the Harris press shall not exceed 5.51 tons in any 12 consecutive month period.

- The VOC emissions from the Tensor Tower press shall not exceed 6.16 tons in any 12 consecutive month period.

- Records shall be maintained of the identity and amount of each ink, fountain solution additive and blanket wash solution used for each press for each month.

- Stack testing to demonstrate compliance with the capture and destruction efficiencies specified herein.

**49-00009A: Mohawk Flush Doors, Inc., a Premdor, Inc. Company** (US Route 11, P. O. Box 112, Northumberland, PA 17858) for construction of a spray booth and two roll coaters to surface coat wood doors at their facility in Point Township, **Northumberland County**. The respective facility is a major facility for which a Title V Operating Permit (#49-00009) has been issued.

The operation of the spray booth and roll coaters will result in the emission of up to 9.0 tons of VOCs per year, of which up to 4.06 tons may also be HAPs.

The Department's review indicates that the proposed spray booth and roll coaters will meet all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to approve the application and issue plan approval for the construction of the proposed spray booth and roll coaters.

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

- The spray booth shall be equipped with filters at all times the booth is in use.

- All coatings applied shall be applied with high volume low pressure spray guns.

- No more than 5,000 gallons of coating shall be applied in the spray booth in any 12 consecutive month period (not counting strippable booth coating).

- No more than 35 gallons of strippable booth coating shall be used in the booth in any 12 consecutive month period.

- The only coatings to be applied in the spray booth (other than strippable booth coatings) shall be water-based coatings with a maximum VOC content of 1.5 pounds per gallon and a maximum HAP content of 1.5 pounds per gallon. Additionally, nothing may be added to these coatings other than water or ammonia.

- The strippable booth coating used in the spray booth shall have a maximum VOC content of 1.2 pounds per gallon and a maximum HAP content of .1 pound per gallon.

- All coating used in the two roll coaters shall have a maximum theoretical VOC content of .50% by weight but may be shown by Method 24 analysis to have a VOC content of up to .50 pound of VOCs per gallon of coating (whether photoinitiator has been added or not). The maximum theoretical HAP content of the coating shall not exceed .3% by weight.

- Nothing may be added to the coating used in the roll coaters other than photoinitiator and that shall not be added in excess of 1.25% of the volume of coating used.

- No more than 20,500 gallons of coating and 256.25 gallons of photoinitiator may be used in any 12 consecutive month period.

- A total of no more than 15 gallons of VOC or HAP-containing material shall be used in any 12 consecutive month period for cleanup activities associated with the spray booth and two roll coaters.

- Records shall be maintained of the identity and amount of each individual coating or coating additive (other than water) used each month in the spray booth, the identity and amount of each individual coating or coating additive used each month in the two roll coaters, the identity and amount of strippable booth coating used each month in the spray booth and the identity and amount of each individual material (other than water) used each month for cleanup activities associated with the spray booth and two roll coaters.

- The total combined VOC emissions from all sources at the facility, including the new spray booth and two new roll coaters, shall not equal or exceed 50 tons in any 12 consecutive month period.

**41-00025A: Lycoming County Resource Management Services** (P. O. Box 187, Montgomery, PA 17752) for construction of a Morbark 1300 Tubgrinder at the Lycoming County Landfill in Brady Township, **Lycoming County**. The Morbark 1300 Tubgrinder incorporates a 750 brake horsepower diesel engine. The facility is currently operating under a Title V Operating Permit (#41-00025).

The tubgrinder will process only clean wood and green waste such as tree limbs, shrubbery and the like. The fugitive dust emissions from the operation of the tubgrinder are expected to be minimal due to the moisture level of the wood waste. In the event that fugitive emissions may occur, the tubgrinder is fitted with water spray nozzles that can be used as required. The diesel engine has the potential to emit 7.1 tons of nitrogen oxides, 0.8 ton of carbon monoxide, 0.06 ton of hydrocarbons and 0.17 ton of particulate per 12 consecutive month period.

The Department's review of the information contained in the application and supplied by the tubgrinder and

diesel engine manufacturer, indicates that the proposed tubgrinder and associated diesel engine will meet all applicable air quality regulatory requirements including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department intends to approve the application and issue a plan approval to construct the proposed Morbark 1300 Tubgrinder and associated diesel engine.

The Department intends to place conditions in the plan approval to be issued to assure compliance with all applicable air quality regulatory requirements. The following is a summary of these conditions:

The tubgrinder shall be equipped with water spray nozzles to control any fugitive dust emissions.

The diesel engine shall not emit nitrogen oxides, hydrocarbons, carbon monoxides and particulate in excess of 7.1, 0.06, 0.8 and 0.17 tons per 12 consecutive month period, respectively. Additionally, the nitrogen oxides, total hydrocarbons, carbon monoxide and particulate emissions from the engine shall never exceed 6.34, 0.05, 0.72 and 0.15 grams per brake horsepower-hour, respectively.

The tubgrinder and associated engine shall not operate more than 1,350 hours during any 12 consecutive month period. The facility shall maintain records of the hours the tubgrinder and engine operate each month and shall retain these records onsite for at least 5 years and shall make these records available to the Department upon request.

Diesel fuel sulfur content shall not exceed 0.3% by weight.

Visible emissions from the diesel engine shall not exceed 10% or greater opacity for a period or periods more than 3 minutes in any 1 hour and shall not exceed 30% or greater opacity at any time.

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

**01162: Sunoco, Inc. (R and M)** (3144 Passyunk Avenue, Philadelphia, PA 19145) for installation of a backup tail gas unit in the 867 Sulfur Recovery Plant in City of Philadelphia, **Philadelphia County**. This is a Title V facility. No net increase in emissions is anticipated due to installation of this air-cleaning device. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

**01166 and 02110: Children's Hospital of Philadelphia** (34th Street and Civic Center Boulevard, Philadelphia, PA 19104) for installation of three 800 hp boilers, two 2,000 kW and one 600 kW emergency generators and to convert two 1,081 hp emergency generators to peak shaving generators in City of Philadelphia, **Philadelphia County**. The NOx emissions from the facility will increase 15.47 tons per year. This is a Synthetic Minor facility which will become a Title V facility with these installations. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

**02113: EI DuPont De Nemours and Co., Inc.** (3401 Grays Ferry Avenue, Philadelphia, PA 19146) for installation of a chiller with two natural gas fired 180 hp internal combustion engines in City of Philadelphia, **Philadelphia County**. This is a Synthetic minor facility. The chiller will use nonselective catalytic reduction for NOx control. NOx emissions are expected to be 0.4 pound

per hour. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Roger Fey, Chief, (215) 823-7584.*

**01169: Purolite Co.** (3620 G Street, Philadelphia, PA 19134) for installation of the following processes: cyclers, Glatt Dryer, caustic and acidic wastewater tanks, Iso-Butyl Alcohol (IBA) Condenser with IBA recovery tanks and an electric chiller system and copolymer wastewater at their facility in the City of Philadelphia, **Philadelphia County**. The company has also requested approval for the acceptance of facility-wide limits for VOC emission limits of 20 tons per rolling 12-month period and HAP emissions of 10 tons per rolling 12-month period. Purolite has also requested approval for the acceptance of facility-wide production limits.

### OPERATING PERMITS

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

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

**46-00081: Markel Corp.** (416 School Lane, Norristown, PA 19404) for manufacture of fluoropolymer tubing and coated wire, as well as plastic tubing, coated, fiberglass sleeving and specialty products in Plymouth Township, **Montgomery County**. The facility's major emission points include ten extruders that have the potential to emit major levels of VOCs.

**15-00022: Columbia Gas Transmission Co.** (1700 MacCorkle Avenue Southeast, Charleston, WV 25325-1273) for operation of a natural gas transmission facility in West Vincent Township, **Chester County**. The facility's major emission points include four reciprocating engine/internal compressors and one reciprocating engine/generator that have the potential to emit major levels of VOCs and NOx.

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

**06-05033: Texas Eastern Transmission LP** (5151 San Felipe, Houston, TX 77056) for operation of a natural gas transmission compressor station at the Bernville Compressor Station in North Heidelberg Township, **Berks County**. This action is a renewal of the Title V Operating Permit issued in 1998. The facility's major sources of emissions include natural gas fired internal combustion engine and turbine driven compressors and emergency generators. The primary emission is NOx. The Title V Operating Permit contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**06-05034: Texas Eastern Transmission LP** (P. O. Box 1642, Houston, TX 77251-1642) for operation of a natural gas compressor station at the Bechtelsville Compressor Station in Washington Township, **Berks County**. The facility's major sources of emissions include the natural gas fired turbine driven compressors and generators that primarily emit NOx. The Title V Operating Permit contains monitoring, recordkeeping and reporting require-

ments designed to keep the facility operating within all applicable air quality requirements. This is for a Title V Operating Permit renewal.

**34-05002: Texas Eastern Transmission LP** (5151 San Felipe, Houston, TX 77056) for operation of a natural gas transmission compressor station at the Perulack Compressor Station in Lack Township, **Juniata County**. This action is a renewal of the Title V Operating Permit issued in 1998. The facility's major sources of emissions include natural gas fired internal combustion engine and turbine driven compressors and emergency generators. The primary emission is NOx. The Title V Operating Permit contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**50-05001: Texas Eastern Transmission LP** (P. O. Box 1642, Houston, TX 77251-1642) for operation of a natural gas compressor station at the Shermans Dale Compressor Station in Carroll Township, **Perry County**. The facility's major sources of emissions include the natural gas fired turbine driven compressors and generators that primarily emit NOx. The Title V Operating Permit contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is for a Title V Operating Permit renewal.

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

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

**15-00034: Sanofi Synthelabo, Inc.** (25 Great Valley Parkway, Malvern, PA 19355) for operation of NOx emitting sources in East Whiteland Township, **Chester County**. The Reasonably Available Control Technology Operating Permit was reissued.

**09-00084: Grand View Hospital** (700 Lawn Avenue, Sellersville, PA 18960) for operation of four boilers, which have the potential to emit major levels of NOx before taking limitations at their facility in West Rockhill Township, **Bucks County**.

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

**06-03085: Power Packaging, Inc.** (525 Dunham Road, St. Charles, IL 60174) for operation of a beverage packaging facility consisting of three boilers in Muhlenberg Township, **Berks County**. The plant is not subject to Title V. The plant has the potential to emit 4.3 tons per year of particulate, 12.3 tons per year of SOx, 12.6 tons per year of CO, 31.1 tons per year of NOx and 3.4 tons per year of VOC. The permit will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**36-05086: DONSCO, Inc.** (P. O. Box 2001, Wrightsville, PA 17368) for operation of a gray/ductile iron foundry in Mount Joy Borough, **Lancaster County**. The facility has the potential to emit 100 tons of particulate matter annually. The synthetic minor operating permit will contain emission limits, monitoring, recordkeeping and reporting requirements to ensure the facility operates in accordance with the applicable requirements.

**67-03113: Advanced Industrial Services, Inc.** (3250 Susquehanna Trail, York, PA 17402-9754) for operation of its metal fabrication facility in Manchester Township, **York County**. The facility has the following potential annual emissions: 12 tons of VOCs, 5 tons of xylene and 0.2 ton of PM-10. The Natural Minor Operating Permit will include testing, monitoring and recordkeeping requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

**49-317-002: Sensenig Milling Services, Inc.** (R. R. 2, Box 68A, Watsonstown, PA 17777) for operation of a rotary bakery waste dryer in Lewis Township, **Northumberland County**.

The facility in which this dryer exists is a minor facility. The air contaminant emissions from the dryer are controlled by a cyclone collector and a fabric collector operating in series. The dryer could potentially emit up to 11 tons of particulate matter per year as well as 7.35 tons of nitrogen oxides and 1.85 tons of carbon monoxide.

The Department has determined that the dryer has been constructed and is operating, in accordance with all conditions of Plan Approval 49-317-0002 as well as in compliance 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. The Department consequently intends to issue an operating permit for the operation of the respective dryer.

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

1. The dryer shall be equipped with an automatic temperature control system which shall be used to continuously maintain the dryer temperature below the level which results in excessive visible air contaminant emissions.
2. The particulate matter concentration in the exhaust of the fabric collector shall not exceed .02 grain per dry standard cubic foot.
3. The fabric collector shall be equipped with instrumentation to monitor the pressure differential across the collector.
4. The air compressor supplying the compressed air used to clean the fabric collector bags shall be equipped with an air dryer and oil trap.
5. Spare fabric collector bags shall be kept onsite.
6. The fabric collector shall be equipped with an exhaust stack that will effectively prevent precipitation from entering the collector.

## 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); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); 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 appli-

cable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

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

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the previous, more restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the previously-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

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

#### *Coal Applications Received*

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

**17020901. Johnson Brothers Coal Company**, R. R. 1, Box 580, Mahaffey, PA 15757. Commencement, operation and restoration of an Incidental Coal Extraction permit in Lawrence Township, **Clearfield County** affecting 19.6 acres. Receiving stream: Laurel Run, tributary to Little Clearfield Creek, classified for CWF. The first downstream potable water supply intake from the point of discharge is: none. Application received August 27, 2002.

**17010112. Junior Coal Contracting, Inc.**, R. R. 3, Box 225A, Philipsburg, PA 16866. Commencement, operation and restoration of a bituminous surface mine-auger permit in Decatur Township, **Clearfield County** affecting 228 acres. Receiving stream: Big Run, Shimel Run, unnamed tributaries to Moshannon Creek, all classified for CWF. Application received August 30, 2002.

**17970118 and NPDES Permit No. PA 0237841. Junior Coal Contracting, Inc.**, R. D. 3, Box 225A, Philipsburg, PA 16866. Renewal of an existing bituminous surface mine permit in Decatur Township, **Clearfield County** affecting 71.6 acres. Receiving stream: Shimmel Run, classified for CWF. The first downstream potable water supply intake from the point of discharge is: none. Application received September 6, 2002.

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

**03970106. GLR Mining, Inc.** (P. O. Box 105, Clymer, PA 15728). Permit renewal application received for reclamation only of a bituminous surface/auger mine located in Valley Township, **Armstrong County**, affecting 30.0 acres. Receiving streams: unnamed tributary to Cowanshannock Creek, classified for WWF. The first downstream potable water supply intake from the point of discharge is greater than 10 miles from the permit area. Renewal application received September 11, 2002.

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

**11850106 and NPDES Permit No. PA0597309. C & K Coal Company**, P. O. Box 69, Clarion, PA 16214, permit renewal for reclamation only and for continued restoration of a bituminous surface mine and for discharge of treated mine drainage in Reade Township, **Cambria County**, affecting 232.0 acres. Receiving stream: Curtis Run and an unnamed tributary to/and Muddy Run classified for CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 3, 2002.

**56020107 and NPDES Permit No. PA0249297. Alverda Enterprises, Inc.**, P. O. Box 87, Alverda, PA 15710, commencement, operation and restoration of a bituminous surface and auger mine and for discharge of treated mine drainage in Conemaugh Township, **Somerset County**, affecting 85.0 acres. Receiving stream: Stonycreek River classified for WWF. There are no potable water supply intakes within 10 miles downstream. Application received September 5, 2002.

*McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317, (724) 941-7100.*

**02841304. NPDES Permit N/A, Penn Allegh Coal Co., Inc.**, 5374 William Flynn Highway, to renew the permit for the Allegheny No. 2 Mine in Fawn Township, **Allegheny County** to revise the permit to add a water treatment facility, Surface Acres Proposed 8 acres, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, Lardintown Run, classified for TSF. The first downstream potable water supply intake from the point of discharge is N/A. Application received May 2, 2002.

**32830701. NPDES Permit PA0215015, Pennsylvania Mines, LLC** (P. O. Box 367, Ebensburg, PA 15931), to renew the permit for the Greenwich No. 2 Coal Refuse in Green and Susquehanna Townships, **Indiana and Cambria Counties**, renewal, Surface Acres Proposed



N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following use: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Application received July 18, 2002.

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

**5522-10990104-E-1. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Application for a stream encroachment for construction and maintenance of a temporary haul road crossing over unnamed tributary No. 2 to Muddy Creek in Clay and Center Townships, **Butler County**. Receiving streams: unnamed tributaries to Muddy Creek, classified for HQ-CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received September 9, 2002.

#### *Noncoal Applications Received*

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

**53020803. Randy Cornelius**, Box 127, Roulette, PA 16746. Commencement, operation and restoration of a Small Industrial Minerals (Bluestone) permit in Roulette Township, **Potter County** affecting 3 acres. Receiving stream: unnamed tributary to unnamed tributary to Trout Brook. Application received August 16, 2002.

**08020810. Henry Allen Mast**, R. D. 2, Box 71B1, Leraysville, PA 18829. Commencement, operation and restoration of a Small Industrial Minerals (Bluestone) permit in Pike Township, **Bradford County** affecting 3 acres. Receiving stream: tributary to Wyalusing Creek. Application received August 20, 2002.

**53020804. Samuel A. Treat**, 253 Brookland Road, Coudersport, PA 16915. Commencement, operation and restoration of a Small Industrial Minerals (Flagstone) permit in Sweden Township, **Potter County** affecting 3 acres. Receiving stream: unnamed tributary to Lyman Creek, tributary to Lyman Creek. Application received August 27, 2002.

#### **ABANDONED MINE RECLAMATION**

Under Act 181 of 1984, the Department solicits letters of interest from the landowners and/or licensed mine operators for the reclamation of the following abandoned strip mine project:

Project No. BF 487-101.1, Beccarria Township, Clearfield County, 47.5 acres.

Letters of interest must be received by Roderick A. Fletcher, P. E., Director, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, 400 Market Street, P. O. Box 8476, Harrisburg, PA 17105-8476, no later than 4 p.m. on October 28, 2002, to be considered. Telephone inquiries shall be directed to Charles Lonkart, Division of Mine Hazards, at (717) 787-3448.

Under Act 181 of 1984, the Department solicits letters of interest from the landowners and/or licensed mine operators for the reclamation of the following abandoned strip mine project:

Project No. BF 484-102.1, Hempfield Township, Westmoreland County, 24 acres.

Letters of interest must be received by Roderick A. Fletcher, P. E., Director, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, 400 Market Street, P. O. Box 8476, Harrisburg, PA 17105-

8476, no later than 4 p.m. on October 28, 2002, to be considered. Telephone inquiries shall be directed to Chuck Siders, Division of Mine Hazards, at (717) 783-0474.

### **FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401**

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

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

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

**Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

#### **WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E46-921. Pennsylvania Department of Transportation**, 7000 Geerdes Boulevard, King of Prussia, PA 19406, Springfield, Upper Dublin and Whitemarsh Townships, **Montgomery County**, ACOE Philadelphia District.

To rehabilitate, maintain and reconstruct approximately a 10-mile segment of the Fort Washington Expressway (SR 309). The project has been divided into four design/construction sections (100—103) and the limit for the entire project is between Ogontz Avenue in Cheltenham Township (Germantown, PA, Quadrangle



N: 14.6 inches; W: 5.0 inches) and Welsh Road (SR 63) in Lower Gwynedd Township (Ambler, PA Quadrangle N: 14.2 inches; W: 13.9 inches) and traverses through Springfield, Upper Dublin, Whitemarsh and Horsham Townships and Ambler Borough, **Montgomery County**. The total temporary and permanent wetland impact for the entire project covers 4.62 acres and the applicant is proposing 5.63 acres of replacement wetlands with the first submission, Section 100.

The permit for Section 100 is the first part of the SR 309 Expressway Improvement Project located in Springfield, Whitemarsh and Upper Dublin Townships and Ambler Borough. The limit of the work is:

- Between Haws Lane (Germantown, PA, Quadrangle N: 19.3 inches; W: 10.2 inches) in Springfield Township and Camp Hill Road (Ambler, PA Quadrangle N: 2 inches; W: 11.0 inches).
- Between Commerce Drive (Ambler, PA Quadrangle N: 2.2 inches; W: 107 inches) and Highland Avenue (Ambler, PA Quadrangle N: 4.2 inches; W: 11.1 inches).

To extend and maintain an existing 72-inch by 72-inch reinforced concrete box culvert that carries Bodenstein Creek (WWF, MF) beneath SR 309. The box culvert will be extended upstream 25.8 feet and downstream 15.7 feet using the same cast-in-place 72-inch by 72-inch reinforced concrete box culvert and will impact 0.02 acre of wetlands to accommodate the widening of the existing lanes and shoulders of SR 309 at Station 9+447 (Ambler, PA Quadrangle, N: 2.9 inches; W: 10.8 inches) in Upper Dublin Township.

To repair and maintain an existing bridge over Oreland Run (WWF, MF) on Ramp J at Station 1+138 in the vicinity of the Church Road and Route 309 Interchange (Germantown, PA Quadrangle, N: 20.1 inches; W: 10.6 inches) in Springfield Township.

To extend and maintain an existing single-span, reinforced concrete, spandrel arch culvert measuring approximately 72.5 foot long, with a clear span of 42 feet and a maximum rise of 21 feet, over Oreland Run on Route 309. The culvert will be extended downstream by 10.5 feet and upstream by 12.4 feet using a single span, prestressed concrete, box beam bridge with full-height abutments at Station 6+580 in the vicinity of the Church Road and Route 309 Interchange (Germantown, PA Quadrangle, N: 20.1 inches; W: 10.6 inches) in Springfield Township.

To replace and maintain a 48-foot long existing reinforced concrete T-beam bridge over an unnamed tributary to Oreland Run on Ramp K with a 78-foot long (116.5 feet of stream impact including inlet and outlet aprons), 14.4-foot by 7.9-foot concrete box culvert at Station 1+564 in the vicinity of the Church Road and Route 309 Interchange (Germantown, PA Quadrangle, N: 20.1 inches; W: 10.6 inches) in Springfield Township.

To extend and maintain an existing 72.5-foot long, single-span, reinforced concrete, closed-spandrel arch culvert, with a clear span of 42 feet and a maximum rise of 21 feet, that conveys Sandy Run (WWF, MF) beneath SR 309. The structure will be extended in-kind approximately 25.6 feet upstream to accommodate the widening of the SR 309 lanes and shoulders at Station 8+114 (Ambler, PA Quadrangle, N: 0.5 inch; W: 11.0 inches) in Whitemarsh Township.

Work also includes approximately 1,750 linear feet of channel restoration at the various locations along the Sandy Run in Springfield and Whitemarsh Townships.

