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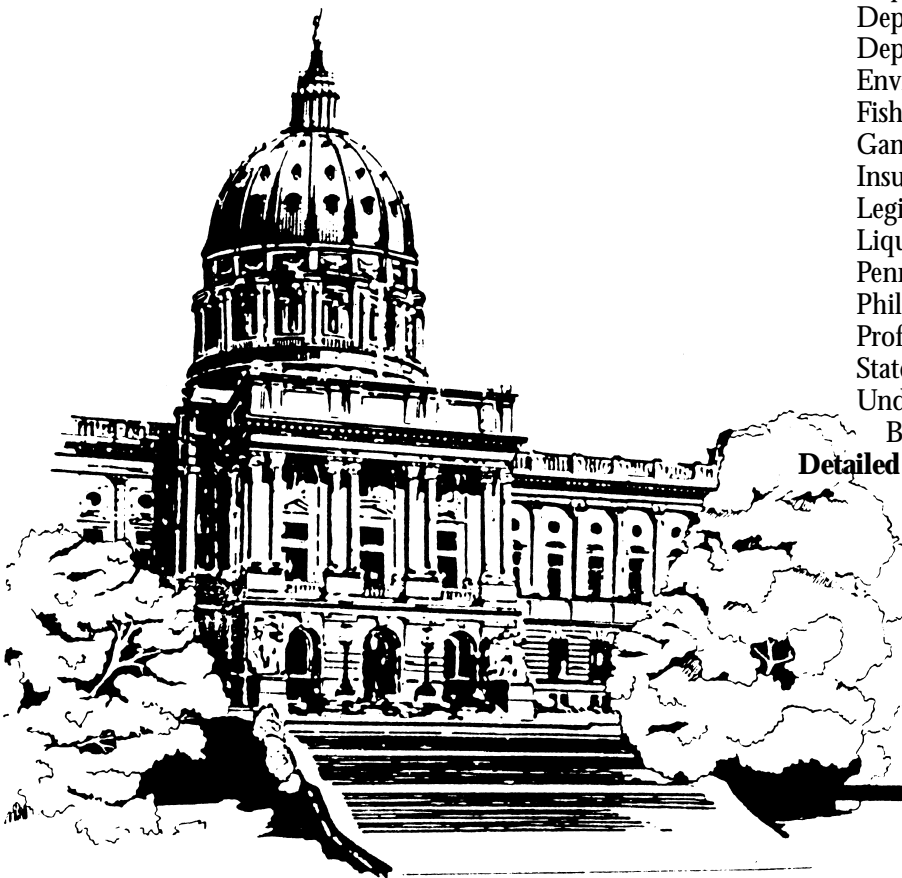
# PENNSYLVANIA BULLETIN

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Department of Banking  
Department of Education  
Department of Environmental Protection  
Department of General Services  
Department of Labor and Industry  
Department of Military and Veterans Affairs  
Department of Transportation  
Environmental Hearing Board  
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Liquor Control Board  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
Professional Standards and Practices Commission  
State Board of Education  
Underground Storage Tank Indemnification  
Board

Detailed list of contents appears inside.



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**No. 337, December 2002**

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2002.

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 1000 ..... 2315  
 1900 ..... 5632  
 1910 ..... 3389, 5044, 5263, 5632  
 1915 ..... 5632  
 1920 ..... 5263, 5632  
 1930 ..... 3389, 5263

**Proposed Rulemaking**

200 ..... 245, 247, 2866  
 400 ..... 2866  
 1000 ..... 1038, 2866, 3886  
 1500 ..... 2866  
 1600 ..... 2866  
 1900 ..... 1387  
 1910 ..... 1387, 2753, 3482  
 1915 ..... 1387  
 1920 ..... 1387  
 2000 ..... 2866  
 2020 ..... 2866  
 2050 ..... 2866  
 2100 ..... 2866  
 2150 ..... 2866  
 2170 ..... 2866  
 2200 ..... 2866  
 2220 ..... 2866  
 2250 ..... 2866  
 2300 ..... 2866  
 2320 ..... 2866  
 2350 ..... 2317, 2866  
 3000 ..... 2866  
 4000 ..... 2866  
 Part III ..... 311

**234 Pa. Code (Rules of Criminal Procedure)**

**Adopted Rules**

1 ..... 1391, 1630, 2582, 4814  
 2 ..... 2582, 5406  
 5 ..... 2582  
 7 ..... 1393  
 8 ..... 2582  
 9 ..... 1173, 1391, 1840  
 10 ..... 2582, 4122

**Proposed Rulemaking**

1 ..... 1039, 2197, 6247  
 4 ..... 1042, 3887, 6247  
 5 ..... 1042, 6248  
 7 ..... 6076

**237 Pa. Code (Juvenile Rules)**

**Statements of Policy**

101 ..... 4037  
 201 ..... 4037  
 301 ..... 4037

**246 Pa. Code (Minor Court Civil Rules)**

**Adopted Rules**

200 ..... 2199, 6078, 6080  
 300 ..... 1176, 2199, 2206  
 400 ..... 2199, 2207  
 500 ..... 1176, 2199, 2207, 6080  
 1000 ..... 2199

**Proposed Rulemaking**

100 ..... 5875  
 300 ..... 2318, 4032  
 400 ..... 5046  
 1000 ..... 2318

**249 Pa. Code (Philadelphia Rules)**

Unclassified ..... 422, 1178, 2113, 2212, 2596, 4033, 5509, 6249

**252 Pa. Code (Allegheny County Rules)**

Unclassified ..... 2323, 4034

**255 Pa. Code (Local Court Rules)**

Unclassified ..... 9, 10, 11, 13, 14, 248, 312, 313, 314, 315, 548, 555, 556, 733, 1044, 1045, 1178, 1179, 1303, 1514, 1631, 1958, 2113, 2323, 2597, 2670, 2754, 2755, 2756, 2881, 2882, 2883, 2885, 2991, 3076, 3389, 3483, 3632, 3892, 4035, 4036, 4123, 4124, 4332, 4356, 4693, 4815, 4816, 5176, 5177, 5264, 5509, 5636, 5742, 5876, 5882, 5952, 5953, 5954, 6083, 6090, 6091, 6250

# THE COURTS

## Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 1 AND 4]

### Right to Counsel at Summary Trial

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rules 122 (Assignment of Counsel) and 454 (Trial in Summary Cases) to make it clear that no defendant in a summary case may be imprisoned or sentenced to probation if the right to counsel was not afforded at trial. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

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

The text of the proposed amendments precede the Report. Additions are shown in bold and deletions are shown in bold and are bracketed.

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

Anne T. Panfil, Chief Staff Counsel  
Supreme Court of Pennsylvania  
Criminal Procedural Rules Committee  
5035 Ritter Road, Suite 800  
Mechanicsburg, PA 17055  
fax: (717) 795-2106

e-mail: criminal.rules@supreme.court.state.pa.us

no later than Tuesday, January 21, 2003.

By the Criminal Procedural Rules Committee

JOHN J. DRISCOLL,  
Chair

#### Annex A

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

#### PART B. Counsel

#### Rule 122. Assignment of Counsel.

\* \* \* \* \*

#### Comment

\* \* \* \* \*

**No defendant may be sentenced to imprisonment or probation if the right to counsel was not afforded at trial. See *Alabama v. Shelton*, 535 U.S. 654 (2002) and *Scott v. Illinois*, 440 U.S. 367 (1979). See Rule 454 (Trial in Summary Cases) concerning the right to counsel at a summary trial.**

Assignment of counsel can be waived, if such waiver is knowing, intelligent, and voluntary. See *Faretta v. California*, 422 U.S. 806 (1975). Concerning the appointment of standby counsel for the defendant who elects to proceed pro se, see Rule 121.

\* \* \* \* \*

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

*Committee Explanatory Reports:*

\* \* \* \* \*

**Report explaining the proposed changes concerning *Alabama v. Shelton* published at 32 Pa.B. 6248 (December 21, 2002).**

#### CHAPTER 4. PROCEDURES IN SUMMARY CASES

#### PART E. General Procedures in Summary Cases

#### Rule 454. Trial in Summary Cases.

(A) Immediately prior to trial in a summary case:

\* \* \* \* \*

(2) [ **when** ] **if, in the event of a conviction**, there is a reasonable likelihood of **a sentence of imprisonment or probation**, the defendant shall be advised of the right to counsel and [ **shall,** ]

(a) upon request, **the defendant shall** be given a reasonable opportunity to secure counsel [ **; and** ], **or**

(b) **if the defendant is without financial resources or is otherwise unable to employ counsel, counsel shall be assigned as provided in Rule 122; and**

\* \* \* \* \*

#### Comment

[ **The defendant has a right to counsel at trial in all summary cases in which the issuing authority determines there is a likelihood of imprisonment. ] No defendant may be sentenced to imprisonment or probation if the right to counsel was not afforded at trial. See *Alabama v. Shelton*, 535 U.S. 654 (2002) and *Scott v. Illinois*, 440 U.S. 367 (1979). See Rules 121 and 122 [ **and 121** ].**

\* \* \* \* \*

**Official Note:** Rule 83 adopted July 12, 1985, effective January 1, 1986; amended September 23, 1985, effective January 1, 1986; effective date extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; Comment revised April 18, 1997, effective July 1, 1997; amended October 1, 1997, effective October 1, 1998; Comment revised February 13, 1998, effective July 1, 1998; renumbered Rule 454 and Comment revised March 1, 2000, effective April 1, 2001; **amended** , 2003, **effective** , 2003.

*Committee Explanatory Reports:*

\* \* \* \* \*

**Report explaining the proposed changes concerning *Alabama v. Shelton* published at 32 Pa.B. 6248 (December 21, 2002).**

## REPORT

*Amendment to Pa.Rs.Crim.P. 122 and 454*

## RIGHT TO COUNSEL AT SUMMARY TRIAL

The Committee received correspondence from the Court asking us to review *Alabama v. Shelton*, 122 S.Ct. 1764 (2002) holding that a sentence that may end up in actual deprivation of personal liberty, e.g., imprisonment following probation violation, may not be imposed "unless the defendant was accorded the guiding hand of counsel in the prosecution for crime charged;" "without a knowing and intelligent waiver, no person may be imprisoned for any offense unless he was represented by counsel at his trial" (quoting *Argersinger v. Hamlin*, 407 U.S. 25 (1972)); imprisonment following a probation violation does not result from the violation itself but from the underlying conviction. The correspondence pointed out that some concerns had arisen concerning whether the Criminal Rules in Pennsylvania are consistent with the holding in *Shelton*, and requested the Committee to consider whether, in view of *Shelton*, any changes to the Criminal Rules concerning the right to counsel in summary cases are necessary.

The Committee reviewed the Criminal Rules in light of *Shelton*, and agreed that although the rules are clear concerning the right to counsel in court cases, there might be a gap in the rules concerning summary cases. Counsel in a summary case is required when "there is a likelihood that imprisonment will be imposed" (see Rule 122); the Committee believes that this language, in view of *Shelton*, may be ambiguous, and could result in confusion for members of the bench and bar. As a result, we agreed to reference in the rules the *Shelton* case to highlight the potential consequences when counsel is not afforded at trial.

How to accomplish this presented a challenge. The Committee first considered amending Rule 122 (Assignment of Counsel) by adding language that would make it clear counsel must be assigned when there is a likelihood that a sentence to a period of probation will be imposed and including a reference to *Shelton* in the Comment. During our discussion of this change, we agreed Rule 122 which addresses the circumstances when counsel should be assigned merely should acknowledge *Shelton* in the Comment, and Rule 454 (Trial in Summary Cases) should be amended since the holding in *Shelton* directly applies of the defendant's right to counsel at the time of the conviction for the offense charged (imprisonment may not be imposed if the defendant was not afforded counsel at time of the trial). Accordingly, we are proposing the amendment of Rule 454(A) to make it clear that if there is a reasonable likelihood of a sentence of imprisonment or probation in a summary case, the defendant shall be given an opportunity to secure counsel or have counsel assigned pursuant to Rule 122. We also are proposing the revision of the Comments to Rules 122 and 454 by adding the language "No defendant may be imprisoned or sentenced to probation if the right to counsel was not afforded at trial. See *Alabama v. Shelton*, 122 S.Ct. 1764 (2002) and *Scott v. Illinois*, 440 U.S. 367??? 99 S.Ct. 1158 (1979)."<sup>1</sup>

[Pa.B. Doc. No. 02-2264. Filed for public inspection December 20, 2002, 9:00 a.m.]

<sup>1</sup> The Committee is including the reference to *Scott* because the *Shelton* Court relied on *Scott* and *Argersinger v. Hamlin*, 407 U.S. 25 (1972). The *Comments* to these rules already reference *Argersinger*.

## [234 PA. CODE CH. 5]

## Charges for Copying Discovery Material

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania approve the revision of the Comment to Rule 573 (Pretrial Discovery and Inspection) to clarify that the attorney for the Commonwealth cannot charge the defendant for the costs of copying discoverable materials but the attorney, on a case-by-case basis, may request from the trial judge an order requiring the defendant to pay the copying costs. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

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

The text of the proposed Comment revision precedes the Report. Additions are shown in bold.

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

Anne T. Panfil, Chief Staff Counsel  
Supreme Court of Pennsylvania  
Criminal Procedural Rules Committee  
5035 Ritter Road, Suite 800  
Mechanicsburg, PA 17055  
fax: (717) 795-2106

e-mail: criminal.rules@supreme.court.state.pa.us

no later than Tuesday, January 21, 2003.

*By the Criminal Procedural Rules Committee*

JOHN J. DRISCOLL,  
*Chair*

## Annex A

**TITLE 234. RULES OF CRIMINAL PROCEDURE  
CHAPTER 5. PRETRIAL PROCEDURES IN COURT  
CASES**

**PART F. Procedures Following Filing of  
Information**

**Rule 573. Pretrial Discovery and Inspection.**

\* \* \* \* \*

**Comment**

This rule is intended to apply only to court cases. However, the constitutional guarantees mandated in *Brady v. Maryland*, 373 U.S. 83 (1963), and the refinements of the *Brady* standards embodied in subsequent judicial decisions, apply to all cases, including court cases and summary cases, and nothing to the contrary is intended. For definitions of "court case" and "summary case," see Rule 103.

**The attorney for the Commonwealth should not charge the defendant for the costs of copying pretrial discovery materials. However, nothing in this rule is intended to preclude the attorney for the Commonwealth, on a case-by-case basis, from requesting an order for the defendant to pay the copying costs. In these cases, the trial judge has discretion to determine the amount of costs, if any, to be paid by the defendant.**

\* \* \* \* \*

**Official Note:** Present Rule 305 replaces former Rules 310 and 312 in their entirety. Former Rules 310 and 312 adopted June 30, 1964, effective January 1, 1965. Former Rule 312 suspended June 29, 1973, effective immediately. Present Rule 305 adopted June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; Comment revised April 24, 1981, effective June 1, 1981; amended October 22, 1981, effective January 1, 1982; amended September 3, 1993, effective January 1, 1994; amended May 13, 1996, effective July 1, 1996; Comment revised July 28, 1997, effective immediately; Comment revised August 28, 1998, effective January 1, 1999; renumbered Rule 573 and amended March 1, 2000, effective April 1, 2001; **Comment revised** , **2003, effective** , **2003.**

*Committee Explanatory Reports:*

**Report explaining the proposed Comment revision concerning costs of copying discovery materials published at 32 Pa.B. 6249 (December 21, 2002).**

### REPORT

*Revision of the Comment to Pa.R.Crim.P. 573*

*Charges for Copying Discovery Material*

The Committee received an inquiry from the Supreme Court's Common Pleas Automation Project<sup>1</sup> staff asking if the Criminal Rules should address whether the attorney for the Commonwealth may charge a fee to the defendant for the copying costs associated with discovery materials. They pointed out that this practice occurs in several judicial districts, and they could find nothing in the Criminal Rules specifically permitting this practice. As a result, there is no uniformity in procedures concerning whether and how these copying costs are assessed. The Committee agreed this issue merited consideration and that addressing it in the Criminal Rules would promote the Court's goals of statewide uniformity.

Rule 573 (Pretrial Discovery and Inspection) provides the procedures governing discovery in court cases. Paragraphs (B)(1) and (B)(2)(a) provide for "the defendant's attorney to inspect and copy or photograph" discoverable information. The Committee researched the history of Rule 573, but found nothing concerning the provisions for copying and who should be responsible for paying the costs of copying discovery material that was helpful to this inquiry.<sup>2</sup>

Agreeing the Criminal Rules should address the issue, the Committee members were divided on whether the attorneys for the Commonwealth should be permitted to charge the defendants for the costs associated with the copying of discoverable materials. Some members felt strongly that defendants should not be required to pay the costs of copying any discovery materials, especially mandatory discovery; other members thought the attorneys for the Commonwealth should not carry the burden of paying these costs in all cases. Ultimately, the members reached a compromise position and agreed generally that the attorney for the Commonwealth cannot charge a defendant for the costs of copying discovery materials, but

<sup>1</sup> The Supreme Court is in the process of developing a statewide automation system for the criminal divisions of the courts of common pleas. As part of this process, the Committee has been working with the project staff to ensure the automation system and the criminal rules are consistent.

<sup>2</sup> We also looked at other jurisdictions and found some courts permit the practice of assessing copying costs for discovery against defendants. See, e.g., *U.S. v. Freedman*, 688 F.2d 1364 (C.A. 11 1982) and *U.S. v. Green*, 144 F.R.D. 631 (1992). See also *State v. Williams*, 678 So.2d 1356 (Fl. 1996), in which the court held, inter alia, the defendant has the burden of paying the costs of copying discoverable materials.

a judge may order the defendant to pay the costs in a specific case. Accordingly, the Committee is proposing that the Rule 573 Comment be revised to explain that 1) the attorney for the Commonwealth cannot assess a fee against the defendant for the costs of copying discovery materials, but on a case-by-case basis, the attorney may request the trial judge to order costs charged against the defendant, and 2) the judge has the discretion to determine the amount to be paid by the defendant.

[Pa.B. Doc. No. 02-2265. Filed for public inspection December 20, 2002, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

**Continuance Policy—Domestic Relations Division;  
Administrative Regulation No. 02-02**

*Effective Immediately*, the Domestic Relations Division institutes the following policy relating to continuance requests:

(1) Continuances shall be granted only for good cause shown, and agreements to continue the matter by the parties or counsel are not sufficient to stay the provisions of this Administrative Regulation.

(2) A continuance request by an attorney for a case will only be considered if the attorney has already filed a formal entry of appearance in the case.

(3) Except as otherwise provided by this Administrative Regulation, all requests for continuance must be submitted in writing and within ten (10) calendar days from the date that the notices for the proceeding were served. If the scheduled event is a courtroom proceeding the request must be submitted to the presiding judge; if the scheduled event is not a courtroom proceeding, the request must be submitted to the supervisor of the presiding quasi-judicial officer. The addresses and fax numbers for all judges and operational units within the Domestic Relations Division are available on its internet website at: <http://courts.phila.gov/cpfd.html>.

(4) If a continuance request is based on an emergency and/or other unanticipated situation, the request must be submitted in writing to the presiding judge or the supervisor of the presiding quasi-judicial officer within twenty-four (24) hours from the time that the party or attorney becomes aware of, or should have become aware of the situation, and at least twenty-four (24) hours prior to the proceeding, if possible. Failure of a party to retain counsel in a timely fashion shall not constitute an emergency and/or unanticipated situation.

(5) All continuance requests must specify the reason therefor and include documentation, to the extent possible, and all opposing parties and/or counsel must be copied with said request.

(6) In order for the court or supervisor to accurately and easily identify the specific event for which the continuance is being requested, the request must include the caption of the case, the names of the parties and presiding officer, the matter pending, the date, time and place of the scheduled event, the position of the opposing parties or counsel with regard to the continuance request, and a copy of the scheduling notice if a time conflict is alleged.

(7) Unless the party or attorney requesting the continuance receives approval of the continuance by the court or appropriate supervisor, the event shall proceed as scheduled. If either party fails to appear for the scheduled event, and a continuance request has not been approved, the underlying petition, complaint, motion, or other pleading may be disposed by the court or presiding officer under applicable law.

(8) Filing advance notices of unavailability with the Clerk of Family Court will only prevent an attorney from being scheduled on unavailable dates in custody, divorce, and protection from abuse cases in which the attorney has entered an appearance. The Pennsylvania Child Support Enforcement System (PACSES) on which support cases are administered does not have the ability to prevent scheduling an attorney for a support proceeding, notwithstanding that the attorney has previously filed a notice of unavailability with the Clerk of Family Court. Therefore, any attorney of record in a support case who receives a notice for a proceeding on a date that the attorney had previously filed as unavailable, must submit a request for continuance in accordance with this Administrative Regulation within ten (10) calendar days from the date that the notice for the proceeding was served, and include a copy of the letter of unavailability that had been filed with the Clerk of Family Court.

(9) This Administrative Regulation specifically supercedes Family Court Administrative Regulation #00-04, which is hereby *Rescinded*.

MYRNA P. FIELD,  
*Administrative Judge*

[Pa.B. Doc. No. 02-2266. Filed for public inspection December 20, 2002, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### LEHIGH COUNTY

#### Adoption of Local Rule of Civil Procedure 1910.12 Pertaining to Support; No. 2002 J 106

##### Order

Now, this 4th day of December, 2002, *It Is Ordered* that the annexed Lehigh County Rule of Civil Procedure 1910.12 pertaining to support in the 31st Judicial District composed of Lehigh County be, and the same is, promulgated herewith, to become effective on the 30th day following publication of this rule in the *Pennsylvania Bulletin*.

The Court Administrator of Lehigh County is directed to:

1. File seven (7) certified copies of this Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one disk copy with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Domestic Relations Procedural Rules Committee.
4. File one (1) copy with the Clerk of Courts of the Lehigh County Court of Common Pleas.

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

*By the Court*

WILLIAM H. PLATT,  
*President Judge*

#### Rule 1910.12. Hearing Procedure

(a) Support actions shall proceed in accordance with the alternative hearing procedure set forth in Pa.R.C.P. 1910.12.

(b) The interim order entered pursuant to Pa.R.C.P. 1910.12(b)(1) shall state that any party may within ten (10) days after the mailing of a copy of the order file a written demand with the Domestic Relations Section for a hearing before the Hearing Officer.

A demand for a hearing before the Hearing Officer shall not stay the order entered under Pa.R.C.P. 1910.12 (b)(1) unless the Court so directs.

If no party demands a hearing before the Hearing Officer within the 10-day period, the order shall constitute a final order.

If a demand for a hearing is filed, there shall be a hearing de novo before the Hearing Officer. The Domestic Relations Section shall schedule the hearing and give notice to the parties.

(c) The Hearing Officer shall receive evidence, hear argument and file with the Court a report containing a recommendation with respect to the entry of an order of support, in conformance with Pa.R.C.P. 1910.12(d). Thereafter, the case shall proceed in accordance with Pa.R.C.P. 1910.12 (e) through (h).

(d) Testimony before the Hearing Officer shall be recorded by a monitor or stenographer, but shall not be transcribed unless exceptions are filed to the Hearing Officer's decision. If exceptions are filed, it shall be the responsibility of the party who first files exceptions to obtain an order directing that the notes of testimony be transcribed. The party filing the exceptions shall bear the cost of the original transcript. If both parties file exceptions, the cost of the original transcript shall be shared equally. Nothing herein shall prevent the Court from thereafter reallocating the costs of the transcript as part of a final order.

[Pa.B. Doc. No. 02-2267. Filed for public inspection December 20, 2002, 9:00 a.m.]

### SOMERSET COUNTY

#### Adoption of Rules of Civil Procedure 216 and 216.1; No. 76 Misc. 2002

##### Adopting Order

*And Now*, this 27th day of November, 2002, it is hereby *Ordered*:

1. Somerset County Rule of Civil Procedure 216 (Som.R.C.P. 216), Continuances In Court Cases, is amended to read in its entirety, as reflected in revised Som.R.C.P. 216, as follows, effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

2. Somerset County Rule of Civil Procedure 216.1 (Som.R.C.P. 216.1), Form of Continuance Motion, as follows, is adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

3. The Somerset County Court Administrator is directed to:

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

B. Distribute two (2) certified copies of this Order and the attached Rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

C. File one (1) certified copy of this Order and the following Rules with the Pennsylvania Civil Procedural Rules Committee.

D. File proof of compliance with this Order in the docket for these Rules, which shall include a copy of each transmittal letter.

By the Court:

EUGENE E. FIKE, II,
President Judge

Som.R.C.P. 216. Continuances in Court Cases.

A. Motions for continuance must be made in writing or of record in open court, unless excused by the court for cause.

B. Absent exceptional circumstances, motions for continuance shall be presented no later than ten (10) days before the date of the proceedings for which the continuance is requested. Thereafter, no motions for continuance will be granted except for substantial reasons which were not previously known or reasonably ascertainable.

C. The motion shall state whether or not the proceedings previously have been continued, and, if so, the number of prior continuances, with identification of the party upon whose motion each continuance was granted.

D. Absent extraordinary circumstances, a request for a continuance based on proceedings scheduled in another Court of Common Pleas will be granted only if the other court's scheduling order was issued before the order scheduling the proceedings for which the continuance is requested.

If the motion is based on conflict with a matter scheduled in another Court of Common Pleas, the scheduling order from the other Court of Common Pleas shall be attached to the motion.

E. Motions for continuance of court cases shall be presented as follows:

- 1. When at a scheduled call of the list, to the presiding Judge.
2. When a case is on a current trial or argument schedule, to the assigned Judge.
3. In all other cases, Motions Judge practice.

F. Continuances shall operate to effect rescheduling:

- 1. To a date certain or specific trial session if the Court states a date certain or specific trial session in the continuance order.
2. In all other cases, only upon filing of a scheduling praecipe as provided in Som.R.J.A. 1010 et seq.

G. An order continuing a case "sec reg.," until the next available session, or in terms of similar generality, will not result in rescheduling, or placement on a new trial list.

H. Every motion for continuance shall specify the reasons for the request.

I. The moving party shall certify that prior notice of presentation of the motion has been given to opposing counsel and unrepresented parties.

J. Every motion for unopposed continuance, whether written or oral, shall be joined in by all other parties or counsel of record, or shall certify that all other parties or counsel have been notified of the presentation of the motion and join in or do not oppose the motion.

K. When a civil case is scheduled for pretrial conference, the motion for continuance shall clearly state whether it relates to pretrial conference, or to the trial, or both.

L. An approved form of continuance motion is set forth in Som.R.C.P. 216.1.

M. This Rule does not apply to

1. Continuances of trials before arbitrators which are governed by Som.R.C.P. 1303 F.

2. Continuances of Domestic Relations Section conferences, which are governed by Som.R.C.P. 1910.12.

3. Continuances of hearings before the Domestic Relations Hearing Officer and divorce hearings before the Master.

Som.R.C.P. 216.1. Form Of Continuance Motion.

CIVIL CONTINUANCE REQUEST

Plaintiff ) IN THE COURT OF COMMON PLEAS
) OF
) SOMERSET COUNTY, PENNSYLVANIA
vs. )
)
)
Defendant ) NO. CIVIL

Scheduled before Judge \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ . (Time)

For (Type of proceeding): \_\_\_\_\_

REASON FOR REQUEST: (Attach extra sheet, if necessary)

NUMBER OF PRIOR CONTINUANCES:
\_\_\_\_\_ by the plaintiff \_\_\_\_\_ by the defendant

NOTICE OF PRESENTATION OF THE MOTION HAS BEEN GIVEN TO OPPOSING COUNSEL AND UNREPRESENTED PARTIES.

REQUESTING ATTORNEY OR PARTY:
(Print) \_\_\_\_\_ Counsel for: \_\_\_\_\_
(Sign) \_\_\_\_\_

OPPOSING COUNSEL OR PARTY:
(Print) \_\_\_\_\_ Counsel for: \_\_\_\_\_
[ ] Joins In [ ] Does not object [ ] Opposes

OPPOSING COUNSEL OR PARTY:
(Print) \_\_\_\_\_ Counsel for: \_\_\_\_\_
[ ] Joins In [ ] Does not object [ ] Opposes

\*\*\*\*\*

ORDER

And Now, this \_\_\_\_\_ day of \_\_\_\_\_, 200 \_\_, the above Civil Continuance request is GRANTED/DENIED and the hearing/argument is continued. [ ]



Hearing will be rescheduled upon the filing of a new scheduling praecipe by a party.  Hearing is rescheduled for \_\_\_\_\_, \_\_\_\_ .m., on \_\_\_\_\_, 20 \_\_\_\_.

*By the Court:*

[Pa.B. Doc. No. 02-2268. Filed for public inspection December 20, 2002. 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Transfer of Attorney to Inactive Status

Notice is hereby given that the following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated November 1, 2002, pursuant to Rule 219, Pa.R.D.E. The Order became effective December 1, 2002.