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

**E01-238. Daniel Worley, Latimore Township**, P. O. Box 218, York Springs, PA 17372 in Latimore Township, **Adams County**, ACOE Baltimore District.

To repair two deteriorated concrete bridge abutments and replace a wooden plank deck on a bridge that crosses Latimore Creek (CWF) at the intersection of Ridge Road and Latimore Valley Road (Dillsburg, PA Quadrangle N: 2.0 inches; W: 9.8 inches) in Latimore Township, Adams County.

**E06-575. Charles Jones, City of Reading**, 815 Washington Street, Reading, PA 19601 in West Reading Borough, Berks County, ACOE Philadelphia District.

To maintain the placement of fill within the floodway/floodplain of the Wyomissing Creek (CWF) at a point beginning below the Museum Road Bridge and extending south along the east side of the creek (Reading, PA Quadrangle N: 14.0 inches; W: 10.5 inches) in West Reading Borough, Berks County.

**E07-361. Earl Neiderhiser, Pennsylvania Department of Transportation District 9-0**, 1620 N. Juniata Street, Hollidaysburg, PA 16648 in Frankstown Township, **Blair County**, ACOE Baltimore District.

To construct and maintain a 70-foot long, 50-foot wide and 8.8-foot high bridge replacement across Old Town Run (WWF) located at the crossing of SR 2007, Section 001 (Frankstown, PA Quadrangle N: 9.9 inches; W: 15.1 inches) in Frankstown Township, Blair County. The applicant will provide 0.03 acre of replacement wetlands at the Huntingdon County advanced wetland replacement site.

**E36-748. John Cox, Turkey Hill Dairy, Inc.**, 2601 River Road, Conestoga, PA 17516 in Manor Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a stormwater detention facility, which will affect 130 feet of a perennial and 140 feet of an intermittent stream both unnamed tributaries to Wisslers Run (HQ-CWF) at a point within the Turkey Hill Dairy, Inc. plant property boundaries (Safe Harbor, PA Quadrangle N: 15.2 inches; W: 10.1 inches) in Manor Township, Lancaster County. The contractor will create 0.3 acre of emergent wetlands as a part of this project.

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

**E12-131. David R. Robinson**, 51 Spruce Dr., Mansfield, PA 16933. Private bridge construction over Big Run in Shippen Township, **Cameron County**, ACOE Baltimore District (Rathbun, PA Quadrangle N: 18.07 inches; W: 0.20 inch).

The applicant proposes to construct a 24-foot by 10-foot bridge consisting of two steel I-Beams set on concrete pillars with a wooden driving surface. The pillars are proposed to be set back off the stream bank thus avoiding the need for abutments. The intent of all proposed work is to be completed from the stream banks with no in-channel work. The bridge construction proposed to impact 30 linear feet of Big Run (HQ-CWF) and does not propose to impact and wetlands.

**E53-377. Abbott Township**, 1431 Germania Road, Galeton, PA 16922. Abbott Township Wastewater Collection and Treatment Facility in Abbott Township, **Potter County**, ACOE Baltimore District (Galeton, PA Quadrangle N: 4.1 inches; W: 4.9 inches).

To remove an existing culvert and construct, operate and maintain a road crossing Germania Branch, Kettle Creek to provide access to the wastewater treatment facility; to install operate and maintain a wastewater collection that will require nine stream crossings. The nine utility line crossings are as follows:

<i>Crossing Number</i>	<i>Waterway Name</i>	<i>Water Quality Classification</i>
1	Germania Branch— Kettle Creek	Exceptional Value
2—4	Boedler Branch— Kettle Creek	Exceptional Value
5—9	Germania Branch— Kettle Creek	Exceptional Value

The road crossing Germania Branch shall be constructed with a precast concrete box culvert. The box culvert shall have a hydraulic opening that has a minimum span of 12 feet, rise of 4 feet, length of 34 feet, with the culvert depressed 1 foot. All instream channel structures shall be constructed in dry work conditions by fluming or dam and pumping stream flow around the work areas. Since Germania Branch—Kettle Creek is a wild trout stream, no construction or future repair work shall be conducted in or along the stream between October 1 and April 1 without the prior written approval of the Fish and Boat Commission. The project with impact 0.002-acre of wetland and 150 feet of waterway that is located along the eastern right-of-way of SR 0144 approximately 2,000-feet east of SR 2001 and SR 0144 intersection. This permit also authorizes the construction, operation, maintenance and removal of cofferdams and stream diversions necessary to construct the in-stream structure under dry work conditions. All temporary structures shall be constructed with clean rock that is free of fines. Upon completion of the culvert construction, all temporary structures shall be removed and all areas of disturbance restored to original contours and elevations. The 0.002-acre of wetland impacted by the project are deemed de minimis and replacement wetlands will not be required.

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

**E02-1395. City of Pittsburgh**, 301 City County Building, 414 Grant Street, Pittsburgh, PA 15219. City of Pittsburgh, **Allegheny County**, ACOE Pittsburgh District.

To remove the existing stone wall and to construct and maintain a new wall having a length of approximately 100 feet long located along the left bank of Saw Mill Run (WWF). The project is located along the east side of Banksville Avenue approximately 500 feet south of its intersection with Carnahan Road (Pittsburgh West, PA Quadrangle N: 5.7 inches; W: 5.0 inches).

**E26-299. Bret A. Shallenberger**, Route 51, Box 69, Uniontown, PA 15401. North Union Township, **Fayette County**, ACOE Pittsburgh District.

To construct and maintain an 80-foot long, 54-inch diameter CM pipe culvert with a 48-inch diameter riser located just downstream of the existing pipe culvert under SR 0051 South in an unnamed tributary to Redstone Creek (WWF) for the purpose of expanding a commercial site. The project is located along SR 0051 South approximately 3.3 miles north of Uniontown (Uniontown, PA Quadrangle N: 12.9 inches; W: 15.2 inches).

**E63-536. Peters Township**, 610 East McMurray Road, McMurray, PA 15317. Peters Township, **Washington County**, ACOE Pittsburgh District.

To remove the existing structure (Pelipetz Drive Bridge) and to construct and maintain a new bridge consisting of twin box culverts, each having a span of 14.0 feet with an underclearance of 7.0 feet (1.0 foot depressed below the streambed) in the channel of Brush Run (WWF) and to extend and maintain an existing 54-inch diameter pipe on the left bank of said stream for the purpose of improving Pelipetz Drive. The bridge is located on Pelipetz Drive, approximately 255 feet southwest from the intersection of Valley Brook Road and Pelipetz Drive (Bridgeville, PA Quadrangle N: 6.5 inches; W: 13.9 inches).

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

**E10-363. James Austin Company**, 115 Downieville Road, Mars, PA 16046-0827. Austin Bridge and Building Addition, in Adams Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 10.3 inches; W: 0.1 inch).

To construct and maintain a single span pedestrian bridge having a clear span of approximately 80 feet and an underclearance of 8.4 feet across Breakneck Creek (WWF) approximately 300 feet northeast of the intersection of SR 3015 (Mars Valencia Road) and Downieville Road. Project includes excavation a 160 foot long and 15 foot wide area along the left bank of Breakneck Creek. Also, to construct and maintain an addition for label storage onto the west side of the existing James Austin Company main building with the addition measuring approximately 30 feet wide by 100 feet long and partially within the 100-year floodway of Breakneck Creek.

**E20-522. Pennsylvania Department of Transportation, District 1-0**, 255 Elm Street, P. O. Box 398, Oil City, PA. 16301. SR 1019, Segment 0050, Offset 0142 Across Boles Run, in Venango Township, **Crawford County**, ACOE Pittsburgh District (Cambridge Springs, PA Quadrangle N: 11.0 inches; W: 15.3 inches).

To remove the existing structure and to construct and maintain a prestressed concrete bridge having a clear span of 76.0 feet and an underclearance of 10.8 feet on a 90 degree skew across Boles Run on SR 1019, Segment 0050, Offset 0142 approximately 1.1 miles north of Venango.

**E25-657. Conneaut Township Supervisors**, 12500 US Route 6N, Albion, PA 16401. T-352 Culvert Replacement, in Conneaut Township, **Crawford County**, ACOE Pittsburgh District (Beaver Center, PA Quadrangle N: 18.7 inches; W: 3.7 inches).

To maintain a 65-foot long, 15-foot wide by 8-foot high corrugated metal pipe arch culvert in an unnamed tributary to Conneaut Creek (CWF, MF) in Conneaut Township, Erie County on T-352 (Keepville Road/Railroad Road) approximately 0.1 mile north of the intersection of T-352 (Keepville Road/Railroad Road) and SR 3011 (Pennside Road). This application was the result of an Emergency Permit (EP2502605) issued on June 18, 2002, to replace an existing collapsing culvert. Construction was completed in August 2002.

**E25-658. Amity Township Supervisors**, 15030 Casler Road, Union City, PA 16438. Messenger Road (T-788) Culvert Project, in Amity Township, **Erie County**, ACOE Pittsburgh District (Union City, PA Quadrangle N: 13.2 inches; W: 2.4 inches).

To remove the existing structure and to construct and maintain a 40-foot long, 8-foot wide by 5.6-foot high corrugated metal plate pipe arch culvert with concrete block headwall and endwall in Beaver Run (EV) on Messenger Road (T-788) approximately 500 feet south of the intersection of Fenno Road and Messenger Road (T-788). The project included repositioning the inlet of the culvert approximately 5 feet upstream of the existing superstructure inlet and minor realignment of 25 feet of the channel. This application was the result of an Emergency Permit (EP2502604) issued on April 23, 2002. Construction was completed in June 2002.

**E25-659, Pennsylvania Department of Transportation, District 1-0**, 255 Elm Street, Oil City, PA 16301. SR 4034, Section A60 Erie East Side Access Across Garrison Run, in City of Erie, **Erie County**, ACOE Pittsburgh District (Erie North, PA Quadrangle N: 0.22 inch; W: 7.5 inches).

To replace approximately 50 feet of the existing 90-inch diameter reinforced concrete pipe stream enclosure carrying Garrison Run associated with relocation of the Norfolk Southern Railway Company rail line and construction of SR 4034, Section A60 Erie East Side Access Highway immediately south of Buffalo Road.

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## ACTIONS

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

#### INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

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

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

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

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

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

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

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

**NPDES Permit No. PA0058467**, Industrial Waste, **Brandywine Realty Trust**, 630 Allendale Road, King of Prussia, PA 19406. This proposed facility is located in Norristown Borough, **Montgomery County**.

Description of Proposed Action/Activity: Approval to discharge into an unnamed tributary to Trout Creek 3-D Watershed.

**WQM Permit No. 1502410**, Sewerage **Uwchlan Township**, 715 North Ship Road, Exton, PA 19941. This proposed facility is located in Uwchlan Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the construction and operation of sewage pump station and force main to serve the proposed lot 1 Haywood Business Park commercial development.

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

**NPDES Permit No. PA0062715**, Industrial Waste, **Sunoco Partners Marketing & Terminals L.P.**, 1801 Market Street (10PC), Philadelphia, PA 19103-1699. This proposed facility is located in Edwardsville Borough, **Luzerne County** and discharge to unnamed tributary to Toby Creek.

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

**NPDES Permit No. PA0041009**, Industrial Waste, **Pipeline Petroleum, Inc.**, Shippers Road, Macungie, PA 18067. This proposed facility is located in Lower Macungie Township, **Lehigh County**.

Description of Proposed Action/Activity: Renewal of NPDES Permit to discharge treated industrial waste to unnamed tributary to Little Lehigh Creek.

**NPDES Permit No. PA0020168**, Sewage, **East Stroudsburg Borough**, P. O. Box 303, East Stroudsburg, PA 18301-0303. This proposed facility is located in East Stroudsburg Borough, **Monroe County** and discharge to Brodhead Creek.

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

**NPDES Permit No. PA0060518**, Sewage, **Hallstead Great Bend Joint Sewer Authority**, Spring Street, P. O. Box 747, Great Bend, PA 18821-0747. This proposed facility is located in Great Bend Borough, **Susquehanna County** and discharge to Susquehanna River

Description of Proposed Action/Activity: Renewal of NPDES Permit

**NPDES Permit No. PA0063584**, Sewage, **Progressive Labels**, P. O. Box 347, Tannersville, PA 18372. This proposed facility is located in Pocono Township, **Monroe County**.

Description of Proposed Action/Activity: To renew NPDES permit Scot Run.

**NPDES Permit No. PA0062499**, Sewage, **Southern Lehigh School District**, 5775 Main Street, Center

Valley, PA 18034. This proposed facility is located in Lower Milford Township, **Lehigh County**.

Description of Proposed Action: To renew NPDES Permit.

**NPDES Permit No. PA0034029**, Sewage, **Sand Spring Water & Sewer Co.**, 4101 Sand Spring Road, Schnecksville, PA 18078. This proposed facility is located in N. Whitehall Township, **Lehigh County**.

Description of Proposed Action/Activity: To discharge to an unnamed tributary to Coplay Creek.

**NPDES Permit No. PA0063592**, Sewage, **Gilberton Borough Municipal Building**, Main Street, Gilberton, PA 17924. This proposed facility is located in Gilberton Borough, **Schuylkill County**.

Description of Proposed Action/Activity: To Mahanoy Creek.

**WQM Permit No. 4802405**, Sewerage, **Williams Township**, 655 Cider Press Road, Easton, PA 18042. This proposed facility is located in Williams Township, **Northampton County**.

Description of Proposed Action/Activity: This project will involve the construction of 350 residential units and 5 commercial units (golf course related structures) on a 327-acre parcel within Williams Township, Northampton County. The development will produce 101,000 GPD.

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

**NPDES Permit No. PA0043547 and 0691415**, Sewerage, **Paul and Donna Dean**, 94 Hunter Forge Road, Barto, PA 19504. This proposed facility is located in Hereford Township, **Berks County**.

Description of Proposed Action/Activity: Transfer of ownership.

**NPDES Permit No. PA0021890**, Sewage, **New Holland Borough**, 436 E. Main Street, New Holland, PA 17557. This proposed facility is located in Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to Mill Creek in Watershed 7J.

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

**PA0228516**, Sewage, SIC 4952, **Clearfield County Economic Development Corporation**, 209 East Locust Street, Clearfield, PA 16830. This proposed facility is located in Covington Township, **Clearfield County**.

Description of Proposed Activity: Issuance of an NPDES permit for the sewage treatment facility to serve the commercial and industrial tenants of the Covington Township Industrial Park.

**PA0009857**, Industrial Waste 0921, **United States Fish and Wildlife Service, Northeast Fishery Center**, P. O. Box 75, Lamar, PA 16848. This facility is located in Porter Township, **Clinton County**.

Description of Action/Activity: Reissuance of the NPDES permit for fish culture and aquatic research facility.

**PA0020486**, Sewerage SIC 4952, **Borough of Bellefonte**, 236 West Lamb Street, Bellefonte, PA 16823. This proposed facility is located in Spring Township, **Centre County**.

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

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

**NPDES Permit No. PA0001201**, Industrial, **Powerex, Inc.**, 200 East Hillis Street, Youngwood, PA 15697-1800 is authorized to discharge from a facility located at the Youngwood Plant, Hempfield Township, **Westmoreland County** to receiving waters named Sewickley Creek.

**NPDES Permit No. PA0046426**, Sewage, **Franklin Township Sewer Authority**, 570 Rolling Meadows Road, Waynesburg, PA 15370 is authorized to discharge from a facility located at Franklin Township Wastewater Treatment Plant, Franklin Township, **Greene County** to receiving waters named South Fork Tenmile Creek.

**NPDES Permit No. PA0205516-A1**, Sewage, **Westmoreland County Industrial Park Authority**, 601 Courthouse Square, Greensburg, PA 15601 is authorized to discharge from a facility located at the Westmoreland Business Research Park, Upper Burrell Township, **Westmoreland County** to receiving waters named tributary to Pucketa Creek.

**Permit No. 0201405**, Sewerage, **Urban Redevelopment Authority**, 200 Ross Street, Pittsburgh, PA 15219-2069. Construction of sanitary sewer extension and modifications located in the City of Pittsburgh, **Allegheny County** to serve LTV-South Side Works.

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

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

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10G373	Three Tun Developers 340 Lancaster Avenue Frazer, PA 19355	Chester	East Whiteland Township	Valley Creek EV
PAS10J053	Freehand H.J., Inc 111 Hayesville Road Oxford, PA 19363	Delaware	Concord Township	Brandywine Creek WWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10N036	Department of Environmental Protection Bureau of Abandoned Mine Reclamation 2 Public Square, Fifth Floor Wilkes-Barre, PA 18711-0790	Lackawanna	Jessup Borough	Sterry Creek CWF Grassy Island Creek HQ-CWF
PAS10U177	CMC Development Corp. 4511 Falmer Road Bethlehem, PA 18017	Northampton	Upper Nazareth Township	Monocacy Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS106602R	NE Hub Partners LP 5400 Westheimer Court, Rm. 6153 Houston, TX 77056	Tioga County	Lawrence, Farmington, Tioga, Middlebury and Delmar Townships	Susquehanna River WWF

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

<i>NPDES Permit</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10W088	West Alexander Borough Municipal Authority P. O. Box 299 West Alexander, PA 15376	Washington County West Alexander Borough	Little Wheeling (WWF) Middle Wheeling (WWF) Dutch Fork Creek (HQ-TSF)

*Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6860.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS104116	Catalyst Energy, Inc. 120 Shangri Lane Pittsburgh, PA 15237-3384	McKean	Lafayette Township	Turnup Run HQ-CWF

#### **APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS**

The following parties have submitted: (1) Notices of Intent for Coverage under (1) General NPDES Permit to Discharge Wastewater into the Waters of the Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations. Monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permit for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in this Commonwealth; (3) General NPDES Permit Authorizing the Discharge of Stormwater Associated with Construction Activities to Waters of the Commonwealth; (4) Notification for First Use Application of Sewage Sludge.

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

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

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

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#### **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 Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

*General Permit Type—PAG-2*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Tredyffrin Township Chester County	PAR10G486	Church of the Savoir 651 North Wayne Avenue St. Davids, PA 19087	UNT to Gulph Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
East Goshen Township Chester County	PAR10G492	West Chester Area School District—East High 1181 McDermott Drive West Chester, PA 19380	Chester Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
West Whiteland Township Chester County	PAR10G479	Baker Residential of PA 2 EF Raymond Drive Havertown, PA 19083	Valley Creek CWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Abington Township Montgomery County	PAR10T880	Abington Township 1176 Old York Road Abington, PA 19001	Meadow Brook CWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Providence Township Montgomery County	PAR10T845	Valley Forge Equities, Inc. P. O. Box 940 Valley Forge, PA 19482	Lamb Run CWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Skippack Township Montgomery County	PAR10T872	Robert Caprio 519 Collegeville Rd, R. D. 7 Collegeville, PA 19426	Perkiomen Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Pottsgrove Township Montgomery County	PAR10T878	Pottsgrove School District 1301 Kauffman Road Pottstown, PA 19464	Sprogels Run CWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Limerick Township Montgomery County	PAR10T827	Heritage Building Group 3326 Old York Road, A100 Furlong, PA 18925	Mingo Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Carroll Valley Borough	PAR100147	Ski Liberty, Inc. P. O. Box Ski Carroll Valley, PA 17320	Flat Run WWF Tom's Creek CWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 (717) 334-0636
Fairview Township York County	PAR10Y613	FedEx Ground Building Expansion Frank Stumpo 1000 FedEx Drive Moon Township, PA 15108	Fishing Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Rapho Township Lancaster County	PAR10O256-R-R	G & L Developers 84 E. Main St. Mount Joy, PA 17552	Little Chickies Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Brecknock Township Lancaster County	PAR10O579	Aaron Horst 270 Panorama Dr. Denver, PA 17517	Cocalico Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
West Lampeter Township Lancaster County	PAR10O585	Lampeter Strasburg School District P. O. Box 428 Lampeter, PA 17537	Pequea Creek CWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
East Earl Township Lancaster County	PAR10O590	Granite Properties 320 Granite Run Dr. Lancaster, PA 17604	Mill Creek CWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Warwick Township Lancaster County	PAR10O591	Warwick School District 315 Clay Rd., Box 308 Lititz, PA 17543	Lititz Run WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Washington Township	PAR10M269	Five Forks Brethren in Christ Church 9244 Five Forks Rd. Waynesboro, PA 17268	West Branch Antietam Creek	Franklin County Conservation District Admin Annex 218 N. 2nd Street Chambersburg, PA 17201 (717) 264-8074
Lower Paxton Township	PAR10I264-1	Central Dauphin School District 600 Rutherford Rd. Harrisburg, PA 17109	Spring Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Hampden Township Cumberland County	PAR10H299	James Grandon 3915 Market Street Camp Hill, PA 17011	Conodoquinet WWF Sears Run WWF	Cumberland County Conservation District 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Ralpho Township Northumberland County	PAR104949	Vista Ultra Land Development 51 North Market St. Elysburg, PA 17824	UNT to Pocahontas Creek CWF	Northumberland County Conservation District R. R. 3, Box 238C Sunbury, PA 17801 (570) 286-7114 Ext. 4
Allegheny County Franklin Park Borough	PAR10A580	Bounder Design Services, Inc. 8191 Boca Ciega Dr. St. Pete Beach, FL 33706	Bear Run TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Pine Township	PAR10A582	New Community Church 1000 Brooktree Road Wexford, PA 15090	Pine Creek CWF	Allegheny County Conservation District (412) 241-7645
Allegheny County South Park Township	PAR10A584	South Park School District 2178 Ridge Road Library, PA 15129	Peters Creek TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Town of McCandless	PAR10A596	Town of McCandless 9955 Grubbs Road Wexford, PA 15090	UNT to Little Pine Creek TSF	Allegheny County Conservation District (412) 241-7645
Cambria County Clearfield Township	PAR101091	Cambria Heights School District 506 Beech Avenue Patton, PA 16668	UNT to Chest Creek CWF	Cambria County Conservation District (814) 472-2120
Greene County Whiteley and Franklin Townships	PAR1029001	Dominion Exploration and Production, Inc. 1350 Rt. 286, Box 303 Indiana, PA 15701	Dyers Fork WWF	Greene County Conservation District (724) 852-5278
Indiana County Burrell Township	PAR103165	MJB Acquisition Corp./Wyotech 4373 N. 3rd Street Laramie, WY 82072	UNT to Blacklick Creek CWF	Indiana County Conservation District (724) 463-8547
Indiana County Armstrong, Conemaugh and Young Townships	PAR103166	Norfolk Southern Railway Company 175 Spring St. SW Atlanta, GA 30303	Blacklegs Creek Marshall Run Anthony Run UNT to Crooked Creek CWF	Indiana County Conservation District (724) 463-8547
Indiana County Rayne Township	PAR103168	Pennsylvania Department of Transportation District 10-0 P. O. Box 429 Indiana, PA 15701-0429	UNT to Crooked Creek, McKee Run CWF	Indiana County Conservation District (724) 463-8547

*General Permit Type—PAG-3*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Lancaster County Mount Joy Borough	PAR203587	DONSCO, Inc. P. O. Box 2001 Wrightsville, PA 17368-0040	Little Chickies Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Leetsdale Township Allegheny County	PAR236124	Consolidated Container Co. LLC 5605 N MacArthur Boulevard Suite 360 Irving, TX 75038	Ohio River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Wayne Township Greene County	PAR506115	WSPA Inc. P. O. Box 58 Spraggs, PA 15362	UNT to Dunkard Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000



<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Clearfield Township Cambria County	PAR606186	Warefield Auto Wreckers 211 Warefield Lane Patton, PA 16668	Unnamed feeder to Burgoon Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*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 Upper Frankford Township	PAG043572	Mr. and Mrs. Warren P. Merkel 371 Bobcat Road Newville, PA 17241	UNT to Locust Creek WWF	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Peters Township Washington County	PAG046257	Gregory L. Baker 347 Churchill Road Venetia, PA 15367	Tributary to Peters Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-7*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Contact Office and Telephone No.</i>
Butler Township Butler County	PAG078302	Butler Area Sewer Authority 100 Litman Road Butler, PA 16001-3256	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

**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).**

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

**Permit No. 4802501, Public Water Supply.**

Applicant	<b>East Allen Township Municipal Authority</b>
County	<b>Northampton County</b>
Type of Facility	PWS
Consulting Engineer	Hanover Engineering Associates 252 Brodhead Road Bethlehem, PA 18017-8937
Permit to Construct Issued	June 12, 2002

**Operations Permit** issued to **Nature's Way Purewater Systems, Inc.**, 164 Commerce Blvd., Dupont, PA 18641, PWS ID 2406411, Foster Township, **Luzerne County** on September 6, 2002, for the operation of facilities approved under Construction Permit #4002501.