Notice with respect to attorneys having Pennsylvania registration addresses, who have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Jacqueline O. Abdur-Razzaq  
Atlantic City, NJ

Mark D. Abramson  
Runnemede, NJ

Alexander N. Agiliga  
Takoma Park, MD

Judith E. Alden  
Bethesda, MD

Christopher H. Asplen  
Washington, DC

David B. Bacon  
Trenton, NJ

Marchelle Bailey  
Glendale, CA

Tonia A. Bair  
Alexandria, VA

Gilbert W. Bates  
Lindenwold, NJ

Frederick J. Bausch  
Richmond, VA

Robert J. Beacham  
Hillsborough, NJ

Richard C. Belli Jr.  
Marlton, NJ

Arthur H. Bernstein  
Beverly Hills, CA

Rayna C. Boone  
Naperville, IL

Michael W. Bortz  
Vancouver, WA

Gerard R. Bosch  
Jackson, WY

Kyle D. Bowser  
Encino, CA

George R. Brinkerhoff  
Medford, NJ

David J. Brown  
North Bethesda, MD

Warren M. Burd  
Lake Worth, FL

Roger W. Burke Jr.  
Washington, DC

James K. Butler  
Oklahoma City, OK

Jacqueline E. Caban  
Woodbury, NJ

Aileen Camacho  
London

Susan M. Camilli  
Hartford, CT

Henry A. Carpenter  
Schaumburg, IL

Allan A. Christian  
St. Croix, Virgin Islands

Megan E. Cleghorn  
Wilmington, DE

Raymond W. Cobb  
Wilmington, DE

Debra L. Wrobel Cohn  
New York, NY

Leslie A. Cooper  
Randolph, NJ

Joseph Daly  
Voorhees, NJ

Inez A. DeBaptiste  
Ft. Lauderdale, FL

John-Paul Derosa  
Portland, ME

Dawn M. DiBartola  
Hanford, CA

Ralph J. DiPietro  
Rego Park, NY

David D. Duffin  
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Douglas A. Evans  
New Orleans, LA

Barry R. Feldman  
Teaneck, NJ

Alejandro L. Fernandez  
Wilmington, DE

Ottrell L. Ferrell  
Silver Spring, MD

Thomas M. Ferrill Jr.  
Largo, FL

Adib E. Ferzli  
Washington, DC

Frank N. Fisanich  
China

Renee D. Foshee  
Elkton, MD

Christopher J. Franklin  
Mendham, NJ

John B. Furman  
Scottsdale, AZ

Paul A. Gardon  
Hainesport, NJ

Caroline Gargione  
Somerset, NJ

Ann L. Giddings  
Upper Marlboro, MD

Mark L. Goldstone  
Bethesda, MD

Michael J. Gore  
Malaysia

Lee M. Gottlieb  
Linwood, NJ

Michael Gozdan  
Mount Laurel, NJ

Harry T. Guenther  
Naples, FL

Kristen M. Gurdin  
Washington, DC

John A. Hahalyak  
Avon, CO

Russell W. Hahn  
Lincolnshire, IL

Michael M. Halbreich  
Atlanta, GA

Deidre D. Hamlar  
Washington, DC

Justin C. Harding  
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Lisa B. Harris  
Cookeville, TN

Melanie E. Harris  
Indianapolis, IN

Edwin Harevy  
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Charles Haviv  
Woodside, NY

Linda D. Headley  
Kingston, NJ

Daniel D. Hediger  
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Francis C. Heyduk  
Cherry Hill, NJ

Lonna R. Hooks  
Manassas, VA

Dawson Horn III  
New York, NY

Christian D. Hunter  
Morristown, NJ

Richard C. Hutchison  
Ft. Lauderdale, FL

Nancie S. Jennifer  
Portland, OR

David M. Jerome  
Warren, MI

Antar C. Johnson  
Alexandria, VA

Zerell S. Johnson-Welch  
Laurel, MD

Parnell P. Joyce  
Coral Springs, FL

Jaime Kaigh  
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John J. Karasek  
Washington, DC

Robert F. Keefer  
New Brunswick, NJ

Lisa A. Keenan  
Kensington, MD

Sharon E. Keller  
Coral Gables, FL

Kevin M. Kelly  
Wilmington, DE

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Matthew K. Kelsey  
New York, NY

Joshua S. Kincannon  
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Jason M. Kuhn  
Tampa, FL

Michael S. Lenetsky  
Ithaca, NY

Joseph K. LoBue  
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Eric J. Louttit  
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Jack I. Lowe Jr.  
Longwood, FL

James E. Lubarsky  
Bloomfield, NJ

Elizabeth D. Lunsford  
Washington, DC

Gina M. Lynch  
Newark, DE

Eric Maier  
Bethesda, MD

Anthony N. Mallace  
Audubon, NJ

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Bernard J. McBride Jr.  
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Margaret J. McGovern  
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Howard L. Meyer  
Elma, NY

Kimberly A. Miller  
Irving, TX

Charles L. Mitchell  
Deerfield, MA

Billie J. Moore  
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Dorothy D. Morgan  
Arlington, TX

Patrick J. Morrissey  
Edison, NJ

Charles C. Murphy  
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Kathleen M. Murphy  
West Hartford, CT

Rita G. Ndirka  
Lanham, MD

Harry J. Negro  
Princeton, NJ

Andrew S. Nemeth  
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Bandele O. Oguntomilade  
Frederick, MD

Brian A. Otey  
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Robert Y. Pak  
Pennsauken, NJ

Andrew Pakis  
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Lori N. Pallas  
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Mary E. Perez  
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Jessica S. Pyatt  
Bayonne, NJ

Vijay K. Raju  
Union City, NJ

Laura C. Ramsey  
Salem, OH

Jennifer M. Ranucci  
Liberty Corner, NJ

Tara Redmond  
Toms River, NJ

Adrienne B. Reim  
Somerdale, NJ

Archie L. Rich  
Washington, DC

James C. Riley  
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Ira Rosenbaum  
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Eric S. Rosenblum  
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John W. Schroeder  
Santa Clara, CA

David R. Shaman  
Netherlands

Daniel J. Sheridan  
Lawrenceville, NJ

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Ponte Vedra Beach, FL

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Ventnor, NJ

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Kenneth A. Skarka  
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Brendan Sweeney  
New York, NY

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John M. Tapajcik  
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Joseph T. Threston III  
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Charles B. Turner IV  
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Metuchen, NJ

Robert M. Unterberger  
Wilmington, DE

Harvey F. Wachsman  
Great Neck, NY

Susan C. Walker  
Ft. Lauderdale, FL

Henry A. Walsh Jr.  
Lakewood, NJ

Mark S. Walsh  
Chester, NJ

Michael V. Ward  
San Clemente, CA

Laurie J. Weinstein  
Washington, DC

John R. Wells  
San Antonio, TX

Michael Wells  
Orlando, FL

Susan M. Wilk  
Somerville, NJ

Kevin T. Williams  
Southfield, MI

Marni M. Williams  
New Castle, DE

Ronald K. Williams  
Wilmington, DE

Wendy Z. Woods  
Washington, DC

Brian R. Yoshida  
Orchard Park, NY

Theresa M. Youngblood  
Washington, DC

Paul E. Zahn  
Mammoth Lakes, CA

Mary L. Zuschnitt  
Marlton, NJ

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

[Pa.B. Doc. No. 02-2269. Filed for public inspection December 20, 2002, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 22—EDUCATION

### PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

#### [22 PA. CODE CH. 237]

#### Definitions of Statutory Terms

The Professional Standards and Practices Commission (Commission) adopts amendments to Chapter 237 (relating to definitions of statutory terms). The final-form rulemaking is made under the authority of sections 5(a)(11) and 9.2 of the Professional Educator Discipline Act (act) (24 P. S. §§ 2070.5(a)(11) and 2070.9b).

The Commission was created by the act of December 12, 1973 (P. L. 397, No. 141) as amended by the act of November 21, 2000 (P. L. 918, No. 123) (Act 123). By virtue of the act, the General Assembly has empowered the Commission to discipline professional educators and charter school staff members. In addition, the General Assembly directed the Commission to establish definitions consistent with its authority to discipline under sections 5(a)(11) and 9.2 of the act. Accordingly, the Commission promulgated definitions in Chapter 237 in May of 1994. The Commission now adopts a final-form rulemaking to amend the definitions found in Chapter 237.

Notice of proposed rulemaking was published at 32 Pa.B. 2994 (June 22, 2002) with an invitation to submit written comments within 30 days. On September 9, 2002, the Commission voted to adopt the rulemaking as proposed. On November 7, 2002, the Independent Regulatory Review Commission (IRRC) voted to approve the rulemaking as proposed.

#### *Purpose*

Chapter 237 establishes definitions under sections 5(a)(11) and 9.2 of the act. The act recently was amended by Act 123 and this final-form rulemaking reflects the amendments to the act.

#### *Summary of Regulations*

The most significant new requirements under the final-form rulemaking are:

1. The recognition of the extended jurisdiction of the Commission to discipline charter school staff members, as well as professional educators, as contemplated by the recent amendments to the act.

2. The standard for "morals of a community" within the definition of immorality has been changed from a local standard to a Statewide standard to comport with the overall mission of the Commission.

3. A definition for the term "surrender in lieu of discipline" has been added to this chapter to reflect the recent amendments to the act, which designated a surrender in lieu of discipline as a specific type of discipline. The most significant impact of this designation is that surrenders in lieu of discipline are now considered public under the act.

#### *Public Comments*

The Commission received no public comments during the official public comment period. In addition, neither the House Education Committee nor the Senate Educa-

tion Committee submitted comments. The Commission did consider the comments submitted by IRRC on August 22, 2002.

In its comments, IRRC objected to the phrase "morals of the Commonwealth" within the definition of "immorality" in § 237.3 (relating to immorality) as vague and undefined. The Commission is entrusted with the responsibility of determining the present, continuing and future fitness and ability of a person to serve as a professional educator in this Commonwealth. In exercising its responsibilities, the Commission must consider the Statewide impact and effect of its decisions, as distinguished from individual employment or contractual discipline imposed by a local school entity. The vagaries of any one community's standards within this Commonwealth cannot be allowed to determine the level and extent of discipline against Commonwealth issued certification. Accordingly, the Commission decided that the appropriate moral standard should emanate from the Commonwealth community at large and not the community attendant to the educator's place of employment.

While the concept of the "morals of the Commonwealth," as well as the "morals of the community," is not defined specifically, the concepts have acquired a well-established construction through judicial and Commission decisions. The construction of the concept, as applied by the courts and the Commission, does not lend itself to definitive explication. As is true with any adjudicatory matter, professional discipline should be decided on a case-by-case basis, after consideration of all relevant facts and circumstances as presented in a due process hearing. The nature of the conduct within any particular context is critical to the Commission's determination in each case. In the judgment of the Commission, it would be inappropriate and imprudent, not to mention nearly impossible, to condense the breadth of the concept into any single comprehensive statement. The Commission thus respectfully disagrees with IRRC that the phrase "morals of the Commonwealth" needs further clarification.

With respect to § 237.9 (relating to crimes involving moral turpitude), IRRC had two comments. First, IRRC suggested that the Commission include specific examples or descriptions of actions that constitute "moral turpitude" within the definition. As with the concept of "morals of the Commonwealth," the Commission does not believe that the inclusion of specific examples within the definition is warranted. To the contrary, the Commission believes that the inclusion of examples might actually prove misleading and may lead to unintended limitations of the Commission's adjudicatory discretion.

In addition, specific applications of the definition of "moral turpitude" can be found in countless judicial decisions in this Commonwealth as well as in the adjudications of the Commission. The Commission does not wish to replace well-established judicially crafted definitions with specific examples.

Finally, IRRC commented on § 237.9(c), which sets forth the mechanism for the Commission to consider crimes added or deleted from section 111(e) of the Public School Code of 1949 (code) (24 P. S. § 1-111(e)) to determine if the crimes involve moral turpitude per se. IRRC advised the Commission to include the criteria for determining whether a crime involves moral turpitude within the definition.

The Commission believes that Chapter 237 already establishes the criteria for the moral turpitude determination. Section 237.9 specifically mandates that the Commission, in determining whether a specific crime involves moral turpitude, limit its consideration to the elements of the crime as juxtaposed against the stated definition of "moral turpitude." The underlying facts of each case are not relevant. Under § 237.1 (relating to purpose), the Commission may look to judicial interpretations and decisions of the Secretary of Education for guidance in the prescribed analysis. It is the opinion of the Commission that the moral turpitude determination does not need further elaboration.

IRRC also queried how the Commission will notify the public of its decisions relating to crimes that are added to or deleted from section 111(e) of the code. The Commission's decisions are made in public at its regularly scheduled and advertised meetings. In addition, its written decisions are available to the public with the exception of those decisions that remain confidential under the act. The Commission agrees that its decisions, in this area as well as in others, should be more readily accessible to the public. To that end, the Commission will publish in its Annual Report a more comprehensive summary of its decisions, including the grounds for discipline, the level of discipline imposed and the crimes that have been determined to involve moral turpitude. The Commission does not believe, however, that the regulations need to specify the particular means of communicating its decisions to the public.

*Affected Parties*

Chapter 237 primarily affects all professional educators who have been certified by the Department of Education, as well as charter school staff members, who are employed by a charter school in a position for which Commonwealth certification would be required in a public school other than a charter school, but who are not required to hold State certification under section 1724-A of the code (24 P. S. § 17-1724-A).

*Cost and Paperwork Estimates*

The final-form rulemaking will not create any additional costs or paperwork for affected parties, which include professional educators, charter school staff members, local school districts and the Department.

*Effective Date*

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

*Sunset Date*

The Commission will review the effectiveness of Chapter 237 on an ongoing basis. Thus, no sunset date is necessary.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 8, 2002, the Commission submitted a copy of the notice of proposed rulemaking, published at 32 Pa.B. 2994, to IRRC and to the Chairpersons of the House and Senate Committees on Education for review and comment.

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

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on November 28, 2002, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 7, 2002, and approved the final-form rulemaking.

*Contact Person*

Questions or comments should be directed to Carolyn Angelo, Executive Director, Professional Standards and Practices Commission, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-6576. Alternative formats of the final-form rulemaking (for example, Braille, large print or cassette tape) can be made available to members of the public upon request to Carolyn Angelo at the previous telephone number.

*Findings*

The Commission finds that:

(1) Public notice of the intention to adopt the regulations 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 the regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.

(2) The regulations are necessary and appropriate for the administration of the act.

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 22 Pa. Code Chapter 237, are amended by amending §§ 237.1—237.4, 237.8 and 237.9; by deleting § 237.6; and by adding § 237.10 to read as set forth at 32 Pa.B. 2994.

(b) The Executive Director of the Commission shall submit this order and 32 Pa.B. 2994 to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form as required by law.

(c) The Executive Director of the Commission shall certify this order and 32 Pa.B. 2994 and deposit them with the Legislative Reference Bureau, as required by law.

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

CAROLYN ANGELO,  
*Executive Director*

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 32 Pa.B. 5816 (November 23, 2002).)

**Fiscal Note:** Fiscal Note 6-274 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 02-2270. Filed for public inspection December 20, 2002, 9:00 a.m.]

**Title 25—ENVIRONMENTAL PROTECTION**

**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
[25 PA. CODE CH. 93]**

**Corrective Amendment to 25 Pa. Code § 93.9w**

The Department of Environmental Protection has discovered a discrepancy between the agency text of 25

Pa. Code § 93.9w (relating to Drainage List W), as deposited with the Legislative Reference Bureau and as published at 30 Pa.B. 6059, 6105 (November 18, 2000), and the official text as published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 315), and as currently appearing in the *Pennsylvania Code*. The amendments made by the Department at 30 Pa.B. 6059, 6105 were codified incorrectly.

Therefore, under 45 Pa.C.S. § 901: The Department of Environmental Protection has deposited with the Legisla-

tive Reference Bureau a corrective amendment to 25 Pa. Code § 93.9w. The corrective amendment to 25 Pa. Code § 93.9w is effective as of February 3, 2001, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of 25 Pa. Code § 93.9w appears in Annex A, with ellipses referring to the existing text of the regulation.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION**  
**PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Subpart C. PROTECTION OF NATURAL RESOURCES**  
**ARTICLE II. WATER RESOURCES**  
**CHAPTER 93. WATER QUALITY STANDARDS**  
**ANTIDegradation Requirements**

**§ 93.9w. Drainage List W.**

**Ohio River Basin In Pennsylvania**  
*Ohio River*

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
1—Ohio River	Main Stem, Confluence of Allegheny and Monongahela Rivers to PA-OH State Border	Beaver	WWF, Add N	See Orsanco, Pollution Control Standards
2—Unnamed tributaries to Ohio River	Basins, Confluence of Allegheny and Monongahela Rivers to PA-Ohio State Border	Allegheny-Beaver	WWF	None

\* \* \* \* \*

[Pa.B. Doc. No. 02-2271. Filed for public inspection December 20, 2002, 9:00 a.m.]

**INSURANCE DEPARTMENT**  
**UNDERGROUND STORAGE TANK**  
**INDEMNIFICATION BOARD**  
**[25 PA. CODE CH. 977]**  
**Fees and Collection Procedures**

The Insurance Department (Department) and the Underground Storage Tank Indemnification Board (Board) amend §§ 977.12 and 977.33 (relating to owner and operator fees; and fund coverage and exclusions) to read as set forth in Annex A. Sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412) provide the Insurance Commissioner with the authority to promulgate regulations governing the enforcement of the laws relating to insurance. Section 705 of the Storage Tank and Spill Prevention Act (act) (35 P. S. § 6021.705) provides the Board with the authority to promulgate regulations concerning the establishment of fees to be paid by participants in the Underground Storage Tank Indemnification Fund (Fund). Public notice of this amendment is impractical and unnecessary because the proposed changes are needed to ensure the solvency of the Fund and any input from the public would not decrease the necessity to increase the fees collected.

Notice of proposed rulemaking is omitted in accordance with section 204(3) of the act of July 31, 1968 (P. L. 769,

No. 240) (45 P. S. § 1204(3)), known as the Commonwealth Documents Law (CDL). In accordance with section 204(3) of the CDL, notice of proposed rulemaking may be omitted when the agency for good cause finds that public notice of its intention to amend an administrative regulation is, under the circumstances, impracticable and unnecessary.

*Purpose*

The amendments will bring the regulation's fees to the appropriate levels as recommended by an actuarial report that was completed on September 12, 2002. After reviewing this report, the Board determined that this increase is necessary to maintain the solvency of the Fund for the public health and safety of this Commonwealth's citizens and their environment. The actuarial study, performed by MMC Enterprise Risk Consulting, Inc., determined that an increase in the gallon and capacity fees was necessary to maintain the actuarial soundness of the Fund in the future.

*Explanation of Regulatory Requirements*

Section 977.12 is being changed to reflect the fees that the Board approved after extensive review and discussion of the report.

Section 977.33 is being changed to reflect the changes made to the act by the amendments contained in the act of December 13, 2002 (P. L. 900, No. 99). These amendments increase the limits of liability for corrective action

costs and bodily injury and property damage claims that may occur from an underground release.

*Fiscal Impact*

An owner or operator transacting business in this Commonwealth will be affected by these amendments. The fee increases approved by the Board are significant; however, despite these increases, the fees are only half as much as they were when the program began in 1994.

The costs that the 2,045 local governments/school districts are currently paying will increase by approximately \$482 per quarter or \$1,928 per year for each municipality/school district.

State-owned tanks are exempt from all Fund fees.

*General Public*

Because the public is a consumer of goods and services provided by owners and operators of an underground storage tank (UST) or a heating oil tank (HOT), any increase to the fees could result in higher prices to consumers. However, it is expected that this increase in fees will result in an additional \$.81 per month to motorists, in accordance with a survey on vehicle fuel consumption and expenditures by United States' households, conducted by the Energy Information Administration, Office of Energy Markets and End Use.

This increase is proposed to keep the Fund solvent after an actuarial study completed in September 2002 indicated the need for additional revenue to maintain the Fund's actuarial soundness.

*Effectiveness/Sunset Date*

This final-omitted rulemaking will become effective January 1, 2003.

*Paperwork*

Adoption of this final-omitted rulemaking should not require significant paperwork for the owners or operators of USTs or HOTs. The paperwork necessary after the increase is expected to be the same as before the increase was implemented.

*Persons Regulated*

This final-omitted rulemaking applies to owners or operators of USTs and HOTs in this Commonwealth.

*Contact Person*

Questions regarding the final-omitted rulemaking may be addressed to Peter J. Salvatore, Regulatory Coordinator, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429. Questions may also be e-mailed to psalvatore@state.pa.us or faxed to (717) 772-1969.

*Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on October 25, 2002, the Department and the Board submitted a copy of this rulemaking with the proposed rulemaking omitted to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Insurance and the Senate Committee on Banking and Insurance. On the same date, the final-omitted rulemaking was submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

In accordance with section 5.1(d) of the Regulatory Review Act, this final-omitted rulemaking was deemed approved by the Senate and House Committees on No-

vember 14, 2002. The Attorney General approved this final-omitted rulemaking on November 8, 2002. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 21, 2002, and approved this final-omitted rulemaking.

*Findings*

The Insurance Commissioner finds that:

(1) There is good cause to amend §§ 977.12 and 977.33 effective upon publication with the proposed rulemaking omitted. Deferral of the effective date of these regulations would be impractical and not serve the public interest. Under section 204(3) of the CDL, there is no purpose to be served by deferring the effective date. An immediate effective date will best serve the public interest by ensuring that fees have the full potential that the actuarial study predicted.

(2) There is good cause to forego public notice of the intention to amend §§ 977.12 and 977.33 because notice of proposed rulemaking under the circumstances is unnecessary and impractical because the changes proposed are necessary to ensure the solvency of the Fund and any input from the public would not decrease the necessity to increase the fees collected.

*Order*

The Insurance Commissioner, acting under the authority in sections 206, 506, 1501 and 1502 of The Administrative Code of 1929, orders that:

(1) The regulations of the Department, 25 Pa. Code Chapter 977, are amended by amending §§ 977.12 and 977.33 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

(4) This order shall take effect January 1, 2003.

M. DIANE KOKEN,  
Insurance Commissioner  
E. BRUCE SELLER,  
Chairperson  
Underground Storage Tank Indemnification Board

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 32 Pa.B. 6016 (December 7, 2002).)

**Fiscal Note:** 11-216. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION.**

**PART VIII. UNDERGROUND STORAGE TANK INDEMNIFICATION BOARD**

**CHAPTER 977. UNDERGROUND STORAGE TANK INDEMNIFICATION FUND**

**Subchapter B. FEES AND COLLECTION PROCEDURES**

**§ 977.12. Owner and operator fees.**

\* \* \* \* \*

(b) *Tank and gallon fees.* A UST owner or operator storing gasoline, new motor oil, hazardous substances,



gasohol, aviation fuel, mixture, farm diesel and other types of substances based on the tank registration information maintained by the DEP may be assessed the following fees:

\* \* \* \* \*

(2) *Gallon fee.* A gallon fee on all regulated substances entering a UST of \$.01 per gallon. (For example, 10,000 gallons at \$.01 per gallon equals \$100).

\* \* \* \* \*

(d) *Capacity fee.* An owner or operator which stores regulated substances including diesel, heating oil, used motor oil, kerosene and unknown substances based on the tank registration information maintained by the DEP may be assessed a capacity fee of \$.075 per gallon of capacity, which amount is established in accordance with section 705(d)(2) of the act (35 P. S. § 6021.705(d)(2)). (For example, 10,000 gallons at \$.075 per gallon equals \$750).

**Subchapter C. COVERAGE AND CLAIMS PROCEDURES**

**§ 977.33. Fund coverage and exclusions.**

(a) *Fund coverage.*

\* \* \* \* \*

(4) *Limits of liability.* Payment of corrective action costs and bodily injury and property damage claims (See section 704 of the act (35 P. S. § 6021.704)) are subject to the following limits of liability:

(i) Payments for reasonable and necessary corrective action costs, and bodily injury or property damage may not exceed a total of \$1.5 million per tank per occurrence and may not exceed the annual aggregate limit.

(ii) Payments may not exceed:

(A) An annual aggregate of \$1.5 million for each owner and operator of 100 or less USTs or an owner or operator of 100 or less HOTS.

(B) An annual aggregate of \$3 million for each owner or operator of 101 or more USTs or an owner or operator of 101 or more HOTS.

\* \* \* \* \*

[Pa.B. Doc. No. 02-2272. Filed for public inspection December 20, 2002, 9:00 a.m.]

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# PROPOSED RULEMAKING

## FISH AND BOAT COMMISSION

[58 PA. CODE CH. 53]  
Commission Property

The Fish and Boat Commission (Commission) proposes to amend Chapter 53 (relating to Commission property). The Commission is publishing this amendment as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

A. *Effective Date*

The proposed rulemaking, if approved on final-form rulemaking, will go into effect upon publication 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. This proposed rulemaking is available electronically through the Commission's website (<http://www.fish.state.pa.us>).

C. *Statutory Authority*

The proposed amendment to § 53.8 (relating to boats) is published under the statutory authority of section 741 of the code (relating to control of property).

D. *Purpose and Background*

The proposed rulemaking is designed to update, modify and improve the Commission's regulations pertaining to its property. The specific purpose of the proposed rulemaking is described in more detail under the summary of proposal.

E. *Summary of Proposal*

A Commission waterways conservation officer recently cited an individual for retrieving an unregistered and unpermitted canoe from the Commission's Upper Black Eddy access on the Delaware River. At the hearing before the district justice, the individual argued that he was not in violation of the Commission's regulations because the registration requirement of § 53.8(h) does not apply to noncommercial users of all accesses on the Delaware River. The district justice ruled in his favor. Accordingly, the Commission proposes to amend this section to avoid further misinterpretation.

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. The proposed rulemaking 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 regarding 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 at [ra-pfbcregs@state.pa.us](mailto:ra-pfbcregs@state.pa.us). A subject heading of the proposal and a return name and address shall be included in each transmission. In addition, all electronic comments shall 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-138. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart A. GENERAL PROVISIONS**

**CHAPTER 53. COMMISSION PROPERTY**

**§ 53.8. Boats.**

\* \* \* \* \*

(h) A boat using a Commission lake or access area shall be registered and display the official registration number and current validation stickers described under Subpart C and Part III of the code.

(1) This subsection does not apply to:

\* \* \* \* \*

(ii) Noncommercial users of access areas on the **West Branch of the Delaware River and the portion of the Delaware River [and West Branch of the Delaware River bounded by the State of New York] upstream of the Interstate 84 Bridge.**

\* \* \* \* \*

[Pa.B. Doc. No. 02-2273. Filed for public inspection December 20, 2002, 9:00 a.m.]

# GAME COMMISSION

[58 PA. CODE CH. 147]

## Special Permits; Exotic Wildlife

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 8, 2002, meeting, proposed the following change:

Amend §§ 147.241, 147.261 and 147.281 (relating to scope) to require applicants to have 2 years of experience of hands-on work with exotic wildlife.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed amendments is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the October 8, 2002, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until December 27, 2002.

1. *Introduction*

The Commission is proposing to amend Chapter 147 (relating to special permits) by adding §§ 147.241(g), 147.261(f) and 147.281(g).

2. *Purpose and Authority*

Currently, permits to acquire, possess and dispose of wild animals can be issued to individuals without any education or experience in caring for and safeguarding the public from these animals. This can result in mistreatment of the animals and endangerment of the public. The proposed rulemaking will remedy this situation by requiring permit applicants to have at least 2 years of hands-on work experience with the species involved.

Section 2901(b) of the code (relating to authority to issue permits) provides that "the Commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under the authority of any permit issued." This section provides the authority for the proposed rulemaking.

3. *Regulatory Requirements*

The proposed rulemaking will require applicants to have 2 years of experience of hands-on work with exotic wildlife.

4. *Persons Affected*

Persons applying for exotic wildlife possession, exotic wildlife dealer and menagerie permits will be affected by the proposed rulemaking.

5. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in any additional cost or paperwork.

6. *Effective Date*

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

7. *Contact Person*

For further information regarding the proposed rule-making, contact David E. Overcash, Director, Bureau of

Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** 48-153. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 147. SPECIAL PERMITS**

**Subchapter M. EXOTIC WILDLIFE DEALER**

**§ 147.241. Scope.**

\* \* \* \* \*

**(g) Experience required.** A new applicant for an exotic wildlife dealer permit shall provide documentation of at least 2 years experience of hands-on work with the designated species, including care, feeding, handling, training and husbandry. This experience shall be from a recognized/approved facility and the owner, manager or licensee of this facility shall provide a letter of reference.

**Subchapter N. EXOTIC WILDLIFE POSSESSION**

**§ 147.261. Scope.**

\* \* \* \* \*

**(f) Experience required.** A new applicant for an exotic wildlife possession permit shall provide documentation of at least 2 years experience of hands-on work with the designated species, including care, feeding, handling, training and husbandry. This experience shall be from a recognized/approved facility and the owner, manager or licensee of this facility shall provide a letter of reference.

**Subchapter O. MENAGERIES**

**§ 147.281. Scope.**

\* \* \* \* \*

**(g) Experience required.** A new applicant for a menagerie permit shall provide documentation of at least 2 years experience of hands-on work with the designated species, including care, feeding, handling, training and husbandry. This experience shall be from a recognized/approved facility and the owner, manager or licensee of this facility shall provide a letter of reference.

[Pa.B. Doc. No. 02-2274. Filed for public inspection December 20, 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 December 10, 2002.

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
12-9-02	F.N.B. Corporation, Naples, FL, to acquire up to 20.0% of the voting shares of Sun Bancorp, Inc., Selinsgrove, PA	Naples, FL	Approved

#### Branch Application

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-25-02	Community Banks Millersburg Dauphin County	55 Wetzel Drive Hanover Conewago Township Adams County	Opened
12-2-02	Firsttrust Savings Bank Conshohocken Montgomery County	133 Lancaster Ave. Devon Chester County	Opened
12-4-02	First Columbia Bank & Trust Company Bloomsburg Columbia County	Route 93 and Dessen Drive Hazleton Luzerne County	Approved
12-4-02	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	37-41 Brown Street Middletown Dauphin County (Drive-Up Facility)	Approved
12-4-02	The Legacy Bank of Harrisburg Harrisburg Dauphin County	4231 Trindle Road Camp Hill Cumberland County	Approved
12-10-02	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	1142 Northern Blvd. Clarks Summit Lackawanna County	Approved

#### Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-10-02	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 4110 Brownsville Rd. Pittsburgh Allegheny County  <i>From:</i> 4148 Brownsville Rd. Pittsburgh Allegheny County	Approved

#### Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-29-02	Allegheny Valley Bank of Pittsburgh Pittsburgh Allegheny County	4401 Penn Avenue Pittsburgh Allegheny County	Effective

**Articles of Amendment**

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
12-10-02	First CornerStone Bank King of Prussia Montgomery County	Amendment to Article Fifth of the Articles of Incorporation provides for a reduction in the par value of common stock from \$5 per share to \$1 per share.	Approved and Effective

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

PAUL H. WENTZEL, Jr.,  
*Acting Secretary*

[Pa.B. Doc. No. 02-2275. Filed for public inspection December 20, 2002, 9:00 a.m.]

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

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of January 2003, is 7%.

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 4.55 to which was added 2.50 percentage points for a total of 7.05 that by law is rounded off to the nearest quarter at 7%.

PAUL H. WENTZEL, Jr.,  
*Acting Secretary*

[Pa.B. Doc. No. 02-2276. Filed for public inspection December 20, 2002, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

**Application of Strayer University for Approval to Operate in this Commonwealth****Opportunity for Hearing and Invitation to Protest**

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of Strayer University for a

Certificate of Authority approving the institution's application for authorization to operate in two locations in the general Philadelphia area of this Commonwealth.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without hearing, unless within 30 days after the publication of the notice in the *Pennsylvania Bulletin*, a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Paula Fleck, Chief, Division of Program Services, Department of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 772-3623 by 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Paula Fleck at (717) 772-3623 to discuss how the Department may best accommodate their needs.

CHARLES B. ZOGBY,  
*Secretary*

[Pa.B. Doc. No. 02-2277. Filed for public inspection December 20, 2002, 9:00 a.m.]

**Availability of 2002-2003 Innovative Learning and Workforce Development Funding for Agriculture Programs; Statewide Demonstration Project**

Applications for Innovative Learning and Workforce Development Funding for Agriculture Programs' Statewide demonstration project are invited. The project period is from January 20, 2003, to June 30, 2003. The maximum amount for one Statewide demonstration project per application is \$70,000.

**1. Eligibility Requirements**

Funding is available on a competitive basis to high schools and career and technical education centers with approved agriculture programs.

**2. Applications Deadline**

Applications are due January 20, 2003, by 5 p.m.

**3. How to Apply**

The Department of Education (Department) has implemented an Internet-based E-Grant system that requires eligible applicants to apply for funding online. The grant guidelines will be available on the Department's website: [www.pde.state.pa.us/](http://www.pde.state.pa.us/). Click on "K-12 Schools"; then on the left hand side, click on "Career and Technical Education, Grants and Funding, Funding Sources." This page provides a listing of the various funding guidelines. Click on "Innovative Learning and Workforce Development."

**4. Questions Concerning the Grant Application**

Questions concerning the grant application should be addressed to John Bonchalk, General Vocational Education Advisor, Department of Education, Bureau of Career and Technical Education, Division of Contract Administration, 333 Market Street, 6th Floor, Harrisburg, PA 17126-0333, (717) 772-4177, [jbonchalk@state.pa.us](mailto:jbonchalk@state.pa.us).

CHARLES B. ZOGBY,  
*Secretary*

[Pa.B. Doc. No. 02-2278. Filed for public inspection December 20, 2002, 9:00 a.m.]

**Availability of 2002-2003 Innovative Learning and Workforce Development Funding; Demonstration Project**

Applications for An Innovative Learning and Workforce Development Funding Demonstration Project are invited.

The project period is from January 20, 2003, to June 30, 2003. The maximum amount per one Statewide demonstration project is \$100,000.

**1. Eligibility Requirements**

Funding is available on a competitive basis to career and technical education centers and area school districts with approved career and technical programs.

**2. Applications Deadline**

Applications are due January 20, 2003, by 5 p.m.

**3. How to Apply**

The Department of Education (Department) has implemented an internet-based E-Grant system that requires eligible applicants to apply for funding online. The grant guidelines will be available on the Department's website: [www.pde.state.pa.us/](http://www.pde.state.pa.us/). Click on "K-12 Schools"; then on the left hand side, click on "Career and Technical Education, Grants and Funding, Funding Sources." This page provides a listing of the various funding guidelines. Click on "Innovative Learning and Workforce Development."

**4. Questions Concerning the Grant Application**

Questions concerning the grant application should be addressed to John Bonchalk, General Vocational Education Advisor, Department of Education, Bureau of Career and Technical Education, Division of Contract Administration, 333 Market Street, 6th Floor, Harrisburg, PA 17126-0333, (717) 772-4177, [jbonchalk@state.pa.us](mailto:jbonchalk@state.pa.us).

CHARLES B. ZOGBY,  
*Secretary*

[Pa.B. Doc. No. 02-2279. Filed for public inspection December 20, 2002, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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

#### NPDES APPLICATIONS

#### PART I PERMITS

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

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

Persons wishing to comment on 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

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

<i>NPDES No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0043575	Lykens Borough Authority 200 Main Street, Suite C Lykens, PA 17048	Dauphin County Lykens Borough	Wiconisco Creek 6-C	Y
PA0080004	Martin's Famous Pastry Shoppe, Inc. 1000 Potato Roll Lane Chambersburg, PA 17201	Franklin County Antrim Township	UNT to Conococheague Creek 13-C	Y

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

**PA0020541**, Sewage, **Girard Borough**, 34 Main Street West, Girard, PA 16417. This facility is located in Girard Borough, **Erie County**.

Description of Proposed Activity: The applicant requests renewal of an NPDES permit to discharge treated sanitary sewage to Elk Creek in Girard Borough, Erie County. This is an existing discharge.

The receiving stream, Elk Creek, is in the Lake Erie watershed and classified for WWF, 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, there is no existing/proposed downstream potable water supply to consider until Lake Erie.