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

**Permit No. 3602513**, Public Water Supply.

Applicant **Red Caboose Management Inc.**  
Municipality Paradise Township  
County **Lancaster**  
Type of Facility Installation of a nitrate treatment system to address the high nitrates in the well water. The treatment will include disinfection via chlorination and softening.  
Consulting Engineer Scott M. Rights, P. E.  
Steckbeck Engineering Associates  
43 N Cornwall Rd.  
Lebanon, PA 17042  
Permit to Construct Issued September 11, 2002

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

**Permit No. 1402502**, Public Water Supply.

Applicant **Aaronsburg Water Pipes, Inc.**  
P. O. Box 234  
Aaronsburg, PA 16820  
Township Haines Township  
County **Centre**  
Type of Facility PWS—permit to construct a pressure diatomaceous earth filtration plant and finished water storage tank  
Consulting Engineer Herbert, Rowland, & Grubic, Inc.  
474 Windmere Drive  
Suite 100  
State College, PA 16801  
Permit to Construct Issued September 11, 2002

**Permit No. Emergency Permit 2**, Public Water Supply.

Applicant **Galeton Borough Authority**  
2 Sherman Street  
Galeton, PA 16922  
County **Potter**  
Type of Facility PWS—emergency permit to operate Germania Street Well due to drought conditions in existing sources  
Consulting Engineer Larson Design Group, Inc.  
Water Tower Square  
1000 Commerce Park Drive  
P. O. Box 487  
Williamsport, PA 17703-0487  
Permit to Operate Issued September 13, 2002

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

**Permit No. 4202501**, Public Water Supply.

Applicant **Eldred Borough Water Authority**  
3 Bennett St.  
Eldred, PA 16731  
County **McKean**  
Type of Facility PWS  
Consulting Engineer E & M Engineers Surveyors  
24 Derrick Rd.  
Bradford, PA 16701  
Permit to Construct Issued September 12, 2002

**Permit No. 2595504-MA2, Minor Amendment**, Public Water Supply.

Applicant **Woodhaven Mobile Home Park**  
7950 Page Rd.  
Wattsburg, PA 16442  
Borough or Township Greene Township  
County **Erie**  
Type of Facility PWS  
Consulting Engineer Lake Engineering  
140 Meadville St.  
Edinboro, PA 16412  
Permit to Construct Issued September 12, 2002

**Permit No. 3702502**, Public Water Supply.

Applicant **Pennsylvania American Water Company**  
800 West Hersheypark Dr.  
P. O. Box 888  
Hershey, PA 17033-0888  
Borough or Township Various Municipalities  
County **Beaver, Butler and Lawrence**  
Type of Facility PWS  
Consulting Engineer Kevin Mortimer, P. E.  
Pennsylvania-American Water Co.  
2736 Ellwood Rd.  
New Castle, PA 16101  
Permit to Operate Issued September 17, 2002

**Operations Permit** issued to **Erie City Water Authority**, 340 West Bayfront Parkway, Erie, PA 16507, PWS ID 6250028, City of Erie, **Erie County** on September 6, 2002, for the operation of facilities approved under Construction Permit # 8875-W-T1-MA1.

**Operations Permit** issued to **Pennsylvania Suburban Water Company—Shenango Valley Division**, 665 South Dock St., Sharon, PA 16146, PWS ID 6430054, Jenks Township, **Forest County** on September 17, 2002, for the operation of facilities approved under Construction Permit #2702501.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

## Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
City of Corry	100 South Center Street Corry, PA 16407	Erie

Plan Description: The approved plan provides for modifications to the sewage treatment plant to improve efficiency and increase peak flow capacity. Specific activities to reduce infiltration and inflow are also included. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

### Proposed Consent Order and Agreement

#### Municipal and Industrial Disposal Company, Elizabeth Township, Allegheny County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) has entered into a Consent Order and Agreement (COA) with United States Steel Corporation. The site is located in Elizabeth Township, Allegheny County.

The site is bordered by the Youghiogheny River. Individual areas of the site, closed by the Commonwealth in the mid-1980s, had accepted flyash, demolition waste and hazardous waste including coal tar residues, organic chemicals and paint wastes from 1975 to the mid-1980s.

Remediation activities at the site will include waste excavation and consolidation, treatment and solidification of waste, backfilling and recontouring, placement of a synthetic cover, revegetation, groundwater monitoring and long-term maintenance.

Under section 1113 of the HSCA (35 P. S. § 6020.1113), the Department is publishing notice of this COA and will provide a 60-day period for public comment on the COA commencing with the date of this publication. Copies of the COA may be examined at the Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222 or the Elizabeth Township Municipal Building, 522 Rock Run Road, Buena Vista, PA 15018.

The Department has reserved the right to withdraw its consent to the COA if comments submitted during the public comment period disclose facts or considerations which indicate, in the Department's discretion, that the COA is inappropriate or not in the public interest.

## 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.*

**Sunoco, Inc., Darby Creek Tank Farm**, Darby Borough, **Delaware County**. Steve Baggett, SECOR International, Inc., 102 Pickering Way, Suite 200, Exton, PA on behalf of Sunoco, Inc., Ten Penn Center, 1801 Market St., Philadelphia, PA, has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with lead, heavy metals, BTEX, PHC, PAH and solvents.

**Fogel Property**, Upper Providence Township, **Montgomery County**. Terence A. O'Reilly, P.G., TriState Environmental Management Services, Inc., 362 Dunks Ferry Rd., Bensalem, PA 19020, on behalf of John Ciccone, Agent for Mary Fogel, John Ciccone Architects, 2006 Samson St., Philadelphia, PA 19103, has submitted a Final Report concerning remediation of site soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Statewide health standard.

**Paul Grater Farm**, Skippack Township, **Montgomery County**. Richard P. Almquist, Jr., OXFORD Engineers & Consultants, Inc., 2121 Van Buren Ave., Suite 500, Norristown, PA 19403, on behalf of Jerry Gorski, Lucon Business Park, LLC, 528 Main St., Suite 100, Harleysville, PA 19438, has submitted a Final Report concerning remediation of site soil contaminated with chlorinated solvents, inorganics, lead, other organics, PAH and pesticides. The report is intended to document remediation of the site to meet the Statewide health standard.

**Former Gasoline Service Station**, Montgomery Township, **Montgomery County**. Jeffrey E. Goudsward, Penn Environmental & Remediation, Inc., on behalf of Cynwyd Investments, 261 Old York Rd., Suite 613, Warminster, PA 19046, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead, BTEX, PAH, EDB and EDC. The report is intended to document remediation of the site to meet the Statewide health standard.

**B & W Associates**, City of Philadelphia, **Philadelphia County**. Christopher Orzechowski, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of B & W Associates, P. O. Box 6068,

Bridgewater, NJ 08807, has submitted a Final Report concerning remediation of site groundwater contaminated with solvents. The report is intended to document remediation of the site to meet the Statewide health standard.

**Scholler, Inc.**, City of Philadelphia, **Philadelphia County**. Craig Herr, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of Peter Young, 2330 Collins St., Philadelphia, PA 19134, has submitted a combined Remedial Investigation/Final Report concerning remediation of site soil and groundwater contaminated with nos. 2, 4 and 6 fuel oil. The report is intended to document remediation of the site to meet Site-Specific Standards.

**LHTW Corp.**, City of Philadelphia, **Philadelphia County**. Steven F. Coe, Brown, Environmental Services, Inc., 42 Sequoia Dr., Newtown, PA 18940, on behalf of LHTW Corp., 32 Lockerman Square, Suite L-100, Dover, DE 19904, has submitted a combined Remedial Investigation/Risk Assessment/Cleanup Plan Report concerning remediation of site soil and groundwater contaminated with petroleum hydrocarbons.

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

**James Property**, Douglass Township, **Berks County**. Penn Environmental and Remediation, Inc., 2755 Berger Road, Hatfield, PA 19440, on behalf of Christopher and Diane James, 130 Red Shale Drive, Boyertown, PA 19512, submitted a final report concerning remediation of site soils contaminated with fuel oil No. 4 and No. 6. The applicant proposes to remediate the site to meet the Statewide health standard. The report is intended to document remediation of the site to the Statewide health standard.

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

**Donald Snyder Property**, Fairfield Township, **Lycoming County**. Hydrocon Services, Inc., on behalf of Donald Snyder, R. D. 1, Box 1, Montoursville, PA 17754, has submitted a Final Report concerning soil and groundwater contaminated with MTBE and unleaded gasoline. This report and the Notice of Intent to Remediate received previously have been submitted to demonstrate attainment of the Statewide health standard. See additional notice in the Applications section of this *Pennsylvania Bulletin*.

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

**Highland Group Industries, Sheffield Property**, 35 Mill Street, Sheffield, PA 16347, **Crawford County**, Civil & Environmental Consultants (on behalf of Highland Group Industries) has submitted a Remedial Investigation Report concerning remediation of site contaminated with chlorinated solvents in the soil. The report is intended to document remediation of the site to meet the site-specific nonresidential standards. Public notice in the *Valley Voice* will be complete on or about September 27, 2002.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and**

### **Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of 25 Pa. Code § 250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Act. 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. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. 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. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

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

**Liberty Homes, Philadelphia, Inc.**, City of Philadelphia, **Philadelphia County**. Rodd W. Bender, Manko, Gold & Katcher, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Liberty Homes Philadelphia, Inc., One Reed St., Philadelphia, PA 19147, has submitted a Baseline Environmental Report concerning the remediation of site soil contaminated with lead, heavy metals, BTEX, PAH, MTBE and pentachlorophenol; and site groundwater contaminated with lead, heavy metals and solvents. The report demonstrated attainment of special industrial area requirements and was approved by the Department on August 19, 2002.

**Bedrock Partners**, City of Philadelphia, **Philadelphia County**. Charlie McGuth, Environmental Maintenance Co., Inc. 1420 Mermaid Lane, Glenside, PA 19038, on behalf of Bedrock Partners, P. O. Box 29123, Philadelphia, PA 19127, has submitted a Final Report concerning the remediation of site soil contaminated with aviation gasoline, diesel fuel, fuel oil No. 1, 2, 4 and 6, jet fuel,

kerosene, leaded gasoline, lead, MTBE, unleaded gasoline and used motor oil. The Final report demonstrated attainment of the Statewide health standard and was approved by the Department on August 29, 2002.

**Philadelphia Eagles Stadium and Parking Areas (Proposed)**, City of Philadelphia, **Philadelphia County**. Keith M Kowalski, P.G., URS Corp., 1400 Union Meeting Rd., Suite 202, Blue Bell, PA 19422, on behalf of City of Philadelphia, **Philadelphia County**, Authority for Industrial Development and its agent Philadelphia, Industrial Development Corp., c/o Patrick O'Neill, City of Philadelphia, Law Department, 1515 Arch St., 16th Floor, Philadelphia, PA 19102, has submitted a Final Report concerning the remediation of site soil contaminated with PCBs, lead, heavy metals, BTEX, PAH, PHC and solvents; and groundwater contaminated with lead, heavy metals, PAH and solvents. The Final report demonstrated attainment of the Statewide health standard and was approved by the Department on September 5, 2002.

**Majka Property**, Upper Providence Township, **Montgomery County**. Christopher Orzechowski, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of Heritage Building Group, Inc., 326 Old York Rd., Suite B., Furlong, PA 18925, has submitted a Final Report concerning remediation of site soil contaminated with arsenic. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on September 16, 2002.

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

**Wise Foods, Inc.—Distribution/Potato Storage Property**, Berwick Borough, **Columbia County**. Gannett Fleming, on behalf of Wise Foods, Inc., 245 Townpark Drive, Suite 450, Kennesaw, GA 30144, has submitted a Final Report concerning groundwater contaminated with Trichloroethylene and Cis, 1,2-dichloroethylene. The Final Report demonstrated attainment of the Background/and or Statewide health standard and was approved by the Department on September 6, 2002.

**Former Furnival Machinery Company**, Chester Hill Borough, **Clearfield County**. Apex Environmental, Inc., on behalf of Furnival Machinery Company, 2240 Bethlehem Pike, Hatfield, PA 19940, has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with BTEX and PHCs. The Final Report failed to demonstrate attainment of the Site-Specific Standard and was disapproved on September 12, 2002.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

*Hazardous Waste Transporter License Renewed*

**Enviro Waste Solutions, Inc.**, 1033B North Delsea Drive, Clayton, NJ 08312. License No. **PA-AH 0675**. Effective September 11, 2002.

#### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

**Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received**

**under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the Infectious and Chemotherapeutic Act (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

*Infectious and Chemotherapeutic Waste Transporter License Renewed*

**Cole Care, Inc.**, 1001 E. Second Street, Coudersport, PA 16915. License No. **PA-HC 0178**. Effective September 11, 2002.

#### RESIDUAL WASTE GENERAL PERMITS

**Permit Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and 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. WMGR082. Buckeye Leasing Inc.**, 8063 Southern Blvd., Youngstown, OH 44512. The general permit involves processing of landfilled steel slag for removal of metallic residuals and mechanical sizing prior to beneficial use as aggregate material. The permit was issued by Central Office on September 11, 2002.

Persons interested in reviewing the general permit may contact Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

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

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

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

**Permit No. 601175. Lititz Borough**, 7 S. Broad St., Lititz, PA 17543-1401, Warwick Township, **Lancaster County**. This permit has been revoked at the request of the permittee for Buck Hill Farm and Burkholder Farm, Warwick Township. The permits were revoked by the Southcentral Regional Office on August 26, 2002.

Persons interested in reviewing the general permit may contact John Krueger, Program Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 704-4706. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

**Permit approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Mu-**

**municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

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

**Permit No. 101544. Greater Lebanon Refuse Authority**, 1610 Russell Road, Lebanon, PA 17046-1437, North Annville and North Lebanon Townships, **Lebanon County**. The major permit modification was approved for the operation of the Great Lebanon Refuse Authority. The permit was approved by the Southcentral Regional Office on September 12, 2002.

Persons interested in reviewing the general permit may contact John Krueger, Program Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

**MUNICIPAL WASTE GENERAL PERMITS**

**Department Initiated General Permit under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

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

**General Permit Application No. WMGM017. Department of Environmental Protection, Bureau of Land Recycling and Waste Management**, authorizes onfarm source separated composting under General Permit WMGM017. This is a Statewide municipal waste general permit. This municipal waste general permit was issued by the Central Office on September 20, 2002.

Under the terms and conditions of the municipal waste general permit, persons who are permitted to compost and beneficially use the compost produced will be required to meet, at a minimum, the following: compliance with The Clean Streams Law and the Solid Waste Management Act, conformance with isolation distances, with conservation plans, maintenance of records and submission of routine operation reports.

The Department is authorized under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and 25 Pa. Code § 271.811 to issue general permits for any category of beneficial use or processing that results in the beneficial use of municipal waste on a Statewide basis when the Department determines that the use does not harm or present a threat of harm to the health, safety or welfare of the public or the environment and the activity can be adequately regulated using standard conditions. The Department has determined onfarm source separated composting can be adequately regulated using standard conditions.

Persons requesting permit issuance to operate under the terms of the general permit will be required to obtain a Determination of Applicability from the Department at least 60 days prior to commencing activities authorized under the general permit. The following minimum infor-

mation will be required to be submitted on forms provided by the Department to obtain a Determination of Applicability:

- a. Name and address of the applicant.
- b. Name and location of the facility/generators of the waste.
- c. Number and title of the general permit
- d. Proof that proposed onfarm source separated composting is consistent with the general permit.
- e. A signed statement accepting all conditions of the general permit.
- f. Proof of municipal notification.
- g. Proof of identification of interests.
- h. Compliance history information.
- i. An application fee in the amount required under 25 Pa. Code § 271.842 (b) made payable to the "Commonwealth of Pennsylvania."
- j. An irrevocable written consent from the landowner giving the Department permission to enter upon land where the applicant will conduct composting activities.
- k. A financial bond and insurance guaranteeing operation of the entire facility onfarm source separated composting, if required.

Persons interested in obtaining more information or obtaining copies of the general permit may contact Patti Olenick, Compost Coordinator, Market Development Section, Division of Waste Minimization and Planning, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

**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.**

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

**02144: Pearl Pressman Liberty** (912 North 5th Street, Philadelphia, PA 19123) for installation of a sheetfed nonheatset lithographic printing press in City of Philadelphia, **Philadelphia County**.

**Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

**ER-22-03008: Buckeye Pipe Line Co., LP** (5002 Buckeye Road, P. O. Box 368, Emmaus, PA 18049) on September 12, 2002, for emission reduction credits for pipe line breakout tanks at its Inglenook Station in Reed Township, **Dauphin County**.

**36-05027B: R. R. Donnelley and Sons Co.** (216 Greenfield Road, Lancaster, PA 17601) on September 12, 2002, for construction of multiple portable generators with a total output of 3.650 kW at its Lancaster East Facility in the City of Lancaster, **Lancaster County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.*

**56-00177A: Somerset County Courthouse** (300 North Center Avenue, Suite 500, Somerset, PA 15501) on September 12, 2002, for construction and operation of two new coal-fired boilers with breslove centrifugal fly ash collector air cleaning devices at Somerset County Courthouse in Somerset Township, **Somerset County**.

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

**02072: G-Point Materials, Inc.** (2604 Penrose Ferry Road, Philadelphia, PA 19145) for operation of a facility to unload bulk raw materials from ships and barges in the City of Philadelphia, **Philadelphia County**.

**02119: Scott Building Corp.** (2939 Felton Road, Norristown, PA 19401) for operation of a 100 ton per hour concrete crusher on a temporary basis at 11000 Roosevelt Boulevard, City of Philadelphia, **Philadelphia County**.

**02124: Geppert Brothers, Inc.** (3101 Trewigtown Road, Colmar, PA 18915) for operation of a 135 ton per hour concrete crusher on a temporary basis at 3111 South 23rd Street, City of Philadelphia, **Philadelphia County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

**46-0003A: Stroehmann Bakeries, LC** (1810 East Ridge Pike, Norristown, PA 19404) on September 10, 2002, for operation of a catalytic oxidizer in Plymouth Township, **Montgomery County**.

**46-0115A: Knoll, Inc.** (1235 Water Street, East Greenville, PA 18041) on September 10, 2002, for operation of a cyclonic baghouse in Upper Hanover Township, **Montgomery County**.

**23-0027: Dyneon LLC** (50 Milton Drive, Aston, PA 19014) on September 10, 2002, for operation of a thermal oxidizer in Chester Township, **Delaware County**.

**15-0014D: Saint Gobian Performance Plastics Corp.** (57 Morehall Road, Malvern, PA 19355) on September 10, 2002, for operation of a medical device manufacturing process in East Whiteland Township, **Chester County**.

**46-0037H: Cabot Performance Materials** (County Line Road, Boyertown, PA 19512) on September 11, 2002, for installation of an intermediate storage tank in its metal extraction process in Douglass Township, **Montgomery County**.

**23-0001S: Sunoco, Inc. (R and M)** (Delaware Avenue and Green Streets, Marcus Hook, PA 19061) on September 12, 2002, for operation of a boiler and heater in Marcus Hook Borough, **Delaware County**.

**46-0206: Merck and Co., Inc.** (1180 Church Road, Lansdale, PA 19446) on September 12, 2002, for operation of two 400 kW emergency generators in Lansdale Borough, **Montgomery County**.

**23-0001K: Sunoco, Inc. (R and M)** (Delaware Avenue and Green Streets, Marcus Hook, PA 19061) on September 16, 2002, for operation of an organic chemical production in Marcus Hook Borough, **Delaware County**.

**15-0064A: QVC, Inc.** (1200 Wilson Drive, West Chester, PA 19380) on September 16, 2002, for operation of three emergency generators in West Goshen Township, **Chester County**. This plan approval extension reflects revisions made to settle its appeal of operating restrictions from an individual limit of 110 hours per year, per generator, to a total restriction of 330 hours per year.

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

**01-05002A: Master Brand Cabinets, Inc.** (P. O. Box 5, Littlestown, PA 17340) on August 14, 2002, for construction of four spray booths controlled by a regenerative thermal oxidizer at its Littlestown Facility in Littlestown Borough, **Adams County**.

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

**41-0006B: Textron Lycoming** (652 Oliver Street, Williamsport, PA 17701) on August 29, 2002, for operation of a copper stripping operation on a temporary basis until December 27, 2002, in the City of Williamsport, **Lycoming County**. The plan approval was extended.

**12-399-016: Micron Research Corp.** (Route 120 West, P. O. Box 269, Emporium, PA 15834) on September 12, 2002, for operation of a carbon graphite manufacturing operation on a temporary basis until January 10, 2003, as well as to authorize the use of full diameter hoods incorporating carbon packs, instead of flares, to control the air contaminant emissions from three electric graphitizing furnaces in Shippen Township, **Cameron County**. The plan approval was extended.

**14-309-043A: Corning Asahi Video Products Co.** (3500 East College Avenue, State College, PA 16801) on September 5, 2002, for operation of a glass furnace (Tank 222) and associated air cleaning device (an electrostatic precipitator) on a temporary basis until January 3, 2003, as well as modification of a second glass furnace (Tank 221) and associated air cleaning device (an electrostatic precipitator) until January 3, 2003, in College Township, **Centre County**. The plan approval was extended.

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

**10-021I: Indspec Chemical Corp.** (133 Main Street, Petrolia, PA 16050) on September 30, 2002, for a 9,500 gallon resorcinol storage and scrubber in Petrolia, **Butler County**.

**16-132B: Temple Inland Forest Products, Inc.—Clarion** (1 Fiberboard Avenue, Shippensburg, PA 16254) on August 31, 2002, for modification to the facility in Paint Township, **Clarion County**.

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

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

**25-00916: Ridg-U-Rak, North East Plant** (120 South Lake Street, North East, PA 16428) for operation of a metal shelving manufacturing facility in North East Borough, **Erie County**. This Title V Operating Permit has been reissued.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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

**09-320-055GP: Transcontinental Printing USA, Inc.** (55 Hawk Road, Warminster, PA 18974) on September 10, 2002, for operation of a lithographic printing press in Warminster Township, **Bucks County**.

**15-00053: Chester County Hospital** (701 East Marshall Street, West Chester, PA 19380) on September 16, 2002, for operation of a synthetic minor operating permit in West Chester Borough, **Chester County**.

**15-00009: ASAHI Glass Fluoropolymers USA** (255 South Bailey Road, Downingtown, PA 19335) on September 16, 2002, for operation of a synthetic minor operating permit in Caln Township, **Chester County**.

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

**06-05082: Dietrich's Milk Products, LLC** (100 McKinley Avenue, Reading, PA 19605) on September 11, 2002, for operation of a dried food products facility in Muhlenberg Township, **Berks County**.

**21-05033: Wilson Paving, Inc.** (480 West Old York Road, Carlisle, PA 17013) on September 12, 2002, for operation of an asphalt plant in South Middleton Township, **Cumberland County**.

**67-03110: Govesan Manufacturing, Inc.** (939 Monocacy Road, P. O. Box 7804, York, PA 17404) on September 9, 2002, for operation of operation of a powder coating manufacturing facility in the City of York, **York County**.

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

**63-00426: Trinity Area School District** (231 Park Avenue, Washington, PA 15301) on September 10, 2002, for operation of boilers and a heater in North Franklin Township, **Washington County**.

**26-00476: Community Products, LLC** (P. O. Box 240, Farmington, PA 15437) on September 16, 2002, for operation of a spray booth, curing oven, air make up unit, shop furnace, miscellaneous woodworking tools and a dust collector in Wharton Township, **Fayette County**.

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

**42-00151: Werzalit of America, Inc.** (40 Holley Avenue, Bradford, PA 16701) on September 12, 2002, for a

Natural Minor Operating Permit for a wood products manufacturing and a surface coating process in Bradford, **McKean County**.

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

**23-313-003C: Esschem, Inc.—Division of Justi Group, Inc.** (4000 Columbia Avenue, Linwood, PA 19061) on September 11, 2002, for a scrubber in Lower Chichester Township, **Delaware County**. This operating permit was modified.

**46-00036: Visteon Systems LLC** (2750 Morris Road, Lansdale, PA, 19446) for an administrative amendment to incorporate changes based on the appeal of their Title V Operating Permit in Worcester Township, **Montgomery County**. The facility's major emission points include wave and selective soldering machines. 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.

**15-00016: Worthington Steel Corp.** (45 North Morehall Road, Malvern, PA 19355) on September 13, 2002, to remove numerous manufacturing sources from the Title V Operating Permit in East Whiteland Township, **Chester County**.

**46-00025: Lonza, Inc.** (900 River Road, Conshohocken, PA 19428) on September 13, 2002, to modify the Title V Operating Permit to incorporate the conditions for the solvent recovery system under Manufacturing Process Source, in Upper Merion Township, **Montgomery County**.

**15-00014: Saint Gobain Performance Plastics** (57 Morehall Road, Frazer, PA 19355) for an administrative amendment of their Title V Operating Permit to incorporate conditions of Plan Approval 15-0014D in East Whiteland Township, **Chester County**. The facility's major emission points include three surface coating lines, which emit major levels of VOCs and NOx. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility within all applicable air quality requirements.

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

**65-00354: Sunoco Partners Marketing and Terminals LP** (1801 Market Street, Philadelphia, PA 19103) for an administrative amendment to reflect the change in ownership from Atlantic Refining and Marketing Corp. to Sunoco Partners Marketing and Terminals L.P. for the Delmont Terminal in Salem Township, **Westmoreland County**. The original Title V Operating Permit was issued on February 2, 1998, and reissued on February 8, 2002.

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**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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**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); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

#### *Coal Permits Actions*

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

**19000201 and NPDES Permit PA0224103. Mid-Valley Coal Sales, Inc.** (5 Woodland Drive, Mt. Carmel, PA 17851), commencement, operation and restoration of a coal refuse reprocessing operation in Conyngham Township, **Columbia County** affecting 343.0 acres, receiving stream: North Branch Shamokin Creek. Application received September 6, 2000. Permit issued September 11, 2002.

**54890105C18 and R2 and NPDES Permit PA0595314. Porter Associates, Inc.** (P. O. Box 478, Wilkes-Barre, PA 18703), correction and renewal of an existing anthracite surface mine operation in Porter Township, **Schuylkill County** affecting 118.7 acres, receiving stream: East Branch Rausch Creek. Applications received December 6, 1999, and February 22, 2000. Correction and renewal issued September 11, 2002.

**54011301 and NPDES Permit PA0224189. Alfred Brown Coal** (R. R. 2 Box 118C, Hegins, PA 17938), commencement, operation and operation of an anthracite underground mine operation in Blythe Township, **Schuylkill County** affecting 3.0 acres, receiving stream: unnamed tributary. Application received December 3, 2001. Permit issued September 13, 2002.

**49010201. Waldemar T. Fetterolf, Sr.** (100 East Main Street, Locustdale, PA 17945), commencement, operation and restoration of coal refuse reprocessing operation in East Cameron Township, **Northumberland County** affecting 41.1 acres, receiving stream: none. Application received December 6, 2001. Permit issued September 13, 2002.

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

**14980101 and NPDES Permit No. PA 0238007. Sky Haven Coal, Inc.,** R. D. 1, Box 180, Penfield, PA 15849. Major revision to an existing bituminous surface mine permit to allow for the beneficial use of biosolids. The permit is located in Snow Shoe and Burnside Townships, **Centre County**. Receiving stream: Sandy Run, classified for CWF. Application received May 2, 2002. Permit issued September 4, 2002.

*McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317, (724) 941-7100.*

**30341314. NPDES Permit PA0215368, Eberhart Coal Co.** (258 Woodside-Old Frame Rd., Smithfield, PA 15478), to revise the permit for the Titus Mine in

Dunkard Township, **Somerset County** to add additional surface acres, Surface Acres Proposed 2.64 acres, 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, classified for the following use: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued August 27, 2002.

**56961302. NPDES Permit PA0214639, K.B. Coal, Inc.** (P. O. Box 4091, Hidden Valley, PA 15502) to revise the permit for the Miller Mine in Jenner and Lincoln Townships, **Somerset County** to renew the permit and related NPDES permit, Surface Acres Proposed N/A,

Underground Acres Proposed 236.8, SCP Acres Proposed 236.8, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following use: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued September 3, 2002.

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

**10020101 and NPDES Permit No. PA0242098. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Commencement, operation and restoration of a bituminous strip operation in Cherry Township, **Butler County** affecting 31.6 acres. Receiving streams: unnamed tributary to Findlay Run. Application received March 8, 2002. Permit issued September 4, 2002.

**1475-10020101-E-1. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Application for a stream encroachment to conduct mining activities within 100 feet but no closer than 25 feet to unnamed tributary No. 1 to Findlay Run in Cherry Township, **Butler County**. Receiving streams: unnamed tributary to Findlay Run. Application received March 8, 2002. Permit issued September 4, 2002.

**33970110. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767). Renewal of an existing bituminous strip and auger operation in Oliver Township, **Jefferson County** affecting 111.5 acres. Receiving streams: unnamed tributary to Big Run and unnamed tributary to Little Sandy Creek. This renewal is issued for reclamation only. Application received July 15, 2002. Permit issued September 10, 2002.

#### *Noncoal Permits Actions*

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

**6174SM5A2C7 and NPDES Permit PA0594423. Meckley's Limestone Products, Inc.** (R. R. 1, Box 1682, Herndon, PA 17830), correction to an existing quarry operation and NPDES Permit in Lower Mahanoy and Jordan Townships, **Northumberland County** affecting 216.0 acres, receiving stream: Upper Fiddler Run. Application received March 6, 2002. Correction issued September 10, 2002.

**7775SM8C2 and NPDES Permit PA0595748. Dyer Quarry, Inc.** (P. O. Box 188, Birdsboro, PA 19508), renewal of NPDES Permit in Robeson Township, **Berks County**, receiving stream: Indian Corn Creek and Seidel Creek. Application received July 18, 2002. Renewal issued September 10, 2002.

**64010805. Andrews Construction** (R. R. 1 Box 170A, Forest City, PA 18421), commencement, operation and restoration of a quarry operation in Mount Pleasant Township, **Wayne County**, affecting 5.0 acres. Receiving

stream: West Branch Lackawaxen River. Application received May 18, 2001. Permit issued September 10, 2002.

**7773SM1A2C4 and NPDES Permit PA0595322. Reading Materials, Inc.** (P. O. Box 79, Skippack, PA 19474-0079. Renewal of NPDES Permit in Douglass Township, **Berks County**, receiving stream: unnamed tributary to Schuylkill River. Application received July 23, 2002. Renewal issued September 12, 2002.

**64910303C5 and NPDES Permit PA0595462. Ciccone Construction, Inc.** (R. R. 2 Box 1575, Honesdale, PA 18431), renewal of NPDES Permit in Palmyra Township, **Wayne County**, receiving stream: tributary to Lake Wallenpaupack. Application received July 25, 2002. Renewal issued September 12, 2002.

**36820301C3 and NPDES Permit PA061271. Haines & Kibblehouse, Inc.** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474), renewal of NPDES Permit in Brecknock Township, **Lancaster County**, receiving stream: unnamed tributary to Black Creek. Application received July 23, 2002. Renewal issued September 12, 2002.

**48870301C4 and NPDES Permit PA059893. Haines & Kibblehouse, Inc.** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474), renewal of NPDES Permit in Lower Mt. Bethel Township, **Northampton County**, receiving stream: Delaware River. Application received July 23, 2002. Renewal issued September 12, 2002.

**7974SM5A1C3 and NPDES Permit PA0612243. Haines & Kibblehouse, Inc.** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474), renewal of NPDES Permit in Hilltown Township, **Bucks County**, receiving stream: North Branch Neshaminy Creek. Application received July 23, 2002. Renewal issued September 12, 2002.

**58020817. Arnolmont Quarries, Inc.** (2401 Pennsylvania Avenue 402, Wilmington, DE 19806), commencement, operation and restoration of a quarry operation in Bridgewater Township, **Susquehanna County**, affecting 3.0 acres, receiving stream: none. Application received April 17, 2002. Permit issued September 12, 2002.

**60000301. Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), commencement, operation and restoration of a quarry operation in Buffalo Township, **Union County** affecting 63.7 acres, receiving stream: none. Application received September 1, 2000. Permit issued September 13, 2002.

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

**59022801. Fred J. Robbins**, R. R. 2, Box 25A, Tioga, PA 16946. Commencement, operation and restoration of a Small Industrial Minerals (Shale) permit in Lawrence Township, **Tioga County** affecting 1.5 acres. Receiving stream: Lane Creek, tributary to Tioga River. Application received April 29, 2002. Application returned: September 13, 2002.

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

**3572SM17 and NPDES Permit No. PA0202649. Manor Minerals, Inc.** (265 S. Jefferson Street, Kittanning, PA 16201). NPDES renewal issued for continued operation and reclamation of a large noncoal surface mining site located in Burrell and South Bend Townships, **Armstrong County**. Receiving streams: Crooked Creek. Application received July 1, 2002. NPDES renewal issued September 16, 2002.

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

**61930301 and NPDES Permit No. PA0211729. Cooperstown Sand & Gravel** (P. O. Box 4, Cooperstown, PA 16317). Revision to an existing sandstone operation to add 1.6 acres in Jackson Township, **Venango County**. New total SMP acreage is 13.1 acres. Receiving streams: Wolf Run. Application received July 2, 2002. Permit issued August 29, 2002.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 P. S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

#### *Blasting Permits Actions*

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

**40024017. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Butler Township, **Luzerne County** with an expiration date of July 22, 2003. Permit issued September 13, 2002.

**40024018. Latona Trucking** (620 South Main, Pittston, PA 18640), construction blasting in Pittston Township, **Luzerne County** with an expiration date of August 31, 2003. Permit issued September 13, 2002.

**46024054. Horst Drilling & Blasting, Inc.** (141 Ranck's Church Road, New Holland, PA 17557), construction blasting in Towamencin Township, **Montgomery County** with an expiration date of September 22, 2003. Permit issued September 13, 2002.

**48024024. Allen Township** (4714 Indian Trail Road, Northampton, PA 18067) and **Austin Powder** (P. O. Box 289, Northampton, PA 18062), construction blasting in Allen Township, **Northampton County** with an expiration date of December 31, 2002. Permit issued September 13, 2002.

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

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

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

### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)).

Except as otherwise noted, the Department certifies that the construction and operation herein described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State Water Quality Standards.

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

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**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).** (Note: Water Obstruction and Encroachment Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description).

*Permits Issued and Actions on 401 Certifications*

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E15-683. Downingtown Mainstreet Group**, 342 Lancaster Avenue, Downingtown, PA 19335, Downingtown Township, **Chester County**, ACOE Philadelphia District.

To relocate portions of and modify a 335 linear foot section of Park Run (WWF-MF) stream channel, a tributary of the East Branch Brandywine Creek. The works which include the creation of a riparian buffer and fill in the floodplain to accommodate proposed residential buildings, will involve creating a meandering stream around two existing exposed sanitary sewer manholes and the removal of existing bridge abutments associated with the S&S Development Company, Inc.'s project. The project is associated with redevelopment and restoration efforts of the former O'Brien Machinery Industrial Complex, located approximately 700 feet south of the intersection of Lancaster Avenue and the Brandywine Avenue (Downingtown, PA Quadrangle N: 0.75 inch; W: 10.75 inches).

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

**E52-174. Lackawaxen Township Board of Supervisors**, P. O. Box 205, Lackawaxen, PA 18435. Lackawaxen Township, **Pike County**, Army Corps of Engineers Philadelphia District.

To maintain a road crossing of West Falls Creek, consisting of a 77-inch x 52-inch CMP arch culvert depressed 6 inches below streambed elevation and a 71-inch x 47-inch CMP arch culvert. The previous structure was removed and the current structure constructed, under the authorization of Emergency Permit No. EP5201401. The project is located along Township Road T-439, approximately 300 feet northeast of the intersection of T-439 and SR 0590 (Rowland, PA Quadrangle N: 22.4 inches; W: 9.6 inches).

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

**E06-564. Forino Company**, 555 Mountain Home Road, Sinking Spring, PA 19608 in South Heidelberg Township, **Berks County**, ACOE Philadelphia District.

To remove the existing 48-inch diameter steel pipe culvert and to construct and maintain a 6-foot by 10-foot reinforced concrete box culvert within Cacoosing Creek (TSF) at a point approximately 2,400 feet upstream of Wernersville Road (Sinking Spring, PA Quadrangle N: 10.0 inches; W: 8.5 inches) in South Heidelberg Township, Berks County.

**E06-566. Maiden creek Township**, 1 Quarry Road, Blandon, PA 19510 in Maiden creek Township, **Berks County**, ACOE Philadelphia District.

To: (1) remove an existing 60-inch diameter corrugated metal pipe and install and maintain a 5-foot by 11-foot precast concrete box culvert with endwalls; and (2) remove an existing 4-foot by 7-foot precast concrete box culvert and construct and maintain a 25-foot span pedestrian footbridge at a point along Hoch Road (T-754) and East Wessner Road (T-777) (Fleetwood, PA Quadrangle N: 13.3 inches; W: 15.7 inches and N: 13.0 inches; W: 15.5 inches) in Maiden creek Township, Berks County.

**E07-344. Fiore Pontiac GMC**, P. O. Box 1033, Altoona, PA 16603 in Allegheny Township, **Blair County**, ACOE Baltimore District.

To place fill in 0.25 acre of forested and scrub wetlands and 0.04 acre of emergent wetlands and to maintain existing fill in 0.23 acre of emergent wetlands at a point between SR 0036 and Brush Run (WWF) approximately 1

mile north of Hollidaysburg for the purpose of expanding an existing parking lot (Hollidaysburg, PA Quadrangle N: 14.2 inches; W: 2.8 inches) in Allegheny Township, Blair County. Wetland impacts will be mitigated through the creation of 0.05 acre of emergent wetlands onsite and 0.75 acre of forested and scrub wetlands along Brush Run (WWF) (Hollidaysburg, PA Quadrangle N: 12.7 inches; W: 3.1 inches) in Allegheny Township, Blair County.

**E07-359. Rails-To-Trails of Central PA**, P. O. Box 592, Hollidaysburg, PA 16648) in Williamsburg Borough and Woodbury Township, **Blair County**, ACOE Baltimore District.

To: (1) place fill material at the floodway of Frankstown Branch Juniata River (TSF); (2) construct and maintain an 8-foot by 8-foot concrete box culvert at the channel of an unnamed tributary to and at the floodway of the Frankstown Branch Juniata River; and (3) construct and maintain a footbridge across Piney Creek (TSF) to be set on abandoned railroad bridge abutments and a pier for the proposed of improving a trail (Williamsburg, PA Quadrangle N: 15.95 inches; W: 10.55 inches—N: 16.46 inches; W: 11.2 inches—N: 18.1 inches; W: 14.4 inches) in Williamsburg Borough and Woodbury Township, Blair County.

**E21-342. Silver Spring Township**, 6475 Carlisle Pike, Mechanicsburg, PA 17050 in Silver Spring Township, **Cumberland County**, ACOE Baltimore District.

To remove the existing 20-foot long concrete box culvert having a clear span of 11.5 feet and a rise of 3.8 feet and to construct and maintain a 24-foot long concrete box culvert having a clear span of 12.0 feet and a rise of 4.8 feet within Hogestown Run (CWF) at a point along Woods Drive 0.7 mile southeast of US Route 11 (Mechanicsburg, PA Quadrangle N: 19.5 inches; W: 5.8 inches) in Silver Spring Township, Cumberland County.

**E21-343. United States Army—Carlisle Barracks**, Headquarters, ATZE-DPW-SE, Carlisle, PA 17013 in North Middleton Township, **Cumberland County**, ACOE Baltimore District.

To remove about 276 feet of existing chain link fence; and, to construct and maintain: (1) 5,700 linear feet of chain link fence in the floodway/floodplain of Letort Spring Run (HQ-CWF) and a braided stream channel known as the Mill Race; and (2) a new steel reinforced concrete headwall of the existing Post Road (T-710) crossing of Letort Spring Run (HQ-CWF) all for the purpose of providing security on the northeast boundary of the United States Military Reservation, Carlisle Barracks (Carlisle, PA Quadrangle N: 15.75 inches; W: 7.5 inches) in North Middleton Township, Cumberland County.

**E22-438. Conewago Contractors, Inc.**, 610 Edgemoor Road, Hanover, PA 17331 in Lower Swatara Township, **Dauphin County**, ACOE Baltimore District.

To construct and maintain: (1) a 135-foot long, open bottom, aluminum structural plate arch culvert, stream enclosure having a span of 12.0 feet and an underclearance of 4.04 feet; (2) a concrete encased sanitary sewer line crossing; (3) a potable water line crossing; (4) a natural gas line crossing; (5) a storm sewer line crossing all in an unnamed tributary to Swatara Creek (WWF); and (6) to place fill in the floodway of the tributary to Swatara Creek for the purpose of developing the 109.55-acre Stone Ridge commercial subdivision (Kreider Farm subdivision) located between Longview Drive, on the north, Fulling Mill Road, south and North Street on the

east (Steelton, PA quadrangle N: 19.75 inches; W: 0.0 inch) in Lower Swatara Township, Dauphin County.

**E44-115. Derry Township**, P. O. Box M, Yeagertown, PA 17099 in Derry Township and Burham Borough, **Mifflin County**, ACOE Baltimore District.

To remove the existing Vermont Avenue bridge and to construct and maintain a concrete bridge having a clear span of 46.5 feet on an 80 degree skew with a minimum underclearance of 11.33 feet across Buck Run (TSF) located 1,200 feet upstream of T-782 bridge (Vermont Avenue) (Burnham, PA Quadrangle N: 0.7 inch; W: 10.1 inches) in Derry Township and Burham Borough, Mifflin County.

**E44-117. Department of Conservation and Natural Resources, Forest District 7-0**, 400 Market Street, P. O. Box 8451, Harrisburg, PA 17105 in Armagh Township, **Mifflin County**, ACOE Baltimore District.

To remove an existing bridge and to construct and maintain a bridge having a clear span of 21 feet 11-inches and an underclearance of 5 feet, 3 inches in the channel of Swift Run (HQ-CWF) at a point at Havice Valley Road (Coburn, PA Quadrangle N: 12.3 inches; W: 5.4 inches) in Armagh Township, Mifflin County.

**E67-718. Michael Waltmyer**, 619 Deer Road, Fawn Grove, PA 17321 in Fawn Township, **York County**, ACOE Baltimore District.