The proposed effluent limits for Outfall 001 based on a design flow of 0.996 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> (5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N (5-1 to 10-31)	3.5		7.0
(11-1 to 4-30)	10.5		21
Dissolved Oxygen		minimum of 5.0 mg/l at all times	
Phosphorus as "P"	1.0		
Total Residual Chlorine	0.14		0.5
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		5,700/100 ml as a geometric average	
pH		6.0 to 9.0 standard units at all times	

The EPA waiver is in effect.

**PA0000701**, Sewage, **PFV Enterprises, Inc.**, R. D. 2 Fieldmore Hill Road, Titusville, PA 16354. This facility is located in Oil Creek Township, **Venango County**.

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

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 Emlenton Water Company and the Allegheny River located at Emlenton, approximately 57 miles below point of discharge.

The receiving stream, Pine Creek, is in watershed 16-E and classified for CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are 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>
Flow (MGD)	0.007		
CBOD <sub>5</sub>	25		50

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30		60
NH <sub>3</sub> -N (5-1 to 10-31)	7.5		15
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 6,000/100 ml as a geometric average	
Total Residual Chlorine	1.4		3.3
pH		6.0 to 9.0 standard units at all times	

The EPA waiver is in effect.

**PA0034789**, Industrial Waste, **St. Marys Area Water Authority**, 429 Ridgeway Road, P. O. Box 33, St. Marys, PA 15857. This proposed facility is located in St. Marys, **Elk County**.

Description of Proposed Activity: discharge of treated industrial waste.

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 Clarion River and Pennsylvania American Water Company located at Clarion, approximately 68 miles below point of discharge.

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

The proposed effluent limits for Outfall 001 based on a design flow of 0.146 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	60	75
Aluminum	0.95	1.8	2.4
Total Iron	2.0	4.0	5.0
Manganese	1.0	2.0	2.5
Total Residual Chlorine	0.2		0.6
pH		6.0 to 9.0 standard units at all times	

The EPA waiver is in effect.

**PA0222771 Amendment No. 2**, Industrial Waste, **Honeywell International—Titusville**, 1100 East Main Street, Titusville, PA 16354. This existing facility is located in Titusville, **Crawford County**.

Description of Proposed Activity: requested reduced monitoring frequencies for discharge of once through noncontact cooling water and Group 2 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 Emlenton Water Company and the Allegheny River located at Emlenton, 48 miles below point of discharge.

The receiving stream, Oil Creek, is in watershed 16-E and classified for CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.027 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
Oil and Grease	15	23	30
Total Residual Chlorine	0.5	0.8	1.2
pH		6.0 to 9.0 standard units at all times	

The proposed effluent limits for Outfall Nos. 002 and 003 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>
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These outfalls shall consist of uncontaminated stormwater runoff only.  
Refer to stormwater only outfalls condition in Part C.

XX—Monitor and report on monthly DMRs.

This Amendment No. 2 is for the relaxation of monitoring frequencies at Outfall 001 due to water conservation measures and a re-review of chemical additives.

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.*



**PA0058092**, Industrial Waste, **Department of Environmental Protection**, 555 North Lane, Lee Park, Suite 6010, Conshohocken, PA 19428. This application is for issuance of an NPDES permit to discharge treated groundwater from Blue Bell Gulf Station in Whitpain Township, **Montgomery County**. This is a new discharge to Willow Run.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.01 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>
Benzene	0.001	0.002	0.0025
Total BTEX	0.1	0.2	0.25
Ethylbenzene	Monitor and Report	Monitor and Report	
Toluene	Monitor and Report	Monitor and Report	
Xylenes, Total	Monitor and Report	Monitor and Report	
MTBE	0.02	0.04	0.05
pH	Within limits of 6.0—9.0 Standard Units at all times		

The EPA waiver is in effect.

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

**PA902202**, Industrial, **Lehigh County Pretreatment Facility**, 7676 Industrial Boulevard, Allentown, PA 18106. This proposed facility is located in Upper Macungie Township, **Lehigh County**.

Description of Proposed Activity: Issuance of individual NPDES stormwater permit.

The receiving stream, Little Lehigh Creek, is in the State Water Plan watershed #2C and is classified for HQ-CWF, aquatic life, water supply treatment. The nearest downstream public water supply intake for the City of Allentown water supply is located on the Little Lehigh Creek, approximately 5 miles below the point of discharge.

Nine stormwater outfalls subject to stormwater Appendix J optional monitoring requirements.

**PA232202**, Industrial, **Lehigh Cultured Marble, Inc.**, 111 Lehigh Street, Macungie, PA 18062. This proposed facility is located in Macungie Borough, **Lehigh County**.

Description of Proposed Activity: Issuance of an NPDES Permit to discharge stormwater runoff.

The receiving stream, Swabiu Creek, is in the State Water Plan watershed #2C and is classified for HQ-CWF. The nearest downstream public water supply intake for Keystone Water Company is located on the Delaware River, 66 miles below the point of 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>
CBOD <sub>5</sub>				Report
COD				Report
Oil and Grease				Report
pH				Report
TSS				Report
TKN				Report
Total Phosphorus				Report
Dissolved Iron				Report

**PA0043206**, Sewage, **Trails End Camp, RRSC, Inc.**, 1714 Wantagh Avenue, Wantagh, NY 11793. This proposed facility is located in Berlin Township, **Wayne County**.

Description of Proposed Activity: Application for renewal of NPDES permit to discharge treated sewage.

The receiving stream, unnamed tributary to Beach Lake, is in the State Water Plan watershed #1A and is classified for HQ-CWF. The nearest downstream public water supply intake for East Stroudsburg is located on the Delaware River, approximately 60 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.03 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25.0		50.0
Total Suspended Solids	30.0		60.0
Fecal Coliform	200/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	1.2		2.8

**PA0026000**, Sewage, **City of Allentown**, Allentown, PA 18102. This proposed facility is located in City of Allentown, **Lehigh County**.

Description of Proposed Activity: Renewal of existing NPDES permit to discharge 40.0 mgd of treated sewage.

The receiving stream, Lehigh River, is in the State Water Plan watershed #2C and is classified for WWF. The nearest downstream public water supply intake for Keystone Water Company is located on the Delaware River, approximately 60 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 40.0 mgd.

Parameter	Average	Average	Maximum
	Monthly (mg/l)	Weekly (mg/l)	Daily (mg/l)
CBOD <sub>5</sub>	20.0	30.0	40.0
Total Suspended Solids	30.0	45.0	60.0
NH <sub>3</sub> -N			
(5-1 to 10-31)	5.0		10.0
(11-1 to 4-30)	15.0		30.0
Dissolved Oxygen	A minimum of 5.0 mg/l at all times.		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	0.5		1.0

In addition to the effluent limits, the permit contains the following major special conditions: chronic whole effluent toxicity testing.

**PA0060437**, Sewage, **Pine Grove Estates Sewer and Water Company**, R. R. 2, Box 2658, Beach Lake, PA 18405. This proposed facility is located in Damascus Township, **Wayne County**.

Description of Proposed Activity: Renew NPDES permit for discharge of treated sewage.

The receiving stream, unnamed tributary to Delaware River, is in the State Water Plan watershed #1A and is classified for HQ, CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for East Stroudsburg/Stroudsburg is located on the Delaware River, approximately 50 miles below the point of discharge.

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

Parameter	Average	Average	Instantaneous
	Monthly (mg/l)	Weekly (mg/l)	Maximum (mg/l)
CBOD <sub>5</sub>			
(5-1 to 10-31)	10		20
(11-1 to 4-30)	20		40
Total Suspended Solids	30		60
NH <sub>3</sub> -N			
(5-1 to 10-31)	3		6
(11-1 to 4-30)	9		18
Dissolved Oxygen	A minimum of 7 mg/l at all times.		
Fecal Coliform	200/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	.1		.2

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

**PA0026972**, Sewage, **Exeter Township, Berks County Authority**, 400 Hanover Street, Birdsboro, PA 19508-9181. This facility is located in Exeter Township, **Berks County**.

Description of activity: The application is for renewal of an NPDES permit for a existing discharge of treated sewage.

The receiving stream, Schuylkill River, is in Watershed 3-D and classified for WWF, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Pottstown Borough is located on the Schuylkill River, approximately 8 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 1.2 MGD are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Average Weekly	Instantaneous Maximum
pH (S. U.)	XXX	XXX	From 6.0 to 9.0 inclusive		
D. O.	XXX	XXX	Minimum of 5.0 mg/l at all times		
Total Residual Chlorine	XXX	XXX	0.40	XXX	0.90
Total Suspended Solids	300	450	30	45	60
CBOD <sub>5</sub>	250	400	25	40	50
NH <sub>3</sub> -N	Monitor and Report	XXX	Monitor and Report	XXX	XXX
Total Copper	0.068	XXX	0.057	XXX	0.114
Fecal Coliform					
(5-1 to 9-30)	XXX	XXX	200	XXX	XXX
(10-1 to 4-30)	XXX	XXX	10,000	XXX	XXX

The proposed effluent limits for Outfall 002 based on a design flow of 5.9 MGD are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Average Weekly	Instantaneous Maximum
pH (S. U.)	XXX	XXX	From 6.0 to 9.0 inclusive		
D. O.	XXX	XXX	Minimum of 5.0 mg/l at all times		
Total Residual Chlorine	XXX	XXX	0.40	XXX	0.90
Total Suspended Solids	1,476	2,214	30	45	60
CBOD <sub>5</sub>	1,230	1,968	25	40	50
Total Copper	2.805	XXX	0.057	XXX	0.114
Fecal Coliform					
(5-1 to 9-30)	XXX	XXX	200	XXX	XXX
(10-1 to 4-30)	XXX	XXX	10,000	XXX	XXX

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

The EPA waiver is not in effect.

**PA0246956**, Sewage, **Alsace Township**, 65 Woodside Avenue, Temple, PA 19560-9530. This facility is located in Alsace Township, **Berks County**.

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

The receiving stream, UNT Little Manatawny Creek, is in Watershed 3-D and classified for CWF, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Pennsylvania American Water Company is located on the Schuylkill River, approximately 50 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.071 MGD are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Average Weekly	Average Monthly	Average Weekly	Instantaneous Maximum
pH			From 6.0 to 9.0 inclusive		
Dissolved Oxygen			Minimum of 5.0 mg/l at all times		
Total Residual Chlorine			0.30		0.97
Total Suspended Solids	17	26	30	45	60
CBOD <sub>5</sub>	14	23	25	40	50
NH <sub>3</sub> -N					
(5-1 to 10-31)	2.37		4.0		8.0
(11-1 to 4-30)	7.10		12		24
Fecal Coliform					
(5-1 to 9-30)			200/100 ml as a geometric average		
(10-1 to 4-30)			3,700/100 ml as a geometric average		

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

The EPA waiver is not in effect.

**PAG123569**, CAFO, **John Huber**, 22 West Mill Port Road, Lititz, PA 17543. This proposed facility is located in North East Madison Township, **Perry County**.

Description of Proposed Activity: The John Huber Farm is an existing swine operation with a total AEUs of 866.76. An estimated quantity of total annual manure production is 8,948 tons. The operation consists of 3,000 finishing swine with plans to expand with an additional 4,000 finishing swine. The manure containment facilities will be in two engineer certified, concrete manure storage structures located under the two buildings. The existing structure has approximately 650,000 gallons of storage capacity and the new structure will have approximately 900,000 gallons of storage capacity. Each structure will include 6 inches of freeboard capacity. The first swine operation generates 1,536,435 gallons of manure with 1,060,440 gallons being used on the farm and 475,995 gallons being exported from the farm. Of the 2,033,580 gallons of manure that will be produced with the second swine operation, all of the manure will be exported from the farm.

The receiving stream, Bixler Run, is in the State Water Plan watershed 7-A and is classified for CWF.

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

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

**PA0216607**, Industrial Waste, SIC, **Texas Eastern Transmission Corporation**, 5151 San Felipe, Houston, TX 77056. This application is for renewal of an NPDES permit to discharge treated process water (air compressor condensate) and groundwater from Delmont Compressor Station in Salem Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, Beaver Run, classified as a HQ-CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Westmoreland Municipal Water Authority, located at Beaver Run, approximately 5.0 miles below the discharge point.

*Outfall 001*: existing discharge, design flow of 0.04 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
Total Polychlorinated Biphenyls			$9.5 \times 10^{-7}$	$1.9 \times 10^{-6}$	
pH	not less than 6.0 nor greater than 9.0				

*Outfall 002*: new discharge, design flow of 0.012 MGD

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
CBOD <sub>5</sub>			10		20
Total Suspended Solids			30		60
Oil and Grease			15		30
Total Polychlorinated Biphenyls			$3.06 \times 10^{-6}$	$6.13 \times 10^{-6}$	
pH	not less than 6.0 nor greater than 9.0				

Other Conditions: The water quality based effluent limits for PCBs are well below the minimum detection level and are not quantifiable using the EPA approved analytical test method. Therefore, a special language is included in the permit to address this issue. See Item No. 5 in Part C of the permit.

The EPA waiver is in effect.

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

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

**PA0095273**, Industrial Waste, SIC 1389, **Franklin Brine Treatment Corporation**, 5148 US Route 322, Franklin, PA 16323. This facility is located in Burrell Township, **Indiana County**.

Description of Proposed Activity: This application is for renewal of an NPDES permit to discharge treated brine generated during the production of oil and gas wells and treated drilling fluids. This is an existing discharge to Blacklick Creek.

The receiving stream is classified for TSF, water supply and recreation and aquatic life. For the purpose of evaluating effluent requirements, the existing downstream water supply considered during the evaluation is located in Freeport, approximately 56 miles downstream of the discharge point.

The proposed effluent limits for Outfall 001 are:

Parameter	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow		0.12 mgd	83.33 gpm
Total Iron (mg/l)	3.5		7.0
Oil and Grease (mg/l)	15		30
TSS (mg/l)	30		60
Barium (mg/l)	114	228	
Acidity (mg/l)	Monitor Only		
Alkalinity (mg/l)	Greater than acidity		
pH	6 to 9.5 at all times		
TDS (mg/l)	Monitor Only		
Chloride (mg/l)	Monitor Only		
Osmotic Pressure	Monitor Only		

The EPA waiver is in effect.

**PA0219312**, Industrial Waste, SIC 4925, **CB Energy, Inc.**, 1271 Grandview Road, Oil City, PA 16301. This proposed facility is located in Mount Pleasant Township, **Westmoreland County**.

Description of Proposed Activity: This application is for issuance of an NPDES permit to discharge water produced during coalbed methane production. This is a new discharge to Sewickley Creek.

The receiving stream is classified for WWF, water supply and recreation and aquatic life. For the purpose of evaluating effluent requirements, the existing downstream water supply considered during the evaluation is located in McKeesport, approximately 38.7 miles downstream of the discharge point.

The proposed effluent limits for Outfall 001 are:

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow		0.2 mgd	
Total Iron (mg/l)	3.5		7.0
Oil and Grease (mg/l)	15		30
TSS (mg/l)	30		60
Acidity (mg/l)	Monitor Only		
Alkalinity (mg/l)	Greater than acidity		
pH	6 to 9 at all times		
TDS (mg/l)	Monitor Only		
Chloride (mg/l)	Monitor Only		

The EPA waiver is in effect.

**WATER QUALITY MANAGEMENT  
PERMITS  
CONTROLLED INDUSTRIAL WASTE AND SEWAGE  
WASTEWATER  
APPLICATIONS UNDER THE CLEAN STREAMS  
LAW  
PART II PERMITS**

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

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

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

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

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

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

**WQM Permit No. 1598201 Amendment No. 1, Industrial Waste, Herr Food Inc., P. O. Box 300, Nottingham, PA 19362-0300.** This proposed facility is located in West Nottingham Township, **Chester County**.

Description of Proposed Action/Activity: Applicant is requesting approval to modify an existing industrial wastewater treatment and disposal facility.

**WQM Permit No. 4602418, Sewerage, Whitmarsh Township, 616 Germantown Pike, Lafayette Hill, PA 19444-1821.** This proposed facility is located in Whitmarsh Township, **Montgomery County**.

Description of Proposed Action/Activity: Applicant is requesting approval to modify the existing wastewater treatment facility, it will not increase flows or loading to or from the plant and well relate primarily to the operation of the facility.

**WQM Permit No. 0902411, Sewerage, Chalfont New Britain Township Joint Sewer Authority, 1645 Upper State Road, Doylestown, PA 18901-2666.** This proposed facility is located in Doylestown Township, **Bucks County**.

Description of Proposed Action/Activity: Applicant is requesting approval to modify the existing facilities that will include the sludge drying system.

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

**Application No. 0202411, Sewerage, South Fayette Township Municipal Authority, P. O. Box 171, Morgan, PA 15064.** Application for the construction and operation of a sanitary sewer extension to serve Fishing Run located in South Fayette Township, **Allegheny County**.

**Application No. 2602406, Sewerage, Western Pennsylvania Conservancy, Box R, Route 381 South, Mill Run, PA 15464.** Application for the construction and operation of a wastewater pumping, treatment and reuse facility to serve Fallingwater tourist attraction located in Stewart Township, **Fayette County**.

**Application No. 6377403-A2, Sewerage, Frank T. Perano, Box 677, Morgantown, PA 19543.** Application for the construction and operation of a sewerage extension to serve the Interstate Village Mobile Home Park located in Donegal Township, **Washington County**.

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

**WQM Permit No. 2588403, Sewerage, Amendment No. 1, Albion Borough, 15 Smock Avenue, Albion, PA 16401.** This proposed facility is located in Conneaut Township, **Erie County**.

Description of Proposed Action/Activity: This project is for a belt filter press for sludge dewatering at the Albion wastewater treatment facility.

**WQM Permit No. 6101401, Sewerage Amendment No. 1, Cranberry-Venango County General Authority, P. O. Box 378, Seneca, PA 16346.** This proposed facility is located in Cranberry Township, **Venango County**.

Description of Proposed Action/Activity: This project is for the replacement of an existing sanitary pump station and adjoining forcemain and gravity sewers because of construction changes in the Township.

**WQM Permit No. 2502427**, Sewerage, **Harborcreek Township Sewer Authority**, 5601 Buffalo Road, Harborcreek, PA 16421-1625. This proposed facility is located in Harborcreek Township, **Erie County**.

Description of Proposed Action/Activity: This project is for the construction of a pump station and sewer extension to serve the Spring Creek Mobile Home Park.

**NPDES Stormwater Individual Permit**

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

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

Persons wishing to comment on 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 PAS10G556**, Stormwater, **Conrad Pyle**, 372 Rose Hill Road, West Grove, PA 19390 has applied to discharge stormwater associated with a construction activity located in Penn Township, **Chester County** to unnamed tributary to Big Elk Creek (HQ).

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

*Northampton County Conservation District: Greystone Building, Gracedale Complex, Nazareth, PA 18064-9211, (610) 746-1971.*

<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAS10U188	Clifford Bonney 1055 Bushkill Center Rd. Nazareth, PA 18064	Northampton County Bushkill Township	Bushkill Creek HQ-CWF

*Carbon County Conservation District: 5664 Interchange Road, Lehighton, PA 18235-5114, (610) 377-4894.*

<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAS101321-1	Kovatch Enterprises, Inc. Hauto Valley Estates, Inc. One Industrial Complex Nesquehoning, PA 18240	Carbon County Nesquehoning, Summit Hill and Lansford Boroughs Packer Township	Nesquehoning Creek, CWF Deep Run, EV Broad Run, HQ-CWF First Hollow Run, EV Dennison Run, HQ-CWF

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

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

<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAS10H100	Richard Angino Willow Lake Estates 4503 N. Front St. Harrisburg, PA 17110	Silver Spring Township Cumberland County	Conodoguinet Creek WWF

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

*Tioga County Conservation District, 29 East Ave., Wellsboro, PA 16901 (570) 724-1801.*

<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAS1016607	Bishcroft Farm Herman Bishop R. R. 1, Box 58 Roaring Branch, PA 17765	Tioga County Liberty Township	Little Elk Run Roaring Branch HQ-CWF

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

*Cambria County Conservation District: 401 Candlelight Drive, Suite 221, Ebensburg, PA 15931.*

**NPDES Permit PAS101030**, Stormwater, **Johnstown Zamias Limited Partnership**, 300 Market Street, Johnstown, PA 15901, has applied to discharge stormwater associated with a construction activity located in Richland Township, **Cambria County** to Sandy Run (HQ-CWF).

*Washington County Conservation District: 100 West Beau Street, Suite 602, Washington, PA 15301-4402.*

**NPDES Permit PAS10W091**, Stormwater, **North Strabane Township Municipal Authority**, 1929B Route 519 South, Canonsburg, PA 15317, has applied to discharge stormwater associated with a construction activity located in North Strabane Township, **Washington County** to Little Chartiers Creek (HQ-WWF).

### **PUBLIC WATER SUPPLY (PWS) PERMIT**

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

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

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

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

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

### **SAFE DRINKING WATER**

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

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

**Permit No. 1502509**, Public Water Supply.

Applicant	<b>Chester Water Authority</b>
Township	Oxford
Responsible Official	Russell C. Williams 415 Welsh Street Chester, PA 19016
Type of Facility	PWS
Consulting Engineer	ARRO Consulting, Inc. 649 N. Lewis Road Suite 100 Limerick, PA 19468
Application Received Date	November 21, 2002
Description of Action	Upgrades to the Oxford Booster Pump Station. The project consist of removal of existing Jockey pumps and installation of two 400 gpm and one 800 pumps.

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

**Permit No. 0602511**, Public Water Supply.

Applicant	<b>Governor Mifflin School District</b>
Municipality	Brecknock Township
County	<b>Berks</b>
Responsible Official	Mark R. Naylon, Administrative Assistant for Business 10 South Waverly Street Shillington, PA 19607
Type of Facility	PWS
Consulting Engineer	Keith R. Showalter, P. E. Systems Design Engineering Inc. 4 Park Plaza Suite 105 Wyomissing, PA 19610
Application Received Date	October 28, 2002
Description of Action	Installation of a nitrate treatment system at the Brecknock Elementary School.

**Permit No. 3602522**, Public Water Supply.

Applicant	<b>West Earl Water Authority</b>
Municipality	West Earl Township
County	<b>Lancaster</b>
Responsible Official	Russell Ressler, Chairperson 157 West Metzler Road Brownstown, PA 17508

Type of Facility PWS  
 Consulting Engineer David T. Lewis, P. E.  
 ARRO Consulting Inc.  
 270 Granite Run Drive  
 Lancaster, PA 17601  
 Application Received Date November 12, 2002  
 Description of Action Construction of a 133,000 GPD  
 booster pumping station at Old  
 Akron Road and Tobacco Road.  
 Project will also include a booster  
 chlorine station.

**Permit No. 6702518**, Public Water Supply.

Applicant **The York Water Company**  
 Municipality York Township  
 County **York**  
 Responsible Official Jeffrey R. Hines  
 130 E. Market St.  
 P. O. Box 15089  
 York, PA 17405-7089

Type of Facility PWS  
 Consulting Engineer Jeffrey R. Hines, P. E.  
 York Water Company  
 130 E. Market St.  
 P. O. Box 15089  
 York, PA 17405-7089

Application Received Date November 20, 2002  
 Description of Action PWS Construction Permit  
 Application for the proposed  
 Green Valley Road Booster  
 Station. The station will include  
 two 50 gallon per minute (gpm)  
 pumps and one 400 gpm pump.

**Permit No. 3602523**, Public Water Supply.

Applicant **Crossroad Partners Smoker  
 Properties**  
 Municipality Leacock Township  
 County **Lancaster**  
 Responsible Official Linda D. Lewis, Office  
 Administrator  
 100 Historic Drive  
 P. O. Box 129  
 Strasburg, PA 17579-0129

Type of Facility PWS  
 Consulting Engineer Parley E. Hess, Jr., P. E.  
 113 Liberty Street  
 Lancaster, PA 17602

Application Received Date November 15, 2002  
 Description of Action Installation of a nitrate treatment  
 facility to serve the strip mall  
 located in Leacock Township. The  
 primary target of the treatment  
 facility is for the new Subway  
 shop that has opened on the  
 property.

**Permit No. 2102508**, Public Water Supply.

Applicant **United Water Pennsylvania**

Municipality Mechanicsburg Borough  
 County **Cumberland**  
 Responsible Official John D. Hollenbach, Vice  
 President  
 4211 East Park Circle  
 Harrisburg, PA 17111-0151

Type of Facility PWS  
 Consulting Engineer R. Michael Gephart, P. E.  
 United Water Pennsylvania  
 4211 East Park Circle  
 Harrisburg, PA 17111

Application Received Date November 20, 2002

Description of Action Installation of filter to waste  
 piping and other upgrades to the  
 Mechanicsburg Market St. plant.

**MINOR AMENDMENT**

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

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

**Application No. 1502510**, Minor Amendment.

Applicant **Honey Brook Borough  
 Authority**  
 Borough Honey Brook  
 Responsible Official Michael Shuler  
 P. O. Box 669  
 Honey Brook, PA 19433

Type of Facility PWS  
 Consulting Engineer Spotts, Stevens and McCoy, Inc.  
 3722 Lehigh Street  
 Suite 401  
 Whitehall, PA 18052

Application Received Date December 2, 2002

Description of Action Change in disinfection from gas  
 chlorine to sodium hypochlorite at  
 Wells 5—8.

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

**Application No. Minor Amendment.**

Applicant **Pennsylvania American Water  
 Co.**  
 800 West Hersheypark Drive  
 Hershey, PA 17033

Township Rush Township, **Centre County**  
 Decatur and Boggs Townships,  
**Clearfield County**

Responsible Official Steven J. Seidl, Vice  
 President—Eng.  
 Pennsylvania American Water Co.  
 800 West Hersheypark Drive  
 Hershey, PA 17033

Type of Facility PWS



Consulting Engineer Bruce E. Juergens  
 Pennsylvania American Water Co.  
 800 West Hersheypark Drive  
 Hershey, PA 17033

Application Received Date December 6, 2002

Description of Action Modifications to the Interconnect of Sandy Ridge and West Decatur Authority Water Systems to Pennsylvania American Water Company—Philipsburg System. Changes to Mock Hill Booster, the addition of the West Decatur PRV and the relocation of the Edendale Booster Station.

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

**Application No. 0402503, Minor Amendment.**

Applicant **Municipal Authority of Aliquippa**  
 160 Hopewell Avenue  
 Aliquippa, PA 15001

Township or Borough Center Township

Responsible Official Eugene Smith, General Manager  
 Municipal Authority of Aliquippa  
 160 Hopewell Avenue  
 Aliquippa, PA 15001

Type of Facility Emergency interconnect with  
 Center Township Water Authority.

Consulting Engineer Widmer Engineering  
 806 Lincoln Place  
 Beaver Falls, PA 15010

Application Received Date November 22, 2002

Description of Action Emergency interconnect

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the

intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

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

**Raub and Romond Properties**, Gibson Township, **Susquehanna County**. Kevin Van Kuren, P. G., Hydrocon Services, Inc., 16 East Minor Street, Emmaus, PA 18049 has submitted a Notice of Intent to Remediate (on behalf Helen Raub and Lee Romond, R. R. 1, Susquehanna, PA) concerning the remediation of soils and groundwater contaminated with no. 2 fuel oil as the result of an accidental release. The applicant proposes to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reportedly published in the *Citizens' Voice* on November 26, 2002.

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

**Hass Gorman Inc. Site (formerly Smith's Garage)**, Watts Township, **Perry County**. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of Hass Gorman Inc., P. O. Box 308, Bartonsville, PA 18321, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with BTEX and MTBE. 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 *Perry County Times* on November 21, 2002.

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

**David Slonaker Property**, Rockefeller Township, **Northumberland County**. Marshall Miller & Associates, on behalf of David Slonaker, R. R. 4, Box 201C, Sunbury, PA 17801, has submitted a Notice of Intent to Remediate soil contaminated with BTEX 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 *News Item*.

**Dallas Morris Drilling Accident**, Bell Township, **Clearfield County**. Petroclean, on behalf of Dallas Morris Drilling, Inc., 103 South Kendall Avenue, Route 2, Box 87, Bradford, PA 16701-9802, has submitted a Notice of Intent to Remediate soil and surface water contaminated with PHCs. 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 *Courier Express* on October 3, 2002.

### RESIDUAL WASTE GENERAL PERMITS

**Applications Received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and 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. WMGR090. Lucas Lane Inc.**, 10 Lucas Lane, Bernville, PA 19506. The application covers processing of used oil filters. The proposed processing is limited to crushing and thermal treatment. The processing will lead to beneficial use of scrap metal and waste oil generated from the filters. The application was accepted by Central Office on December 6, 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. 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 Department Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts, which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

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

### PLAN APPROVALS

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

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

**67-05069C: Bonsal American, Inc. d/b/a Oldcastle Stone Products, formerly Cemex, Inc.** (P. O. Box 220, Thomasville, PA 17364) for installation of a cage mill and dust collector to the existing closed circuit Plant 2A operation at their Thomasville Facility in Jackson Township, **York County**. The source is subject to 40 CFR 60, Subpart 000—Standards of Performance for New Stationary Sources.

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

**42-158G: Temple Inland Forest Products Corp.** (Hutchins Road, Mt. Jewett, PA 16740) for installation of an additional cyclone to reduce the amount of wood dust being sent to the PZ process at the Mt. Jewett Complex Particleboard in Sergeant Township, **McKean County**. The facility is a Title V Facility.

**10-309B: Heckett MultiServ—Plant 16** (612 North Main Street, Butler, PA 16001) for installation of a portable screen for separating steel slag in Butler, **Butler County**.

**25-025E: General Electric Transportation Systems—Erie Plant** (2901 East Lake Road, Erie, PA 16531) for construction of a natural gas-fired boiler in Erie, **Erie County**.

**25-955C: Foam Fabricators** (6550 West 26th Street, Erie, PA 16506) for modification to existing plan approval for the expanded polystyrene bead operation in Erie, **Erie County**.

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**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.**

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*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: Michael Saffo, Facilities Permitting Chief, (570) 826-2531.*

**54-399-033: Pine Grove Manufactured Homes, Inc.** (P. O. Box 128, Pine Grove, PA 17963) for construction of a cutting, adhesive and seal operation and associated air cleaning device in Pine Grove Township, **Schuylkill County**. This facility is a non-Title V facility. The processes are used to construct manufactured homes, utilizing two baghouses to reduce particulate emissions. The construction will result in emissions of not more than 49.9 tons per year of VOCs, 24.9 tons per year of total combined HAPs and 2.48 ton per year of PM. The plan approval will include all appropriate monitoring, recordkeeping and reporting requirements designed to keep the source 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.*

**36-05014E: Alumax Mill Products, Inc.** (1480 Manheim Pike, Lancaster, PA 17604) for rebuilding of the No. 9 melting furnace at their existing mill in Manheim Township, **Lancaster County**. The rebuild will include a slight enlargement of the furnace volume and the installation of new burners. No change in emissions is expected from the rebuilding of the furnace. The plan approval and amended operating permit will contain emission restrictions, work practice standards, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality requirements.

**44-05002B: New Holland North America, Inc.** (P. O. Box 868, Belleville, PA 17004) for modification of the existing farm equipment manufacturing plant. The modifications include the installation of a paint spray booth for repair coating of small parts and assemblies. The modifications may increase VOC emissions from the facility by as much as 40 tons per year. The plan approval and amended operating permit will contain emission limits along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality requirements.

**67-03110A: Govesan Manufacturing, Inc.** (939 Monocacy Road, P. O. Box 7804, York, PA 17404) for construction of an additional powder coating manufacturing line controlled by an integral cartridge collector in the City of York, **York County**. A central dust collector will

control the entire process area fugitives. The Plan Approval and Operating Permit shall contain additional recordkeeping and operating restrictions 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.*

**59-00003B: OSRAM SYLVANIA Products, Inc.** (One Jackson Street, Wellsboro, PA 16901) for construction of a 16.8 million Btu per hour natural gas and propane-fired boiler in Wellsboro Borough, **Tioga County**. The OSRAM facility is a major facility which has been issued a Title V Operating Permit.

The proposed boiler will replace an existing boiler and will incorporate a low NOx burner and flue gas recirculation system to minimize the emission of NOx. Natural gas will be the primary fuel burned with propane to be used as a backup fuel. The boiler will emit up to 2.66 tons of NOx, 5.4 tons of carbon monoxide and .44 ton of particulate matter in any 12 consecutive month period.

The Department has determined that the proposed boiler will comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. The Department consequently intends to approve the application and issue a plan approval for the construction of the proposed boiler.

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 air quality regulatory requirements:

1. The boiler shall incorporate a low NOx burner and flue gas recirculation system.
2. The boiler shall only be fired with natural gas or propane.
3. The NOx concentration in the boiler's exhaust shall not exceed 30 parts per million, dry volume basis, corrected to 3% oxygen and the carbon monoxide concentration shall not exceed 100 parts per million, dry volume basis, corrected to 3% oxygen.