To fill a failing, remote off-stream 1/2 acre farm pond within the Bald Eagle Creek Watershed (TSF) (Airville, PA Quadrangle N: 3.2 inches; W: 9.7 inches) in Fawn Township, York County. The amount of wetland impact is considered a de minimis impact of 0.05 acre of palustrine emergent wetland and mitigation is not required.

**E67-719. York County Commissioners**, 400 Mundle Race Road, York, PA 17402 in York Township, **York County**, ACOE Baltimore District.

To construct and maintain a 2,142 square foot wooden dock which will extend on to Lake Redman (WWF) (York, PA Quadrangle N: 1.1 inches; W: 8.9 inches) in York Township, York County.

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

**E08-394. Pennsylvania Department of Transportation**, P. O. Box 218, Montoursville, PA 17754-0218. Concrete Box Culvert, in Springfield Township, **Bradford County**, ACOE Baltimore District (Troy, PA Quadrangle N: 15.75 inches; W: 3.30 inches).

To remove the existing 21.00 foot by 5.83 foot reinforced concrete slab with a normal clear span of 17.50 feet and a design underclearance of 5.83 feet over Braces Run and to construct and maintain an 18.00 foot by 7.00 foot precast reinforced concrete box culvert on a 75° skew depressed 1.0 foot below streambed, with a curb-to-curb width of 32.00 feet and a waterway opening of 18.0 feet by 6.0 feet on SR 4014, Section 016 about 2 miles east of Columbia Cross Roads. The project will not impact wetlands while impacting approximately 70 feet of waterway. Braces Creek is a TSF. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E41-506. Department of Conservation and Natural Resources, Bureau of Forestry District 12**, 423 East Central Ave., South Williamsport, PA 17702. Water Obstruction and Encroachment Joint Permit Application, in Brown Township, **Lycoming County**, ACOE

Susquehanna River Basin District (Slate Run, PA Quadrangle N: 22.4 inches; W: 9.0 inches).

To remove an existing 54" corrugated metal pipe, construct and maintain a 48" by 76" reinforced concrete elliptical pipe; to include cast-in-place end walls in an unnamed tributary to Manor Fork along Manor Fork Road in Brown Township, Lycoming County. The culvert replacement will permanently impact 0.045 acre of EV wetlands while impacting 110-feet of waterway.

**E55-187. Pennsylvania Department of Transportation, Engineering District 3-0**, P. O. Box 218, Montoursville, PA 17754-0218. Water Obstruction and Encroachment Permit application, in Spring Township, **Snyder County**, ACOE Susquehanna River Basin District (McClure, PA Quadrangle N: 17.75 inches; W: 14.20 inches).

To remove two existing corrugated metal pipes and construct and maintain a reinforced concrete box culvert measuring 10 feet wide by 5 feet high with a length of 32 feet in Mitchell Run located on SR 0235, Segment 0080 at offset 0933. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E55-188. Pennsylvania Department of Transportation, Engineering District 3-0**, P. O. Box 218, Montoursville, PA 17754-0218. Water Obstruction and Encroachment Permit application, in Penn Township, **Snyder County**, ACOE Susquehanna River Basin District (Freeburg, PA Quadrangle N: 13.5 inches; W: 4.6 inches).

To remove an existing encased concrete I-beam bridge and construct and maintain a reinforced concrete box culvert measuring 20 feet wide by 5 feet high in a tributary to Penns Creek located along SR 1002, Segment 0030 at offset 2718. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E59-429. Delmar Township**, R. R. 5, Box 70A, Wellsboro, PA 16901. Culvert in Dantz Run, Delmar Township, **Tioga County**, ACOE Baltimore District (Asaph, PA Quadrangle N: .9 inch; W: 1.2 inches).

To remove the existing bridge structure and to construct, operate and maintain a 101-inch by 161-inch corrugated metal pipe arch. The new culvert structure will have an alignment shift to facilitate better alignment with the stream. The new alignment will cause a reduction of 80 linear feet of stream including the existing bridge structure. This permit also authorizes inlet and outlet protection of R-5 riprap for the wing walls and scour protection for the bed. All work associated with this project shall be completed when Dantz Run is at low flow and all disturbance shall be stabilized within three days of final grading. This project is located 1.1 miles south of SR 6 on T-468 in Delmar Township, Tioga County. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E59-434. Pennsylvania Department of Transportation**, 715 Jordan Avenue, Montoursville, PA 17754. Culvert Replacement, in Delmar Township, **Tioga County**, ACOE Baltimore District (Antrim, PA Quadrangle N: 6.75 inches; W: 1.6 inches).

To remove the existing 85-inch by 54-inch corrugated metal pipe arch and to construct, operate and maintain a 15-foot by 5.5-foot reinforced precast box culvert. The culvert shall be depressed 1 foot below the natural

streambed. Outlet protection shall consist of 40 feet of existing R-6 riprap. This permit also authorizes temporary channel and in-stream diversion dike to allow work to be completed in the dry. The temporary channel bed shall be lined with clean rock. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E56-312. Borough of Somerset**, P. O. Box 71, 340 West Union Street, Somerset, PA 15501. Somerset Borough, **Somerset County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a 1.0-foot depressed 9.0-foot x 4.5-foot concrete box culvert in Parson Run (TSF) for the purpose of improving transportation safety and roadway standards. The project is located on Cannel Drive (Somerset, PA Quadrangle N: 0.28 inch; W: 11.23 inches).

**E65-800. Dominion Transmission, Inc. (DTI)**, 445 West Main Street, Clarksburg, WV 26301. Salem Township, Delmont Borough and the Municipality of Murrysville, **Westmoreland County**, ACOE Pittsburgh District.

To repair, operate and maintain approximately 10.5 miles of an existing 20-inch diameter natural gas pipeline (LN25). The pipeline crosses Haymakers Run (HQ-CWF), tributaries to Haymakers Run (HQ-CWF), Steels Run (HQ-CWF), tributaries to Steels Run (HQ-CWF), tributaries to Turtle Creek (TSF) and tributaries to Beaver Run (HQ-CWF). The LN 25 pipeline extends from the Oakford Pumping Station (Slickville, PA Quadrangle N: 4.8 inches; W: 8.4 inches) to the Allegheny/Westmoreland County line in Murrysville (Murrysville, PA Quadrangle N: 21.7 inches; W: 10.7 inches).

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

**E62-383. Allegheny Partners, LP c/o Forest Investment Associates**, P. O. Box 1474, Smethport, PA 16749. Wade Run Bridge Replacement in Pittsfield Township, **Warren County**, ACOE Pittsburgh District (Pittsfield, PA Quadrangle N: 7.0 inches; W: 5.25 inches).

To remove the existing structure and to construct and maintain a bridge comprised of concrete block abutments and steel stringers having a clear span of 18 foot and an underclearance of 5.5 feet across Wade Run on a forestry road approximately 900 feet southwest of the confluence of Wade Run and Rattlesnake Run.

## ENVIRONMENTAL ASSESSMENTS

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

**EA54-002CO. Charles E. and JoAnn L. Beck**, 2207 Spanish Forest Lane, Richmond, TX 77469. East Brunswick Township, **Schuylkill County**, ACOE Philadelphia District.

Project proposes to construct a nonjurisdictional dam across a tributary to Indian Run (CWF) impacting approximately 70 feet of stream channel for fire protection, aesthetics and recreation. The dam will be located approximately 800 feet southeast of the intersection of T757 and T894A (New Ringgold, PA Quadrangle, N: 10.3 inches; W: 8.2 inches).

**EA38-005CO. Franklin Greiner, Jr.**, 700 Cornwall Mountain Road, Lititz, PA 17543. South Lebanon Township, **Lebanon County**, ACOE Baltimore District.

Project proposes to construct a nonjurisdictional dam across a tributary to Shearers Creek (HQ-CWF) for wildlife habitat and recreation impacting approximately 0.07 acre of wetland (PFO) and providing 0.07 acre of replacement wetland within the impounded reservoir. The proposed dam will be located approximately 2,300 feet southeast of the intersection of Boyd Street and SR 0322 (Lebanon, PA Quadrangle, N: 0.3 inch; W: 0.3 inch).

**EA40-006CO. Presidential Land Company, Inc.,** 433 Centre Street, Mahanoy City, PA 17948. Dallas Township, **Luzerne County**, ACOE Baltimore District.

To modify an existing nonjurisdictional dam across a tributary to Toby Creek (CWF) impacting a de minimis area of wetland equal to 0.05 acre for stormwater management at the proposed Overbrook Road Subdivision. The dam is located approximately 2,400 feet southwest of the intersection of Overbrook Avenue (SR 1014) and Pioneer Avenue (SR 1043) (Kingston, PA Quadrangle, N: 12.8 inches; W: 11.0 inches).

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

**EA38-005CO. Franklin Greiner, Jr.,** 700 Cornwall Mountain Road, Lititz, PA 17543. South Lebanon Township, **Lebanon County**, ACOE Baltimore District.

Project proposes to construct a nonjurisdictional dam across a tributary to Shearers Creek (HQ-CWF) for wildlife habitat and recreation impacting approximately 0.07 acre of wetland (PFO) and providing 0.07 acre of replacement wetland within the impounded reservoir. The proposed dam will be located approximately 2,300 feet southeast of the intersection of Boyd Street and SR 0322 (Lebanon, PA Quadrangle, N: 0.3 inch; W: 0.3 inch).

**EA40-006CO. Presidential Land Company, Inc.,** 433 Centre Street, Mahanoy City, PA 17948. Dallas Township, **Luzerne County**, ACOE Baltimore District.

To modify an existing nonjurisdictional dam across a tributary to Toby Creek (CWF) impacting a de minimis area of wetland equal to 0.05 acre for stormwater management at the proposed Overbrook Road Subdivision. The dam is located approximately 2,400 feet southwest of the intersection of Overbrook Avenue (SR 1014) and Pioneer Avenue (SR 1043) (Kingston, PA Quadrangle, N: 12.8 inches; W: 11.0 inches).

## WATER QUALITY CERTIFICATIONS

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

Certification Request Initiated by **Reliant Energy Mid Atlantic Power Holdings, LLC (REMA)**, 1001 Broad Street, P. O. Box 1050 Johnstown, PA 15907-1050. Initial notice published at 31 Pa.B. 1406 (March 10, 2001) then superceded by a notice published at 32 Pa.B. 3425 (July 13, 2002).

Project Description: REMA has requested a section 401 State Water Quality Certification for the operation of the Piney Hydroelectric Project (Project) (FERC Project No. 309-PA) near the Borough of Clarion in Piney Township, **Clarion County**, ACOE Pittsburgh District (Clarion, PA Quadrangle N: 12.125 inches; W: 8.125 inches). REMA is seeking a license with the Federal Energy Regulatory Commission to operate Piney Dam. The Project currently operates as a peaking/load-regulating dam with restrictions on the summer and winter impoundment drawn down levels and minimum conservation releases. Under the current mode of operation, water is released from the

Project during periods of power generation and when the storage capacity of the reservoir is exceeded. Minimum conservation releases of 100 cubic feet per second (cfs) from May 1 through October 31 and two 4-hour blocks of 500 cfs from November 1 through April 30 are also provided during periods of nongeneration. Final action on request September 3, 2002.

Except as otherwise noted, the Department, under section 401(a) of the Federal Clean Water Act (act) (33 U.S.C.A. § 1341(a)), certifies that the construction and operation herein described will comply with the applicable provisions of sections 301—303, 306 and 307 of the act and that the construction will not violate applicable Federal and State water quality standards, provided the following requirements are met:

a. REMA operates the project as run-of-river from April 1 through June 20.

b. The minimum release from the project from June 21 through October 31 will be 174 cfs or the calculated flow into the project, whichever is less.

c. Provided sufficient inflow to the project exists, REMA, on three Saturdays, between June 21 and October 31, releases 600 cfs of water for 4 consecutive hours for recreational drift boating purposes.

d. REMA maintains project impoundment levels from June 21 through March 31 in a manner to protect Statewide water uses in the reservoir.

e. REMA maintains current releases from November 1 through March 31.

f. Monitoring for dissolved oxygen and temperature, during the summer months, is conducted 3 days a week prior to, during and following an electric generation event.

g. Monitoring of fish and benthic macroinvertebrate communities above and below the project is conducted.

Final or proposed action on certain other certification requests for projects which require both a Water Obstruction and Encroachment permit and either a U.S. Army Corps of Engineers individual permit or a Nationwide Permit 14, 18 or 26 will be published with Actions of Applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27).

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.

[Pa.B. Doc. No. 02-1685. Filed for public inspection September 27, 2002, 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 "July 2002 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.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2002.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Final Technical Guidance*

DEP ID: 392-0300-002 Title: Comprehensive Stormwater Management Policy. Description: The Department's stormwater management policy integrates Federal stormwater management requirements into State implementation programs. The policy provides recommended stormwater management approaches to ensure surface waters of this Commonwealth are protected, groundwater resources are preserved, stream base flows are maintained and the physical stability and environmental integrity of waters of this Commonwealth are protected, preserved and maintained. Effective Date: September 28, 2002. Contact: Ken Reisinger at (717) 787-6827 or e-mail: [kereisinger@state.pa.us](mailto:kereisinger@state.pa.us).

DAVID E. HESS,  
*Secretary*

[Pa.B. Doc. No. 02-1686. Filed for public inspection September 27, 2002, 9:00 a.m.]

### Laboratory Accreditation Advisory Committee Meeting

The Laboratory Accreditation Advisory Committee will hold its next meeting on October 17, 2002, at 9 a.m. in

the First Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning this meeting can be directed to Richard Sheibley at (717) 705-2425 or e-mail at [rsheibley@state.pa.us](mailto:rsheibley@state.pa.us). The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at <http://www.dep.state.pa.us>.

Persons with a disability who require accommodations to attend this meeting should contact the Department at (717) 705-8024 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

DAVID E. HESS,  
*Secretary*

[Pa.B. Doc. No. 02-1687. Filed for public inspection September 27, 2002, 9:00 a.m.]

### Water Resources Advisory Committee Special Meeting

The Water Resources Advisory Committee will hold a special meeting on October 17, 2002, from 9:30 a.m. to 4 p.m. in the 10th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The purpose of the meeting is to complete review of the Water Quality Antidegradation Implementation Guidance.

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 may be directed to Carol Young at (717) 787-9637 or e-mail at [carolyoung@state.pa.us](mailto:carolyoung@state.pa.us).

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Roxana Naugle at (717) 787-9031 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.

DAVID E. HESS,  
*Secretary*

[Pa.B. Doc. No. 02-1688. Filed for public inspection September 27, 2002, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Aliquippa Community Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Aliquippa Community 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 following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 7.10.H6 (relating to staff changing area traffic pattern).



The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who require an alternative format of this document (for example, large print, audiotape or Braille) should contact the Division of Acute and Ambulatory Care at the previously listed address or phone number or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

ROBERT S. ZIMMERMAN, Jr.,  
Secretary

[Pa.B. Doc. No. 02-1689. Filed for public inspection September 27, 2002, 9:00 a.m.]

### Application of Bon Secours-Holy Family Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Bon Secours-Holy Family Hospital has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who require an alternative format of this document (for example, large print, audiotape or Braille) should contact the Division of Acute and Ambulatory Care at the previously listed address or phone number or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

ROBERT S. ZIMMERMAN, Jr.,  
Secretary

[Pa.B. Doc. No. 02-1690. Filed for public inspection September 27, 2002, 9:00 a.m.]

### Application of Pittsburgh Mercy Health System for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Pittsburgh Mercy Health System has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare

Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document (for example, large print, audiotape or Braille) should contact the Division of Acute and Ambulatory Care at the previously listed address or phone number or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

ROBERT S. ZIMMERMAN, Jr.,  
Secretary

[Pa.B. Doc. No. 02-1691. Filed for public inspection September 27, 2002, 9:00 a.m.]

### Application of Suburban Gastroenterology Associates for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Suburban Gastroenterology Associates has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: Section 12-6.1.6 (relating to Life Safety Code) and Section 12-6.3.7.2 (relating to smoke barrier wall).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document (for example, large print, audiotape or Braille) should contact the Division of Acute and Ambulatory Care at the previously listed address or phone number or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

ROBERT S. ZIMMERMAN, Jr.,  
Secretary

[Pa.B. Doc. No. 02-1692. Filed for public inspection September 17, 2002, 9:00 a.m.]



### Patient Safety Authority Meeting

A meeting of the Patient Safety Authority is scheduled for Tuesday, October 8, 2002, from 9:30 a.m. until 4 p.m. at the Wildwood Conference Center, Harrisburg Area Community College, One HACC Drive, Harrisburg, PA.

For additional information, contact Stacey Schwartz, Office of Physician General, at (717) 783-8770. Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, should contact Stacey Schwartz at the previous number or V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-1693. Filed for public inspection September 27, 2002, 9:00 a.m.]

### Request for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Grove Manor  
435 North Broad Street  
Grove City, PA 16127

The request is on file with the Department of Health (Department). Persons may receive a copy of the 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, e-mail address: paexcept@health.state.pa.us.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

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.

For additional information or persons with a disability who wish to provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division of Nursing Care Facilities at address or numbers previously listed or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-1694. Filed for public inspection September 27, 2002, 9:00 a.m.]

### Tobacco Use Prevention and Cessation Advisory Committee Meeting

The Tobacco Use Prevention and Cessation Advisory Committee will hold a public meeting on October 10,

2002, from 10 a.m. to 2 p.m. in Room E-100, Labor and Industry Building, Forster and Seventh Streets, Harrisburg, PA.

The purpose of the meeting is to discuss the tobacco use prevention and cessation priorities for the State fiscal year 2002-03. This meeting is open to the public. No reservations are required to attend the public meeting.

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, should contact Judy Ochs or Kevin Alvarnaz at (717) 783-6600, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-1695. Filed for public inspection September 27, 2002, 9:00 a.m.]

### Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board, established under the Federal Traumatic Brain Injury Act of 1996 (Pub.L. No. 104-66) will hold a public meeting on October 2, 2002, in Conference Room 327, Health and Welfare Building, Commonwealth Avenue and Forster Street, Harrisburg, PA, from 10 a.m. to 3 p.m.

For additional information, contact Elaine M. Terrell, Director, Head Injury Program, Division of Child and Adult Health Services, at (717) 772-4959.

Persons with a disability who wish to attend the meeting and require auxiliary aid, service or other accommodation to do so, should contact Elaine M. Terrell, Director, Head Injury Program, Division of Child and Adult Health Services, at (717) 772-4959, V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-1696. Filed for public inspection September 27, 2002, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Pennsylvania Conservation Corps; Grants for Projects

Grants for projects related to conservation, recreation, historical preservation, graffiti removal and the repair of institutional vandalism will be available under the Pennsylvania Conservation Corps (PCC) Program.

Agencies eligible to apply for PCC projects are:

- The Departments of Labor and Industry, Conservation and Natural Resources, Public Welfare, Corrections,

Military and Veterans Affairs, Aging, Education and Community and Economic Development

- The Game, Fish and Boat and Historical and Museum Commissions
- The Pennsylvania Emergency Management Agency
- Political subdivisions
- Nonprofit agencies in cities of the first class (for projects involving the removal of graffiti and the repair of institutional vandalism only)

The PCC Program is designed to provide work experience and educational opportunities to unemployed young adults as they undertake needed projects on this Commonwealth's public lands. Funds available through the program may be used to purchase approved construction materials and contracted services (political subdivisions must provide a 25% cash match). The wages of corps members and crew leaders are paid directly by the Department of Labor and Industry (Department).

Applications for PCC projects will be accepted from political subdivisions and eligible nonprofits through January 3, 2003. State agency applications will be accepted through February 3, 2003.

For more information, or to obtain a grant application packet, contact Pennsylvania Conservation Corps, 1304 Labor and Industry Building, Seventh and Forster Streets, Harrisburg, PA 17120, (717) 783-6385, e-mail pc@cstate.pa.us. Grant application materials are also available for download from the Department's website, www.dli.state.pa.us, type "PCC Grants" into the search box at the top of the page.

JOHNNY J. BUTLER,  
*Secretary*

[Pa.B. Doc. No. 02-1697. Filed for public inspection September 27, 2002, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Additional Class of Disproportionate Share Payments to Hospitals to Offset Uncompensated Care Costs

The purpose of this notice is to clarify the notice published by the Department of Public Welfare at 31 Pa.B. 2851 (June 2, 2001) establishing an additional class of disproportionate share payments. These disproportionate share payments are designated for hospitals, licensed by this Commonwealth, that incur significant uncompensated care costs or that experience a high volume of inpatient cases, the cost of which exceeds twice the hospital's average cost per stay for all patients.

#### *Fiscal Impact*

This notice is clarifying a previously published notice and will have no fiscal impact.

#### *Contact Person*

A copy of this notice is available for review at local County Assistance Offices. Interested persons are invited to submit written comments within 30 days of publication. Comments should be sent to the Department of Public Welfare, Office of Medical Assistance Programs,

Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120.

Persons with a disability may use the AT&T Relay service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (Voice users).

FEATHER O. HOUSTOUN,  
*Secretary*

[Pa.B. Doc. No. 02-1698. Filed for public inspection September 27, 2002, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Powerball Instant Millionaire TV Game Show 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 Powerball Instant Millionaire TV Game Show.

2. *Price:* The price of a Pennsylvania Powerball Instant Millionaire TV Game Show instant lottery game ticket is \$3.00.

#### 3. *Play Symbols:*

(a) Each Pennsylvania Powerball Instant Millionaire TV Game Show instant lottery game ticket will contain three play areas known as "Game 1," "Game 2" and "Game 3" respectively. Each game has a different game play method and is played separately. Each Pennsylvania Powerball Instant Millionaire TV Game Show instant lottery game ticket will also contain a "TV Entry Bonus" area.

(b) The play symbols and their captions located in the "Your Number" area and the surrounding play area for "Game 1" are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN) and 8 (EIGHT).

(c) The play area for "Game 2" will contain two play areas designated as "Roll 1" and "Roll 2." The play symbols and their captions located in the two "Roll" areas are: a die containing a 1 (ONE), a die containing a 2 (TWO), a die containing a 3 (THREE), a die containing a 4 (FOUR), a die containing a 5 (FIVE) and a die containing a 6 (SIX).