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

**33-033B: Owens Brockway Glass Container—Plant 18** (Cherry Street, Brockway, PA 15824) for construction of an applied ceramic label process at the Brockway facility. This installation will result in approximately 19 tons/year of NOx and 15.8 tons/year of CO emissions. The facility currently has a Title V Operating Permit No. 33-00033. 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.

#### OPERATING PERMITS

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**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.**

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

**05-05003: JLG Industries, Inc.** (1 JLG Drive, McConnellsburg, PA 17233-9533) for a Title V Operating Permit renewal to operate a scissor type work platform manufacturing facility in Bedford Township, **Bedford County**. Spray painting of the manufactured equipment produces VOC emissions. Emissions from other activities are minimal. The Title V Operating Permit will contain appropriate monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**29-05001: JLG Industries, Inc.** (1 JLG Drive, McConnellsburg, PA 17233-9533) for a Title V Operating Permit renewal to operate an aerial work platform and telescoping material handler manufacturing facility in Ayr Township, **Fulton County**. Spray painting of the manufactured equipment produces VOC emissions. Emissions from the other activities are below significant levels. The Title V Operating Permit will contain appropriate monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**38-05019: AES Ironwood, LLC** (305 Prescott Road, Lebanon, PA 17042) for operation of a twin-turbine electric generating plant in South Lebanon Township, **Lebanon County**.

The plant is a major facility and is subject to the operating permit requirements of Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F and G. Furthermore, the facility is subject to 40 CFR Part 60, Subparts GG and Kb, 40 CFR Parts 72, 73, 75 and 77 and 25 Pa. Code §§ 123.102—123.120 and 25 Pa. Code Chapter 145.

Annual facility emissions will be limited to 442 tons of NO<sub>x</sub>, 155 tons of VOCs and 1,055 tons of CO. The Title V operating permit contains monitoring, recordkeeping and reporting requirements to ensure the facility complies with all applicable air quality requirements.

Copies of the Title V application, proposed permit and other relevant information are available at the Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. An appointment to review the pertinent documents at the Southcentral Regional Office may be scheduled by contacting Cynthia Wolfe, File Review Room, (717) 705-4732 between 8:30 a.m. and 3:30 p.m., Monday through Friday, except holidays.

Interested persons may submit written comments to Yasmin Neidlinger, Chief, Facilities Permitting Section, 909 Elmerton Avenue, Harrisburg, PA 17110-8200 within 30 days of this notice. Written comments should include the name, address and telephone number of the persons submitting the comments along with the reference number of the proposed permit.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the comment period. The Department will provide notice of any scheduled public hearing at least 30 days in advance of the hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation in the vicinity of the plant.

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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*

**46-00053: Superior Metal Products Co., Inc.** (115 Berks Street, Box 595, Pottstown, PA 19464). The facility's primary emission points include: two air atomizing spray booths, two electrostatic spray booths, a PL process oven and three fuel oil fired boilers, which have a potential to emit major levels of VOCs before taking limitations. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**09-00035: EnPro Industries Inc. d/b/a Plastomer Technologies** (23 Friends Lane, Newtown, PA 18940) for a Polytetrafluoroethylene processing facility in Newtown Township, **Bucks County**. The permit is for a non-Title V (State only) facility. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within 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*

**48-309-114: ESSROC Cement Corp.** (3251 Bath Pike, Nazareth, PA 18064) for operation of coal, clinker and gypsum handling systems and silos and the associated air cleaning devices at Nazareth Plant I, Lower Nazareth Township, **Northampton County**.

**54-00052: Northeastern Power Co.** (P. O. Box 7, McAdoo, PA 18237) for operation of a portable coal preparation plant and associated air cleaning devices in Kline Township, **Schuylkill County**.

**40-00071: American Asphalt Co.** (500 Chase Road, Shavertown, PA 18708) for operation of a crushing plant and hot mix asphalt plant its associated air cleaning devices in Jackson Township, **Luzerne County**.

**48-00054: Praxair, Inc.** (145 Shimmers Ville Road, Bethlehem, PA 17015) for purging operation of industrial gases and a spray booth and its associated air cleaning devices in the City of Bethlehem, **Northampton County**.

**54-00029: Coal Contractors (1991), Inc.** (P. O. Box 639, Nuremberg, PA 18241) for operation of a coal preparation plant and associated air cleaning devices in Union Township, **Schuylkill County**.

**48-00050: City of Bethlehem** (144 Shimmers Ville Road, Bethlehem, PA 17015) for operation of wastewater treatment plant and its associated air cleaning devices in the City of Bethlehem, **Northampton County**.

**40-00039: Comfort Designs, Inc.** (245 Schuyler Avenue Kingston, PA 18704) for operation of a spray booth in Kingston Borough, **Luzerne County**.

**40-00073: Coal Contractors (1991), Inc.** (P. O. Box 639, Nuremberg, PA 18241) for operation of a coal preparation plant and associated air cleaning devices in Black Creek Township, **Luzerne County**.

**45-00016: Patterson—Kelly Co.** (100 Burson Street, East Stroudsburg, PA 18301) for operation of a boiler for heating usage and three boiler testing benches for testing of boiler manufactured and a spray booth in East Stroudsburg Borough, **Monroe County**.

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

**42-00061: Dresser, Inc.** (41 Fisher Avenue, Bradford, PA 16701) for manufacturing of specialty piping components in the City of Bradford, **McKean County**.

**20-00281: Channellock, Inc.** (1306 South Main Street, Meadville, PA 16335) for manufacturing of metal hand tools in the City of Meadville, **Crawford County**.

**42-00111: Ethan Allen Eldred Division** (Route 1, Eldred, PA 16731). Natural Minor Operating Permit is for operation of the facility's air contamination sources consisting of two natural gas-fired boilers, several natural gas-fired space heaters, three spray booths, a natural gas-fired emergency generator and the woodworking area in Eldred Borough, **McKean County**.

## MINING ACTIVITY APPLICATIONS

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

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

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment and informal conferences).

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the previous, more restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the previously-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments 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

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

**63000101 and NPDES Permit No. PA0101819. Muligan Mining, Inc.** (5945 Puddingstone Lane, Bethel Park, PA 15102). Revision to add 4.9 acres to an existing bituminous surface mine located in Smith Township, **Washington County**, affecting 173.4 acres. Receiving streams: unnamed tributaries to Raccoon Creek and Burgetts Fork; classified for WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Revision application received November 27, 2002.

**63020102 and NPDES Permit No. PA0250309. Muligan Mining, Inc.** (5945 Puddingstone Lane, Bethel Park, PA 15102). Application for commencement, operation and reclamation of a bituminous surface mine located in Smith Township, **Washington County**, affecting 107.6 acres. Receiving streams: unnamed tributaries to Raccoon Run to Little Raccoon Run to Raccoon Creek to Ohio River; classified for WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received November 26, 2002.

**02020102 and NPDES Permit No. PA0250317. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Application for commencement, operation and reclamation of a bituminous surface mine located in Fawn Township, **Allegheny County**, affecting 137.3 acres. Receiving streams: unnamed tributaries to Bull Creek; classified for TSF. The first downstream potable water supply intake from the point of discharge is Fawn-Frazer Water Authority. Application received November 27, 2002.

**65980105 and NPDES Permit No. PA0202363. Gary Gioia Coal Company** (319 Karen Drive, Elizabeth, PA 15037). Application received for transfer of permit currently issued to Joseph Rostosky Coal Company for continued operation and reclamation of a bituminous surface mining site located in Rostraver Township, **Westmoreland County**, affecting 28.8 acres. Receiving streams: unnamed tributary to the Monongahela River to the Monongahela River, classified for WWF. The first downstream potable water supply intake from the point of discharge is the Authority of the Borough of Charleroi. Transfer application received November 25, 2002.

**03020115 and NPDES Permit No. PA0150295. Walter L. Houser Coal Co., Inc.** (13448 SR 422, Suite 1, Kittanning, PA 16201). Application for commencement, operation and reclamation of a bituminous surface mine located in Sugarcreek Township, **Armstrong County**, affecting 195.6 acres. Receiving streams: unnamed tributaries to Snyder Run and Huling Run to Snyder Run and Huling Run; classified for CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received November 25, 2002.

**65020104 and NPDES Permit No. PA0250252. Robbie Coal and Fuel, Inc.** (1159 University Drive, Dunbar, PA 15431). Application for commencement, operation and reclamation of a bituminous surface mine located in East Huntingdon Township, **Westmoreland County**, affecting 25.1 acres. Receiving streams: unnamed tributary to Buffalo Run to Sewickley Creek; classified WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received December 4, 2002.

*Noncoal Applications Received*

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

**10960304 and NPDES Permit No. PA0227218. Quality Aggregates, Inc.** (200 Neville Road, Pittsburgh, PA 15225). Transfer of an existing limestone and coal operation in Washington Township, **Butler County** affecting 186.0 acres. Receiving streams: unnamed tributaries to South Branch Slippery Rock Creek, classified for CWF. There are no potable surface water supply intakes within 10 miles downstream. Transfer from North Washington Limestone, Inc. Application received December 2, 2002.

**PROJECTS UNDER THE ENVIRONMENTAL GOOD SAMARITAN ACT**

The Environmental Good Samaritan Act (27 Pa.C.S. §§ 8001—8114) provides certain protections and immunities from civil liability for landowners and persons who voluntarily undertake reclamation and abatement projects to address land and water adversely affected by mining or oil or gas extraction or exploration for natural resources and left in an unreclaimed condition or left discharging water pollution. For landowners and persons to qualify for immunity, the projects must be approved by the Department.

The following project proposals have been received by the Department. A copy of the proposals is available for inspection at the office indicated before each proposal.

Written comments or objections may be submitted by any person or any office 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.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the proposal identification number; and a statement of sufficient detail to inform the Department of the basis of the comment or objection and the relevant facts upon which it is based.

*Project Proposals Received*

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

**EGS 02002, The Scott Conservancy** (P. O. Box 13067, Pittsburgh, PA 15243). A project to abate mine drainage pollution in Scott Township, **Allegheny County**, affecting 5 acres, receiving stream: Scrubgrass Run. Project proposal received November 25, 2002.

**FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401**

The following permit applications and requests for Environmental Assessment approval and requests for Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)), requires the State to

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

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

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

**Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

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

**E05-303. H. Richard Wolfe**, 7825 E. Road, Pasadina, MD 21122 in Harrison and Napier Townships, **Bedford County**, ACOE Baltimore District.

To construct and maintain a bridge having a span of 70 feet across the channel of the Raystown Branch of the Juniata River (WWF) at a point at Chestnut Street (Bedford, PA Quadrangle N: 1.2 inches; W: 13.7 inches) in Harrison and Napier Townships, Bedford County.

**E21-345. Donald Erwin, Westwood Hills Dev. LLC**, 4216 Little Run Road, Harrisburg, PA 17110.

To construct and maintain a 36-inch diameter, 80-foot long road crossing and an 18-inch diameter sewer line crossing in an unnamed tributary to the Susquehanna River (WWF) at a point within the Westwood Hills Residential Development north of Valley Street (SR 1004) (Harrisburg, PA Quadrangle N: 10.15 inches; W: 9.40 inches) in East Pennsboro Township, **Cumberland County**. The permittee is required to provide 0.227 acre of replacement wetlands.

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

**E55-189. Union-Chapman Regional Authority**, R. R. 1, Box 598, Port Treverton, PA 17864. Water Obstruction and Encroachment Permit application, in Union Township, **Snyder County**, ACOE Susquehanna River Basin District (Pillow, PA Quadrangle N: 13.6 inches; W: 0.7 inch).

To construct and maintain 220 feet of 10-inch outfall sewer line in the floodplain of the Susquehanna River located along SR 0015 near Port Treverton. This project proposes to have a minimal impact on the Susquehanna River, which is listed as a WWF. The project does not propose to impact any jurisdictional wetlands.

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

**E63-537. Albert G. Giles**, Box 228, Millsboro, PA 15348. East Bethlehem Township, **Washington County**, ACOE Pittsburgh District.

To construct and maintain a platform, restaurant, walkways and boat docks in the channel of and along the left bank of the Monongahela River (WWF) and to construct and maintain a kitchen and service area on the left bank of the stream for the purpose of constructing Arks Landing. The project is located near River Mile Post 64.85, just east from the intersection of Ark Street and Water Street (Carmichaels, PA Quadrangle N: 20.8 inches; W: 16.4 inches).

**E63-538. Washington County Planning Commission**, 100 West Beau Street, Suite 701, Washington, PA 15301-4470. Hopewell Township, **Washington County**, ACOE Pittsburgh District.

To remove the existing Brownlee Bridge and to construct and maintain a single span bridge with a span of 45.0 and underclearance of 7.45 feet across Cross Creek (HQ-CWF). The project is located on TR 432 (Seminary Road) approximately 200 feet south of its intersection with SR 0050 (Avella, PA Quadrangle N: 3.2 inches; W: 9.2 inches).

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

**E25-660. North East Borough Water Authority**, 31 West Main Street, North East, PA 16428. North East Borough Water Authority Lake Erie Water Intake, in North East Township, **Erie County**, ACOE Pittsburgh District (North East, PA Quadrangle N: 21.2 inches; W: 11.2 inches).

To construct and maintain a 36-inch diameter water intake pipeline extending approximately 2,700 feet into Lake Erie west of the mouth of Sixteenmile Creek and a pump station along the west bank of Sixteenmile Creek approximately 250 feet upstream of its mouth. Overall project includes activities previously authorized by other Department permits including GP052599618 for an 18-inch diameter raw water line across Sixteenmile Creek extending east from the proposed pump station.

**E25-662. Francis V. Kloecker**, 2502 Sassafras Street, Erie, PA 16502-2724. Sixmile Creek Channel Improvements, in Harborcreek Township, **Erie County**, ACOE Pittsburgh District (Hammett, PA Quadrangle N: 22.5 inches; W: 6.4 inches).

To remove an approximately 200-foot long by 35-foot wide gravel bar along the left streambank, to install and maintain an approximately 240-foot long by 15-foot wide area of streambank protection having a maximum height of 8 feet using the removed gravel bar material and riparian vegetation along the right streambank and to

install and maintain an approximately 60-foot long by 8-foot high gabion wall along the right streambank of Sixmile Creek (CWF; MF) adjacent to 4901 Depot Road (SR 1009) approximately 0.5 mile northwest of the intersection of Depot Road (SR 1009) and SR 430.

**E61-257. General Authority of the City of Franklin**, 430 13th St., Franklin, PA 16323-1317. Culvert in an unnamed tributary to French Creek, in the City of Franklin, **Venango County**, ACOE Pittsburgh District (Franklin, PA Quadrangle N: 4.9 inches; W: 15.1 inches).

To remove the existing culverts and to construct and maintain three 29-foot long, 4-foot diameter HDPE plastic culverts in an unnamed tributary to French Creek (WWF) approximately 0.7 mile east of the intersection of Waterworks Road and Stone Road for access to a municipal water well field. Project also includes the excavation of the channel for approximately 130 feet upstream of the culverts, filling the channel with the excavated material for approximately 75 feet downstream of the culverts and the construction and maintenance of a concrete encased, 1.25-foot diameter waterline across the unnamed tributary upstream and adjacent to the proposed culverts.

**E61-259. Cranberry-Venango County General Authority**, P. O. Box 378, Seneca, PA 16346. Pump Station No. 7 Replacement and Forcemain and Sanitary Sewer Improvements, in Cranberry Township, **Venango County**, ACOE Pittsburgh District (Cranberry, PA Quadrangle N: 20.8 inches; W: 11.4 inches).

To construct and maintain Pump Station No. 7 and 9,350 feet of 12-inch and 14-inch diameter PVC force main sanitary sewer line and 6,650 feet of 8-inch, 10-inch and 12-inch diameter PVC gravity sanitary sewer line paralleling SR 257 and portions of Lower Two Mile Run (CWF) from approximately 0.3 mile northeast of the intersection of SR 257 and US Route 322 (Cranberry, PA Quadrangle N: 19.15 inches; W: 11.65 inches) to Division Street (Cranberry, PA Quadrangle N: 22.35 inches; W: 10.6 inches). The project includes 14 crossings of exceptional value wetlands (temporarily impacting 0.856 acre) and a crossing of Lower Two Mile Run.

#### DAM SAFETY

*Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.*

**D62-033. Game Commission**, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797. To modify, operate and maintain, the Akeley Swamp Dam located across a tributary to Conewango Creek (CWF), directly impacting a de minimis area of wetland (PEM) equal to 0.03 acre and indirectly impacting approximately 231.0 acres of wetland (PEM, PSS) by seasonal and annual flooding. The project will involve modifying the three outlet structures to regulate the water levels in Akeley Swamp (Russell, PA Quadrangle N: 20.2 inches; W: 1.8 inches) in Pine Grove Township, **Warren County**.

**D67-539. Department of Transportation, District 8-0**, 2140 Herr Street, Harrisburg, PA 17103. To rebuild, operate and maintain Fairview Church Detention Dam across a tributary to Codorus Creek, impacting 0.44 acre of wetlands (PEM) and 330 feet of stream and providing 0.44 acre of wetland mitigation, as part of the Interstate 83, Exit 15, safety improvement project (York, PA Quadrangle N: 8.1 inches; W: 10.8 inches) in York Township, **York County**.

**STORAGE TANKS**

**SITE-SPECIFIC INSTALLATION PERMITS**

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Land Recycling and Waste Management, Division of Storage Tanks, P. O. Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations

<i>SSIP Application No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
02018	James E. Clark Agway Energy Products, LLC P. O. Box 4852 Syracuse, NY 13221-4852	Crawford	Hayfield Township	Five ASTs storing petroleum products	100,000 gallons total

**ACTIONS**

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

**INDUSTRIAL WASTE AND SEWERAGE WASTEWATER**

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

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

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

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

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

**The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 3021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.**

**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. PA0053554**, Industrial Waste, **Hyponex Corporation**, 944 Newark Road, Avondale, PA 19311. This proposed facility is located in New Garden Township, **Chester County**.

Description of Proposed Action/Activity: Renewal to discharge into West Branch of Red Clay Creek-White Clay-3I.

**NPDES Permit No. PA0057916 Amendment No. 1**, Industrial Waste, **Schlumberger Resource Management Services, Inc., North Penn Area 12 Superfund Site**, 1547 North Trooper Road, Worcester, PA. This proposed facility is located in Worcester Township, **Montgomery County**.

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

**NPDES Permit No. PA0050989**, Sewage, **Frederick Mennonite Community**, P. O. Box 498, Frederick, PA 19435-0498. This proposed facility is located in Upper Frederick Township, **Montgomery County**.

Description of Proposed Action/Activity: Renewal to discharge into an unnamed tributary to West Swamp Creek.

**NPDES Permit No. PA0052272**, Sewage, **Henry Company**, 336, Kimberton, PA 19442-0368. This proposed facility is located in East Pikeland Township, **Chester County**.

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

**NPDES Permit No. PA0030112**, Sewage, **Methacton School District**, 1001 Kriebel Mill Road, Norristown, PA 19408. This proposed facility is located in Worcester Township, **Montgomery County**.



Description of Proposed Action/Activity: Renewal to discharge into an unnamed tributary of Skippack Creek-3-E-Perkiomen.

**NPDES Permit No. PA0050652**, Sewage, **Westtown School**, Westtown Road, P. O. Box 1799. This proposed facility is located in Westtown Township, **Chester County**.

Description of Proposed Action/Activity: Renewal to discharge East Branch of Chester Creek-3-G.

**NPDES Permit No. PA0056715**, Sewage, **Marc A. and Elizabeth A. Lattanzi**, 26 Collins Lane, Schwenksville, PA 19473. This proposed facility is located in Limerick Township, **Montgomery County**.

Description of Proposed Action/Activity: Renewal to discharge into an unnamed tributary to Mine Run Creek-3E.

**NPDES Permit No. PA0053473**, Sewage, **Thornbury Township**, 6 Township Drive, Cheyney, PA 19319. This proposed facility is located in Thornbury Township, **Delaware County**.

Description of Proposed Action/Activity: Renewal to discharge into Chester Creek-3G Watershed.

**NPDES Permit No. PA0054186**, Sewage, **Department of Corrections, SCI Graterford**, P. O. Box 246, Route 29, Graterford, PA. This proposed facility is located in Skippack Township, **Montgomery County**.

Description of Proposed Action/Activity: Renewal to discharge into an unnamed tributaries 001 and 002 to Perkiomen Creek-3E Watershed.

**WQM Permit No. 4602415**, Sewerage, **Limerick Township Municipal Authority**, 529 King Road, Royersford, PA 19468. This proposed facility is located in Limerick Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the installation and operation of a sanitary sewer interceptor along the Hartenstine Creek.

**WQM Permit No. 0602413**, Sewerage, **Boyertown Borough**, 100 South Washington Drive, Boyertown, PA 19512-1599. This proposed facility is located in Boyertown Township, **Berks County**.

Description of Proposed Action/Activity: Approval to replace a forcemain along South Reading Avenue.

**WQM Permit No. 1596410**, Sewerage, **Little Washington Wastewater Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. This proposed facility is located in Thornbury Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal of the Bridlewood Farm STP.

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

**NPDES Permit No. PA0064271**, Sewage, **Robert and Kimberly Manning**, 4926 Main Road West, Emmaus, PA 18049. This proposed facility is located in Upper Milford Township, **Lehigh County** and discharge to an unnamed tributary to Leibert Creek.

Description of Proposed Action/Activity: Issuance of NPDES permit for the discharge of 400 gpd of treated sewage from a single family residence to an unnamed tributary to Leibert Creek.

**WQM Permit No. 3902403**, Sewerage, **Robert and Kimberly Manning**, 4926 Main Road West, Emmaus, PA 18049. This proposed facility is located in Upper Milford Township, **Lehigh County**.

Description of Proposed Action/Activity: Construction and operation of a single family residence sewage treatment plant to treat a flow of 400 gpd.

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

**NPDES Permit No. PA0084492**, Sewage, **Larry R. and Janet A. Strohecker, Carl E. and Mary E. Strohecker**, 615-A Dunkle School Road, Halifax, PA 17032. This proposed facility is located in Halifax Township, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary of the Susquehanna River in Watershed 6-C.

**NPDES Permit No. PA0081841**, Sewage, **Thousand Trails, Inc.**, 493 South Mount Pleasant Road, Lebanon, PA 17042. This proposed facility is located in South Annville Township, **Lebanon County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary of Gingrich Run in Watershed 7-D.

**WQM Permit No. 3602408, Amendment No. 1**, Sewerage, **East Cocalico Township Authority**, 102 Hill Road, Denver, PA 17517. This proposed facility is located in East Cocalico Township, **Lancaster County**.

Description of Proposed Action/Activity: Permit amendment for Gehman School Pumping Station.

**NPDES Permit No. PA0054852**, Industrial Waste, **Western Berks Refuse Authority**, 455 Poplar Neck Road, Birdsboro, PA 19508. This proposed facility is located in Cumru Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to the Schuylkill River in Watershed 3-C.

**NPDES Permit No. PA0085570**, Industrial Waste, **Millersburg Area Authority**, 101 West Street, Millersburg, PA 17061. This proposed facility is located in Upper Paxton Township, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to the Wiconisco Creek in Watershed 6-C.

**NPDES Permit No. PAG123567**, CAFO, **Tom and Kathy Haas**, R. R. 1, Box 13A, James Creek, PA 16657. This proposed facility is located in Lincoln Township, **Huntingdon County**.

Description of Size and Scope of Proposed Operation/Activity: Approval for the operation of a 307 AEU hog and small heifer concentrated animal feeding operation in Watershed 11-D.

**NPDES Permit No. PAG123561**, CAFO, **Elvin L. Martin, Martin Farm**, 980 Little Mountain Road, Myerstown, PA 17067. This proposed facility is located in Bethel Township, **Berks County**.

Description of Size and Scope of Proposed Operation/Activity: Approval for the operation of a 423 AEU finishing hog concentrated animal feeding operation in Watershed 7-D.

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

**NPDES Permit No. PAS804802**, Industrial Stormwater SIC 0447, 0422, **CFJ Properties**, 1104 Country Hills Drive, Ogden, UT 84403. This proposed facility will be located in Porter Township, **Clinton County**.

Description of Proposed Activity: The issuance of a NPDES permit for discharge of stormwater runoff from an automobile and long haul truck retail, refueling center to Fishing Creek (HQ-CWF) in the Bald Eagle Creek watershed.

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

**NPDES Permit No. PA0095737**, Industrial Waste, **PTC Alliance Corp.—Darlington**, Cherrington Corporate Center, 600 Clubhouse Drive, Suite 200, Moon Township, PA 15108-3195 is authorized to discharge from a facility located at PTC Alliance—Darlington Facility, Darlington Township, **Beaver County** to receiving waters named North Fork Little Beaver Creek.

**NPDES Permit No. PA0219053**, Industrial, **Terminal Leasing, Inc.**, 9 Industry Drive, Washington, PA 15301 is authorized to discharge from a facility located at Washington Terminal, North Strabane Township, **Washington County** to receiving waters named unnamed tributary to Little Chartiers Creek.

**NPDES Permit No. PA0217719**, Sewage, **Michele R. Love**, 295 Tunnel Road, Smithfield, PA 15478-1471 is authorized to discharge from a facility located at Riviera Mobile Home Court STP, Dunkard Township, **Greene County** to receiving waters named Monongahela River.

**Permit No. 0377405, Amendment No. 1**, Sewerage, **North Apollo Borough**, P. O. Box 501, 1624 16th Street, North Apollo, PA 15673. Construction of sanitary sewers located in North Apollo Borough, **Armstrong County** to serve Third Street and Center Avenue areas.

**Permit No. 0402403**, Sewerage, **George Goodwald**, 2602 Grist Mill Road, Marietta, GA 30068. Construction of 400 gpd domestic wastewater discharge from a single residence sewage treatment plant located in New Sewickley Township, **Beaver County** to serve Goodwald property.

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

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

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q244	Alexander G. Tamerler 1628 Barkwood Dr. Orefield, PA 18069	Lehigh	Alburtis Borough	Little Lehigh Creek HQ-CWF

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

*Bedford County Conservation District, 702 W. Pitt Street, Suite 4, Bedford, PA 15009, (814) 623-6706.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS100423	Ardeth Facciani 221 Station Street Johnstown, PA 15905	Bedford County	Bedford Township	Shoebers Run HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10H098	Michael Joseph Acquisition Co. P. O. Box 1198 Wexford, PA 15090	Cumberland	Carlisle Borough	Letort Spring Run HQ-CWF

*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>
PAS10L027	Indian Creek Valley Water Authority P. O. Box 486 2068 Indian Head Road Indian Head, PA 15446	Fayette County Stewart Township Ohiopyle Borough	Youghiogheny River (CWF) Laurel Run (HQ-CWF) Bear Run (EV) Jim Run (CWF)

#### APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS

The following parties have submitted: (1) Notices of Intent for Coverage under (1) General NPDES Permits to Discharge Wastewater into the Waters of the Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations. Monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permits for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in this Commonwealth; (3) General NPDES Permit Authorizing the Discharge of Stormwater Associated with Construction Activities to Waters of the Commonwealth; (4) Notification for First Use Application of Sewage Sludge.

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

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

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

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

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of 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>
Northampton County Williams Township	PAR10U056-R2	Antonio Calantoni 2900 Swanson St. Easton, PA 18045	UNT to Lehigh River CWF	Northampton County Conservation District (610) 746-1971
Blair County Martinsburg Borough North Woodbury Township	PAR100738	Village at Morrisions Cove 429 South Market Street Martinsburg, PA 16662	UNT Plum Creek WWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877 ext. 5
Blair County Antis Township	PAR100739	Scott Boyer 300 2nd Street Bellwood, PA 16617	Bells Run WWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877 ext. 5

## NOTICES

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Blair County Logan Township	PAR100740	Calvary Cemetery Association 2417 Pleasant Valley Blvd. Altoona, PA 16602	Brush Run WWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877 ext. 5
Allegheny County Industrial Park Rd. Granville Township Mifflin County	PAS104513	Trinity Packaging Corp. 13 Industrial Park Rd. Lewistown, PA 17044	UNT to Juniata River HQ-CWF	Mifflin County Conservation District 20 Windmill Hill Room 4 Burnham, PA 17009 (717) 248-4695
Allegheny County Tioga County Richmond Township	PAR10647	Richmond Township Municipal Authority 563 Valley Rd. Mansfield, PA 16933	Tioga River CWF	Tioga County Conservation District 29 East Ave. Wellsboro, PA 16901 (570) 724-1801
Allegheny County Allegheny County Findlay and Moon Townships	PAR10A456-1	Allegheny County Airport Authority P. O. Box 12370 Landside Terminal Pittsburgh, PA 15231-0370	McClarnes Run TSF Montour Run TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Hampton Township	PAR10A607	St. Catherine of Sweden Church 2308 West Hardies Rd. Gibsonia, PA 15044	UNT to Pine Creek CWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Allegheny County Liberty Borough	PAR10A608	South Allegheny School District 2743 Washington Blvd. McKeesport, PA 15133	UNT Youghiogheny River WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Fayette County North Union Township	PAR10L086	Penn State—Fayette Campus P. O. Box 519 Uniontown, PA 15401	UNT to Redstone Creek WWF	Fayette County Conservation District (724) 438-4497
Allegheny County Washington County	PAR10W216	Maronda Homes, Inc. 202 Park West Drive Pittsburgh, PA 15275	Brush Run WWF	Washington County Conservation District (724) 228-6774

*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>
Franklin Township Snyder County	PAR214813	Beavertown Block Co., Inc. P. O. Box 337 Middleburg, PA 17842-0337	UNT to Middle Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Allegheny County White Deer Township Union County	PAR804840	Con-Way Central Express—XMI R. R. 1 Box 74 New Columbia, PA 17856	UNT to West Branch Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

*General Permit Type—PAG-4*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Allegheny County Cumberland County Lower Mifflin Township	PAG043590	William Mauchamer 250 Roxbury Road Newville, PA 17241	Center Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

<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>
Dauphin County East Hanover Township	PAG043583	Marlin Martz R. R. 7, Box 1382 Harrisburg, PA 17112	UNT Manada Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Burnside Township Clearfield County	PAG045020	Robert G. and Janet E. Leslie 117 Ross Lane Cherry Tree, PA 15724	Kings Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
New Sewickley Township Beaver County	PAG046261	George Goodwald 2602 Grist Mill Road Marietta, GA 30068	Tributary to Brush Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-8 (SSN)*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Contact Office and Telephone No.</i>
Sharp Farm Biosolids Site Conemaugh Township Indiana County	PAG086106	City of Johnstown 241 Asphalt Road Johnstown, PA 15906	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-12*

<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>
Penn and Franklin Townships Lycoming County	PAG124816	Robert C. Boyles, Sr. 258 Mountain Road Muncy Valley, PA 17758	Little Indian Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

**PUBLIC WATER SUPPLY PERMITS**

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

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

in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

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

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

**Permit No. 0902509, Minor Amendment.** Public Water Supply.

Applicant **North Penn and North Wales Water Authorities**  
144 Park Avenue  
Chalfont, PA 18914

Borough Chalfont

County **Bucks**

Type of Facility PWS

Consulting Engineer Gannett Fleming, Inc.  
P. O. Box 67100  
Harrisburg, PA 17106-7100

Permit to Construct Issued: December 4, 2002

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

**Permit No. 3602503,** Public Water Supply.

Applicant **Penny Farm Mobile Home Park**

Municipality Drumore Township

County **Lancaster**

Type of Facility Installation at the Penny Farm Mobile Home Park of iron and manganese treatment via sequestration for Well No. 2.

Consulting Engineer James R. Fisher, P. E.  
Fisher Engineering Inc.  
1522 W. Main Street  
Ephrata, PA 17522

Permit to Construct Issued: June 10, 2002

**Permit No. 3602504,** Public Water Supply.

Applicant **Pequea Valley School District**

Municipality Leacock Township

County **Lancaster**

Type of Facility Installation of softening, nitrate, disinfection and corrosion control treatments at the Pequea Valley School District's elementary and middle schools.

Consulting Engineer Daniel L. Miller, P. E.  
L. Robert Kimball & Associates  
415 Moon Clinton Road  
Coraopolis, PA 15108

Permit to Construct Issued: October 24, 2002

**Permit No. 3602508,** Public Water Supply.

Applicant **Motiva Enterprises LLC**

Municipality Lancaster

County **Lancaster**

Type of Facility Installation of GAC treatment for the removal of MTBE from the groundwater source.