(d) The play area for "Game 3" will contain a "Dealer's Total" area and four play areas designated as "Hand 1," "Hand 2," "Hand 3" and "Hand 4." The play symbols and their captions located in "Dealer's Total" area are: 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the four "Hand" areas are: 2 (TWO), 3 (THR), 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN), 8 (EGT), 9 (NIN), 10 (TEN), J (JCK), Q (QUN), K (KNG) and A (ACE). J, Q and K equal 10. A equals 11.

#### 4. *Prize Play Symbols:*

(a) The prize play symbols and their captions located in the play area for "Game 1," in the two "Prize" areas for "Game 2" and in the four "Hand" areas for "Game 3" are: \$2.<sup>00</sup> (TWO DOL), \$3.<sup>00</sup> (THR DOL), \$4.<sup>00</sup> (FOR DOL),

\$6<sup>00</sup> (SIX DOL), \$9<sup>00</sup> (NIN DOL), \$12\$ (TWELV), \$15\$ (FIFTN), \$24\$ (TWY FOR), \$30\$ (THIRTY), \$36\$ (TRY SIX), \$60\$ (SIXTY), \$120 (ONEHUNTWY) and \$15,000 (FTN THO).

(b) The prize play symbols and their captions located in the "TV Entry Bonus" area are: Television Symbol (ENTRY) and NO BONUS (TRY AGAIN).

5. *Prizes:* The prizes that can be won in "Game 1," "Game 2" and "Game 3" are \$2, \$3, \$4, \$6, \$9, \$12, \$15, \$24, \$30, \$36, \$60, \$120 and \$15,000. The prize that can be won in the "TV Entry Bonus" area is the ability to mail in for a chance to either appear on the weekly televised Powerball Instant Millionaire Game Show or be designated as an official at-home player. The player can win up to 10 times on a ticket.

6. *Television Entry Drawings:* The Pennsylvania Lottery will conduct drawings as necessary to provide sufficient contestants and at-home players for the Powerball Instant Millionaire television game show as provided in section 11.

7. *Approximate Number of Tickets Printed for the Game:* Approximately 6,240,000 tickets will be printed for the Pennsylvania Powerball Instant Millionaire TV Game Show instant lottery game.

8. *Determination of Prize Winners:*

(a) Determination of prize winners for "Game 1" are:

(1) Holders of tickets where the "Your Number" play symbol matches any of the other play symbols in the surrounding play area for "Game 1" and a prize play symbol of \$15,000 (FTN THO) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$15,000.

(2) Holders of tickets where the "Your Number" play symbol matches any of the other play symbols in the surrounding play area for "Game 1" and a prize play symbol of \$120 (ONEHUNTWY) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$120.

(3) Holders of tickets where the "Your Number" play symbol matches any of the other play symbols in the surrounding play area for "Game 1" and a prize play symbol \$60\$ (SIXTY) of appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$60.

(4) Holders of tickets where the "Your Number" play symbol matches any of the other play symbols in the surrounding play area for "Game 1" and a prize play symbol \$36\$ (TRY SIX) of appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$36.

(5) Holders of tickets where the "Your Number" play symbol matches any of the other play symbols in the surrounding play area for "Game 1" and a prize play symbol \$30\$ (THIRTY) of appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$30.

(6) Holders of tickets where the "Your Number" play symbol matches any of the other play symbols in the surrounding play area for "Game 1" and a prize play symbol \$24\$ (TWY FOR) of appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$24.

(7) Holders of tickets where the "Your Number" play symbol matches any of the other play symbols in the surrounding play area for "Game 1" and a prize play

symbol of \$15\$ (FIFTN) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$15.

(8) Holders of tickets where the "Your Number" play symbol matches any of the other play symbols in the surrounding play area for "Game 1" and a prize play symbol \$12\$ (TWELV) of appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$12.

(9) Holders of tickets where the "Your Number" play symbol matches any of the other play symbols in the surrounding play area for "Game 1" and a prize play symbol \$9<sup>00</sup> (NIN DOL) of appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$9.

(10) Holders of tickets where the "Your Number" play symbol matches any of the other play symbols in the surrounding play area for "Game 1" and a prize play symbol of \$6<sup>00</sup> (SIX DOL) appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$6.

(11) Holders of tickets where the "Your Number" play symbol matches any of the other play symbols in the surrounding play area for "Game 1" and a prize play symbol \$4<sup>00</sup> (FOR DOL) of appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$4.

(12) Holders of tickets where the "Your Number" play symbol matches any of the other play symbols in the surrounding play area for "Game 1" and a prize play symbol \$3<sup>00</sup> (THR DOL) of appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$3.

(13) Holders of tickets where the "Your Number" play symbol matches any of the other play symbols in the surrounding play area for "Game 1" and a prize play symbol \$2<sup>00</sup> (TWO DOL) of appears under the matching play symbol, on a single ticket, shall be entitled to a prize of \$2.

(b) Determination of prize winners for "Game 2" are:

(1) Holders of tickets where the two numbers within the "Roll" area total 7 or 11 in the same "Roll" and a prize play symbol of \$15,000 (FTN THO) appears in the "Prize" area for that "Roll," on a single ticket, shall be entitled to a prize of \$15,000.

(2) Holders of tickets where the two numbers within the "Roll" area total 7 or 11 in the same "Roll" and a prize play symbol of \$120 (ONEHUNTWY) appears in the "Prize" area for that "Roll," on a single ticket, shall be entitled to a prize of \$120.

(3) Holders of tickets where the two numbers within the "Roll" area total 7 or 11 in the same "Roll" and a prize play symbol of \$60\$ (SIXTY) appears in the "Prize" area for that "Roll," on a single ticket, shall be entitled to a prize of \$60.

(4) Holders of tickets where the two numbers within the "Roll" area total 7 or 11 in the same "Roll" and a prize play symbol of \$36\$ (TRY SIX) appears in the "Prize" area for that "Roll," on a single ticket, shall be entitled to a prize of \$36.

(5) Holders of tickets where the two numbers within the "Roll" area total 7 or 11 in the same "Roll" and a prize play symbol of \$30\$ (THIRTY) appears in the "Prize" area for that "Roll," on a single ticket, shall be entitled to a prize of \$30.

(6) Holders of tickets where the two numbers within the "Roll" area total 7 or 11 in the same "Roll" and a prize play symbol of \$24\$ (TWY FOR) appears in the "Prize" area for that "Roll," on a single ticket, shall be entitled to a prize of \$24.

(7) Holders of tickets where the two numbers within the "Roll" area total 7 or 11 in the same "Roll" and a prize play symbol of \$15\$ (FIFTN) appears in the "Prize" area for that "Roll," on a single ticket, shall be entitled to a prize of \$15.

(8) Holders of tickets where the two numbers within the "Roll" area total 7 or 11 in the same "Roll" and a prize play symbol of \$12\$ (TWELV) appears in the "Prize" area for that "Roll," on a single ticket, shall be entitled to a prize of \$12.

(9) Holders of tickets where the two numbers within the "Roll" area total 7 or 11 in the same "Roll" and a prize play symbol of \$9<sup>00</sup> (NIN DOL) appears in the "Prize" area for that "Roll," on a single ticket, shall be entitled to a prize of \$9.

(10) Holders of tickets where the two numbers within the "Roll" area total 7 or 11 in the same "Roll" and a prize play symbol of \$6<sup>00</sup> (SIX DOL) appears in the "Prize" area for that "Roll," on a single ticket, shall be entitled to a prize of \$6.

(11) Holders of tickets where the two numbers within the "Roll" area total 7 or 11 in the same "Roll" and a prize play symbol of \$4<sup>00</sup> (FOR DOL) appears in the "Prize" area for that "Roll," on a single ticket, shall be entitled to a prize of \$4.

(12) Holders of tickets where the two numbers within the "Roll" area total 7 or 11 in the same "Roll" and a prize play symbol of \$3<sup>00</sup> (THR DOL) appears in the "Prize" area for that "Roll," on a single ticket, shall be entitled to a prize of \$3.

(13) Holders of tickets where the two numbers within the "Roll" area total 7 or 11 in the same "Roll" and a prize play symbol of \$2<sup>00</sup> (TWO DOL) appears in the "Prize" area for that "Roll," on a single ticket, shall be entitled to a prize of \$2.

(c) Determination of prize winners for "Game 3" are:

(1) Holders of tickets where the total of any "Hand" is greater than the "Dealer's Total," and a prize play symbol of \$15,000 (FTN THO) appears under that "Hand," on a single ticket, shall be entitled to a prize of \$15,000.

(2) Holders of tickets where the total of any "Hand" is greater than the "Dealer's Total," and a prize play symbol of \$120 (ONEHUNTWY) appears under that "Hand," on a single ticket, shall be entitled to a prize of \$120.

(3) Holders of tickets where the total of any "Hand" is greater than the "Dealer's Total," and a prize play symbol

of \$60\$ (SIXTY) appears under that "Hand," on a single ticket, shall be entitled to a prize of \$60.

(4) Holders of tickets where the total of any "Hand" is greater than the "Dealer's Total," and a prize play symbol of \$36\$ (TRY SIX) appears under that "Hand," on a single ticket, shall be entitled to a prize of \$36.

(5) Holders of tickets where the total of any "Hand" is greater than the "Dealer's Total," and a prize play symbol of \$30\$ (THIRTY) appears under that "Hand," on a single ticket, shall be entitled to a prize of \$30.

(6) Holders of tickets where the total of any "Hand" is greater than the "Dealer's Total," and a prize play symbol of \$24\$ (TWY FOR) appears under that "Hand," on a single ticket, shall be entitled to a prize of \$24.

(7) Holders of tickets where the total of any "Hand" is greater than the "Dealer's Total," and a prize play symbol of \$15\$ (FIFTN) appears under that "Hand," on a single ticket, shall be entitled to a prize of \$15.

(8) Holders of tickets where the total of any "Hand" is greater than the "Dealer's Total," and a prize play symbol of \$12\$ (TWELV) appears under that "Hand," on a single ticket, shall be entitled to a prize of \$12.

(9) Holders of tickets where the total of any "Hand" is greater than the "Dealer's Total," and a prize play symbol of \$9<sup>00</sup> (NIN DOL) appears under that "Hand," on a single ticket, shall be entitled to a prize of \$9.

(10) Holders of tickets where the total of any "Hand" is greater than the "Dealer's Total," and a prize play symbol of \$6<sup>00</sup> (SIX DOL) appears under that "Hand," on a single ticket, shall be entitled to a prize of \$6.

(11) Holders of tickets where the total of any "Hand" is greater than the "Dealer's Total," and a prize play symbol of \$4<sup>00</sup> (FOR DOL) appears under that "Hand," on a single ticket, shall be entitled to a prize of \$4.

(12) Holders of tickets where the total of any "Hand" is greater than the "Dealer's Total," and a prize play symbol of \$3<sup>00</sup> (THR DOL) appears under that "Hand," on a single ticket, shall be entitled to a prize of \$3.

(13) Holders of tickets where the total of any "Hand" is greater than the "Dealer's Total," and a prize play symbol of \$2<sup>00</sup> (TWO DOL) appears under that "Hand," on a single ticket, shall be entitled to a prize of \$2.

(d) Holders of tickets with a Television Symbol (ENTRY) prize play symbol in the "TV Entry Bonus" area, on a single ticket, shall be entitled to mail their tickets in for a chance to appear on the weekly televised Powerball Instant Millionaire Game Show or be designated as an official at-home player.

9. *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>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>TV Entry Bonus</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 6,240,000 Tickets</i>
			ENTRY	ENTRY	1:10	624,000
\$3				\$3	1:33.33	187,200
	\$3			\$3	1:33.33	187,200
		\$3		\$3	1:33.33	187,200
\$4				\$4	1:83.33	74,880

<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>TV Entry Bonus</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 6,240,000 Tickets</i>
	\$4			\$4	1:83.33	74,880
\$2 × 2		\$4		\$4	1:83.33	74,880
	\$2 × 2			\$4	1:76.92	81,120
\$6		\$2 × 2		\$4	1:83.33	74,880
	\$6			\$4	1:83.33	74,880
\$3 × 2		\$6		\$6	1:500	12,480
	\$3 × 2			\$6	1:500	12,480
\$9		\$3 × 2		\$6	1:500	12,480
	\$9			\$6	1:333.33	18,720
\$3 × 3		\$9		\$9	1:500	12,480
	\$6 + \$3			\$9	1:1,000	6,240
\$12		\$3 × 3		\$9	1:1,000	6,240
	\$12			\$9	1:500	12,480
\$6 × 2		\$12		\$9	1:500	12,480
	\$6 × 2			\$12	1:1,000	6,240
\$3 × 4		\$6 × 2		\$12	1:1,000	6,240
		\$3 × 4		\$12	1:1,000	6,240
\$4 × 3		\$4 × 3		\$12	1:1,000	6,240
\$15				\$12	1:1,000	6,240
	\$15			\$15	1:500	12,480
\$9 + \$6		\$15		\$15	1:500	12,480
	\$9 + \$6			\$15	1:500	12,480
\$3 × 3		\$9 + \$6		\$15	1:500	12,480
	\$3 × 2			\$15	1:500	12,480
\$3	\$3 × 2	\$3 × 3		\$15	1:500	12,480
\$24		\$3 × 4		\$15	1:250	24,960
	\$24			\$24	1:1,000	6,240
\$12 × 2		\$24		\$24	1:1,000	6,240
	\$12 × 2			\$24	1:1,000	6,240
\$6 × 4		\$12 × 2		\$24	1:1,000	6,240
		\$6 × 4		\$24	1:1,000	6,240
\$4 × 2	\$4 × 2	\$4 × 2		\$24	1:500	12,480
\$30				\$30	1:1,000	6,240
	\$30			\$30	1:1,000	6,240
\$15 × 2		\$30		\$30	1:1,000	6,240
	\$15 × 2			\$30	1:1,000	6,240
\$24		\$15 × 2		\$30	1:1,000	6,240
	\$24	\$6		\$30	1:1,000	6,240
\$6		\$6		\$30	1:1,000	6,240
\$3 × 2		\$24		\$30	1:1,000	6,240
\$36		\$6 × 4		\$30	1:1,000	6,240
	\$36			\$36	1:4,444	1,404
\$12 × 3		\$36		\$36	1:4,444	1,404
	\$24 + \$12			\$36	1:4,444	1,404
\$24		\$12 × 3		\$36	1:4,444	1,404
	\$6 × 2			\$36	1:4,444	1,404
\$3 × 4	\$6 × 2	\$6 × 2		\$36	1:4,444	1,404
	\$24	\$3 × 4		\$36	1:4,444	1,404
	\$6 × 2			\$36	1:4,138	1,508

<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>TV Entry Bonus</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 6,240,000 Tickets</i>
\$60				\$60	1:40,000	156
	\$60			\$60	1:40,000	156
		\$60		\$60	1:40,000	156
\$30 × 2				\$60	1:30,000	208
	\$30 × 2			\$60	1:30,000	208
		\$30 × 2		\$60	1:30,000	208
\$15 × 2	\$15	\$15		\$60	1:30,000	208
\$15 × 4				\$60	1:40,000	156
		\$15 × 4		\$60	1:40,000	156
\$12	\$12	\$12 × 3		\$60	1:40,000	156
\$12 × 3	\$12	\$12		\$60	1:40,000	156
\$12 × 4	\$12			\$60	1:40,000	156
\$12		\$12 × 4		\$60	1:40,000	156
\$24 × 2	\$6	\$6		\$60	1:40,000	156
\$24 × 2	\$3 × 2	\$3 × 2		\$60	1:40,000	156
\$120				\$120	1:520,000	12
	\$120			\$120	1:520,000	12
		\$120		\$120	1:520,000	12
\$60 × 2				\$120	1:520,000	12
	\$60 × 2			\$120	1:520,000	12
		\$60 × 2		\$120	1:520,000	12
\$30 × 4				\$120	1:520,000	12
		\$30 × 4		\$120	1:520,000	12
\$12 × 4	\$12 × 2	\$12 × 4		\$120	1:520,000	12
\$15,000				\$15,000	1:3,120,000	2
	\$15,000			\$15,000	1:3,120,000	2
		\$15,000		\$15,000	1:3,120,000	2

10. *Television Game Show Drawing Requirements:*

(a) To qualify for a television game show drawing, the player must reveal a Television Symbol captioned by (ENTRY) when the latex covering is removed from the "TV Entry Bonus" area of the Pennsylvania Powerball Instant Millionaire TV Game Show instant lottery game ticket. Any tickets not containing a revealed Television Symbol captioned by (ENTRY) will be ineligible for the television game show drawings.

(b) The back of the television game show entry ticket must be completed by the player in a legible manner, including the player's name, complete address, telephone number and signature.

(c) The player shall affix proper postage to the ticket and mail same to the Powerball The Television Game Show address shown in the lower right portion of the ticket back.

(d) Television game show entry tickets received in envelopes will be disqualified.

(e) Participants in the television game show shall be at least 18 years of age or older.

(f) Pennsylvania Powerball Instant Millionaire TV Game Show instant lottery tickets that win cash prizes and that are submitted to the television game show address will not be paid or honored.

(g) Television game show entry tickets must be received by the Pennsylvania Lottery no later than the deadline announced by the Secretary.

11. *Television Game Show Drawing Procedures:*

(a) *Frequency.* The television game show drawings will be held at Lottery Headquarters. The drawings will be

held as required by the Multi-State Lottery Association (MUSL) to provide sufficient contestants and at-home players to satisfy the Powerball Instant Millionaire television game show requirements. For each Powerball Instant Millionaire television show produced, one on-air contestant will be selected as well as a specific number of at-home players as predetermined by the MUSL.

(b) *Eligibility for television game show drawings.* To be eligible for the television game show drawings, a player must have complied with the requirements of section 10.

(1) The Lottery will make a reasonable effort to ensure that each television game show entry is entered into one of the drawings. The Lottery assumes no responsibility for a lost or misplaced entry not entered into the television game show drawing.

(2) A television game show entry is eligible for only one television game show drawing.

(3) If a television game show entry is rejected during or following a TV game show drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with Lottery procedure.

(c) *Manner of conducting the television game show entry drawings.*

(1) Entries will be placed approximately equally by weight in a number of containers equal to the number of game shows to be staffed with contestants.

(2) The entry tickets in the container for the first show's contestants will be placed in a rotary drum mechanical drawing device. The rotary drum will be spun a number of times to ensure a random mix. An entry ticket will be selected, and if valid, the owner of the ticket will be the on-air contestant for the first show. Additional

entry tickets equal to the predetermined number of at-home players for the first show will then be drawn in the same manner, and if valid, the owner of the ticket will be the at-home players.

(3) As each entry is selected, it will be verified. If the selected entry is declared invalid, another entry ticket will be selected from the same container until a valid entry has been chosen.

(4) In addition, a sufficient number of alternate entry tickets will be drawn and validated for each week's show, in the event there is need to replace ineligible players. The alternates may become eligible to participate as on-air contestants or as at-home players.

(5) Duplicate tickets selected in the same week will be disqualified.

(6) When all examination and validation procedures are complete, the first set of tickets will be removed from the rotary drum mechanical drawing device and the entry tickets for the second week's container will be placed inside the drawing device and the drawing process repeated for the second week's game show.

(7) This process will be repeated until all the necessary on-air contestants and at-home players have been selected for the number of shows to be produced.

(d) The payment of a prize awarded in the television game show drawing to a person who dies before receiving the prize or to a person 17 years of age or younger shall be paid according to 61 Pa. Code §§ 811.16 and 811.27 (relating to prizes payable after death of a prize winner; and payment of prizes to persons under 18 years of age).

#### 12. *On-Air Contestants and At-Home Players:*

(a) An on-air contestant will receive air transportation to Las Vegas, lodging, \$750 expense money and a chance to win up to \$1,000,000 on the Powerball Instant Millionaire Game Show.

(b) An at-home player will win a minimum of \$100 and up to a maximum of \$10,000 based on the winnings of the Pennsylvania on-air contestant and MUSL rules.

#### 13. *Game Show Travel, Restrictions and Proxy Information:*

(a) Game show travel arrangements include:

(1) Coach air transportation for up to two persons, including the game show contestant. Contestant and guest must fly from the same airport on the same flight and must return under similar travel arrangements.

(2) Ground transportation from the arrival airport to the designated hotel, and return to the airport.

(3) One hotel room, double occupancy, for 3 nights.

(4) Ground transportation as necessary from the hotel to the game show taping and return to the hotel.

(5) A check in the amount of \$750 payable to the game show contestant that may be used for any other expenses incurred during the trip.

(b) Restrictions:

(1) Travel package is subject to hotel and coach class availability.

(2) If the on-air contestant fails to show at the designated time of departure, the entire travel portion may be forfeited, at the option of the Pennsylvania State Lottery.

(3) Gratuities, meals and all other incidentals are not included.

(4) On-air contestants are responsible for all taxes and governments filings that may be required associated with the travel package.

(5) The travel package is not transferable, cannot be redeemed for cash and may not be resold.

(6) The MUSL and the Pennsylvania Lottery shall not be responsible for cancelled or delayed travel due to causes beyond their control, including but not limited to inclement weather, act of God, war, civil disturbance, court order or action of any air carrier.

(c) Proxy:

(1) In the event that a contestant does not wish to or cannot participate on the game show, the contestant may select a proxy to act on their behalf. All proxy selections must be approved by the MUSL and the Pennsylvania State Lottery. If the contestant fails to select a proxy that is acceptable to the Pennsylvania State Lottery and the MUSL, then the Pennsylvania State Lottery or the MUSL shall appoint a proxy to act on the contestant's behalf.

(2) In the event that a contestant or a contestant's designated proxy does not appear by the required time prior to the television game show taping, the MUSL will appoint a proxy to act on behalf of the contestant. In the event a contestant is unable to continue play during the taping of the game show, the MUSL will appoint a proxy to act on behalf of the contestant.

(3) The proxy appointed by the game show contestant, the MUSL or the Pennsylvania State Lottery shall act on behalf of the selected game show contestant. By participating in the Pennsylvania Powerball Instant Millionaire TV Game Show instant lottery game, the contestant agrees to accept all game show decisions made by the proxy. All prizes won by the proxy during the television game show will be awarded to the contestant.

14. *At-Home Player Information:* The Lottery will send each at-home player a letter outlining the details regarding the Powerball Instant Millionaire Game Show. Pennsylvania on-air contestant winner results for each week will be posted on the Lottery's website ([www.palottery.com](http://www.palottery.com)). Each at-home player will receive his or her winnings by mail from the Lottery.

15. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Powerball Instant Millionaire TV Game Show instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

16. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Powerball Instant Millionaire TV Game Show, prize money from winning Pennsylvania Powerball Instant Millionaire TV Game Show 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 Powerball Instant Millionaire TV Game Show 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.

17. *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.

18. *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 Powerball Instant Millionaire TV Game Show or through normal communications methods.

LARRY P. WILLIAMS,  
*Secretary*

[Pa.B. Doc. No. 02-1699. Filed for public inspection September 27, 2002, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Finding Lancaster County

Under section 2002(b) of the Administrative Code of 1929 (71 P. S. § 512(b)), the Secretary of Transportation makes the following written finding:

The Department of Transportation (Department) plans to replace the existing Longenecker Road Bridge carrying SR 4003 over Little Chickies Creek in Rapho and East Donegal Townships and Mount Joy Borough, Lancaster County. The project will require the acquisition of land from the Jacob Lindemuth and Peter Lindemuth properties. These properties have been determined to be eligible for the National Register of Historic Places.

Impacts to the properties will be mitigated by measures as outlined in the Memorandum of Agreement (MOA) for the project which was signed by the United States Army Corps of Engineers, the Pennsylvania State Historic Preservation Officer and the Department.

The MOA stipulates that the design of the proposed bridge be in keeping with the historic nature of the area and the visual effect of the new bridge be minimized by preserving the existing roadway patterns and proportions as much as possible while satisfying current safety requirements.

The Secretary has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 and has concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize the effect.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 02-1700. Filed for public inspection September 27, 2002, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**Pen Argyl Municipal Authority v. DEP; EHB Doc.  
No. 2002-202-K**

Pen Argyl Municipal Authority has appealed the issuance by the Department of Environmental Protection of

an NPDES permit to Pen Argyl Municipal Authority for a facility in Pen Argyl Borough, Northampton County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 02-1701. Filed for public inspection September 27, 2002, 9:00 a.m.]

## GOVERNOR'S OFFICE

### Governor's Commission on Abandoned Mine Voids and Mine Safety; Public Hearing

The Governor's Commission on Abandoned Mine Voids and Mine Safety (Commission) will hold two public hearings to assist the Commission in gathering information to develop recommendations on improvements to underground mining practices and miner safety within this Commonwealth. The first hearing will be held Thursday, October 3, 2002, at the Johnstown Holiday Inn, 250 Market St., Johnstown, PA. The second hearing will be held Wednesday October 9, 2002, at the Pottsville Quality Inn, 100 S. Centre St., Pottsville, PA. Both hearings will begin at 9 a.m.

The Commission's mission, as established by Executive Order No. 2002-10 (Sec. 32 Pa.B. 4690 (September 28, 2002).), is "to investigate and document the hazards posed by abandoned mine voids, in particular the flooding of adjacent operating mines, and to make recommendations regarding the accurate location of voids and avoidance of other hazards associated with mining." Members of the public may present testimony that is relevant to the Commission's mission at the hearing. To guarantee a place on the agenda, interested persons are requested to submit, in writing, a statement of interest and a description of their professional background and/or affiliation prior to the meeting to Thomas Callaghan by fax at (717) 783-4675 or e-mail at [tcallaghan@state.pa.us](mailto:tcallaghan@state.pa.us). The time allotted for testimony will be limited based on the agenda and number of persons requesting to present testimony. Persons who testify may be subject to follow-up questions from Commission members.

The agenda and meeting materials will be available through the Department of Environmental Protection's (Department) Public Participation Center on the Department's website at <http://www.dep.state.pa.us>.



Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Heather Dwilet at (717) 783-8727 or through the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

RAJA V. RAMANI, Ph.D., P.E., CMSP,  
*Chairperson*

[Pa.B. Doc. No. 02-1702. Filed for public inspection September 27, 2002, 9:00 a.m.]

## HOUSING FINANCE AGENCY

### Availability of Funding through the Transitional Assistance for Needy Families Program Funds for Agency-Administered Housing Initiatives

The Housing Finance Agency (Agency) is announcing the availability of funding for certain housing initiatives developed in collaboration with the Department of Public Welfare and the Department of Community and Economic Development. This funding announcement invites qualified applicants to submit applications to the Agency for the following specific programs:

- *Cooperative Housing Program*—Funds in the amount of \$2 million will be made available to provide technical assistance to qualified entities seeking to create affordable cooperative homeownership opportunities for families with children.

- *Zero Percent Mortgage Acquisition Program*—Funds in the amount of \$6 million will be available to allow the Agency to acquire from nonprofit entities existing zero percent mortgages provided to fund home acquisition by families with children.

- *Family Resource Center Program*—Funds in the amount of \$2 million will be available to fund families resources center programs developed to provide supportive services to families with children residing at Agency-financed properties (to augment the Agency's existing Philadelphia FRCI program).

- *Rental Housing Preservation Predevelopment Program*—Funds in the amount of \$2 million will be available to fund predevelopment costs incurred by nonprofits in preserving at-risk affordable rental housing for families.

Preapplication sessions and informational meetings regarding the Cooperative Housing Program and the Family Resource Center Program will be held for interested applicants at the locations and times to be announced on the Agency's website at [www.phfa.org](http://www.phfa.org) or by contacting the Agency.

Specific instructions, eligibility criteria, application instructions and deadlines for funding under each of these initiatives are available at the Agency's website by contacting Charlotte Nelson, Housing Finance Agency, P. O. Box 8029, 2101 North Front Street, Harrisburg, PA 17105-8029.

The Agency is committed to the policy that all persons shall have equal access to its programs and employment

without regard to race, religion, gender, national origin, handicap, familial status or age.

WILLIAM C. BOSTIC,  
*Executive Director*

[Pa.B. Doc. No. 02-1703. Filed for public inspection September 27, 2002, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, September 12, 2002, and took the following action:

#### *Action Taken—Regulation Approved*

Department of Public Welfare #14-474: Redetermining Eligibility, General Eligibility Provisions and Income (amends 55 Pa. Code Chapters 133, 141, 165, 183 and 187 and adds Chapter 281)

Public Meeting held  
September 12, 2002

*Commissioners Voting:* John R. McGinley, Jr., Chairperson, by proxy; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

*Department of Public Welfare—Redetermining Eligibility, General Eligibility Provisions and Income; Regulation No. 14-474*

On January 16, 2002, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Public Welfare (Department). This rulemaking amends 55 Pa. Code Chapters 133, 141, 165, 183 and 187, and adds Chapter 281. The proposed regulation was published in the January 26, 2002, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on August 12, 2002.

This regulation establishes the "Extended Temporary Assistance for Needy Families Program (ETANF)." ETANF provides additional assistance for families who have exhausted their 60-month TANF allowance. Requirements for eligibility have also been established for families to receive General Assistance when their 60-month TANF benefits expire and the family is not eligible for ETANF.

We have determined this regulation is consistent with the statutory authority of the Department (62 P. S. §§ 201(2) and 403(b)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

#### *By Order of the Commission:*

This regulation is approved.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 02-1704. Filed for public inspection September 27, 2002, 9:00 a.m.]

**Notice of Comments Issued**

Section 5(d) of the Regulatory Review Act (71 P. S. § 745.5(d)) provides that the designated standing Committees may issue comments within 20 days of the close of the public comment period, and the Independent Regulatory Review Commission (Commission) may issue comments within 10 days of the close of the Committee comment period. The Commission comments are based upon the criteria contained in section 5.1(h) and (i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
#11-210	Insurance Department Workers' Compensation Security Fund	8/12/02	9/13/02

(32 Pa.B. 3398 (July 13, 2002))

**Insurance Department Regulation No. 11-210  
Workers' Compensation Security Fund  
September 13, 2002**

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which have not been met. The Insurance Department (Department) must respond to these comments when it submits the final-form regulation. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

*Section 165.7. Assessment.—Clarity.*

This section describes the process of determining, billing and collecting insurance carriers' assessments for the Workers' Compensation Security Fund. We have two issues.

First, subsection (c) states, "The assessment, when necessary, will be billed by December 31 of the year subsequently used in the actuarial study." The reference to "the year subsequently used in the actuarial study" is confusing. It is our understanding that the bill will be issued by December 31 of the year in which the actuarial study is completed. This subsection should be amended in the final-form regulation to clearly reflect the timing of the bill. Additionally, the Department should consider adding an example to clarify this subsection.

Second, there is an extra word in subsection (d). The Department should delete the word "be" in the phrase "is be due by March 31."

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 02-1705. Filed for public inspection September 27, 2002, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website at www.irrc.state.pa.us. To obtain a copy of the regulation, contact the promulgating agency.

<i>Final-Omit Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
14-476	Department of Public Welfare Outpatient Drug and Alcohol Clinic Services	9/12/02
11-212	Insurance Department Medicare Supplement Insurance Minimum Standards	9/13/02

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 02-1706. Filed for public inspection September 27, 2002, 9:00 a.m.]

**INSURANCE DEPARTMENT**

**American Risk Management, Inc.; Prehearing**

**Appeal of American Risk Management, Inc.;  
Insurance Company of North America and  
Pennsylvania Compensation Rating Bureau; § 814  
Doc. No. RT-02-09-003**

Under section 654 of the Insurance Company Law of 1921 (40 P. S. § 814), the previously captioned appellant has requested a hearing regarding premium distribution.

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

A prehearing telephone conference initiated by this office is scheduled for October 22, 2002, at 1 p.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before September 27, 2002. A date for a hearing shall be determined, if necessary, at the prehearing telephone conference.

At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter. No prehearing memoranda or other written submissions are required for the prehearing telephone conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before October 8, 2002, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Sev-

enth Street, Harrisburg, PA 17102. Answers to petitions to intervene, if any, shall be filed on or before October 15, 2002.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-1707. Filed for public inspection September 27, 2002, 9:00 a.m.]

### Application for Health Maintenance Organization Certificate of Authority

The Great American Health Plans, Inc. has filed an application with the Departments of Health and Insurance for a certificate of authority to establish, operate and maintain a health maintenance organization under the provisions of the Health Maintenance Organization Act (40 P. S. §§ 1551—1567), Department of Health regulations (28 Pa. Code Chapter 9) and the Department of Insurance HMO regulations (31 Pa. Code Chapter 301).

The proposed service area of the applicant is Erie, Crawford, Warren, Centre and Lycoming Counties.

A copy of the application is available for public inspection, by appointment only, at the following locations:

Department of Health  
Bureau of Managed Care  
Room 912, Health and Welfare Building  
Harrisburg, PA 17109-0900  
(717) 787-5193

Department of Insurance  
1345 Strawberry Square  
Harrisburg, PA 17120  
(717) 787-2735

Interested parties are invited to submit written comments to Allen Mercik, Department of Health or Robert Brackbill, Insurance Department, at the previously listed addresses. Persons desiring to submit written comments regarding the application may do so within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Persons with disabilities may submit information and comments through alternative formats, such as audio tape, Braille or the Department of Health TDD (717) 783-6514. Persons with a disability requesting alternative forms may contact Allen Mercik to make the necessary arrangements.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-1708. Filed for public inspection September 27, 2002, 9:00 a.m.]

### William B. Gaskins; Prehearing

#### License Denial; Doc. No. AG02-08-034

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to

General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

A prehearing telephone conference initiated by this office is scheduled for October 15, 2002, at 10:30 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before September 20, 2002. A date for a hearing shall be determined, if necessary, at the prehearing telephone conference.

At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter. No prehearing memoranda or other written submissions are required for the prehearing telephone conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before October 1, 2002, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answers to petitions to intervene, if any, shall be filed on or before October 8, 2002.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-1709. Filed for public inspection September 27, 2002, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act, 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Christopher Campbell; file no. 02-308-71347; State Farm Insurance Company; doc. no. PI02-08-039; December 4, 2002, at 9 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or

photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 02-1710. Filed for public inspection September 27, 2002, 9:00 a.m.]

### UPMC; Filing 2-EXP2003

On September 17, 2002, UPMC submitted an Experience Rating Methodology (Filing No. A63577001, 2-EXP2003-UPMCHP) for all groups with 100 or more employees in the UPMC service area enrolled in the health plan for at least 3 full years. The requested effective date is January 1, 2003.

This filing is available for public inspection during normal working hours at the Insurance Department's regional offices in Harrisburg and Pittsburgh, PA.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Actuary, Insurance Department, Bureau of Accident and Health Insurance, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 02-1711. Filed for public inspection September 27, 2002, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

McKean County, Wine & Spirits Shoppe #4204, 66 Mill Street, Port Allegany, PA 16743-1346.

*Lease Expiration Date:* August 31, 2003

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,400 net useable square feet of new or existing retail commercial space within Port Allegany.

*Proposals due:* October 18, 2002, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

McKean County, Wine & Spirits Shoppe #4205, 160 Main Street, Eldred, PA 16731-0223.

*Lease Expiration Date:* August 31, 2003

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,500 net useable square feet of new or existing retail commercial space on Main Street (PA 446) in Eldred.

*Proposals due:* October 18, 2002, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

JOHN E. JONES, III,  
Chairperson

[Pa.B. Doc. No. 02-1712. Filed for public inspection September 27, 2002, 9:00 a.m.]

## MILK MARKETING BOARD

### Correction to Hearing and Presubmission Schedule; Milk Marketing Area No. 2

The Milk Marketing Board (Board) published at 32 Pa.B. 4289 (August 31, 2002) a Hearing and Presubmission Schedule for Milk Marketing Area No. 2. The Hearing and Presubmission Schedule was also distributed as Board Bulletin No. 1317. The Hearing and Presubmission Schedule was incomplete and is amended to provide for the Board to receive testimony and evidence concerning in-store handling costs at the October 2, 2002, hearing.

LYNDA J. BOWMAN,  
Secretary

[Pa.B. Doc. No. 02-1713. Filed for public inspection September 27, 2002, 9:00 a.m.]

### Correction to Hearing and Presubmission Schedule; Milk Marketing Area No. 3

The Milk Marketing Board (Board) published at 32 Pa.B. 4290 (August 31, 2002) a Hearing and Presubmission Schedule for Milk Marketing Area No. 3. The Hearing and Presubmission Schedule was also distributed as Board Bulletin No. 1318. The Hearing and Presubmission Schedule was incomplete and is amended to provide for the Board to receive testimony and evidence concern-

ing in-store handling costs at the October 2, 2002, hearing.

LYNDA J. BOWMAN,  
*Secretary*

[Pa.B. Doc. No. 02-1714. Filed for public inspection September 27, 2002, 9:00 a.m.]

### Hearing and Presubmission Schedule; Milk Marketing Area No. 5

Under the Milk Marketing Law (31 P. S. § 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 5 on November 4, 2002, at 9 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 5. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for corresponding quarters of calendar years 2001 and 2002 or annualized comparisons based on the most current available data; consideration of skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; in-store handling costs; and a reasonable rate of return to milk dealers and stores. Ingredient cost evidence shall include ingredient costs for eggnog. Evidence shall be based on the audited costs of a cross section of milk dealers and stores doing business in Area No. 5.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered an appearance. Other persons that may be affected by the Board order fixing prices in Area No. 5 may be included on the Board's list of parties by:

1. Having their counsel file with the Board, by 4 p.m. on October 21, 2002, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance), which shall identify by name and address the party on whose behalf the appearance is made. Thereafter, documents and other written communications required to be served upon or furnished to that party shall be sent to the attorney of record.

2. If unrepresented by counsel and wishing to appear on their own behalf under Pa. Code § 31.21 (relating to appearance in person), filing with the Board, by 4 p.m. on October 21, 2002, an address to which documents and other written communications required to be served upon them or furnished to them may be sent.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 copies of each document for the use of nonparties attending the hearing.

1. By 4 p.m. on October 25, 2002, each party shall file with the Board seven copies and serve on all other parties one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness being offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on October 30, 2002, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties who wish to offer into evidence documents on file with the Board, public documents or records in other proceedings before the Board or who wish the Board to take official notice of facts shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on October 22, 2002.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Individuals who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Relay Service for TDD Users).

LYNDA J. BOWMAN,  
*Secretary*

[Pa.B. Doc. No. 02-1715. Filed for public inspection September 27, 2002, 9:00 a.m.]

### Hearing and Presubmission Schedule; Milk Marketing Area No. 6

Under the Milk Marketing Law (31 P. S. § 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 6 on November 4, 2002, at 11 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 6. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for corresponding quarters of calendar years 2001 and 2002 or annualized comparisons based on the most current available data; consideration of skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; in-store handling costs; and a reasonable rate of return to milk dealers and stores. Ingredient cost evidence shall include ingredient costs for eggnog. Evidence shall be based on the audited costs of a cross section of milk dealers and stores doing business in Area No. 6.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to

have entered an appearance. Other persons that may be affected by the Board order fixing prices in Area No. 6 may be included on the Board's list of parties by:

1. Having their counsel file with the Board, by 4 p.m. on October 21, 2002, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance), which shall identify by name and address the party on whose behalf the appearance is made. Thereafter, documents and other written communications required to be served upon or furnished to that party shall be sent to the attorney of record.

2. If unrepresented by counsel and wishing to appear on their own behalf under Pa. Code § 31.21 (relating to appearance in person), filing with the Board, by 4 p.m. on October 21, 2002, an address to which documents and other written communications required to be served upon them or furnished to them may be sent.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 copies of each document for the use of nonparties attending the hearing.

1. By 4 p.m. on October 25, 2002, each party shall file with the Board seven copies and serve on all other parties one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness being offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on October 30, 2002, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties who wish to offer into evidence documents on file with the Board, public documents or records in other proceedings before the Board or who wish the Board to take official notice of facts shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on October 22, 2002.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

Individuals who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Relay Service for TDD Users).

LYNDA J. BOWMAN,  
Secretary

[Pa.B. Doc. No. 02-1716. Filed for public inspection September 27, 2002, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before October 21, 2002, as set forth in 52 Pa. Code § 3.381 (relating to the applications for the transportation of property, household goods in use and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**Application of the following for *amendment* to the certificate of public convenience approving the operation of motor vehicles as *common carriers* for transportation of *persons* as described under the application.**

**A-00108503, Folder 1, Am-F. Gary L. Arndt t/d/b/a A Limousine Service** (30 Prager Street, Pittsburgh, Allegheny County, PA 15215), inter alia—persons in limousine service, between points in Pennsylvania: *So As to Permit* the transportation of persons in limousine service, between points in Allegheny County. John A. Pillar, 680 Washington Road, Suite B101, Pittsburgh, PA 15228.

**Application of the following for approval *amendment* of the right and privilege of operating motor vehicles as *common carriers* for the transportation of *persons* by transfer of *rights* as described under the application.**

**A-00115589, F.4, Am-A. Concord Coach USA, Inc. t/d/b/a Bennett Cab Service t/d/b/a Main Line Airport Coach Service t/d/b/a USA Limo One** (2752 Mt. Carmel Avenue, Glenside, Montgomery County, PA 19038), a Pennsylvania corporation, inter alia—persons and their baggage from points in the Township of Lower Merion, Montgomery County, to the Philadelphia International Airport located in the City and County of Philadelphia and the Township of Tincum, Delaware County: *So As to Permit* the transportation of persons, in airport transfer service, from points in the City and County of Philadelphia, to the Philadelphia International Airport, located in the said city and county, and the Township of Tincum, Delaware County; subject to the following conditions: (1) that no right, power or privilege is granted to applicant to originate transportation in the City and County of Philadelphia north and east of the Frankford Creek; and (2) that no right, power or privilege is granted to transport persons and their baggage from the terminal facilities of Atlantic Aviation Service, Inc., at the Philadelphia International Airport; which is to be a transfer of the rights authorized under the certificate issued at A-00110526, F.2 to U.S.A. Limo Service Inc., subject to the same limitations and conditions. *Attorney:* John J. Gallagher, Suite 1100, 1760 Market Street, Philadelphia, PA 19103.

**Application of the following for the approval of the transfer of stock as described under the application.**

**A-00116315, Folder 5000. East Coast Limo Service, Inc.** (4331 Roosevelt Boulevard, City and County of Philadelphia, PA 19124), a corporation of the Commonwealth, for the approval of the transfer of 100 shares of issued and outstanding shares held by Lisa A. Etamad to Ibrahim Hamdan.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-1717. Filed for public inspection September 27, 2002, 9:00 a.m.]

**Tentative Orders**

The Law Bureau Prosecutory Staff of the Pennsylvania Public Utility Commission (Commission) has developed a list of 51 telecommunications carriers that have failed to respond to their annual assessment reports. Prosecutory Staff has confirmed that for all of the companies on the following list the phone number is disconnected or is no longer in service and that there is no information available for any new phone number or address. The carriers have failed in their responsibility to keep the Commission informed of any address or phone number.

Therefore, the Commission ordered that the Secretary publish a copy of the tentative orders which revoke the companies' certificates after a 20-day comment period, absent adverse comment. At the end of that time period, the tentative orders will become final. A representative order follows.

The 51 companies are as follows:

Call Technology Corp.	A-310055
National Telephone of America	A-310106
Shared Comm of Devon Square	A-310135
Shared Comm of Walnut Hill Plaza	A-310136
Shared Comm of ESR Inc.	A-310137
Shared Comm of 1800-80 JFK Blvd.	A-310138
MBE Communications Inc.	A-310187
Global Wats One Inc.	A-310129
Summit Telecommunications Inc.	A-310220
Cybersentry Inc.	A-310224
Telecom America	A-310228
Touchtone Network Inc.	A-310230
Comcentral Corp.	A-310231
Murdock Remmers & Associates	A-310238
United Wats Inc.	A-310242
North American Comm Group Inc.	A-310270
International Comm Group	A-310339
Northwest Communications Inc.	A-310358
Overlook Communications	A-310359
Global Telemedia	A-310370
Metrolink Communications	A-310385
CTN Telephone Network	A-310399
STA Telecommunications	A-310431
Anchor Communications	A-310445
Five Star Telecom	A-310453
USA Global Link	A-310458
FBN America Inc.	A-310485
Digital Technologies Inc.	A-310486
Discount Call Rating Inc.	A-310552
USBG Inc.	A-310559
Worldtouch Communications	A-310561
New Concept Communications	A-310591

Communication Network	A-310655
New Millennium Communications	A-310723
Global Telesys Corp.	A-310733
Southnet Telecomm Services Inc.	A-310745
Internet Telephone Company	A-310757
Telequest Communications	A-310775
First Regional Telecom	A-310776
New Millennium Conquest	A-310777
Legends Communications	A-310788
Columbia Telecommunications	A-310844
Callmanage Inc.	A-310846
JATO Operating Two Corp.	A-310851
Ecocom Limited	A-310969
Telicor Inc.	A-311018
Shorelink Communications Corp.	A-311071
West End Communications Inc.	A-311083
America's Digital Satellite Tele	A-311106
Dial-Around Enterprises	A-311125
TDI Communications	A-311130

Public Meeting held  
September 12, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice Chairperson; Aaron Wilson, Jr.;  
Terrance J. Fitzpatrick; Kim Pizzingrilli

*Call Technology Corporation; A-310055*

**Tentative Order**

*By the Commission:*

Call Technology Corporation (Call) has failed to respond to the annual assessment report sent by the Fiscal Office pursuant to section 520(b) of the Public Code (66 Pa.C.S. § 520(b)). Telephone calls to the last known business address of Call confirmed that the number is disconnected and no information is available for any new phone number. At this point, there is no reasonable means to reach the company, and it has failed in its responsibility to notify the Commission of any address or phone number changes.