Consulting Engineer MaryAnn Curtin, P. E.  
SAIC Engineering Inc.  
6310 Allentown Boulevard  
Harrisburg, PA 17112

Permit to Construct Issued: November 18, 2002

**Permit No. 0502504,** Public Water Supply.

Applicant **New Enterprise Water Association**

Municipality South Woodbury Township

County **Bedford**

Type of Facility Construction of a 278,000-gallon finished water tank, pressure reducing station, booster pump station, transmission main and an interconnection with the Salemville Water Association.

Consulting Engineer Timothy A. Cooper, P. E.  
Stiffler McGraw & Associates Inc.  
19 N. Juniata Street  
Hollidaysburg, PA 16648

Permit to Construct Issued: September 13, 2002

**Operations Permit** issued to **Birdsboro Municipal Authority**, 3060010, Birdsboro Borough, **Berks County** on November 27, 2002, for the operation of facilities approved under Construction Permit No. 0602512MA.

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

**Permit No. 5694502-A1,** Public Water Supply.

Applicant **Gray Area Water Authority**  
P. O. Box 118  
Gray, PA 15544

Borough or Township Jenner Township

County **Somerset**

Type of Facility Lagoon recycle

Consulting Engineer The EADS Group

Permit to Construct Issued: December 3, 2002

**Permit No. 0202502,** Public Water Supply.

Applicant **Moon Township Municipal Authority**  
1700 Beaver Grade Road  
Suite 200  
Moon Township, PA 15108

Borough or Township Moon Township

County **Allegheny**

Type of Facility Ohio River Intake and treatment modification.

Consulting Engineer Nichols & Slagle  
980 Beaver Grade Road  
Suite 101, Westmark Building  
Moon Township, PA 15108

Permit to Construct Issued: December 7, 2002

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

**Permit No. 2402502**, Public Water Supply.  
 Applicant **Brockway Borough  
 Municipal Authority**  
 501 Main Street  
 Brockway, PA 15824

Borough or Township Horton Township  
 County **Elk**

Type of Facility Booster pump station, water storage tank and distribution lines to extend water service to the Village of Elbon and Brandy Camp.

Consulting Engineer Glace Associates, Inc.  
 3705 Trindle Road  
 Camp Hill, PA 17011

Permit to Construct Issued December 6, 2002

**Operations Permit** issued to **Erie City Water Authority**, 340 West Bayfront Parkway, Erie, PA 16507, PWS ID 6250028, Millcreek Township, **Erie County** on December 10, 2002, for the operation of facilities approved under Construction Permit 2502502.

#### 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>
Sugar Grove Borough	311 Market Street Warren, PA 16365	Warren

Plan Description: The approved plan provides for the construction of a sanitary sewer collection and conveyance system for a portion of Sugar Grove Township, including the Village of Chandlers Valley and Sugar Grove Borough with wastewater treatment at a .2 MGT wastewater treatment plant. 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 Remedial Response

#### Bear Creek Area Chemical Site (OU2)

#### Fairview, Parker, Washington and Concord Townships and Petrolia, Fairview, Karns City and Bruin Boroughs, Butler County

#### Perry Township, Armstrong County

This notice of proposed remedial response is being issued by the Department of Environmental Protection (Department) to provide a description of the proposed remedial response related to contaminated groundwater (OU2) of the Bear Creek Area Chemical Site (Site). The document will be included in the Administrative Record for the Site, which has been compiled for this response

under section 506 of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. § 6020.506).

The Site is located in Fairview, Parker, Washington and Concord Townships and Petrolia, Fairview, Karns City and Bruin Boroughs, Butler County and in Perry Township, Armstrong County. The Site includes at least 24 areas where the Department knows or has evidence to suggest that industrial wastes were historically disposed or otherwise released and the surface water, groundwater, soils and sediments that have been contaminated from hazardous substances and contaminants that have migrated from the areas of disposal and other release areas. The industrial wastes were generated at the Site by Koppers Company, Witco Chemical Corporation and Penreco and were disposed and otherwise released from approximately the 1950s to at least the 1970s.

Various hazardous substances and contaminants are present in the disposal areas and associated surface water, groundwater and soils within the Site. Those hazardous substances and contaminants have been detected in numerous private and public water supply wells.

The following persons are liable under section 701(a) of the HSCA (35 P. S. § 6020.701(a)) for the release and threat of release of hazardous substances and contaminants at the Site: Beazer East, Inc., Crompton Corporation, the Francis C. Spitzer Estate, Shaler Contracting Development Corp., JTC Industries, Inc., Penreco, Indspec Chemical Corporation, Fred Bradford, Dennis Kelly, Janice E. Kelly, Dana Craig, David L. Alworth and Rhonda Alworth.

Bottled water has been provided to residences, businesses and institutions by the Department in increasing numbers as sampling has warranted since March 13, 2002. To date, over 680 homes, businesses and institutions have been provided bottled water by the Department on an ongoing basis. The provision of bottled water has been undertaken as a prompt interim response under section 505(b) of the HSCA (35 P. S. § 6020.505(b)).

Since 2001, Beazer East has provided bottled water to a number of other residents of Fairview and Parker Townships and Fairview Borough, Butler County whose well samples have contained resorcinol or any of the Site contaminants.

The Department considered three remedial response alternatives for OU2 to achieve the previous objective:

Alternative 1—Providing a reliable permanent source of potable water to residents and other users within the proposed Site service area from the Parker Area Authority (PAA) water supply source.

Alternative 2—Providing a reliable permanent source of potable water to residents and other users within the proposed Site service area from the Pennsylvania American Water Company (PAWC) water supply source.

Alternative 3—Providing a reliable permanent source of potable water to residents and other users within the proposed Site service area from the Kittanning Suburban Joint Water Authority (KSJWA) water supply source.

Since the same core service area is served under each alternative previously described, the alternatives are equally protective and equally meet all State and Federal requirements. In addition, the three alternatives are similar with respect to their effectiveness in managing short and long-term risks to human health and the environment. Therefore, the analysis of the remedial alternatives deals primarily with their relative costs and implementability, including the timeliness until construction completion.

The evaluation matrix in Table 1 summarizes the estimated construction cost, operation and maintenance cost, implementability features and construction schedule for each of the water supply alternatives. As can be seen in the evaluation matrix, the PAA supply option is the least expensive alternative and requires the least amount of time to construct. The PAWC alternative is the most expensive and is estimated to take the longest time to construct. The KSJWA supply alternative has the advantage of being able to supply water to the service area with relatively minor system improvements, but is the second most-costly option.

Based on the previous comparative analysis and under section 505(a) of the HSCA, the Department proposes to implement Alternative 1 as a remedial response related to OU2 at the Site (that is, to abate the risks and potential risks to public health from the release and threatened release of hazardous substances and contaminants into the groundwater (OU2) at the Site). Alternative 1 would include providing a new public water supply system to a site service area encompassing the homes, businesses and institutions whose public or private water supply wells have been contaminated or threatened with contamination by impacted site groundwater. The raw water supply would originate in the Allegheny River, be treated by the Parker Area Authority (Authority) in Parker, PA and be provided by that Authority to the Site service area. The estimated cost of this response is \$11.8 million. Periodic Site reviews would be conducted to evaluate the effectiveness of the measures implemented.

The Department's proposed remedial response would protect public health; comply with or otherwise address State and Federal requirements; be feasible, implementable, permanent and effective; and be cost effective. A minimum 90-day public comment period will be opened during which the public may formally comment on the

Department's proposed remedial response at the Site. At the close of the public comment period, an evaluation will be made of the public's acceptance of the alternative proposed in this document.

An Administrative Record, which contains additional, more detailed information regarding the Site and the proposed remedial response action is available for public inspection. The Administrative Record can be examined from 8 a.m. to 4 p.m. at the Department's Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Persons interested in examining the Administrative Record should contact the Department's Hazardous Sites Cleanup Program, (814) 332-6648 to make advance arrangements.

The public will have an opportunity to present oral comments regarding the proposed remedial response at a public hearing. The public hearing has been scheduled for January 22, 2003, at 6:30 p.m. at the Karns City High School Auditorium, 1446 Kittanning Pike, Karns City, PA. Persons wishing to present formal oral comments at that hearing must register on or before January 8, 2003, by calling the Department's Community Relations Coordinator, Freda Tarbell, (814) 332-6945. A general question and answer period will follow the formal oral comment period of the public hearing. The public may also submit written comments regarding the Department's proposed remedial response action during the period for public comment, which runs from the date of this notice through March 21, 2003. Written comments should be addressed to Chuck Tordella, Site Project Manager at the previously-noted Department office address.

*Table 1*—Evaluation Matrix comparing the three viable remedial alternatives to supply public water to the service area at the Site.

<i>Alternative</i>	<i>Estimated Construction Cost*</i>	<i>Estimated Annual Operation and Maintenance Cost</i>	<i>Implementability Features</i>	<i>Estimated Construction Schedule</i>
1—PAA	\$11,843,784	\$170,000	<ul style="list-style-type: none"> <li>• Shortest distance to service area (21/2 miles)</li> <li>• Narrow and rocky along portions of SR 268</li> <li>• New pump station</li> <li>• Upgrades to PAA treatment plant by others</li> </ul>	13 months to complete construction
2—PAWC	\$16,654,244	\$175,000	<ul style="list-style-type: none"> <li>• Longest distance to service area (11 miles)</li> <li>• Traffic control and restorations along SR 68</li> <li>• New pump station</li> <li>• Upgrade of PAWC pump station required</li> <li>• Ellwood City—Butler interconnection by others</li> </ul>	22 months to complete construction
3—KSJWA	\$12,260,231	\$160,000	<ul style="list-style-type: none"> <li>• Long Distance to Service Area (7 miles)</li> <li>• Traffic control and restorations along SR 268</li> <li>• Upgrade of Kittanning pump station required</li> </ul>	15 months to complete construction

\* All estimated construction costs include \$9,908,254 for construction of the service area base system.

**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 summa-



ries 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:

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

**Tomko Property**, Upper Saucon Township, **Lehigh County**. Thomas J. Martinelli, Environmental Scientist, JMT Environmental Technologies, P. O. Box 22044, Lehigh Valley, PA 18002 submitted a Final Report (on behalf of Frances Tomko, Route 309, Center Valley, PA 18034) concerning the remediation of site soils found or suspected to have been contaminated with no. 2 fuel oil constituents. The report was submitted to demonstrate attainment of the Statewide Health Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of 25 Pa. Code § 250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the Act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of reuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the Act for

compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Route 113 and Bethlehem Pike Site**, Hilltown Township, **Montgomery County**. Craig Herr, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of State Farm Mutual Automobile Insurance Co., One State Farm Plaza, Bloomington IL, has submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of site soil contaminated with lead, arsenic and benzo(a)pyrene. The report was approved by the Department on October 29, 2002.

**Brode & Brooks, Inc. (Estate of Lawrence I. Yerk)**, Pennsburg Borough, **Montgomery County**. Hudson S. Green, Jr. and Jeremy W. Bolyn, Earth Data Northeast, Inc., 924 Springdale Dr., Exton, PA 19341, on behalf of the Estate of Lawrence I. Yerk, c/o Mullaney Law Offices, 598 Main St., Red Hill, PA 18076, has submitted a Final Report concerning remediation of site soil contaminated with lead and PHC. The report demonstrated attainment of Statewide Health and Site-Specific Standards and was approved by the Department on October 30, 2002.

**Former Murata-Wiedemann Facility**, Upper Merion Township, **Montgomery County**. Craig Herr, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of 211 Gulroad Associates, LP, 1200 River Rd., Suite 1303, Conshohocken, PA 19428, has submitted a Final Report concerning remediation of site groundwater contaminated with solvents. The report demonstrated attainment of Site-Specific Standards and was approved by the Department on October 31, 2002.

**Sun Chemical Corporation**, City of Philadelphia, **Philadelphia County**. Richard J. Tobia, P.E., LFR Levine Fricke, 35 Columbia Rd., Branchburg, NJ 08876, on behalf of Sun Chemical Corp., 135 W. Lake St., Northlake, IL 60164, has submitted a Final Report concerning remediation of site groundwater contaminated with solvents, BTEX and PHC. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 31, 2002.

**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 demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 1, 2002.

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

**Corporate Real Estate, Ltd.**, Washington Township, **Northampton County**. Vincent M. Carbone, P. G., Project Geologist, Lawler, Matusky & Skelly Engineers, LLP, The Sovereign Building, 609 Hamilton Mall, Allentown, PA 18101 submitted a Final Report (on behalf of Corporate Real Estate, Ltd., 100 Majestic Way, Bangor, PA 18013) concerning the remediation of site soils found or suspected to have been contaminated with chlorinated solvents and other organics, no. 2 fuel oil, lead and other inorganics as the result of historic previous site operations. The report demonstrated attainment of the Statewide Health Standard for soils and was approved on November 26, 2002.

**Tomko Property**, Upper Saucon Township, **Lehigh County**. Thomas J. Martinelli, Environmental Scientist, JMT Environmental Technologies, P. O. Box 22044, Lehigh Valley, PA 18002 submitted a Final Report (on behalf of Frances Tomko, Route 309, Center Valley, PA 18034) concerning the remediation of site soils found or suspected to have been contaminated with no. 2 fuel oil constituents. The report demonstrated attainment of the Statewide Health Standard and was approved on December 4, 2002.

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

**Lear Corporation (formerly Masland Industries)**, Granville Township, **Mifflin County**. Montgomery Watson Harza, 335 Phoenixville Pike, Malvern, PA 19355, on behalf of Lear Corporation, 21557 Telegraph Road, P. O. Box 5008, Southfield, MI 48086-5008, submitted a Final Report concerning remediation of site soils and groundwater contaminated with solvents. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 3, 2002.

**Deanna Murray Residence**, Silver Spring Township, **Cumberland County**. GemChem, Inc., 53 North Cedar Street, P. O. Box 384, Lititz, PA 17543-0384, on behalf of Deanna Murray, 33 Millers Gap Road, Enola, PA 17025, submitted a final report within 90 days of a release concerning remediation of site soils contaminated with No. 2 fuel oil. The final report did not demonstrate attainment of the Statewide Health Standard and was disapproved by the Department on December 4, 2002.

**John and Betty Hart Residence**, Mount Joy Township, **Adams County**. Hydrocon Services, Inc., 16 East Minor Street, Emmaus, PA 18049, on behalf of John and Betty Hart, 95 Hoffman Home Road, Gettysburg, PA 17325, submitted a final report concerning remediation of site soils, groundwater and surface water contaminated with BTEX and PAHs. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 10, 2002.

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

**Anchor Glass Container Corp. Plant No. 46**, Jenks Township, **Forest County**. Praxis Environmental Inc., 619 Westbourne Rd., West Chester, PA 19382 (on behalf of Anchor Glass Container Corp., 4343 Anchor plaza Park-

way, Tampa, FL 33634) has submitted a Final Report concerning the remediation of site Groundwater contaminated with Arsenic. The Final Report was approved. Final report demonstrated attainment of the Statewide Health Standards and was approved by the Department on December 4, 2002.

#### MUNICIPAL WASTE GENERAL PERMITS

**Permits Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and 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. WMGM014. James D. Morrissey, Inc.**, 9119 Frankford Avenue, Philadelphia, PA 19114. General Permit No. WMGM014 is for the beneficial use of roadway excavation materials as construction materials. The general permit was issued by Central Office on December 11, 2002.

#### RESIDUAL WASTE GENERAL PERMITS

**Permits Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and 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 Number WMGR080. Penreco**, 138 Petrolia Street, Karns City, PA 16041-9222. The general permit authorizes the beneficial use of weak alkali liquor generated from production of FDA white mineral oils as an alternative alkaline material for neutralization of wastewater at coal washing plants and for treatment of acid mine drainage at coal refuse piles or coal stockpiles. The permit was issued by Central Office on December 9, 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. 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.

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

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

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

**Permit No. 101468. Republic Services of PA, LLC**, 3600 South 26th Street, Philadelphia, PA. This permit is for the reissuance and modification of the waste management permit to Republic Services Group of Pennsylvania, LLC from Republic Services of Pennsylvania Group of Pennsylvania I, LLC for the continuing operation of the Girard Point municipal and construction/demolition waste transfer station located in the City of Philadelphia. The permit was issued by the Southeast Regional Office on December 4, 2002.

**Permits renewed 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. 101597. Pecks Septic Service**, 68 Pine School Road, Gardners, PA 17324, South Middleton Township, **Cumberland County**. The permit renewal is for the Municipal Waste Processing Facility. The permit was approved by the Southcentral Regional Office on December 4, 2002.

**Permit No. 101606. Kline's Services, Inc.**, 5 Holland Street, Salunga, PA 17538, East Hempfield Township, **Lancaster County**. The permit renewal is for Kline's Salunga Municipal Waste Processing Facility. The permit was approved by the Southcentral Regional Office on December 6, 2002.

**Permit No. 100345. Delaware County Solid Waste Authority**, 1521 North Providence Road, Media, PA 19603, Earl Township, **Berks County**. The permit renewal is for the Rolling Hills Landfill. The permit was approved by the Southcentral Regional Office on December 6, 2002.

Persons interested in reviewing the general permits 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.

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

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 100944. Chester County Solid Waste Authority**, 7224 Division Hwy., Narvon, PA 17555, Caernarvon, **Lancaster County** and Honeybrook Township, **Chester County**. The permit modification is for the Lanchester Landfill's Action Plan for Radiation Monitoring. The permit was approved by the Southcentral Regional Office on December 6, 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 AND RESIDUAL WASTE TRANSPORTER AUTHORIZATION**

**Issued applications for Municipal and Residual Waste Transporter Interim Authorization received under the Waste Transportation Safety Act (27 Pa.C.S. §§ 6201—6209) and regulations to transport municipal or residual waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472.*

**DL George & Sons Const. Co.**, 13321 Midvale Road, Waynesboro, PA 17268-9418. Authorization No. WH0183. Effective December 3, 2003.

**Brink Transportation Inc.**, R. R. 1 Box 316H, Houtzdale, PA 16651. Authorization No. WH0238. Effective December 3, 2003.

**Cesar Munoz**, Suite 9, 61 Lincoln Highway, South Kearny, NJ 07032. Authorization No. WH0741. Effective December 3, 2003.

**Duval Delgado**, 1923 Sky Top Garden, Parlin, NJ 08859. Authorization No. WH0746. Effective December 3, 2003.

**Espinosa Lionso**, 173 Woodside Ave., Newark, NJ 07104. Authorization No. WH0753. Effective December 3, 2003.

**Waste Management of MD Inc.**, 6333 Macaw Ct., Elkridge, MD 21075. Authorization No. WH1427. Effective December 4, 2003.

**Waste Management of Delaware Inc.**, 300 Harvey Dr., Wilmington, DE 19804. Authorization No. WH1428. Effective December 4, 2003.

**Waste Management of Shenandoah Valley**, 25 Bowling Lane, Martinsburg, WV 25401. Authorization No. WH1429. Effective December 4, 2003.

**Braddon Enterprises Inc.**, Johnsonville Road, R. R. 2 Box 240, Chester, WV 260344. Authorization No. WH1430. Effective December 4, 2003.

**Waste Management of MD Inc.**, 4622 Wedgewood Blvd, Frederick, MD 21704. Authorization No. WH1431. Effective December 4, 2003.

**Waste Management of New York**, 89 Black Meadow Road, Chester, NY 10918. Authorization No. WH1432. Effective December 4, 2003.

**Northern Recycling Inc.**, 89 Black Meadow Road, Chester, NY 10918. Authorization No. WH1433. Effective December 4, 2003.

**All Waste Systems Inc.**, 89 Black Meadow Road, Chester, NY 10918-2219. Authorization No. WH1434. Effective December 4, 2003.

**Waste Management New England Environmental Transport Inc.**, P. O. Box 144, Portland, CT 06480-0144. Authorization No. WH1435. Effective December 4, 2003.

**Materials Haulers Inc.**, P. O. Box 5178, West New York, NJ 07093. Authorization No. WH1656. Effective December 4, 2002.

**JP Mascaro & Sons Inc.**, 320 Godshall Dr., Harleysville, PA 19438-2008. Authorization No. WH1731. Effective December 4, 2002.

**SCS Trucking Inc.**, 146 Port Avenue, Elizabeth, NJ 07206. Authorization No. WH0908. Effective December 5, 2002.

**Huck Finn Inc.**, R. R. 1 Box 191B, Sigel, PA 15860. Authorization No. WH0962. Effective December 5, 2002.

**Fred A. Dobson**, Road 6, Box 533A, Punxsutawney, PA 15767. Authorization No. WH0927. Effective December 3, 2002.

**William Walters, Jr.**, 164 Valley View Lane, Lilly, PA 15938. Authorization No. WH0953. Effective December 3, 2002.

**Singh Harjit**, 207 N. Arlington Ave., P. O. Box 90103, Harrisburg, PA 17109. Authorization No. WH0954. Effective December 3, 2002.

**Expert Tree Svc. Co.**, 422 Mountain Road, Dillsburg, PA 17019-1518. Authorization No. WH0957. Effective December 3, 2002.

**Timofey V. Pinchuk**, 505 Clinton Road, Harrisburg, PA 17109. Authorization No. WH0958. Effective December 3, 2002.

**Joseph W. Sword**, 20 Tamanend Road, Tamaqua, PA 18252. Authorization No. WH0918. Effective December 3, 2002.

**David M. Brown**, 47 Norwood St., Newark, NJ 07106. Authorization No. WH0955. Effective December 3, 2002.

**James E. Husic**, 422 Mountain Road, Dillsburg, PA 17019-1518. Authorization No. WH0959. Effective December 3, 2002.

**BLR Disposal**, P. O. Box 159, Goodville, PA 17528-0159. Authorization No. WH0951. Effective December 3, 2002.

**Penn Waste Inc.**, P. O. Box 3066, York, PA 17402. Authorization No. WH0960. Effective December 3, 2002.

**Alan Kunsman Maintenance Service, Inc.**, 203 Washington Street, Freemansburg, PA 18017. Authorization No. WH0336. Effective December 4, 2002.

**Bethlehem City**, 10 East Church Street, Bethlehem, PA 18018-6005. Authorization No. WH0536. Effective December 4, 2002.

**Lewistown Borough**, 2 East 3rd Street, Lewistown, PA 17044-1799. Authorization No. WH0713. Effective December 4, 2002.

**Milton J. Teats**, P. O. Box 48, Grassflat, PA 16839. Authorization No. WH0929. Effective December 4, 2002.

**Joshen Jaswinder**, 1317 East Woodland Street, Allentown, PA 18103. Authorization No. WH0930. Effective December 2, 2002.

**Virender Service Station, Inc.**, 595 Walnut Street, Phillipsburg, NJ 08865. Authorization No. WH0932. Effective December 2, 2002.

**Edward C. Clark Transport**, P. O. Box 75, Grampian, PA 16838-0075. Authorization No. WH0933. Effective December 2, 2002.

**Sukhvinder Singh**, Apt. 1B, 1011 George Street, Easton, PA 18040. Authorization No. WH0934. Effective December 2, 2002.

**Champion Recycling, Inc.**, 575 Trestle Place, Downingtown, PA 19335. Authorization No. WH0937. Effective December 2, 2002.

**Fuel City, Inc.**, 410 22nd Street, Lewisburg, PA 17387. Authorization No. WH0938. Effective December 2, 2002.

**Rick John, Inc.**, 717 Reamer Drive, Carnegie, PA 15106-1828. Authorization No. WH0939. Effective December 4, 2002.

**Melvin L. Mellott**, 1258 Frosty Hollow Road, Roaring Spring, PA 16673. Authorization No. WH0940. Effective December 2, 2002.

**George II Trucking Co.**, 273 North Washington Street, Sleepy Hollow, NY 10591. Authorization No. WH0941. Effective December 2, 2002.

**Richard E. Weidner, Paving & Excavating, Inc. LLC.**, 353 Gardner's Station Road, P. O. Box 155, Gardners, PA 17324. Authorization No. WH0942. Effective December 2, 2002.

**Ron Cropsey Trucking**, 754 Colonial Drive, Lilly, PA 15938-6701. Authorization No. WH0943. Effective December 2, 2002.

**R & J Roll-Off Service**, 381 Harris Road, Kittanning, PA 16201-4113. Authorization No. WH0944. Effective December 2, 2002.

**DeFloria Trucking Co.**, 13 Maruca Drive, Greensburg, PA 15601. Authorization No. WH0945. Effective December 4, 2002.

**Jagjit Singh Hans**, Apt. 5, 8486 Lancaster Avenue, Bethel, PA 19507. Authorization No. WH0946. Effective December 2, 2002.

**Brown Dog Trucking, Inc.**, 62 Stiles Avenue, Maple Shade, NJ 08052-2633. Authorization No. WH0947. Effective December 2, 2002.

**Doon Trucking, Inc.**, 564 Christopher Drive, Wernersville, PA 19565. Authorization No. WH0948. Effective December 2, 2002.

**Dancho Sanitation**, 2119 Mosselle Avenue, Bethlehem, PA 18020-4241. Authorization No. WH0949. Effective December 2, 2002.

**Ide Sanitation**, R. R. 3, Box 157M, Wyoming, PA 18644-9381. Authorization No. WH0950. Effective December 2, 2002.

**J. M. Blickley Trucking**, R. R. 1, Box 327, Olanta, PA 16863. Authorization No. WH0970. Effective December 4, 2002.

**Mikhail F. Berezenko**, 161 Confer Drive, Bellefonte, PA 16823. Authorization No. WH0972. Effective December 4, 2002.

**Russell Reid Waste Hauling & Disposal Service Co., Inc.**, 200 Smith Street, Keasby, NJ 08832-0130. Authorization No. WH0973. Effective December 4, 2002.

**Bobby Trucking Company**, Suite 2, 265 Broadway Street, Jersey City, NJ 07306. Authorization No. WH0974. Effective December 4, 2002.

**Richard D. Suter**, 3820 Centennial Road, Bedford, PA 15522. Authorization No. WH0975. Effective December 4, 2002.

**Harjinder Singh**, R. R. 1 Box 53D, Liverpool, PA 17045. Authorization No. WH0976. Effective December 4, 2002.

**Olan D. Smith**, R. R. 4 Box 204E, Sunbury, PA 17801-9141. Authorization No. WH0978. Effective December 4, 2002.

**Allison Trucking, Inc.**, 2151 Warmspring Road, Chambersburg, PA 17201. Authorization No. WH0979. Effective December 4, 2002.

**James Howard Hopta**, 800 West Pine Street, Shamokin, PA 17872. Authorization No. WH0980. Effective December 4, 2002.

**Day Way Enterprises, Inc.**, 385 New Hampshire Lane, Bound Brook, NJ 08805. Authorization No. WH0981. Effective December 4, 2002.

**Scott L. Mowry**, 634 South Imler Valley Road, Osterburg, PA 16667. Authorization No. WH0982. Effective December 4, 2002.

**Ronald V. Alesczyk**, 123 East Merritt Street, Plains, PA 18705-2037. Authorization No. WH0983. Effective December 4, 2002.

**Joe & Sons Trucking**, 91-20 172nd Street, Queens, NY 11432. Authorization No. WH0984. Effective December 4, 2002.

**Threaded Screw Product Co., Inc.**, P. O. Box 507, 230 Barley Sheaf Road, Thorndale, PA 19372. Authorization No. WH0985. Effective December 4, 2002.

**D & R Trucking**, 912 Conemaugh Avenue, Portage, PA 15946. Authorization No. WH0986. Effective December 4, 2002.

**Spangler Construction**, 324 King Street, Myerstown, PA 17067. Authorization No. WH0987. Effective December 4, 2002.

**Burgmeier's Hauling, Inc.**, P. O. Box 929, R. R. 1, Box 938, Altoona, PA 16603-0929. Authorization No. WH0988. Effective December 4, 2002.

**Republic Service of New Jersey, Inc.**, 4100 Church Road, Mt. Laurel, NJ 08054-2221. Authorization No. WH0989. Effective December 4, 2002.

**Javier Nieves**, 1306 North Maxwell Street, Allentown, PA 18109. Authorization No. WH0990. Effective December 4, 2002.

**Mahanoy City Borough**, P. O. Box 6, 239 East Pine Street, Mahanoy City, PA 17948. Authorization No. WH1018. Effective December 6, 2002.

**Swint's Hauling & Disposal Services**, 602 Folk Street, Easton, PA 18042-6639. Authorization No. WH1019. Effective December 6, 2002.

**Joe's Disposal Service, Inc.**, P. O. Box 897, Hallstead, PA 18822. Authorization No. WH1020. Effective December 6, 2002.

**Gooding, Simpson & Mackes, Inc.**, P. O. Box 476, 345 South Reading Road, Reading, PA 17522-0476. Authorization No. WH1021. Effective December 6, 2002.

**Ellsworth Disposal**, 114 Swetland Lane, West Wyoming, PA 18644-1405. Authorization No. WH1022. Effective December 6, 2002.

**A 2 Z Environmental Group, LLC**, 520 Trimble Road, Joppa, MD 21085-4035. Authorization No. WH1023. Effective December 6, 2002.

**Gregory W. Kaloyerakis**, 828 Cinder Road, Edison, NJ 08820. Authorization No. WH01024. Effective December 6, 2002.

**Paul M. Shaffer Disposal Service**, 108 Frosty Hollow Road, Stillwater, PA 17878-9600. Authorization No. WH1025. Effective December 6, 2002.

**Merlin L. Myers Masonry, Inc.**, 860 Dietz Road, York, PA 17402. Authorization No. WH1026. Effective December 6, 2002.

**Water Street Rescue Mission**, P. O. Box 7267, 210 South Prince Street, Lancaster, PA 17604-7267. Authorization No. WH1027. Effective December 6, 2002.

**Bucknell University**, University Avenue, Lewisburg, PA 17837-2030. Authorization No. WH1028. Effective December 6, 2002.

**Robert W. Johnston**, 14902 Mountain Green Road, Willow Hill, PA 17271-9711. Authorization No. WH1029. Effective December 6, 2002.

**Department of Transportation**, P. O. Box B, Media, PA 19063-0387. Authorization No. WH1008. Effective December 6, 2002.

**Casworth Enterprises**, 449 Caulfield Avenue, Deptford, NJ 08096-5525. Authorization No. WH1006. Effective December 6, 2002.

**Huseyin C. Ozbay**, 3001 Route 130 South, Apt 39G, Delran, NJ 08075. Authorization No. WH0798. Effective December 2, 2002.

**John P. Smith Inc.**, HC 6 Box 50, Brookville, PA 15825. Authorization No. WH0846. Effective December 2, 2002.

**D R & R Trucking Inc.**, 284 E. 32nd St., Paterson, NJ 07504. Authorization No. WH0912. Effective December 2, 2002.

**Triple A Trans Inc.**, P. O. Box 5074, Wayne, NJ 07470-5074. Authorization No. WH1001. Effective December 3, 2002.

**Koberlein Inc.**, R. R. 4 Box 4116, Honesdale, PA 18431. Authorization No. WH1002. Effective December 3, 2002.

**Asset Management Specialist Inc.**, 7500 Bristol Pike, Levittown, PA 19057. Authorization No. WH1003. Effective December 3, 2002.

**Melissa & Emily Trucking Inc.**, 27 Adrienne Lane, Staten Island, NY 10303. Authorization No. WH1004. Effective December 3, 2002.

**William T. Holland**, 116 Boulder Road, Upper Black Eddy, PA 18972-9556. Authorization No. WH1005. Effective December 3, 2002.

**Krzysztof Zielinski**, 353 George St., South Amboy, NJ 08879. Authorization No. WH0845. Effective December 5, 2002.

**Gray Brothers Inc.**, 1696 E. Lancaster Ave., Paoli, PA 19301-1506. Authorization No. WH1013. Effective December 5, 2002.

**S & T Trucking Company**, 3482 Wrangle Hill Road, Bear, DE 19701. Authorization No. WH1016. Effective December 5, 2002.

## 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.**

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

**46-302-222GP: Ortho-McNeil Pharmaceutical, Inc.** (Welsh and McKean Roads, Spring House, PA 19477) on

December 4, 2002, for a mmBtu/hr boiler in Lower Gwynedd Township, **Montgomery County**.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: Michael Salko, Facilities Permitting Chief, (570) 826-2531.*

**45-302-071GP: Aventis Pasteur, Inc.** (Discovery Drive, Swiftwater, PA 18370-0187) for construction and operation of boiler no. 6 in Pocono Township, **Monroe County**.

**45-302-072GP: Aventis Pasteur, Inc.** (Discovery Drive, Swiftwater, PA 18370-0187) for construction and operation of boiler no. 7 in Pocono Township, **Monroe County**.