Call, an interexchange reseller, was granted a certificate of public convenience by the Commission on July 27, 1993, at A-310055. Based on the findings of the Prosecutory Staff, we believe that it is appropriate to revoke Call's certificate of public convenience without the necessity of first filing a formal complaint. For these reasons, we tentatively conclude that revocation of Call's certificate of public convenience pursuant to 66 Pa.C.S. § 1102(a)(2) will not be detrimental to the public interest; *Therefore,*

*It is Ordered That:*

1. Revocation of Call Technology Corporation's certificate of public convenience is hereby tentatively approved as being in the public interest.

2. A copy of this Tentative Order be published in the *Pennsylvania Bulletin* giving all persons having an interest in this proceeding 20 days from the date of publication to file a written response.

3. Absent the filing of adverse public comment within 20 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further order of this Commission.

4. Upon this order becoming final and without further action by the Commission, the certificate of public convenience held by Call Technology Corporation at A-310055 shall be cancelled and the company's name stricken from all active utility lists maintained by the Tariff and Annual

Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

5. A copy of this Order be served upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff and the Attorney General's Bureau of Consumer Protection.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-1718. Filed for public inspection September 27, 2002, 9:00 a.m.]

**Verizon Pennsylvania, Inc. Petition and Plan for Alternative Form of Regulation under Chapter 30; 2000 Biennial Update to Network Modernization Plan; Doc. No. P-00930715F0002**

On September 16, 2002, Verizon Pennsylvania, Inc. (Verizon) filed with the Pennsylvania Public Utility Commission (Commission) a petition to amend its Network Modernization Plan (Plan). The petition seeks approval of changes to Verizon's existing Plan as set forth in the Third Supplement to the Plan, attached to the petition.

The Third Supplement defines three areas of amendment. First, Verizon commits to deploy fiber or comparable technology deeper into the distribution network to the Company's remote terminals to permit higher bandwidth services to be available for purchase. Second, Verizon commits to make available upon customer request broadband services of at least 45 megabits under the same deployment schedule as contained in the existing Plan and at commercially reasonable times. Third, Verizon delineates its Digital Subscriber Line (DSL) deployment plans at various speeds and types of DSL.

This document is available upon request at the Secretary's Bureau, 2nd Floor North, Commonwealth Keystone Building, P. O. Box 3265, 400 North Street, Harrisburg, PA 17105-3265. Answers, an original and three copies, to the petition must be filed in writing and submitted to the Commission on or before October 11, 2002.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-1719. Filed for public inspection September 27, 2002, 9:00 a.m.]

**Water Service  
Without Hearing**

**A-210104F0020. Pennsylvania Suburban Water Company.** Application of Pennsylvania Suburban Water Company for approval of the right to begin to offer, render, furnish or supply water service to the public in additional portions of Charlestown Township, Chester County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before October 15, 2002, under 52 Pa. Code (relating to public utilities).

*Applicant:* Pennsylvania Suburban Water Company

*Through and By Counsel:* Mark J. Kropilak, Esquire, Vice President and General Counsel, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-1720. Filed for public inspection September 27, 2002, 9:00 a.m.]

**Water Service  
Without Hearing**

**A-212070F0004. The Newtown Artesian Water Company.** Application of The Newtown Artesian Water Company for approval of the right to begin to offer, render, furnish or supply water service to the public in a portion of Upper Makefield Township, Bucks County, PA, north of the Upper Makefield Township line and west of Creamery Road.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before October 15, 2002, under 52 Pa. Code (relating to public utilities).

*Applicant:* The Newtown Artesian Water Company

*Through and By Counsel:* Thomas T. Niesen, Esquire, and D. Mark Thomas, Esquire, Thomas, Thomas, Armstrong and Niesen, 212 Locust Street, P. O. Box 9500, Harrisburg, PA 17108-9500.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-1721. Filed for public inspection September 27, 2002, 9:00 a.m.]

**Water Service  
Without Hearing**

**A-210104F0022. Pennsylvania Suburban Water Company.** Application of Pennsylvania Suburban Water Company for approval of the right to begin to offer, render, furnish or supply water service to the public in additional portions of Thornbury Township, Chester County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before October 15, 2002, under 52 Pa. Code (relating to public utilities).

*Applicant:* Pennsylvania Suburban Water Company

*Through and By Counsel:* Mark J. Kropilak, Esquire, Vice President and General Counsel, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-1722. Filed for public inspection September 27, 2002, 9:00 a.m.]



**Water Service  
Without Hearing**

**A-210104F0021. Pennsylvania Suburban Water Company.** Application of Pennsylvania Suburban Water Company for approval of the right to begin to offer, render, furnish or supply water service to the public in additional portions of West Vincent Township, Chester County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the

applicant on or before October 15, 2002, under 52 Pa. Code (relating to public utilities).

*Applicant:* Pennsylvania Suburban Water Company

*Through and By Counsel:* Mark J. Kropilak, Esquire, Vice President and General Counsel, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-1723. Filed for public inspection September 27, 2002. 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

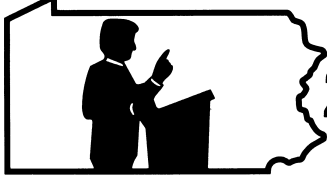
Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:  
 The payment date specified in the contract.  
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.  
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
 PA Department of Community and Economic Development  
 374 Forum Building  
 Harrisburg, PA 17120  
 800-280-3801 or (717) 783-5700

### Reader's Guide



**Legal Services & Consultation**

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
 Location: Harrisburg, Pa.  
 Duration: 12/1/93-12/30/93  
 Contact: Procurement Division  
 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦ (For Commodities: Contact: Vendor Services Section  
 717-787-2199 or 717-787-4705)

#### REQUIRED DATA DESCRIPTIONS

① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.

② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.

③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.

④ Department: State Department or Agency initiating request for advertisement.

⑤ Location: Area where contract performance will be executed.

⑥ Duration: Time estimate for performance and/or execution of contract.

⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.  
 (For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

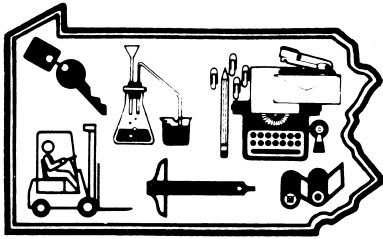
## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**

Pennsylvania State Treasury  
Room G13 Finance Building  
Harrisburg, PA 17120  
717-787-2990  
1-800-252-4700

BARBARA HAFER,  
State Treasurer



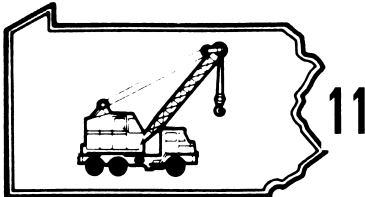
### Commodities

**SU-02-07:** Vidar TruScan color classic color scanner (1 each) with Truinfo software: stand included plus a 2 year warranty. TruScan specifications include: maximum resolution: 600 dpi, document width: 41 inches, document scan width: 36 inches, document maximum thickness: up to .06 inches (1.5 mm), Host platforms: Windows 95/98/NT and MacOS, and Data Capture: 36-bit color. Request for bid package may be faxed to 717-477-1350, Shippensburg University.

**Department:** State System of Higher Education  
**Duration:** System to be furnished November 2002.  
**Contact:** Mona M. Holtry (717) 477-1386

**CN00000315** Dryer, Laundry  
**Department:** State System of Higher Education  
**Location:** Pittsburgh, Pa  
**Duration:** FY 2002-03  
**Contact:** Vendor Services 717-787-2199

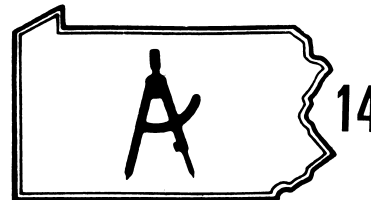
## SERVICES



### Demolition—Structural Only

**064056** Demolition and/or removal of structure and improvements on one Parcel.

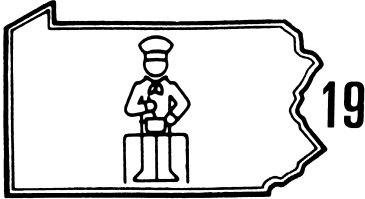
**Department:** Transportation  
**Location:** Church Road, Flourtown, PA  
**Duration:** Open  
**Contact:** Linda Bunt (610) 205-6784



### Engineering Services

**PennDOT-ECMS** The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at [www.dot2.state.pa.us](http://www.dot2.state.pa.us).

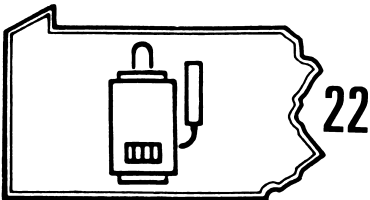
**Department:** Transportation  
**Location:** Various  
**Contact:** [www.dot2.state.pa.us](http://www.dot2.state.pa.us)



## Food

**Milk Bid 2003** To supply milk to the Hollidaysburg Veterans Home for approximately 500 residents for a one-year period (January 1, 2003 thru December 31, 2003). Delivery to be made three (3) days per week—Monday, Wednesday, and Friday. Deliveries to be made no later than 7:30 am. Bid opening: November 1, 2002, @ 11:00 am. For a bid package/questions, fax your request to Beth Strohmier @ 814/696-5395.

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, Rt. 220 Meadows Intersection, PO Box 319, Hollidaysburg, PA 16648-0319  
**Duration:** January 1, 2003 through December 31, 2003  
**Contact:** Beth Strohmier Fax: 814/696-5395



## HVAC Services

**LBLA 601C** Provide steam to liquid heat transfer module. To be NAMCO model #HTM202-25S or approved equal.

**Department:** Public Welfare  
**Location:** North Central Secure Treatment Unit, Green Building, 210 Clinic Road, Danville, PA.  
**Contact:** Dee Kuhn, Purchasing Agent (717) 789-5509



## Lodging/Meeting Facilities

**420065 revised** Hotel/Motel located within 30 miles of Scranton-Wilkes Barre International Airport. Meeting rooms and Banquet rooms from October 20 thru 22, 2003. A meeting room to accommodate at least 250 participants seated classroom style. Banquet room capable of seating at least 250 persons at round tables. If you wish to request a bid package please fax your name and address to 717 783-5955 attention to Cookie McWithey or call her at 717 783-5988.

**Department:** Transportation  
**Location:** Bureau of Construction & Materials, 1118 State Street, Harrisburg, PA 17120  
**Duration:** October 20 thru 22, 2003  
**Contact:** Cookie McWithey (717) 783-5988



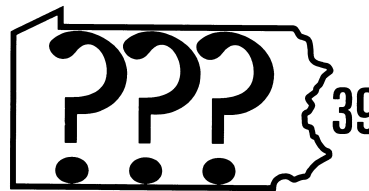
## Real Estate Services

**93501 LEASE MULTI-PURPOSE SPACE TO THE COMMONWEALTH OF PA.** Proposals are invited to provide the Department of Corrections with 38,316 useable square feet of multi-purpose space in Erie County, PA. with a minimum parking for 12 vehicles, within city limits of Erie. Downtown locations will be considered. For more information on SFP #93501 which is due on 11/18/02 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call (717) 787-4394.

**Department:** Corrections  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Jennings Ward (717) 787-7412

**93499 LEASE OFFICE/BARRACKS SPACE TO THE COMMONWEALTH OF PA.** Proposals are invited to provide the State Police with 10,225 useable square feet of Office/Barracks space in Armstrong County, PA. with a minimum parking for 75 vehicles, within 4 miles of the intersection of SR 422 & SR 66. For more information on SFP #93499 which is due on 11/18/02 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call (717) 787-4394.

**Department:** State Police  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** John Hocker (717) 787-4396



## Miscellaneous

**RFP 20020612** Southwestern Distribution Center—The PLCB has a requirement for a vendor to receive shipments of alcohol beverage products and supplies via truck and rail, and to store these products in a vendor provided warehouse facility. Vendor will process and deliver orders for merchandise and supplies to the PLCB store locations. The fragile nature of the glass and the liquid contents, and the high value associated with the product requires a secured, stable temperate environment, as well as responsible material handling. Facility shall be located in the service area of western Pennsylvania.

**Department:** Liquor Control Board  
**Duration:** 5 years  
**Contact:** Nelson McCormick 717-787-9851

**02-134-2851** Request for proposals to provide the Pennsylvania Turnpike Commission with Cellular Telephone Service to replace the current cellular service contract which includes 250 subscribers across the Commonwealth of Pennsylvania. Copies of the RFP can be obtained by calling 717-939-9551, extension 6500 or email [ddunchoc@paturnpike.com](mailto:ddunchoc@paturnpike.com). A pre-proposal conference will be held on October 30, 2002 at the Turnpike Commission Administration Building. Closing date for receipt of proposals is November 22, 2002.

**Department:** Turnpike Commission  
**Location:** PTC Central Office, Highspire, PA  
**Duration:** Two year contract with renewal option for two additional years.  
**Contact:** Daniel Dunchock (717) 986-9650

**934947** Accelerated Polishing Machine ASTM/AASHTO Version, 115V/60Hz If you would like a bid package, please fax your name and address to C. McWithey FAX: 717-783-5955.

**Department:** Transportation  
**Location:** Bureau of Construction & Materials, 1118 State Street, Harrisburg, PA 17120  
**Contact:** Cookie McWithey 717-783-5988

**2** Contemplated Sale of Land No Longer Needed For Transportation Purposes. Notice is hereby given that the Department of Transportation, pursuant to 71 P.S. § 513(e)(7), intends to sell certain land owned by it. Following is a list of properties available for sale by the Department. 1) Canton Borough, Bradford County. The parcel contains 11,534.29 square feet of unimproved land situated at the Southeast corner of the intersection of SR 0154 and SR 3008 (South Ave). Estimated fair market value is \$5,500.00. Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to PENNDOT, PO Box 218, Montoursville, Pa 17754, Attn: Lenny P. Confer

**Department:** Transportation  
**Location:** Canton Borough, Bradford County, Southeast corner of SR 0154 and SR 3008 .  
**Duration:** 30 days  
**Contact:** Lenny P. Confer (570) 368-4337

[Pa.B. Doc. No. 02-1724. Filed for public inspection September 27, 2002, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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- |  |   |
|--|---|
| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
|--|---|

KELLY POWELL LOGAN,  
*Secretary*

## Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
2310-05	09/19/02	Apple Chevrolet	\$26,331,775.00
2310-05	09/19/02	Apple Ford	25,165,075.00
2310-05	09/19/02	Bergy's Ford	1,303,650.00
2310-05	09/19/02	Hoffman Ford	20,321,625.00
2310-05	09/19/02	Phillips Ford	1,248,900.00
5820-02	09/13/02	A W Enterprises	5,000.00
5820-02	09/13/02	Advanced Charger Technology	5,000.00
5820-02	09/13/02	Antenna Specialists	20,000.00
5820-02	09/13/02	Bay Batteries	7,000.00
5820-02	09/13/02	Bee Electronics	5,000.00
5820-02	09/13/02	Capital Area Communications	30,000.00
5820-02	09/13/02	Communications Marketing Assoc.	61,000.00
5820-02	09/13/02	E F Johnson	30,000.00
5820-02	09/13/02	Havis Shield Equipment	29,000.00
5820-02	09/13/02	JBRO Batteries	5,000.00
5820-02	09/13/02	Kaval Wireless Solutions	50,000.00
5820-02	09/13/02	Kenwood Communications	38,000.00
5820-02	09/13/02	Kuhn's Radio Communications	36,000.00
5820-02	09/13/02	M/A-Com Private Radio Systems	40,000.00

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
5820-02	09/13/02	Midland Radio	17,000.00
5820-02	09/13/02	Motorola	47,000.00
5820-02	09/13/02	Multiplier Industries	3,000.00
5820-02	09/13/02	Orbacom Systems	50,000.00
5820-02	09/13/02	R F Design & Integration	15,000.00
5820-02	09/13/02	Sound Communications	8,000.00
5820-02	09/13/02	Stephen Campbell & Associates	50,000.00
5820-02	09/13/02	Telewave	51,000.00
5820-02	09/13/02	Thales Contract Solutions	50,000.00
5820-02	09/13/02	Vertex Standard USA	29,000.00
5820-02	09/13/02	W & W Mfg.	2,000.00
5820-02	09/13/02	Zetron	25,000.00
9120-05	09/18/02	Belden & Blake	2,000,000.00
9120-05	09/18/02	Mid American Natural Resources	2,000,000.00
1040152-01	09/16/02	Herre Brothers	19,213.00
1043152-01	09/16/02	Skyline Designs	27,450.00
1059112-01	09/16/02	Beaver Steel Services	133,302.00
1418381-01	09/16/02	Stallworth Lumber	142,687.00
8254050-01	09/16/02	Ingersol-Rand	61,750.00
8254270-01	09/16/02	Mack Trucks	387,822.00

KELLY POWELL LOGAN,  
Secretary

[Pa.B. Doc. No. 02-1725. Filed for public inspection September 27, 2002, 9:00 a.m.]

STATE CONTRACTS INFORMATION

United States Postal Service

Statement of Ownership, Management, and Circulation

1. Publication Title <b>Pennsylvania Bulletin</b>		2. Publication Number 0 1 6 2 - 2 1 3 7		3. Filing Date 09/25/02
4. Issue Frequency <b>Weekly</b>		5. Number of Issues Published Annually 52		6. Annual Subscription Price \$82.00
7. Complete Mailing Address of Known Office of Publication (Not printer) (Street, city, county, state, and ZIP+4) Legislative Reference Bureau, 641 Main Capitol Building, Harrisburg Dauphin County, PA 17120-0033				Contact Person <b>Mary Jane Phelps</b> Telephone 717-783-1530
8. Complete Mailing Address of Headquarters or General Business Office of Publisher (Not printer) Legislative Reference Bureau, 641 Main Capitol Building, Harrisburg Dauphin County, PA 17120-0033				

9. Full Names and Complete Mailing Addresses of Publisher, Editor, and Managing Editor (Do not leave blank)

Publisher (Name and complete mailing address)  
**Mary Jane Phelps, Acting Director PA Bulletin, Leg. Ref. Bur., Hbg., PA 17120-0033**

Editor (Name and complete mailing address)  
**Barbara Furjanic, PA Bulletin, Leg. Ref. Bur., Harrisburg, PA 17120-0033**

Managing Editor (Name and complete mailing address)  
**None**

10. Owner (Do not leave blank. If the publication is owned by a corporation, give the name and address of the corporation immediately followed by the names and addresses of all stockholders owning or holding 1 percent or more of the total amount of stock. If not owned by a corporation, give the names and addresses of the individual owners. If owned by a partnership or other unincorporated firm, give its name and address as well as those of each individual owner. If the publication is published by a nonprofit organization, give its name and address.)

Full Name	Complete Mailing Address
Commonwealth of Pennsylvania	Commonwealth of Pennsylvania
Legislative Reference Bureau	Legislative Reference Bureau
641 Main Capitol Building	641 Main Capitol Building
Harrisburg, PA 17120-0033	Harrisburg, PA 17120-0033

11. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages, or Other Securities. If none, check box  None

Full Name	Complete Mailing Address

12. Tax Status (For completion by nonprofit organizations authorized to mail at nonprofit rates) (Check one)  
 The purpose, function, and nonprofit status of this organization and the exempt status for federal income tax purposes:  
 Has Not Changed During Preceding 12 Months  
 Has Changed During Preceding 12 Months (Publisher must submit explanation of change with this statement)

13. Publication Title		14. Issue Date for Circulation Data Below	
15. Extent and Nature of Circulation		Average No. Copies Each Issue During Preceding 12 Months	No. Copies of Single Issue Published Nearest to Filing Date
a. Total Number of Copies (Net press run)		7936	7545
b. Paid and/or Requested Circulation	(1) Paid/Requested Outside-County Mail Subscriptions Stated on Form 3541. (Include advertiser's proof and exchange copies)	7654	7263
	(2) Paid In-County Subscriptions Stated on Form 3541 (Include advertiser's proof and exchange copies)	0	0
	(3) Sales Through Dealers and Carriers, Street Vendors, Counter Sales, and Other Non-USPS Paid Distribution	0	0
	(4) Other Classes Mailed Through the USPS	0	0
c. Total Paid and/or Requested Circulation (Sum of 15b. (1), (2), (3), and (4))		7654	7263
d. Free Distribution by Mail (Samples, complimentary, and other free)	(1) Outside-County as Stated on Form 3541	0	0
	(2) In-County as Stated on Form 3541	0	0
	(3) Other Classes Mailed Through the USPS	0	0
e. Free Distribution Outside the Mail (Carriers or other means)		0	0
f. Total Free Distribution (Sum of 15d. and 15e.)		0	0
g. Total Distribution (Sum of 15c. and 15f.)		7654	7263
h. Copies not Distributed		282	282
i. Total (Sum of 15g. and h.)		7936	7545
j. Percent Paid and/or Requested Circulation (15c. divided by 15g. times 100)		100	100

16. Publication of Statement of Ownership  
 Publication required. Will be printed in the **September 28, 2002** issue of this publication.  
 Publication not required.

17. Signature and Title of Editor, Publisher, Business Manager, or Owner  
**Barbara W. Furjanic** Editor - PA Bulletin  
 Date **9-25-02**

I certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including civil penalties).