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

**GP4-22-03034: RAM Industries, Inc.** (P. O. Box 748, Leesport, PA 19533) on December 3, 2002, was authorized to operate three burn off ovens under GP4 in Susquehanna Township, **Dauphin County**.

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**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.**

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

**23-0014C: Kimberly Clark Corp.** (Front Street and Avenue of the States, Chester, PA 19013) on December 3, 2002, for operation of a wet scrubber dust control system in City of Chester, **Delaware County**.

**46-0005T: Merck and Co., Inc.** (770 Summeytown Pike, West Point, PA 19486) on December 5, 2002, for operation of two 1,300 kW emergency generator in Upper Gwynedd Township, **Montgomery County**.

**09-0155: Milton Roy Co.** (201 Ivyland Road, Ivyland, PA 18974) on December 9, 2002, for operation of two paint booths in Ivyland Borough, **Bucks County**.

**46-0232: Cemco Lift, Inc.** (2801 Township Line Road, Hatfield, PA 19440) on December 9, 2002, for operation of a spray paint booth in Hatfield Township, **Montgomery County**.

**09-0143: Naceville Materials** (1028 Ridge Road, Sellersville, PA 18960) on December 10, 2002, for operation of primary crusher and conveyors in West Rockhill Township, **Bucks County**.

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

**40-301-076A: Lacey Memorial** (Rear 1000 South Church Street, Hazleton, PA 18201) on November 26, 2002, for construction of an animal remains crematory and associated air cleaning device 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.*

**28-03042: Advanced Recycling Technology, Inc.** (340 South Broad Street, Hallam, PA 17406) on December

5, 2002, for construction of an industrial dryer in Greene Township, **Franklin County**.

**28-05030: Industrial Power Generating Corp.** (2250 Dabney Road, Richmond, VA 17011) for construction of an electrical power generating facility in Peters Township, **Franklin County**.

**ER-38-05002: Alcoa, Inc.** (201 Isabella Street, Pittsburgh, PA 15212) on December 3, 2002, for emission reduction credits for a secondary aluminum processing facility in South Lebanon Township, **Lebanon County**.

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

**55-399-005: Professional Building Systems, Inc.** (72 East Market Street, Middleburg, PA 17842) on November 5, 2002, for construction of a modular home manufacturing facility in Middleburg Borough, **Snyder County**.

**49-303-006: Collier Materials, Inc.** (R. R. 2, Box 672, Shamokin, PA 17872) on November 19, 2002, for construction of a batch asphalt concrete plant and associated air cleaning devices (a cyclone collector and a fabric collector operating in series) in Ralpho Township, **Northumberland County**. This plant is subject to Subpart I of the Federal Standards of Performance for New Stationary Sources.

**55-00001B: Sunbury Generation, LLC** (1088 Springhurst Drive, Green Bay, WI 54304-5495) on November 19, 2002, for construction of a trailer-mounted ash storage silo and associated truck and railcar loading operations and an associated air cleaning device (a fabric collector) in Shamokin Dam Borough, **Snyder County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.*

**32-00364A: Rosebud Mining** (301 Market Street, Kittanning, PA 16201) on December 6, 2002, for operation of a stockpile and screen plant at the Josephine No. 3 Deep Mine in Center Township, **Indiana County**.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

**46-313-057E: Republic Environmental Systems, Inc.** (2869 Sandstone Drive, Hatfield, PA 19440) on December 5, 2002, for operation of a hazardous waste TSD in Hatfield Township, **Montgomery County**.

**46-301-259B: East Norriton Plymouth Whitpain JSA** (200 Ross Street, Plymouth Meeting, PA 19462) on December 5, 2002, for operation of a sludge incinerator in Plymouth Township, **Montgomery County**.

**46-0166: M and M Stone Co.** (Indian Creek Road, Harleysville, PA 19438) on December 6, 2002, for operation of a batch asphalt plant in Lower Salford Township, **Montgomery County**.

**46-0005N: Merck and Co., Inc.** (770 Summeytown Pike, West Point, PA 19486) on December 6, 2002, for operation of a 500kW emergency generator in Upper Gwynedd Township, **Montgomery County**.

**46-0194A: Freedom Alloys, Inc.** (155 Railroad Plaza, Royersford, PA 19468) on December 9, 2002, for operation of a 4,000 pound inductotherm furnace in Royersford Borough, **Montgomery County**.

**46-0198: Blommer Chocolate Co.** (1101 Blommer Drive, East Greenville, PA 18041) on December 9, 2002, for operation of an alkalization reactor in Upper Hanover Township, **Montgomery County**.

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

**38-03028A: Brentwood Industries, Inc.** (2101 Lehman Street, Lebanon, PA 17046) on November 23, 2002, for installation of carbon adsorption odor control equipment on gray line and green line at its Lebanon Plant in West Lebanon Township, **Lebanon County**. This plan approval was extended.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.*

**56-00167A: North American Hoganas** (250 Abex Road, P. O. Box 509, Hollsopple, PA 15935) for construction of a powdered metal process in Quemahoning Borough, **Somerset County**. This plan approval was extended.

**63-00914A: Bolsan Co., Inc.** (163 Linnwood Road, Eighty-Four, PA 15330) for installation of a coating oven in North Strabane Township, **Washington County**. This plan approval was extended.

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

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

**61-00181: Scrubgrass Power, Scrubgrass Generating Plant** (2151 Lisbon Road, Kennerdell, PA 16374) for a Title V Operating Permit Re-issuance to operate an electric energy generating facility in Scrubgrass Township, **Venango County**.

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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.*

**09-00021: MRI Flexible PKG** (122 Penns Trail, Newtown, PA 18940) on December 3, 2002, for operation of a Natural Minor Operating Permit in Newtown Township, **Bucks County**.

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

**67-03116: Surtech Industries, Inc.** (915 Borom Road, York, PA 17402) on December 2, 2002, for operation of an industrial manufacturing facility in the City of York, **York County**.

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

**20-00256: Weyerhaeuser ChoiceWood** (11117 Skyline Drive, Titusville, PA 16354) for operation of a dimension lumber mill in Oil Creek Township, **Crawford 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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*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: Muhammad Zaman, Facilities Permitting Chief, (570) 327-0512.*

**08-313-029B: OSRAM SYLVANIA Products, Inc.** (Hawes Street, Towanda, PA 18848) on December 4, 2002, to authorize the use of an alternate air cleaning device (a fabric collector) to control the particulate matter emissions from two pieces of phosphor processing equipment (a dryer unloading station and a bagging station) in North Towanda Township, **Bradford County**.

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**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: Michael Saffko, Facilities Permitting Chief, (570) 826-2531.*

**48-00006: Reliant Energy Mid-Atlantic Power Holding LLC** (Portland Generating Station, Route 611, Portland, PA 18351) for the temporary storage of fly ash and bottom ash in Upper Mt. Bethel Township, **Northampton County**.

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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); and The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21).** The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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*Coal Permits Actions*

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

**17010114 and NPDES Permit No. PA0243175. Forcey Coal, Inc.,** P. O. Box 225, Madera, PA 16661. Commencement, operation and restoration of a bituminous surface mine-auger permit in Penn Township, **Clearfield County** affecting 128 acres. Receiving streams: unnamed tributary to Bell Run No. 1 to Bell Run. Application received October 29, 2001. Permit issued November 26, 2002.

**17010115 and NPDES Permit No. PA0243183. King Coal Sales, Inc.,** P. O. Box 712, Philipsburg, PA 16866.

Commencement, operation and restoration of a bituminous surface mine-coal refuse reprocessing permit in Morris and Boggs Townships, **Clearfield County** affecting 190.1 acres. Receiving streams: unnamed tributary to Emigh Run to Emigh Run to Moshannon Creek to the West Branch Susquehanna River. Application received December 5, 2001. Permit issued November 27, 2002.

This permit was issued under a Project XL agreement between the Department and the EPA. Project XL is the EPA's program to test innovative approaches to environmental protection using regulatory flexibility to achieve superior environmental performance. Under Project XL, a Consent Order and Agreement (COA) between King Coal Sales, Inc. and the Department was executed on November 27, 2002. The purpose of this agreement is to improve water quality in Emigh Run (Clearfield County) through encouraging remining and acid mine drainage abatement measures. The agreement will base compliance on in-stream water quality and the implementation of best management practices, instead of numeric effluent limitations measured at individual discharge points. The agreement applies only to this surface mining permit. Emigh Run is one of up to eight acid mine drainage impacted watersheds where this approach under Project XL will be evaluated. The full text of the COA and the Project XL agreement can be obtained at [www.dep.state.pa.us](http://www.dep.state.pa.us) by navigating to Mineral Resources Management, District Mining Operations, Project XL or by contacting the Hawk Run District Office at (814) 342-8200.

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

**03960107 and NPDES Permit No. PA0201821. Thomas J. Smith, Inc.** (R. D. 1, Box 260D, Shelocta, PA 15774). Permit renewal issued for continued reclamation only of a bituminous surface/auger mine mining site located in Burrell Township, **Armstrong County**, affecting 167.8 acres. Receiving streams: unnamed tributary to Cherry Run to Crooked Creek. Application received October 1, 2002. Renewal issued December 5, 2002.

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

**56890110 and NPDES Permit No. PA0598551. Hoffman Mining, Inc.**, P. O. Box 130, 118 Runway Road, Friedens, PA 15541, permit revision to include auger mining and for discharge of treated mine drainage in Shade Township, **Somerset County**, affecting 67.6 acres. Receiving streams: Whiskey Run to Dark Shade Creek classified for CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 26, 2002. Permit issued December 3, 2002.

**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 streams: 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. Permit issued December 3, 2002.

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

**24870102 and NPDES Permit No. PA0107875. Black Oak Development, Inc.** (P. O. Box 205, Glen Campbell, PA 15742). Renewal of an existing bituminous

strip and tippel refuse disposal operation in Jay Township, **Elk County** affecting 94.5 acres. This renewal is issued for reclamation only. Receiving streams: unnamed tributary to Bennett Branch Sinnemahoning Creek. Application received September 6, 2002. Permit issued December 2, 2002.

#### *Noncoal Permits Actions*

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

**14022802 and 14022803. Mark Soster**, 205 W. Sycamore Street, Snow Shoe, PA 16874. Commencement, operation and restoration of a Small Industrial Minerals (Field Stone) permit located in Liberty Township, **Centre County** affecting 5 acres. Receiving streams: unnamed tributary to Bald Eagle Creek. Application received June 10, 2002. Permit issued November 25, 2002.

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

**62000801. Corry Peat Products Co.** (515 Turnpike Road, Corry, PA 16407). Final bond release for a small noncoal mining operation in Columbus Township, **Warren County**. Restoration of 5.0 acres completed. Receiving stream: Coffee. Application received September 17, 2002. Final bond release approved: November 26, 2002.

**25010801. Corry Peat Products Co.** (515 Turnpike Road, Corry, PA 16407). Final bond release for a small noncoal mining operation in Corry Township, **Erie County**. Restoration of 2.0 acres completed. Receiving stream: Hare Creek. Application received September 17, 2002. Final bond release approved: November 26, 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. 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.*

**48024032. Labrador Construction** (P. O. Box 1379, Marshalls Creek, PA 18335), construction blasting in Lower Saucon Township, **Northampton County** with an expiration date of January 1, 2004. Permit issued December 3, 2002.

**360240138. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in East Lampeter Township, **Lancaster County** with an expiration date of March 31, 2003. Permit issued December 3, 2002.

**35024030. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Old Forge Borough, **Lackawanna County** with an expiration date of October 31, 2003. Permit issued December 3, 2002.

**45024081. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Barrett Township, **Monroe County** with an expiration date of October 30, 2003. Permit issued December 3, 2002.

**35024029. Leeward Construction** (R. R. 6 Box 6825, Honesdale, PA 18431), construction blasting in Jefferson Township, **Lackawanna County** with an expiration date of December 12, 2003. Permit issued December 3, 2002.



**64024013. Leeward Construction** (R. R. 6 Box 6825, Honesdale, PA 18431), construction blasting in Palmyra Township, **Wayne County** with an expiration date of August 31, 2003. Permit issued December 3, 2002.

**54024006. Lagana Construction Services** (146 Airport Beltway, Suite 3, Hazleton, PA 18201), construction blasting in Kline Township and Kelayres, **Schuylkill County** with an expiration date of November 30, 2003. Permit issued December 3, 2003.

**45024082. EJW Corporation** (R. R. 2 Box 189, Kingsley, PA 18826), construction blasting in Smithfield Township, **Monroe County** with an expiration date of January 17, 2003. Permit issued December 4, 2002.

**01024012. Thomas J. Angelozzi, Inc.** (7845 Kabik Court, Woodbine, MD 21797), construction blasting in Cumberland Township, **Adams County** with an expiration date of December 31, 2005. Permit issued December 4, 2002.

**360240139. Miller Warner Construction Company, Inc.** (265 Plane Tree Drive, Lancaster, PA 17603), construction blasting in Manheim Township, **Lancaster County** with an expiration date of December 31, 2003. Permit issued December 4, 2002.

**360240140. Miller Warner Construction Company, Inc.** (265 Plane Tree Drive, Lancaster, PA 17603), construction blasting in West Hempfield Township, **Lancaster County** with an expiration date of December 31, 2003. Permit issued December 4, 2002.

**52024032. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Delaware Township, **Pike County** with an expiration date of November 3, 2003. Permit issued December 4, 2002.

**50024002. Glenn O. Hawbaker** (450 East College Avenue, Bellefonte, PA 16823), construction blasting in Penn Township, **Perry County** with an expiration date of January 31, 2003. Permit issued December 4, 2002.

**46024068. Rock Work, Inc.** (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting in Montgomery Township, **Montgomery County** with an expiration date of February 14, 2003. Permit issued December 4, 2002.

**46024067. Allan A. Myers, L. P.** (P. O. Box 98, Worcester, PA 19490), construction blasting in Upper Providence Township, **Montgomery County** with an expiration date of December 14, 2003. Permit issued December 4, 2002.

**54024007. Lagana Construction Services** (146 Airport Road, Suite 3, Hazleton, PA 18201), construction blasting in Kline Township and McAdoo Borough, **Schuylkill County** with an expiration date of June 30, 2003. Permit issued December 6, 2002.

**48024033. Labrador Construction** (P. O. Box 1379, Marshalls Creek, PA 18335), construction blasting in Nazareth Borough, **Northampton County** with an expiration date of February 1, 2003. Permit issued December 6, 2002.

**45024083. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431), construction blasting in Middle Smithfield Township, **Monroe County** with an expiration date of November 6, 2003. Permit issued December 6, 2002.

**45024084. Holbert Explosives, Inc.** (237 Masthobe Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting in East Stroudsburg, **Monroe County** with an expiration date of December 31, 2002. Permit issued December 6, 2002.

**360240142. ABEL Construction Co., Inc.** (3925 Columbia Avenue, Mountville, PA 17554), construction blasting in Manor Township, **Lancaster County** with an expiration date of December 18, 2003. Permit issued December 6, 2002.

**23024013. Horst Drilling & Blasting, Inc.** (141 Ranck's Church Road, New Holland, PA 17557), construction blasting in Thornbury Township, **Delaware County** with an expiration date of December 25, 2004. Permit issued December 6, 2002.

**22024017. Keystone Blasting Service** (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting in Mifflin Township, **Dauphin County** with an expiration date of December 31, 2003. Permit issued December 6, 2002.

**09024035. Glasgow, Inc.** (P. O. Box 1089, Glenside, PA 19038-1089), construction blasting in Milford Township, **Bucks County** with an expiration date of February 28, 2003. Permit issued December 6, 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.

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 P. S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).** (Note: Water Obstruction and Encroachment Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

*Permits Issued and Actions on 401 Certifications*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E40-572. Robert E. and Frances C. Dorian**, 32 Barclay Drive, Turnersville, NJ 08012-1546. Foster Township, **Luzerne County**, Army Corps of Engineers Philadelphia District.

To place fill in a de minimis area of wetlands, equal to 0.02 acre, for the purpose of constructing a single-family residence and driveway. The project is located on Lot 112 along Lakeside Drive in the Ag-Mar Estates Subdivision, approximately 1.0 mile southwest of the intersection of SR 0940 and SR 0080 (White Haven, PA Quadrangle N: 7.9 inches; W: 5.8 inches).

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

**E05-305. Ardeth Facciani**, 221 Station Street, Johnstown, PA 15905 in Bedford Township, **Bedford County**, ACOE Baltimore District.

To construct and maintain a 30-inch corrugated plastic pipe stormwater outfall and a 12-foot by 13-foot rock apron in the channel of Shobers Run (HQ-CWF) at a point approximately 1,200 feet upstream of its confluence of the Raystown Branch of the Juniata all for the purpose of constructing the proposed 44-lot Church Hill Manor Subdivision (Everett West, PA Quadrangle N: 2.95 inches; W: 16.08 inches) in Bedford Township, Bedford County.

**E31-182. Dudley-Carbon-Coalment Joint Municipal Authority**, P. O. Box 276, Dudley, PA 16634 in Dudley and Coalment Boroughs and Carbon Township, **Huntingdon County**.

To construct and maintain a sewage treatment plant in the floodplain of Shoups Run (WWF) and a utility line crossing of Shoups Run (WWF) at a point approximately 1 mile upstream of Route 913 and to construct 7.3 miles of sewer line which cross Shoups Run (WWF) House Run (WWF), Sugarcomp Run (WWF), Coal Bank Run (WWF) and an unnamed tributary to Shoups Run (WWF) (Saxton, PA Quadrangle N: 17.8 inches; W: 12.7 inches) in Dudley and Coalment Boroughs and Carbon Township, Huntingdon County.

**E44-111. Bratton Township**, 460 Mountain Lane, McVeytown, PA 17051 in Bratton Township, **Mifflin County**, ACOE Baltimore District.

To construct and maintain: (1) a pump station in the floodplain of an unnamed tributary to Carlisle Run (HQ-CWF) at a point approximately 1,300 feet downstream of SR 103 (Belleville, PA Quadrangle N: 0.4 inch; W: 8.6 inches); (2) three sewer line crossings of Carlisle Run (HQ-CWF) (McVeytown, PA Quadrangle N: 21.6 inches; W: 9.8 inches; Belleville, PA Quadrangle N: 0.5 inch; W: 8.1 inches and N: 1.4 inches; W: 7.0 inches); (3) eight sewer line crossings of unnamed tributaries to Carlisle Run (HQ-CWF) (Belleville, PA Quadrangle N: 0.1 inch; W: 8.4 inches; N: 0.1 inch; W: 8.5 inches; N: 0.1 inch; W: 8.6 inches; N: 0.2 inch; W: 8.2 inches; N: 0.2 inch; W: 8.3 inches; N: 0.3 inch; W: 8.2 inches; N: 0.4 inch; W: 7.5 inches and N: 0.4 inch; W: 8.1 inches); (4) one sewer line crossing of an unnamed tributary to the Juniata River (HQ-CWF) (McVeytown, PA Quadrangle N: 20.6 inches; W: 12.3 inches); and (5) an 8-inch PVC effluent discharge and endwall in Carlisle Run (HQ-CWF) at the confluence of Carlisle Run and the Juniata River (Belleville, PA Quadrangle N: 1.7 inches; W: 6.7 inches) all for the purpose of constructing the Bratton Township Wastewater System in Bratton Township, Mifflin County. The project also involves 12 sewer line crossings of unnamed tributaries to Carlisle Run (HQ-CWF) and 3 sewer line crossings of unnamed tributaries to the Juniata River (HQ-CWF) that are waived under section 105.12(a)(2).

**E67-687. Orchard Hills Real Estate, Inc.**, 450 Spangler Road, Oxford, PA 17350 in Springettsbury and Hellam Townships, **York County**, ACOE Baltimore District.

To construct and maintain: (1) a 30-inch reinforced concrete pipe crossing having a length of 280 feet; (2) a 12-inch reinforced concrete pipe crossing having a length of 295 feet; and (3) an 8-inch water main and sanitary sewer line in an unnamed tributary to Kreutz Creek (WWF) located on an 81 acre parcel at the corner of SR 2006 and SR 2013 called Orchard Hills (York, PA Quadrangle N: 18.3 inches; W: 0.2 inch and Red Lion, PA Quadrangle N: 18.3 inches W: 17.3 inches) in Springettsbury and Hellam Townships, York County; 0.099 acre of palustrine emergent and open water wetland impact is associated with the stream enclosures. The permittee has met the wetland replacement by participating in the Pennsylvania Wetland Replacement Project.

**E67-723. Lehman Poultry Farm**, 6141 Lincoln Highway, Wrightsville, PA 17368 in Hellam Township, **York County**, ACOE Baltimore District.

To excavate 20 linear feet of an unnamed tributary to Kreutz Creek (WWF) in conjunction with the construction

of a 100-foot by 100-foot farm pond having a 10-foot high berm running parallel to another unnamed tributary to Kreutz Creek (Columbia West, PA Quadrangle N: 3.95 inches; W: 8.0 inches) in Hellam Township, York County.

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

**E14-420. Department of Transportation, 1924-30** Daisy Street, Clearfield, PA 16830. I-99 C10, Taylor and Worth Townships, **Centre County** and Snyder Township, **Blair County**, ACOE Baltimore District (Start: Tyrone, PA Quadrangle N: 14.5 inches; W: 10.5 inches; End: Franklinville, PA Quadrangle N: 5.0 inches; W: 9.25 inches).

To construct and maintain:

1. Two five-span prestressed concrete I-beam parallel bridges with 65-foot underclearances, named Structures 200 and 201, over Bald Eagle Creek at Sta. 526+00 located 1 mile southwest of Port Matilda.

2. Four 108-inch diameter 92-foot long corrugated metal pipes, the associated R-6 rock armored cover and the pipe outfall's 9-inch thick Reno mattress apron at Sta. 526+61, named temporary crossing #3, across Bald Eagle Creek directly downstream of Structures No. 200 and No. 201.

3. Two four span continuous composite prestressed concrete I-beam bridges with a minimum underclearance

of 28 feet 1.75 inches, named Structure 109 northbound at Sta. 466+46.55 to 470+60.55 and Structure 110 southbound at Sta. 467+20 to 470+24, over Blue Springs Hollow Run located 2,000 feet upstream from Bald Eagle Creek.

4. Two 36-inch diameter 62-foot long corrugated metal pipes at Sta. 467+50 Rt., named temporary stream crossing #2, across Blue Springs Hollow Run for construction vehicle stream crossing.

5. Six-foot by 6-foot 221-foot long precast concrete box culvert, Structure 104, located 1,100 feet downstream of the SR 0350 at Sta. 132+91.94 to allow an unnamed tributary to Bald Eagle Creek to flow under I-99.

6. Two 30-inch diameter 345-foot long corrugated metal pipes at Sta. 133+25, named temporary stream crossing #1, as required for dewatering and construction vehicle stream crossing for Structure 104.

7. This project also proposes to relocate two unnamed tributary channels of Blue Spring Hollow Run. Relocation one is 116 long feet at Sta. 468+59, Rt. to Sta. 469+31, Rt. Relocation two are 114 feet at Construction Centerline Sta. 469+32, Lt. to Sta. 469+53, Lt.

8. Chapter 105 Water Obstructions that are eligible for a waiver of permit requirements.

<i>Index Number/Stream Name</i>	<i>Station</i>	<i>Chapter 93 Classification</i>	<i>Type of Crossing</i>	<i>Impact Linear Feet</i>
CHN-063 (Type IV)	69+30	TSF	Culverted	479
CHN-062 (Type II)	72+43	TSF	Culverted	462
CHN-001 (Type II)	97+71	TSF	Culverted	414
CHN-007 (Type II)	124+25	TSF	Culverted	360
CHN-009 (Type IV)	128+40	TSF	Culverted	205
CHN-031 (Type II)	379+35	CWF	Culverted	453
CHN-050 (Type II)	498+75	CWF	Culverted	469

Total stream impact to streams identified as obstructions with drainage areas less than 100 acres: 2,842

#### 9. Water Obstructions Type IV Streams

<i>Index Number/Stream Name</i>	<i>Type</i>	<i>Station</i>	<i>Chapter 93 Classification</i>	<i>Type of Crossing</i>	<i>Length Linear Feet</i>
CHN-045	Type IV	464.35	CWF	Filled	431
CHN-061	Type IV	74+00	TSF	Diverted	637
CHN-060	Type IV	75+12	TSF	Diverted	621
CHN-059	Type IV	77+10	TSF	Diverted	524
CHN-056	Type IV	86+30	TSF	Diverted	570
CHN-004	Type IV	116+00	TSF	Diverted	559
CHN-006	Type IV	120+85	TSF	Diverted	381
CHN-051	Type IV	201+73	CWF	Diverted	391
CHN-033A	Type IV	390+00	CWF	Diverted	943
CHN-033(034)	Type IV	395+14	CWF	Diverted	572
CHN-043	Type IV	432+50	CWF	Diverted	235
CHN-052	Type IV	502+50	CWF	Diverted	432
CHN-XXX	Type IV	76+30	TSF	Filled	430
CHN-008	Type IV	127+25	TSF	Filled	337
CHN-013	Type IV	139+00 Lt	TSF	Filled	149
CHN-018B	Type IV	229+25	CWF	Filled	141
CHN-019	Type IV	232+50 Lt	CWF	Filled	35
CHN-020	Type IV	239+00 Lt	CWF	Filled	26
CHN-028	Type IV	313+00 Lt	CWF	Filled	82
CHN-028B	Type IV	342+00	CWF	Filled	233
CHN-030	Type IV	349+15 Lt	CWF	Filled	62
CHN-032	Type IV	381+25	CWF	Filled	142
CHN-035	Type IV	398+00	CWF	Filled	400
CHN-038B	Type IV	399+50	CWF	Filled	502

<i>Index Number/ Stream Name</i>	<i>Type</i>	<i>Station</i>	<i>Chapter 93 Classification</i>	<i>Type of Crossing</i>	<i>Length Linear Feet</i>
CHN-038A	Type IV	404+15 Lt	CFW	Filled	55
CHN-039	Type IV	407+55	CFW	Filled	401
CHN-040	Type IV	411+00	CFW	Filled	289
CHN-048A	Type IV	489+00	CFW	Filled	270
CHN-049	Type IV	491+80	CFW	Filled	278

Total impact to Type IV streams considered water obstructions 10,128

#### 10. Water Obstructions Types I, II and III Streams

<i>Index Number/ Stream Name</i>	<i>Type</i>	<i>Station</i>	<i>Chapter 93 Classification</i>	<i>Type of Crossing</i>	<i>Length Linear Feet</i>
CHN-011	Type I	132+90	CFW	Culverted	481
CHN-027	Type II	297+00	CFW	Filled	188
CHN-025	Type II	379+35	CFW	Filled	222
CHN-038 (-037)	Type II	403+40	CFW	Culverted	616
CHN-041	Type II	414+10	CFW	Diverted	591
CHN-042	Type III	415+77	CFW	Culverted	590
CHN-044	Type II	462+00	CFW	Culverted	620
CHN-046/ CHN-046A	Type II	466+50	CFW	Bridged/Fill	161
Blue Springs Hollow Run	Type I	468+10	CFW	Fill	92
CHN-045A	Type II	468+77	CFW	Bridged/Fill	224
CHN-048	Type II	488+50	CFW	Culverted	327
CHN-053	Type II	509+50	CFW	Diverted	709
CHN-054	Type II	511+40	CFW	Diverted	160
CHN-064	Type II	63+20	TSF	Filled	950
CHN-057	Type III	85+00	TSF	Diverted	500
CHN-058	Type II	93+91	TSF	Culverted	378
CHN-002	Type II	101+00	TSF	Culverted	530
CHN-003	Type II	110+23	TSF	Culverted	507
CHN-010	Type II	131+54	TSF	Diverted	459
CHN-014	Type II	143+87	TSF	Ditch	147
CHN-016	Type II	159+24	TSF	Culverted	476

Total Impact to Type I, II and III streams considered encroachments 8,928

#### 11. To place fill in the following wetlands.

<i>Wetland Identifier</i>	<i>Station</i>	<i>Size (Acres)</i>	<i>Class</i>	<i>Direct (Acres)</i>	<i>Indirect (Acres)</i>	<i>Latitude</i>	<i>Longitude</i>
<i>(South) Bald Eagle Creek Watershed</i>							
PJD-076	57+54 Rt	0.015	PFO	0.015	0.000	40 42' 36"	78 11' 21"
DMG-101	65-24 Lt.	0.037	PEM	0.037	0.000	40 42' 45"	78 11' 16"
DMG-120	67+23 Lt.	0.014	PEM	0.014	0.000	40 42' 45"	78 11' 13"
DMG-121	68+55 Lt.	0.007	PEM	0.007	0.000	40 42' 46"	78 11' 12"
DMG-100	69+80 Lt.	0.008	PEM	0.000	0.008	40 42' 46"	78 11' 11"
PJD-104	70+00	0.020	PEM	0.020	0.000	40 42' 44"	78 11' 8"
PJD-301	72+23 Lt.	0.016	PEM	0.016	0.000	40 42' 46"	78 11' 7"
DMG-099	72+34 Lt	0.006	PEM	0.000	0.006	40 42' 47"	78 11' 7"
DMG-122	73+57 Lt.	0.013	PEM	0.013	0.000	40 42' 48"	78 11' 6"
PJD-291	73+83 Lt.	0.002	PEM	0.002	0.000	40 42' 47"	78 11' 5"
AMB-50	74+31 Lt.	0.007	PEM	0.007	0.000	40 42' 48"	78 11' 5"
DMG-123	76+86 Lt.	0.010	PEM	0.000	0.010	40 42' 50"	78 11' 2"
DMG-124	77+31 Lt.	0.003	PEM	0.000	0.003	40 42' 49"	78 11' 2"
DMG-125	78+16 Lt.	0.019	PEM	0.000	0.019	40 42' 50"	78 11' 00"
DMG-126	81+06 Lt.	0.013	DEM	0.000	0.013	40 42' 52"	78 10' 58"
PJD-103	83+62 Lt.	0.024	PEM	0.000	0.024	40 42' 52"	78 10' 54"
DMG-098	83+62 Lt.	0.003	PEM	0.003	0.000	40 42' 53"	78 10' 55"
PJD-102	86+75 Lt.	0.016	PEM	0.016	0.000	40 42' 54"	78 10' 51"
DMG-097	86+94 Lt	0.003	PEM	0.000	0.003	40 42' 56"	78 10' 52"
PJD-101	88+52 Lt.	0.021	PEM	0.008	0.013	40 42' 55"	78 10' 49"
AMB-043	91+54	0.050	PEM	0.000	0.050	40 42' 53"	78 10' 43"
AMB-057	99+35 Lt	0.004	PEM	0.000	0.011	40 43' 1"	78 10' 38"
AMB-056	100+00Lt	0.020	PEM	0.000	0.004	40 43' 2"	78 10' 37"
AMB-055	101+12Lt	0.021	PEM	0.020	0.000	40 43' 2"	78 10' 36"
PJD-073	97+ 90Lt	0.011	PSS	0.027	0.114	40 43' 1"	78 10' 40"
AMB-054	101+72 t	0.023	PEM	0.021	0.000	40 43' 3"	78 10' 35"
AMB-053	100+11Lt	1.370	PEM	0.023	0.000	40 43' 4"	78 10' 39"

<i>Wetland Identifier</i>	<i>Station</i>	<i>Size (Acres)</i>	<i>Class</i>	<i>Direct (Acres)</i>	<i>Indirect (Acres)</i>	<i>Latitude</i>	<i>Longitude</i>
AMB-052	101+72Lt.	0.002	PEM	0.002	0.000	40 43' 3"	78 10' 35"
DMG-052	102+50 Lt	0.009	PEM	0.009	0.000	40 43' 00"	78 10' 32"
JHH-026	102+52 t.	0.005	PEM	0.005	0.000	40 42' 59"	78 10' 31"
AMB-051	104+64Lt.	0.020	PEM	0.020	0.000	40 43' 5"	78 10' 32"
PJD-272	108+43Lt.	0.038	PEM	0.003	0.035	40 43' 7"	78 10' 26"
MAS-089	110+02Lt.	0.045	PFO	0.000	0.045	40 43' 8"	78 10' 24"
DMG-053	110+24Lt.	0.110	PEM/PSS	0.001	0.109	40 43' 6"	78 10' 23"
DMG-054	118+24	0.026	PEM	0.026	0.000	40 43' 3"	78 10' 13"
WRP-021	124+38Rt.	0.123	PEM	0.062	0.061	40 43' 00"	78 10' 5"
WRP-024	126+94Rt.	0.023	PEM	0.000	0.008	40 42' 59"	78 10' 1"
DMG-056	128+30Lt.	0.017	PEM	0.003	0.014	40 43' 5"	78 10' 1"
JHH-028	130+13 Lt	0.092	PEM	0.092	0.000	40 43' 4"	78 10' 00"
DMG-057	130+91 Lt	0.009	PEM	0.009	0.000	40 43' 3"	78 9' 57"
JHH-029	131+23	0.0139	PEM	0.014	0.000	40 43' 2"	78 9' 56"
MAS-090	131+13 Rt	0.131	PEM/PSS	0.046	0.003	40 43' 00"	78 9' 55"
WRP-027	132+08 Rt	0.266	PEM	0.007	0.011	40 43' 00"	78 9' 54"
WRP-028	132+21 Rt	0.037	PEM	0.037	0.000	40 43' 1"	78 9' 54"
DMG-058A	133+00 Rt	0.008	PEM	0.008	0.000	40 43' 2"	78 9' 54"
DMG-059	131+59 Lt	0.015	PEM	0.015	0.000	40 43' 4"	78 9' 53"
PJD-276	133+88 Lt	0.017	PEM	0.017	0.000	40 43' 5"	78 9' 54"
DMG-060	139+90 Lt	0.008	PEM	0.008	0.000	40 43' 4"	78 9' 53"
JHH-030	134+50 Lt	0.010	PEM	0.010	0.000	40 43' 3"	78 9' 52"
PJD-277	134+28 Lt	0.001	PEM	0.001	0.000	40 43' 4"	78 9' 53"
MAS-094	134+81 Rt	0.010	PEM	0.010	0.000	40 43' 3"	78 9' 51"
MAS-092	134+93 Rt	0.002	PEM	0.002	0.000	40 43' 1"	78 9' 50"
JHH-031	134+59 Lt	0.004	PEM	0.004	0.000	40 43' 5"	78 9' 53"
MAS-093	135+03 Lt	0.025	PEM	0.025	0.000	40 43' 3"	78 9' 50"
MAS-096	139+00	0.037	PEM	0.037	0.000	40 43' 6"	78 9' 47"
MAS-097	144+44 Rt	0.002	PEM	0.002	0.000	40 43' 7"	78 9' 40"
MAS-098	145+64 Rt	0.003	PEM	0.003	0.000	40 43' 7"	78 9' 40"
DMG-062	146+20 Lt	0.047	PEM	0.000	0.047	40 43' 13"	78 9' 45"
JHH-032	146+43 Lt	0.009	PEM	0.002	0.007	40 43' 11"	78 9' 40"
WRP-032	146+92 Lt	0.005	PEM	0.005	0.000	40 43' 10"	78 9' 38"
WRP-031	147+27 Rt	0.004	PEM	0.004	0.000	40 43' 8"	78 9' 37"
DMG-066	158+83 Lt	0.011	PEM	0.000	0.011	40 43' 15"	78 9' 24"
MAS-099	159+95 Rt	0.015	PEM	0.015	0.000	40 43' 13"	78 9' 22"
PJD-279	171+50 Lt	0.156	PEM	0.047	0.109	40 43' 18"	78 9' 9"
JHH-035	171+43 Lt	0.028	PEM	0.028	0.000	40 43' 17"	78 9' 8"
JHH-036	171+78 Lt	0.001	PEM	0.001	0.000	40 43' 17"	78 9' 8"
MAS-100	178+65	0.006	PEM	0.006	0.000	40 43' 18"	78 8' 59"
PJD-280	180+39 Lt	0.111	PEM	0.011	0.100	40 43' 23"	78 8' 59"
MAS-101	203+90 Lt	0.003	PEM	0.003	0.000	40 43' 31"	78 8' 31"
ADM 001	52+50	0.30	PEM	0.037*	0.000	40 43' 31"	78 9' 49"
Subtotal (South) Bald Eagle Creek Watershed				0.849	0.838	= 1.69	
<i>(North) Bald Eagle Creek Watershed</i>							
JHH-037	216+72 Lt	0.001	PEM	0.000	0.001	40 43' 40"	78 8' 18"
DMG-067	219+05 Lt	0.003	PFO	0.003	0.000	40 43' 40"	78 8' 15"
JHH-038	224+05 Lt	0.181	PEM	0.181	0.000	40 43' 45"	78 8' 11"
MAS-102	224+67	0.003	PEM	0.003	0.000	40 43' 44"	78 8' 10"
DMG-103	230+56 Lt	0.032	PEM	0.032	0.000	40 43' 49"	78 8' 6"
DMG-068	238+76 Rt	0.009	PEM	0.009	0.000	40 43' 52"	78 7' 54"
DMG-069	250+25 Lt	0.001	PEM	0.001	0.000	40 44' 1"	78 7' 45"
PJD-281	250+45 Lt	0.002	PEM	0.000	0.002	40 44' 1"	78 7' 45"
JHH-039	253+50 Lt	0.103	PEM/PFO	0.000	0.103	40 44' 4"	78 7' 43"
JHH-040	255+73 Lt	0.010	PEM	0.000	0.010	40 44' 5"	78 7' 40"
PJD-282	259+30 Lt	0.036	PEM	0.036	0.000	40 44' 7"	78 7' 37"
JHH-041	259+56 Lt	0.002	PEM	0.000	0.002	40 44' 8"	78 7' 37"
JHH-042	269+33 Lt	0.007	PEM	0.007	0.000	40 44' 14"	78 7' 28"
JHH-043	299+32 Lt	0.067	PEM	0.067	0.000	40 44' 34"	78 6' 58"
JHH-044	309+76 Lt	0.167	PEM	0.167	0.000	40 44' 38"	78 6' 45"
JHH-045	311+16 Lt	0.050	PEM	0.050	0.000	40 44' 39"	78 6' 44"
JHH-046	311+92 Lt	0.012	PEM	0.012	0.000	40 44' 39"	78 6' 43"
JHH-047	319+47 Lt	0.017	PEM	0.000	0.017	40 44' 45"	78 6' 36"
WRP-035	323+39 Lt	0.039	PEM	0.015	0.024	40 44' 47"	78 6' 32"
WRP-033	324+03 Lt	0.020	PEM	0.000	0.020	40 44' 47"	78 6' 31"
DMG-105	333+74 Rt	0.004	PEM	0.004	0.000	40 44' 52"	78 6' 20"

<i>Wetland Identifier</i>	<i>Station</i>	<i>Size (Acres)</i>	<i>Class</i>	<i>Direct (Acres)</i>	<i>Indirect (Acres)</i>	<i>Latitude</i>	<i>Longitude</i>
PJD-284	334+05 Lt	1.913	PEM	0.143	0.037	40 44' 54"	78 6' 23"
DMG-104	334+50 Rt	0.120	PFO/PEM	0.120	0.000	40 44' 52"	78 6' 19"
JHH-050	337+27 Lt	0.085	PEM	0.007	0.002	40 44' 57"	78 6' 21"
PJD-285	333+05 Lt	0.143	PEM	0.143	0.000	40 44' 56"	78 6' 18"
JHH-051	358+22 Lt	0.023	PEM	0.000	0.004	40 44' 57"	78 6' 20"
DMG-106	343+25 Lt	0.085	PEM	0.045	0.040	40 45' 3"	78 6' 18"
DMG-108	347+21 Lt	0.009	PEM	0.009	0.000	40 45' 4"	78 6' 12"
JHH-052	347+66 Lt	0.012	PEM	0.012	0.000	40 45' 5"	78 6' 12"
JHH-054	349+39 Lt	0.028	PEM	0.028	0.000	40 45' 6"	78 6' 10"
DMG-074	349+29 Lt	0.031	PEM	0.031	0.000	40 45' 6"	78 6' 12"
DMG-073	349+50 Lt	0.036	PEM	0.036	0.000	40 45' 7"	78 6' 12"
DMG-107	350+17 Lt	0.013	PEM	0.013	0.000	40 45' 7"	78 6' 12"
JHH-053	350+02 Lt	0.017	PEM	0.017	0.000	40 45' 5"	78 6' 12"
JHH-057	377+46 Rt	0.009	PEM	0.009	0.000	40 45' 28"	78 5' 49"
DMG-076	387+43 Lt	0.043	PEM	0.043	0.000	40 45' 39"	78 5' 46"
PJD-286	394+51 Lt	0.016	PEM	0.016	0.000	40 45' 45"	78 5' 41"
PJD-287	398+90 Lt	0.183	PEM	0.078	0.105	40 45' 48"	78 5' 36"
DMG-078	400+56 Lt	0.003	PEM	0.003	0.000	40 45' 49"	78 5' 34"
DMG-077	400+83 Lt	0.008	PEM	0.008	0.000	40 45' 49"	78 5' 34"
JHH-058	402+17 Rt	0.063	PEM	0.063	0.000	40 45' 47"	78 5' 29"
DMG-079	404+18 Lt	0.004	PEM	0.000	0.004	40 45' 51"	78 5' 31"
JHH-059	404+43 Rt	0.013	PEM	0.013	0.000	40 45' 48"	78 5' 27"
DMG-080	405+18 Lt	0.014	PEM	0.000	0.014	40 45' 52"	78 5' 30"
JHH-060	413+87	0.526	PEM	0.526	0.000	40 45' 57"	78 5' 20"
PJD-289	455+33 Lt	1.020	PEM	0.259	0.077	40 46' 30"	78 4' 49"
JHH-062	456+65 Lt	0.102	PFO	0.013	0.089	40 46' 30"	78 4' 46"
PJD-290	458+57 Lt	1.330	PFO	0.243	0.163	40 46' 31"	78 4' 45"
JHH-061	461+64	0.245	PEM	0.245	0.000	40 46' 33"	78 4' 41"
DMG-084	463+60	0.005	PEM	0.005	0.000	40 46' 36"	78 4' 44"
DMG-102	464+12 Lt	0.002	PEM	0.002	0.000	40 46' 36"	78 4' 40"
PJD-292	465+00 Rt	0.040	PEM	0.040	0.000	40 46' 32"	78 4' 34"
DMG-087	465+16 Lt	0.016	PEM	0.016	0.000	40 46' 37"	78 4' 39"
JHH-067	465+75	0.163	PEM	0.163	0.000	40 46' 35"	78 4' 35"
<b>DMG-088</b>	<b>466+42 Lt</b>	<b>1.842</b>	<b>PEM</b>	<b>1.621</b>	<b>0.221</b>	<b>40 46' 37"</b>	<b>78 4' 35"</b>
PJD-293	467+00	0.346	PEM	0.038	0.000	40 46' 32"	78 4' 39"
<b>JHH-068</b>	<b>467+83 Lt</b>	<b>0.012</b>	<b>PEM</b>	<b>0.000</b>	<b>0.012</b>	<b>40 46' 35"</b>	<b>78 4' 32"</b>
<b>JHH-069</b>	<b>468+00</b>	<b>0.018</b>	<b>PEM</b>	<b>0.000</b>	<b>0.018</b>	<b>40 46' 36"</b>	<b>78 4' 33"</b>
<b>DMG-089</b>	<b>469+61 Rt</b>	<b>0.018</b>	<b>PEM</b>	<b>0.018</b>	<b>0.000</b>	<b>40 46' 36"</b>	<b>78 4' 31"</b>
PJD-296	470+68 Lt	0.130	POW/PEM	0.074	0.002	40 46' 40"	78 4' 33"
AMB-041	479+30 Lt	0.001	PEM	0.001	0.000	40 46' 44"	78 4' 23"
DMG-127	485+00 Lt	0.007	PEM	0.007	0.000	40 46' 48"	78 4' 18"
AMB-060	485+22 Lt	0.002	PEM	0.002	0.000	40 46' 48"	78 4' 18"
AMB-058	485+35 Lt	0.017	PEM	0.017	0.000	40 46' 49"	78 4' 18"
AMB-059	485+61 Lt	0.045	PEM	0.045	0.000	40 46' 49"	78 4' 18"
PJD-299	505+73 Lt	0.033	PEM/PSS	0.033	0.000	40 47' 5"	78 4' 5"
DMG-095	509+25	0.142	PEM/PSS	0.142	0.000	40 47' 7"	78 4' 1"
PJD-298	509+57 Rt	0.029	PEM	0.029	0.000	40 47' 8"	78 4' 00"
DMG-051	526+13 Rt	0.067	PEM/PSS	0.031	0.036	40 47' 22"	78 4' 1"
DMG-094	510+16 Rt	0.019	PEM	0.019	0.000	40 47' 8"	78 3' 59"
PJD-300	511+10 Rt	0.018	PSS	0.018	0.000	40 47' 10"	78 4' 1"
DMG-050	510+50 Rt	0.026	PEM	0.000	0.026	40 47' 9"	78 4' 3"
DMG-096	512+98 Rt	0.049	PSS	0.022	0.027	40 47' 11"	78 3' 59"
PJD-270	513+15 Lt	0.389	PEM/PSS	0.294	0.095	40 47' 12"	78 4' 3"
PJD-271	521+45 Rt	6.916	PFO	2.620	0.000	40 47' 17"	78 3' 58"
PJD 054	523+80 Lt access road	0.118	PFO/PSS	0.000	0.018	40 47' 19"	78 4' 6"
Subtotal (North) Bald Eagle Creek Watershed				7.967	1.169	= 9.136	
Project Subtotal				8.816	2.007		
Total Proposed Project Impact						10.823 acres	

Bold face wetlands are Exceptional Value due to the adjacent wild trout stream.

\* indicates temporary impact associated with access road to Fisher Wetland Mitigation Site.

The total stream impacts are 22,635 linear feet and include: 547 linear feet bridged; 4,525 linear feet culverted; and 14,721 linear feet diverted and filled (of

which 385 linear feet will be realigned). In addition, there will be 499 linear feet of temporary stream crossing impacts and 2,842 linear feet of waived culvert crossing

impacts. With respect to wetlands, there will be 8.816 acres of direct impact (0.037 acre of which is to be temporary impact) and 2.007 acres of indirect impacts for a total of 10.823 acres. The wetlands that lie along the floodplain of Blue Springs Hollow Run are Exceptional Value due to the presence of an endemic wild trout fishery. Consequently, there will be 1.89 acres of Exceptional Value wetlands impacted (1.639 acres direct, 0.251 acre indirect) in this area resulting from bridge construction and channel relocation. A Federal jurisdictional determination has already been made for wetland resources project wide.

**E41-514. Neil F. Dunkle**, P. O. Box 334, Jersey Shore, PA 17740-0334. Water Obstruction and Encroachment Permit Application, in Mifflin Township, **Lycoming County**, ACOE Susquehanna River Basin District (Waterville, PA Quadrangle N: 5.16 inches; W: 0.46 inch).

To remove an existing timber frame bridge and construct and maintain a single span steel frame bridge having a span of 16 feet and a minimum underclearance of 6.5 feet; maintain a single span steel frame bridge having a span of 24.75 feet and a minimum underclearance of 6.5 feet; a single span steel frame walk bridge having a span of 22 feet and a width of 4 feet and a minimum underclearance of 4.6 feet; as well as a steel frame walk bridge having a span of 50 feet, a width of 4 feet and a minimum underclearance of 5.5 feet all of which are located over the First Fork of Larry's Creek. The site is located along First Fork Road in Mifflin Township, Lycoming County. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E53-382. Galeton Borough Authority**, 4 Sherman Street, Galeton, PA 16922. Galeton Wastewater Treatment Facility Upgrade, in Galeton Borough, **Potter County**, ACOE Baltimore District (Galeton, PA Quadrangle N: 20.5 inches; W: 1.4 inches).

To modify, operate and maintain an existing wastewater treatment facility, located within the 100-year

floodway of Pine Creek for the treatment of municipal wastewater. Modification work of the treatment facility shall consist of constructing a 15-foot by 20-foot bar screening building, an 8-foot by 25-foot chlorine contact tank and an 8-foot by 13-foot dechlorination building within the 100-year floodway of the Pine Creek. This permit does not authorize any construction activities in or along the channel of Pine Creek and all construction activities shall be limited to the 100-year floodway and flood fringe areas. The project is located along the southern right-of-way of SR 0006 approximately 350 feet south of SR 1022 and SR 0006 intersection.

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

**E16-121, Edna D. Schmitt**, Bridge Across Deer Creek, in Elk Township, **Clarion County**, ACOE Pittsburgh District (Fryburg, PA Quadrangle N: 4.1 inches; W: 13.7 inches).

To construct and maintain a timber deck bridge having a structure length of 38 feet and an underclearance of approximately 7.5 feet across Deer Creek on an existing private driveway extending west from T-410 Soap Fat Road approximately 1.2 miles north of SR 322.

#### DAM SAFETY

*Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.*

**D62-033. Game Commission**, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797. To modify, operate and maintain, the Akeley Swamp Dam located across a tributary to Conewango Creek (CWF), directly impacting a de minimis area of wetland (PEM) equal to 0.03 acre and indirectly impacting approximately 231.0 acres of wetland (PEM, PSS) by seasonal and annual flooding. The project will involve modifying the three outlet structures to regulate the water levels in Akeley Swamp (Russell, PA Quadrangle N: 20.2 inches; W: 1.8 inches) in Pine Grove Township, **Warren County**.

## STORAGE TANKS

### SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Land Recycling and Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

SSIP Permit No.	Applicant Name and Address	County	Municipality	Tank Type	Tank Capacity
02-04-003	Charles D. Lasky Pennsylvania Power Company 128 Ferry Hill Road P. O. Box 128 Shippingport, PA 15077	Beaver	Shippingport Borough	Six ASTs storing sodium bisulfite/sodium sulfite	108,570 gallons each

## SPECIAL NOTICES

### SETTLEMENT UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT AND THE HAZARDOUS SITES CLEANUP ACT

#### Reading Industrial Scrap Company Site, Berks County

The Department of Environmental Protection (Depart-

ment), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305) and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C.A. §§ 9601—9675), has entered into a proposed settlement with certain De Minimis Responsible Parties (Settlor).

The proposed settlement resolves claims of the Department with the Settlor under the HSCA, CERCLA and other applicable law for potential repose costs for remediation of the former Reading Industrial Scrap Com-

pany Site (Site) located in the City of Reading and Muhlenberg Township, Berks County. The Settlor purchased the property in the spring of 2002. Prior to the Settlor acquiring the Site, solid waste, including waste alleged to include "hazardous substances" within the meaning of section 101(14) of CERCLA (42 U.S.C.A. § 9601(14)) and section 103 of the HSCA (35 P.S. § 6020.103), were disposed at the Site.

The proposed settlement obligates the Settlor to remit \$500 to the Department. The Department believes that the proposed settlement is fair, reasonable, practicable, in the public interest and in furtherance of the statutory goals of the HSCA and CERCLA.

For a period of 60 days, beginning with the December 21, 2002, publication date of this notice in the *Pennsylvania Bulletin*, the public is invited to review the Consent Order and Agreement (COA) memorializing the settlement, Monday through Friday, from 8 a.m. to 4 p.m. at the Department's Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110 by contacting Pamela Trowbridge at (717) 705-4706. The COA can also be reviewed at the Southcentral Region's Reading District Office, 1005 Cross Roads Boulevard, Reading, PA 19605, (610) 916-0100.

After review, the public may submit written comments on the COA before February 18, 2003, by mailing them to Pamela Trowbridge at the Department's Harrisburg Office at the previous address. A person adversely affected by the settlement may also file an appeal from the COA to the Environmental Hearing Board.

Questions concerning this notice should be directed to Pamela Trowbridge at the address and telephone number previously noted.

**Public Meeting and Request For Comment for the Proposed Total Maximum Daily Load (TMDL) for the Limestone Run and Huskins Run Watersheds in Armstrong County**

The Department of Environmental Protection (Department) will hold a public meeting to discuss and accept comments on proposed TMDLs for the Huskins Run and Limestone Run Watersheds in Armstrong County. The meeting will be held on January 8, 2003, at 6 p.m. in Room 103 of the Armsdale Building along Rt. 85 east of Kittanning, PA. Individuals who plan to make a presentation at the public meeting should contact Ron Horansky, Watershed Manager, Greensburg District Mining Office, (724) 925-5500 by 4 p.m. on Thursday, January 2, 2003. The Department will consider all comments in developing the final TMDLs for the Huskins Run and Limestone Run Watersheds, which will be submitted to the EPA for approval.

The proposed TMDLs for the Huskins Run and Limestone Run Watersheds were established in accordance with the requirements of section 303(d) of the Clean Water Act. One stream segment in each of the Huskins Run and the Limestone Run Watersheds has been identified as impaired on the 1996, 1998 and draft 2002 Pennsylvania 303(d) lists due to depressed pH and/or high concentrations of metals or sulfates. The listed segment and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
47018	Huskins Run	2.77
47105	Limestone Run	5.6

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron, manga-

nese and acidity), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
	0.3	Dissolved
Manganese	1.00	Total Recoverable
pH	6.0—9.0	N/A

The primary pollutant source for the watershed is abandoned mine workings. These watersheds were heavily mined for coal in the late 19th through 20th centuries. The effects of this are still present. All of the allocations made in the TMDLs are load allocations (LA), which are made to nonpoint sources of pollution.

The proposed TMDLs were developed using Monte Carlo Simulation (MCS) to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. MCS allows for the expansion of a data set based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the proposed TMDLs. The proposed TMDLs for the Huskins Run and Limestone Run Watersheds set allowable loading rates for metals and acidity at specified points in the watersheds. Field data collected over the past 10 years was used to establish the proposed TMDLs for the Huskins Run and Limestone Run Watersheds. The data and all supporting information used to develop the proposed TMDLs are available from the Department.

The Department will accept written comments on the proposed TMDLs for the Huskins Run and Limestone Run Watersheds. Written comments must be postmarked by February 19, 2003, and sent to Ron Horansky, Watershed Manager, Department of Environmental Protection, Greensburg District Mining Office, R. D. 2, Box 603C, Armbrust Professional Center, Greensburg, PA 15601, (724) 925-5500, rhoransky@state.pa.us.

To request a copy of the proposed TMDL and associated information sheet or to obtain directions to the Armsdale Building, contact Ron Horansky at the previous phone number or e-mail address.

The proposed TMDLs for the Huskins Run and Limestone Run Watersheds can be accessed through the Department's website (<http://www.dep.state.pa.us>) by typing "TMDL" in the direct link field and clicking "GO." Persons with a disability who require accommodations to attend this meeting should contact the Department at (814) 472-1900 or 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.

**Public Meeting and Request for Comment for the Proposed TMDL for the Laurel Run Watershed in Fayette County**

The Department will hold a public meeting to discuss and accept comments on a proposed TMDL for the Laurel Run Watershed in Fayette County. The meeting will be held on January 15, 2003, at 7 p.m. at the Stewart Township Community Center, Sherman Street, Ohio, PA. Individuals who plan to make a presentation at the public meeting should contact Ron Horansky, Watershed Manager, Greensburg District Mining Office, (724) 925-5500 by 4 p.m. on Wednesday, January 8, 2003. The



Department will consider all comments in developing the final TMDL for the Laurel Run Watershed, which will be submitted to the EPA for approval.

The proposed TMDL for the Laurel Run Watershed was established in accordance with the requirements of section 303(d) of the Clean Water Act. One stream segment in the Laurel Run Watershed has been identified as impaired on the 1996, 1998 and draft 2002 Pennsylvania 303(d) lists due to depressed pH and/or high concentrations of metals or sulfates. The listed segment and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
38491	Laurel Run	1.41

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron, manganese and acidity), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
	0.3	Dissolved
Manganese	1.00	Total Recoverable
pH	6.0—9.0	N/A

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the late 19th through 20th centuries. The effects of this are still present. All of the allocations made in the TMDL are LA, which are made to nonpoint sources of pollution.

The proposed TMDL was developed using MCS to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. MCS allows for the expansion of a data set based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the proposed TMDL. The proposed TMDL for the Laurel Run Watershed sets allowable loading rates for metals and acidity at specified points in the watershed. Field data collected over the past 10 years was used to establish the proposed TMDL for the Laurel Run Watershed. The data and all supporting information used to develop the proposed TMDL are available from the Department.

The Department will accept written comments on the proposed TMDL for the Laurel Run Watershed. Written comments must be postmarked by February 19, 2003, and sent to Ron Horansky, Watershed Manager, Department of Environmental Protection, Greensburg District Mining Office, R. D. 2, Box 603C, Armbrust Professional Center, Greensburg, PA 15601, (724) 925-5500, rhoransky@state.pa.us.

To request a copy of the proposed TMDL and associated information sheet or to obtain directions to the Stewart Township Community Center, contact Ron Horansky at the previous phone number or e-mail address.

The proposed TMDL for the Laurel Run Watershed can be accessed through the Department's website (<http://www.dep.state.pa.us>) by typing "TMDL" in the direct link field and clicking "GO." Persons with a disability who require accommodations to attend this meeting should contact the Department at (814) 472-1900 or 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.

#### **Public Meeting and Request for Comment for the Proposed TMDL for the Potato Garden Run Watershed in Allegheny and Beaver Counties**

The Department will hold a public meeting to discuss and accept comments on a proposed TMDL for the Potato Garden Run Watershed in Allegheny and Beaver Counties. The meeting will be held on January 28, 2003, at 5:30 p.m. at the Raccoon Creek State Park Main Office Building along Rt. 18 south of Hookstown, PA. Individuals who plan to make a presentation at the public meeting should contact Ron Horansky, Watershed Manager, Greensburg District Mining Office, (724) 925-5500 by 4 p.m. on Tuesday, January 21, 2003. The Department will consider all comments in developing the final TMDL for the Potato Garden Run Watershed, which will be submitted to the EPA for approval.

The proposed TMDL for the Potato Garden Run Watershed was established in accordance with the requirements of section 303(D) of the Clean Water Act. Two stream segments in the Potato Garden Run Watershed have been identified as impaired on the 1996, 1998 and draft 2002 Pennsylvania 303(d) lists due to depressed pH and/or high concentrations of metals. The listed segment and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
33756	Potato Garden Run	3.75
33764	Potato Garden Run	0.81

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron, manganese and acidity), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
	0.3	Dissolved
Manganese	1.00	Total Recoverable
pH	6.0—9.0	N/A

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the late 19th through 20th centuries. The effects of this are still present. All of the allocations made in the TMDL are LA, which are made to nonpoint sources of pollution.

The proposed TMDL was developed using MCS to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. MCS allows for the expansion of a data set based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the proposed TMDL. The proposed TMDL for the Potato Garden Run Watershed sets allowable loading rates for metals and acidity at specified points in the watershed. Field data collected over the past 10 years was used to establish the proposed TMDL for the Potato Garden Run Watershed. The data and all supporting information used to develop the proposed TMDL are available from the Department.

The Department will accept written comments on the proposed TMDL for the Potato Garden Run Watershed. Written comments must be postmarked by February 19,

2003, and sent to Ron Horansky, Watershed Manager, Department of Environmental Protection, Greensburg District Mining Office, R. D. 2, Box 603C, Armbrust Professional Center, Greensburg, PA 15601, (724) 925-5500, rhoransky@state.pa.us.

To request a copy of the proposed TMDL and associated information sheet or to obtain directions to the Raccoon Creek State Park Main Office Building, contact Ron Horansky at the previous phone number or e-mail address.

The proposed TMDL for the Potato Garden Run Watershed can be accessed through the Department's website (<http://www.dep.state.pa.us>) by typing "TMDL" in the direct link field and clicking "GO." Persons with a disability who require accommodations to attend this meeting should contact the Department at (814) 472-1900 or 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.

**Public Meeting and Request for Comment for the Proposed TMDL for the Cats Run Watershed in Fayette County**

The Department will hold a public meeting to discuss and accept comments on a proposed TMDL for the Cats Run Watershed in Fayette County. The meeting will be held on January 16, 2003, at 7 p.m. at the American Legion Post 423 in Masontown, PA. Individuals who plan to make a presentation at the public meeting should contact Ron Horansky, Greensburg District Mining Office, (724) 925-5500 by 4 p.m. on Wednesday, January 8, 2003. The Department will consider all comments in developing the final TMDL for the Cats Run Watershed, which will be submitted to the EPA for approval.

The proposed TMDL for the Cats Run Watershed was established in accordance with the requirements of section 303(d) of the Clean Water Act. Two stream segments in the Cats Run Watershed have been identified as impaired on the 1996, 1998 and draft 2002 Pennsylvania 303(d) lists due to depressed pH and/or high concentrations of metals. The listed segments and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
41314 (Segment 4917)	Cats Run	0.44
41314 (Segment 990102-1055-TVP)	Cats Run	1.16

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron, manganese and acidity), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
	0.3	Dissolved
Manganese	1.00	Total Recoverable
pH	6.0—9.0	N/A

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the late 19th through 20th centuries. The effects of this are still present. All of the allocations made in the TMDL are LA, which are made to nonpoint sources of pollution.

The proposed TMDL was developed using MCS to determine long-term average concentrations that each

stream segment could accept and still meet water quality criteria 99% of the time. MCS allows for the expansion of a data set based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the proposed TMDL. The proposed TMDL for the Cats Run Watershed sets allowable loading rates for metals and acidity at specified points in the watershed. Field data collected over the past 10 years was used to establish the proposed TMDL for the Cats Run Watershed. The data and all supporting information used to develop the proposed TMDL are available from the Department.

The Department will accept written comments on the proposed TMDL for the Cats Run Watershed. Written comments must be postmarked by February 19, 2003, and sent to Ron Horansky, Watershed Manager, Department of Environmental Protection, Greensburg District Mining Office, R. D. 2, Box 603C, Armbrust Professional Center, Greensburg, PA 15601, (724) 925-5500, rhoransky@state.pa.us.

To request a copy of the proposed TMDL and associated information sheet or to obtain directions to the American Legion Post 423, contact Ron Horansky at the previous phone number or e-mail address.

The proposed TMDL for the Cats Run Watershed can be accessed through the Department's website (<http://www.dep.state.pa.us>) by typing "TMDL" in the direct link field and clicking "GO." Persons with a disability who require accommodations to attend this meeting should contact the Department at (814) 472-1900 or 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.

**Public Meeting and Request for Comment for the Proposed TMDL for the Newmyer Run Watershed in Fayette County**

The Department will hold a public meeting to discuss and accept comments on a proposed TMDL for the Newmyer Run Watershed in Fayette County. The meeting will be held on January 29, 2003, at 6:30 p.m. at the Saltlick Township Municipal Building in Melcroft, PA. Individuals who plan to make a presentation at the public meeting should contact Ron Horansky, Greensburg District Mining Office, (724) 925-5500 by 4 p.m. on Tuesday, January 21, 2003. The Department will consider all comments in developing the final TMDL for the Newmyer Run Watershed, which will be submitted to the EPA for approval.

The proposed TMDL for the Newmyer Run Watershed was established in accordance with the requirements of section 303(d) of the Clean Water Act. Six stream segments in the Newmyer Run Watershed have been identified as impaired on the 1996, 1998 and draft 2002 Pennsylvania 303(d) lists due to depressed pH and/or high concentrations of metals. The listed segments and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
38307	Newmyer Run	2.99
38308	Newmyer Run	0.46
38309	Newmyer Run	1.41
38310	Newmyer Run	0.51
38311	Newmyer Run	0.71
38312	Newmyer Run	0.48
		6.56 (Total)

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron, manga-

nese and acidity), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
	0.3	Dissolved
Manganese	1.00	Total Recoverable
pH	6.0—9.0	N/A

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the late 19th through 20th centuries. The effects of this are still present. All of the allocations made in the TMDL are LA, which are made to nonpoint sources of pollution.

The proposed TMDL was developed using MCS to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. MCS allows for the expansion of a data set based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the proposed TMDL. The proposed TMDL for the Newmyer Run Watershed sets allowable loading rates for metals and acidity at specified points in the watershed. Field data collected over the past 10 years was used to establish the proposed TMDL for the Newmyer Run Watershed. The data and all supporting information used to develop the proposed TMDL are available from the Department.

The Department will accept written comments on the proposed TMDL for the Newmyer Run Watershed. Written comments must be postmarked by February 19, 2003, and sent to Ron Horansky, Watershed Manager, Department of Environmental Protection, Greensburg District Mining Office, R. D. 2, Box 603C, Armbrust Professional Center, Greensburg, PA 15601, (724) 925-5500, rhoransky@state.pa.us.

To request a copy of the proposed TMDL and associated information sheet or to obtain directions to the Saltlick Township Municipal Building, contact Ron Horansky at the previous phone number or e-mail address.

The proposed TMDL for the Newmyer Run Watershed can be accessed through the Department's website (<http://www.dep.state.pa.us>) by typing "TMDL" in the direct link field and clicking "GO." Persons with a disability who require accommodations to attend this meeting should contact the Department at (814) 472-1900 or 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.

#### **Public Meeting and Request for Comment for the Proposed TMDL for the Thompson Run Watershed in Allegheny County**

The Department will hold a public meeting to discuss and accept comments on a proposed TMDL for the Thompson Run Watershed in Allegheny County. The meeting will be held on January 23, 2003, at 7 p.m. at the West Mifflin Municipal Building in West Mifflin, PA. Individuals who plan to make a presentation at the public meeting should contact Ron Horansky, Greensburg District Mining Office, (724) 925-5500 by 4 p.m. on Wednesday, January 15, 2003. The Department will consider all comments in developing the final TMDL for the Thompson Run Watershed, which will be submitted to the EPA for approval.

The proposed TMDL for the Thompson Run Watershed was established in accordance with the requirements of section 303(d) of the Clean Water Act. One stream segment in the Thompson Run Watershed has been identified as impaired on the 1996, 1998 and draft 2002 Pennsylvania 303(d) lists due to depressed pH and/or high concentrations of metals. The listed segments and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
37449	Thompson Run	4.31

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron, manganese and acidity), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
	0.3	Dissolved
Manganese	1.00	Total Recoverable
pH	6.0—9.0	N/A

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the late 19th through 20th centuries. The effects of this are still present. All of the allocations made in the TMDL are LA, which are made to nonpoint sources of pollution.

The proposed TMDL was developed using MCS to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. MCS allows for the expansion of a data set based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the proposed TMDL. The proposed TMDL for the Thompson Run Watershed sets allowable loading rates for metals and acidity at specified points in the watershed. Field data collected over the past 10 years was used to establish the proposed TMDL for the Thompson Run Watershed. The data and all supporting information used to develop the proposed TMDL are available from the Department.

The Department will accept written comments on the proposed TMDL for the Thompson Run Watershed. Written comments must be postmarked by February 19, 2003, and sent to Ron Horansky, Watershed Manager, Department of Environmental Protection, Greensburg District Mining Office, R. D. 2, Box 603C, Armbrust Professional Center, Greensburg, PA 15601, (724) 925-5500, rhoransky@state.pa.us.

To request a copy of the proposed TMDL and associated information sheet or to obtain directions to the West Mifflin Municipal Building, contact Ron Horansky at the previous phone number or e-mail address.

The proposed TMDL for the Thompson Run Watershed can be accessed through the Department's website (<http://www.dep.state.pa.us>) by typing "TMDL" in the direct link field and clicking "GO." Persons with a disability who require accommodations to attend this meeting should contact the Department at (814) 472-1900 or 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.

### Public Meeting and Request for Comment for the Proposed TMDL for the Bear Loop Run Watershed in Cambria County

The Department will hold a public meeting to discuss and accept comments on a proposed TMDL for the Bear Loop Run Watershed in Cambria County. The meeting will be held on Wednesday, January 29, 2003, at 6:30 p.m. at the Antis Township Municipal Building in Bellwood, PA. Individuals who plan to make a presentation at the public meeting should contact Tim Kania, Cambria District Mining Office, (814) 472-1900 by 4 p.m. on Thursday, January 23, 2003. The Department will consider all comments in developing the final TMDL for the Bear Loop Run Watershed, which will be submitted to the EPA for approval.

The proposed TMDL for the Bear Loop Run Watershed was established in accordance with the requirements of section 303(d) of the Clean Water Act. One stream segment in the Bear Loop Run Watershed has been identified as impaired on the 1996, 1998 and draft 2002 Pennsylvania 303(d) lists due to depressed pH and/or high concentrations of metals. The listed segment and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
15978	Bear Loop Run	1.26

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron, manganese and acidity), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
	0.3	Dissolved
Manganese	1.00	Total Recoverable
pH	6.0–9.0	N/A

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the late 19th through 20th centuries. The effects of this are still present. All of the allocations made in the TMDL are LA, which are made to nonpoint sources of pollution.

The proposed TMDL was developed using MCS to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. MCS allows for the expansion of a data set based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the proposed TMDL. The proposed TMDL for the Bear Loop Run Watershed sets allowable loading rates for metals and acidity at specified points in the watershed. Field data collected over the past 10 years was used to establish the proposed TMDL for the Bear Loop Run Watershed. The data and all supporting information used to develop the proposed TMDL are available from the Department.

The Department will accept written comments on the proposed TMDL for the Bear Loop Run Watershed. Written comments must be postmarked by February 19, 2003, and sent to Tim Kania, Chief, Technical Section, Department of Environmental Protection, Cambria District Mining Office, 286 Industrial Park Road, Ebensburg, PA 15931-4119, (814) 472-1900, tkania@state.pa.us.

To request a copy of the proposed TMDL and associated information sheet or to obtain directions to the Antis Township Municipal Building, contact Tim Kania at the previous phone number or e-mail address.

The proposed TMDL for the Bear Loop Run Watershed can be accessed through the Department's website (<http://www.dep.state.pa.us>) by typing "TMDL" in the direct link field and clicking "GO." Persons with a disability who require accommodations to attend this meeting should contact the Department at (814) 472-1900 or 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.

[Pa.B. Doc. No. 02-2280. Filed for public inspection December 20, 2002, 9:00 a.m.]

### Ad Hoc Subcommittee Special Meeting of the Small Systems Technical Assistance Center Advisory Board

The Ad Hoc Subcommittee of the Small Systems Technical Assistance Center Advisory Board will hold a special meeting on January 8, 2003, from 9:30 a.m. to 3 p.m. in the 5th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The purpose of the meeting is to review and make recommendations for amendment of the current bylaws.

The schedule, agenda and handouts for the meeting will be available on the Department of Environmental Protection's (Department) website at <http://www.dep.state.pa.us>; choose "Participate." Questions concerning the schedule or agenda should be directed to Ray Braun, (717) 787-0122, rbraun@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Ray Braun at (717) 787-0122 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. 02-2281. Filed for public inspection December 20, 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 Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2003.

#### *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.

#### *Interim Technical Guidance*

DEP ID: 012-0200-003. Title: Public Access to Information Policy. Description: This policy modifies existing records management procedures of the Department to fulfill the Department's obligations under the Right to Know Law as amended by Act 2002-100, and to abide by Management Directive 205.36 to establish written procedures and take certain actions to implement the Right to Know Law. Effective Date: December 26, 2002, with a 60-day comment period. Comment Period Ends: February 20, 2003. Contact: Louis Guerra at (717) 783-8727 or e-mail: lguerra@state.pa.us.

DAVID E. HESS,  
*Secretary*

[Pa.B. Doc. No. 02-2282. Filed for public inspection December 20, 2002, 9:00 a.m.]

### **Extension of General Permits for the Beneficial Use of Sewage Sludge by Land Application (PAG-7, PAG-8, PAG-9)**

In accordance with the provisions of the Federal Clean Water Act, The Clean Streams Law (35 P. S. §§ 691.1—691.1001), sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20), the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904), the Department of Environmental Protection (Department), by this notice, issues a 6 month time extension of its current three general permits for the beneficial use of sewage sludge by land application.

The current general permits are scheduled to expire December 23, 2002. The proposed extension will extend the current general permits, in their entirety, until June 23, 2003. The extension will be effective on December 24, 2002, and shall expire on June 23, 2003. On or before December 23, 2002, the Department will redate the permits as Amendment No. 2. No other changes will be made to the permits under Amendment No. 2.

The extended permit documents package will continue to be available from the Department's Regional and Central Offices until it is replaced or updated.

The permit document package is available from the Department's Bureau of Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 783-3795, trutroutma@state.pa.us.

Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DAVID E. HESS,  
*Secretary*

[Pa.B. Doc. No. 02-2283. Filed for public inspection December 20, 2002, 9:00 a.m.]

## **DEPARTMENT OF LABOR AND INDUSTRY**

### **Current Prevailing Wage Act Debarments**

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors, or any firms, corporations or partnerships in which the contractors have an interest, shall be awarded no contracts for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Depiano General Contractors, Inc.	2210 Westchester Pike Broomall, PA 19008	December 6, 2002
—and—	—and—	
Depiano General Contractors	P. O. Box 51 Broomall, PA 19008	
—and—	—and—	
Joseph Depiano	31 West Eagle Road Havertown, PA 19083	

JOHNNY J. BUTLER,  
*Secretary*

[Pa.B. Doc. No. 02-2284. Filed for public inspection December 20, 2002, 9:00 a.m.]

## **DEPARTMENT OF MILITARY AND VETERANS AFFAIRS**

### **Revised Per Diem Rates Per Resident at Pennsylvania State Veterans' Homes**

The following per diem rates for residents of Pennsylvania State Veterans' Homes are effective January 1, 2003, through December 31, 2003:

#### *Hollidaysburg Veterans' Home:*

Nursing Care	\$209.65
Personal Care	\$127.49

#### *Pennsylvania Soldiers' and Sailors' Home:*

Nursing Care	\$217.56
Personal Care	\$110.60

#### *Southeastern Veterans' Center:*

Nursing Care	\$201.21
Personal Care	\$151.02

*Hollidaysburg Veterans' Home:*

*Northeastern Veterans' Center:*

Nursing Care \$200.64  
 Personal Care \$101.90

*Southwestern Veterans' Center:*

Nursing Care \$191.63  
 Personal Care \$109.47

*Delaware Valley Veterans' Home:*

Nursing Care \$220.71  
 Personal Care \$112.09

MAJOR GENERAL WILLIAM B. LYNCH,  
*Adjutant General*

[Pa.B. Doc. No. 02-2285. Filed for public inspection December 20, 2002, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under 71 P. S. § 513(e)(7), intends to sell certain land owned by the Department.

The following property is available for sale by the Department.

Parcel No. 85—City of Pittsburgh, Allegheny County. This parcel contains approximately 22,804+/- square feet or 0.523+/- acre of vacant land located at the corner of Chateau Street and Hopkins Street adjacent to State Route 0065, in the 21st Ward, City of Pittsburgh, Allegheny County. The property will be sold in "as is condition." The estimated fair market value of the parcel is \$132,200. It has been determined that the land is no longer needed for present or future transportation purposes.

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 Raymond S. Hack, District Engineer, Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 02-2286. Filed for public inspection December 20, 2002, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Fairless Energy, LLC v. DEP and U.S. Steel Corporation; EHB Doc. No. 2002-302-MG

Fairless Energy, LLC has appealed the issuance by the Department of Environmental Protection of an NPDES

permit to U.S. Steel Corporation for a facility in Falls Township, Bucks 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. 02-2287. Filed for public inspection December 20, 2002, 9:00 a.m.]

### New Freedom Borough Authority v. DEP; EHB Doc. No. 2002-303-C

The New Freedom Borough Authority has appealed the issuance by the Department of Environmental Protection of NPDES Permit No. PA0043257 (October 29, 2002) to New Freedom Borough Authority for a facility in Railroad Borough, York 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. 02-2288. Filed for public inspection December 20, 2002, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Designation of Wilderness Trout Streams

The Fish and Boat Commission (Commission) is considering adding 9.38 miles of streams in the Fishing Creek

Watershed, Schuylkill County, to its Wilderness Trout Streams Program. Under 58 Pa. Code § 57.4 (relating to wilderness trout streams), it is the Commission's policy to manage the wilderness trout streams program where the stream remoteness and populations of naturally reproducing trout combine to offer a sport fishing opportunity for the recreation of anglers in a wilderness setting away from roads or vehicular access. It is the Commission's intent to advocate proper watershed management to maintain the wilderness setting and to advance and seek the highest water quality standards through the Department of Environmental Protection.

The limits for the four streams proposed for the Wilderness Trout Streams designation are as follows:

(1) *Fishing Creek*—from the confluence of Fishing Creek, West Branch and Baird Run downstream to the mouth at Lebanon Reservoir (2.05 miles).

(2) *Baird Run*—from the headwaters downstream to the confluence with Fishing Creek, West Branch (1.37 miles).

(3) *Fishing Creek, Evening Branch*—from the headwaters downstream to the mouth at Lebanon Reservoir (3.6 miles).

(4) *Fishing Creek, West Branch*—from the headwaters downstream to the confluence with Baird Run (2.36 miles).

The Commission intends to consider the designation of Wilderness Trout Streams at its meeting on January 25, 2003. Persons with comments, objections or suggestions concerning the designations are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 by 4 p.m. on January 23, 2003. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at [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*

[Pa.B. Doc. No. 02-2289. Filed for public inspection December 20, 2002, 9:00 a.m.]

## INSURANCE DEPARTMENT

**Sonia Costello; Prehearing**

**Appeal of Sonia Costello under the Motor Vehicle Financial Responsibility Law; Catastrophic Loss Benefits Continuation Fund; Doc. No. CF02-12-001; File No. F88-3212**

The proceeding 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 January 10, 2003, at 11 a.m. Each

party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator by December 27, 2002. A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference.

At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

No prehearing memoranda or other written submissions are required for the prehearing/settlement conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-2290. Filed for public inspection December 20, 2002, 9:00 a.m.]

**Dorothy Stracuzzi; Prehearing**

**Appeal of Dorothy Stracuzzi under  
40 P. S. §§ 991.2101—991.2193;  
Doc. No. HC02-12-004; File No. 02-169-07641**

The proceeding 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 January 13, 2003, at 11 a.m. Each party shall provide a telephone number to be used for the telephone conference to the hearings administrator by December 27, 2002. A date for a hearing shall be determined, if necessary, at the prehearing telephone/settlement conference.

At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

No prehearing memoranda or other written submissions are required for the prehearing telephone/settlement conference; however, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-2291. Filed for public inspection December 20, 2002, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Executive Board*

Resolution #CB-02-311, Dated November 20, 2002. Authorizes the side letter between the Commonwealth and AFSCME to amend three Recommendations of the Master Memorandum concerning hours of work, overtime entitlement and call time entitlement for Sexually Violent Predator Investigator Supervisors in the Board of Probation and Parole.

#### *Governor's Office*

Management Directive No. 210.4—Central Microfilm Management, Amended November 18, 2002.

Management Directive No. 210.8—Micrographics Procedures to be Used in Conjunction with Central Microfilm Management, Amended November 18, 2002.

Management Directive No. 515.10—Selection and Appointment to Noncivil Service Positions, Amended October 30, 2002.

Management Directive No. 515.16—Appointment to Senior Level Positions, Amended October 30, 2002.

Administrative Circular No. 02-28—Live Christmas Trees and Decorations, Dated November 18, 2002.

MARY JANE PHELPS,  
*Director*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 02-2292. Filed for public inspection December 20, 2002, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board lease will expire:

Lehigh County, Wine & Spirits Shoppe #3904, 3300 Lehigh Street, Allentown, PA 18103-7037.

*Lease Expiration Date:* October 31, 2003

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,000 net useable square feet of new or existing retail commercial space located on Lehigh Street, within 1 mile of the intersection of 33rd Street SW, Salisbury Township, Allentown.

*Proposals due:* January 10, 2003, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661

**Contact:** Willard J. Rhodes, (717) 657-4228  
JONATHAN H. NEWMAN,  
*Chairperson*

[Pa.B. Doc. No. 02-2293. Filed for public inspection December 20, 2002, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Gas Service

**A-122250F2003. The Peoples Natural Gas Company d/b/a Dominion Peoples.** Application of The Peoples Natural Gas Company d/b/a Dominion Peoples for approval of a Certificate of Public Convenience to abandon natural gas service to one customer located in the Borough of Spraggs, Greene County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before January 6, 2003. Documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday and at the Applicant's business address.

*Applicant:* The Peoples Natural Gas Company d/b/a Dominion Peoples

*Through and by Counsel:* Horace P. Payne, Jr., Senior Counsel, 625 Liberty Avenue, Pittsburgh, PA 15222.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-2294. Filed for public inspection December 20, 2002, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). The protest shall indicate whether it applies to the temporary authority application, the permanent authority application or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 with a copy served on the applicant by January 13, 2003. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday and at the business address of the respective applicant.

**Application of the following for approval to *begin operating as a common carrier* for transportation of *persons* as described under the application.**

**A-00119428. Nadine A. Harrison t/d/b/a Hosanna Van Service** (P. O. Box 2888, Philadelphia, PA 19151-0888)—persons in paratransit service, from points in the



City and County of Philadelphia, to correctional institutions in Pennsylvania, and return.

**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-00115999, Folder 1, Am-A. Ronald E. Norris, Jr. t/d/b/a Get on the Bus** (220 Emerald Street, Harrisburg, Dauphin County, PA 17110)—persons in paratransit service, from points in the Counties of Dauphin and York, to correctional institutions in the said counties, and at other points in Pennsylvania, and return: *So as to Permit* the transportation of persons in paratransit service, between points in the Counties of Cumberland, Dauphin, Lancaster and York, and from points in said counties, to points in Pennsylvania, and return.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under the application.**

**A-00119430, F.2. William G. Fedyski t/d/b/a Fantasy Limo Leasing** (28 Georgetown Lane, Beaver, Beaver County, PA 15009)—persons in limousine service, between points in Pennsylvania; which is to be a transfer of the right authorized under the certificate at A-00108826, F.5, issued to System of Services, Inc., subject to the same limitations and conditions. Application for temporary authority has been filed at A-00119430, F.2, seeking the right previously cited.

**Applications of the following for certificate of public convenience approving the operation of motor vehicles as common carriers for the transportation of household goods as described under each application.**

**A-00119429. Just Move It, Inc.** (19247 Gospel Hill Road, Saegertown, Crawford County, PA 16433), a corporation of the Commonwealth—household goods in use, between points in the Counties of Crawford, Erie, Mercer and Venango.

**A-00119388, F.2. K. W. Larkin Enterprises, Inc.** (430 Dieber Road, Schwenksville, Montgomery County, PA 19473), a corporation of the Commonwealth—household goods in use, between points in the County of Chester, and within an airline distance of 10 statute miles of the limits thereof, and from points in said territory, to other points in Pennsylvania, and vice versa. *Attorney:* James W. Patterson, Centre Square West, 1500 Market Street, 38th Floor, Philadelphia, PA 19102.

**Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for the transportation of household goods as described under the application.**

**A-00089650, Folder 2, Am-E. Williamsport Moving Company, Inc. t/d/b/a Keystone Relocation** (3340 Wahoo Drive, Williamsport, Lycoming County, PA 17701), a Pennsylvania corporation—household goods in use, between points in the City of Nanticoke, Luzerne County, and within 3 miles of the limits of said City, to points in Pennsylvania, and vice versa: *So as to Permit* the transportation of household goods in use, between points in the County of Centre, and from points in said County, to points in Pennsylvania, and vice versa. *Attorney:* James P. Melina, 240 North Third Street, Harrisburg, PA 17101-1507.

**Complaint**

*Pennsylvania Public Utility Commission Bureau of Transportation and Safety V. PAMCO, Inc.; Doc. No. A-00085065C02; A-00085065*

**Complaint**

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That PAMCO, Inc., respondent, maintains its principal place of business at Box 926, Frank Rd. & Scioto River, Columbus, OH 43216.

2. That respondent was issued a certificate of public convenience by this Commission on May 13, 1958, at Application Docket No. A-00085065.

3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 1999, 2000 and 2001.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00085065.

Respectfully submitted,

Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

**VERIFICATION**

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Michael E. Hoffman

**NOTICE**

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

### Complaint

*Pennsylvania Public Utility Commission Bureau of Transportation and Safety V. William T. Simmons; Doc. No. A-00028367C02; A-00028367*

### Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That William T. Simmons, respondent, maintains his principal place of business at 327 North 5th Street, Lehigh, PA 18235-1303.

2. That respondent was issued a certificate of public convenience by this Commission on November 12, 1935, at Application Docket No. A-00028367.

3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 1999, 2000 and 2001.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00028367.

Respectfully submitted,  
 Michael E. Hoffman, Director  
 Bureau of Transportation and Safety  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

### VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
 Michael E. Hoffman

### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

JAMES J. MCNULTY,  
 Secretary

[Pa.B. Doc. No. 02-2295. Filed for public inspection December 20, 2002, 9:00 a.m.]

### Wastewater

**A-230013F0003. Utilities Inc., of Pennsylvania.** Application of Utilities Inc., of Pennsylvania for approval to begin to offer, render, furnish or supply wastewater disposal and treatment service to the public in additional territory in West Bradford Township, Chester County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before January 6, 2003. The documents filed in support of the application are available for inspection and

copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the Applicant's business address.

*Applicant:* Utilities Inc., of Pennsylvania

*Through and by Counsel:* James P. Dougherty, Susan E. Bruce and Charis M. Burak, McNees, Wallace and Nurick, LLC, 100 Pine Street, P. O. Box 1166, Harrisburg, PA 17108-1166.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-2296. Filed for public inspection Decemebtr 20, 2002, 9:00 a.m.]

### Water Service

**A-220850F2000. Borough of Dushore.** Application of the Borough of Dushore for approval of the discontinuance of water service to the public and for the transfer by sale, lease or other device of any property and rights of the Borough of Dushore to the Dushore Water Authority.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 with a copy served on the Applicant, by January 6, 2003. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday and at the Applicant's business address.

*Applicant:* Borough of Dushore

*Through and By Counsel:* Peter G. Facey, Esquire, Mc Nerney, Page, Vanderlin and Hall, 433 Market Street, P. O. Box 7, Williamsport, PA 17703.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-2297. Filed for public inspection December 20, 2002, 9:00 a.m.]

### Water Service

**A-213130F2000 and A-220350F0004. Village View Water Company and the City of Behtlehem.** Joint application of the Village View Water Company and the City of Bethlehem for approval of the following: 1) the transfer, by sale, of the Village View Water Company's water system assets and rights to the City of Bethlehem; 2) the abandonment or discontinuance of the Village View Water Company's water system; and 3) the City of Bethlehem to begin to supply water service to the public in the Village View Subdivision in Hanover Township, Northampton County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before January 6, 2003. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday and at the Applicant's business address.

*Applicant:* Village View Water Company and the City of Bethlehem

*Through and by Counsel:* Richard F. Boyer, Esquire, Boyer and Holzinger, 1216 Linden Street, P. O. Box 1409, Bethlehem, PA 18016-1409; and Joseph F. Leeson, Jr., Esquire, City Solicitor, City of Bethlehem, 10 East Church Street, Bethlehem, PA 18018-6025.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-2298. Filed for public inspection December 20, 2002, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #02-101.7, Rail Repairs, Packer Avenue Marine Terminal (PAMT), until 2 p.m. on Thursday, January 16, 2003. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available January 3, 2003. The cost of the bid document is \$35 (includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal opportunity laws and regulations.

A mandatory prebid job site meeting will be held January 9, 2003, at 10 a.m. at PAMT, South Gatehouse, Columbus Blvd. and Packer Ave., Philadelphia, PA 19148. South Gatehouse is .5 mile south of Walt Whitman Bridge on Delaware Ave. service road.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 02-2299. Filed for public inspection December 20, 2002, 9:00 a.m.]

## STATE BOARD OF EDUCATION

### Schedule of Meetings for 2003

The regular meetings of the State Board of Education (Board), Councils of Basic and Higher Education and the State Board for Vocational Education will be held on the following dates:

January 15-16, 2003  
March 19-20, 2003  
May 21-22, 2003  
July 16-17, 2003  
September 17-18, 2003  
November 19-20, 2003

Unless due and timely notice to the contrary is given, these meetings will be held in the Conference Rooms on the Lobby Level and First Floor of the Education Building, 333 Market Street, Harrisburg, PA.

Persons with disabilities needing special accommodations to attend the meetings may contact the Board at (717) 787-3787 at least 24 hours in advance so that arrangements can be made.

This schedule of meetings as well as future notices of special meetings, hearings and roundtables of the Board, councils and committees will be posted on the Board's webpage.

JIM BUCKHEIT,  
*Acting Executive Director*

[Pa.B. Doc. No. 02-2300. Filed for public inspection December 20, 2002, 9:00 a.m.]

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# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

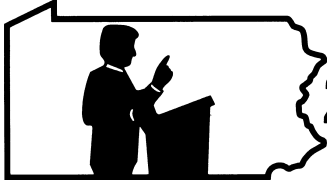
Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:  
 The payment date specified in the contract.  
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.  
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
 PA Department of Community and Economic Development  
 374 Forum Building  
 Harrisburg, PA 17120  
 800-280-3801 or (717) 783-5700

### Reader's Guide



**Legal Services & Consultation**

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
 Location: Harrisburg, Pa.  
 Duration: 12/1/93-12/30/93  
 Contact: Procurement Division  
 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦ (For Commodities: Contact:)  
 Vendor Services Section  
 717-787-2199 or 717-787-4705

#### REQUIRED DATA DESCRIPTIONS

① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.

② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.

③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.

④ Department: State Department or Agency initiating request for advertisement.

⑤ Location: Area where contract performance will be executed.

⑥ Duration: Time estimate for performance and/or execution of contract.

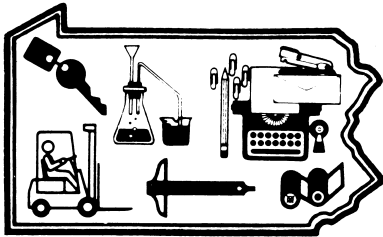
⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.  
 (For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room G13 Finance Building  
 Harrisburg, PA 17120  
 717-787-2990  
 1-800-252-4700

BARBARA HAFER,  
*State Treasurer*

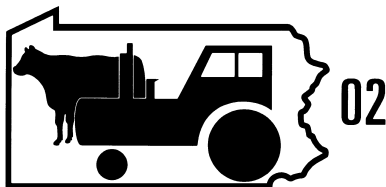


### Commodities

**CN0000886** Purchasing heating and plumbing supplies for Fort Indiantown Gap, Annville, PA. For information regarding this bid package, please send inquiries to the fax number listed (717) 861-2932 or e-mail to [sloy@state.pa.us](mailto:sloy@state.pa.us). Bid opening will be held on December 27, 2002 at 2:00 PM. VENDORS: IF YOU ARE NOT ON THE COMMONWEALTH VENDOR LIST, YOU NEED TO GO TO WWW.IMAGINEPA.STATE.PA.US TO REGISTER.

**Department:** Military Affairs  
**Location:** State Army Board, Purchasing Section, Bldg. SO-47, Fort Indiantown Gap, Annville, PA 17003-5002  
**Contact:** Sharon Loy, (717) 861-8519

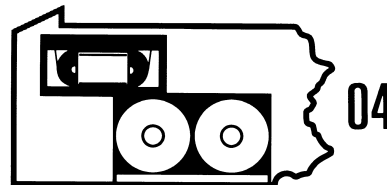
## SERVICES



### Agricultural Services

**2/3** Provide fish food used in a statewide fish culture program during the period January 01, 2003 - March 31, 2003. Fish food products purchased in bulk and bagged quantities only from vendors who have had their products tested and accepted by the Fish and Boat Commission.

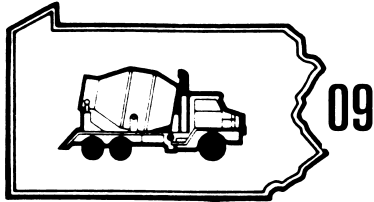
**Department:** Fish and Boat Commission  
**Location:** Statewide to various fish culture stations as requested  
**Duration:** January 01, 2003 - March 31, 2003  
**Contact:** Debbie Rose, (814) 359-5141



### Audio/Video

**RFP 10-608-03-000** The intent of the RFP is to secure Statewide Toll Free Inbound Services for the Commonwealth of Pennsylvania. The awarded Contractors shall provide switched, dedicated or a combination of both services. The 800 numbers and areas served shall remain the same in accordance with portability rulings.

**Department:** Governor's Office  
**Location:** Commonwealth of Pennsylvania - Statewide  
**Duration:** Initial term, three (3) years from the date of execution. Option two (2) one (1) year extensions  
**Contact:** Teresa Menke, (717) 787-9112



### Construction & Construction Maintenance

**PR30004898** Removal of approximately 770' existing paving and installation of 6' compacted 2A stone base (4-1/2" after compaction), ID-3 binder course, and 1-1/2" ID-2 wearing course of hot-mixed, hot-laid asphaltic concrete.

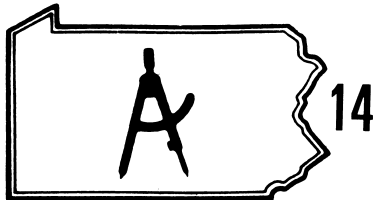
**Department:** Fish and Boat Commission  
**Location:** PA Fish and Boat Commission, Walnut Creek Marina, 241 Manchester Rd., Fairview, PA 16415  
**Duration:** Prior to 6/30/03  
**Contact:** Kathi Tibbott, (814) 359-5130

**401-BL-668** Buckalew Renovations: Provide all labor, equipment and material necessary to renovate, site improvements and a small addition to the president's residence. Work includes demolition of an existing sunporch and construction of a two story addition in its place, kitchen and pantry area, development of a new master bedroom suite, add a toilet room, new floor and wall finishes, alarm system, lighting, domestic hot water system, lead paint/asbestos abatement. To obtain the bid documents submit a non-refundable \$115.00 deposit to Larson Design Group, PO Box 487, 1000 Commerce Park Drive, Water Tower Square, Williamsport, PA 17703-0487 (Contact is John Wright). There will be four prime contractors on this project: General, Mechanical, Plumbing, and Electrical. All Information regarding the project to include pre-bid and bid opening dates will be included in the bid package.

**Department:** State System of Higher Education  
**Location:** Bloomsburg University, Bloomsburg, PA  
**Duration:** 6 months - April through September 2003  
**Contact:** Joe Quinn, (570) 389-4311

**KUCC-0027** KUCC-0027: Kutztown University is seeking qualified Contractors who are interested in submitting proposals and accompanying material for the restoration of South Campus Water Tower at Kutztown University. The work involves the abatement of lead paint from the exterior of the water tank and structure, interior of tank and components of the valve shed and water tower interior and exterior preparation, repainting and renovations. RFP packages are available for a non-refundable fee of \$30.00 from: Virginia Stoudt, STV Architects, 205 West Welsh Drive, Douglassville, PA 19508, Phone: (610) 385-8325. RFP packages are available December 19, 2002 through Pre-proposal meeting has been scheduled for December 23, 2002 at 1:00 PM in Room OM-26, Old Main Building. Proposals are to be received no later than 3:00 PM, January 16, 2003 in Room 229, Office of Planning and Construction. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Kutztown University, Kutztown, PA  
**Duration:** Work to be complete on or before August 15, 2003. Construction can begin May 19, 2003.  
**Contact:** Barbara Barish, (610) 683-4602



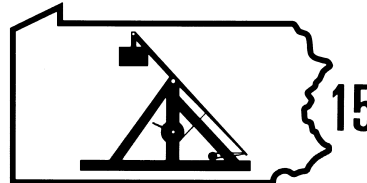
### Engineering Services

**PennDOT-ECMS** The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at [www.dot2.state.pa.us](http://www.dot2.state.pa.us).

**Department:** Transportation  
**Location:** Various  
**Contact:** [www.dot2.state.pa.us](http://www.dot2.state.pa.us)

**IN-849 Design of HVAC Renovations - Whitmyre Hall** Indiana University of the Pennsylvania State System of Higher Education will select a firm for the purpose of providing professional design services for the Whitmyre Hall HVAC Renovations. Interested professionals should obtain a Request for Proposal (RFP) from Robert L. Marx, Director of Engineering and Construction at Indiana University of Pennsylvania by phone (724)357-2289, Fax (724)357-6480, E-mail [bobmarx@iup.edu](mailto:bobmarx@iup.edu), or see Projects List on our website [www.iup.edu/engconstruction](http://www.iup.edu/engconstruction). RFPs are due at 4:00 p.m. Friday, January 10, 2003. The System encourages responses from small firms, minority firms, women owned firms, and firms which have not previously worked for the System, and will consider joint ventures. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and the Pennsylvania State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Engineering and Construction Group, Robertshaw Bldg, 650 So. 13th Street, Indiana, PA 15705  
**Duration:** RFP responses are due Friday, January 10, 2003, at 4:00 p.m.  
**Contact:** Robert L. Marx, (724) 357-2289



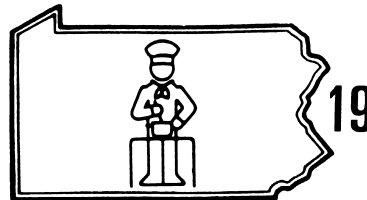
### Environmental Maintenance Service

**OSM 17(6888)101.1** Abandoned Mine Reclamation Project, Little Anderson Creek. The work involved essentially consists of dewatering impoundment, clearing and grubbing, 35,200 c.y. grading, 4.9 acre seeding and 400 tree planting. Federal funds are available for this project from the \$37.8 million 2001 Pennsylvania AML grant. This project issues December 20, 2002. Payment in the amount of \$10.00 must be received before bid documents will be sent.

**Department:** Environmental Protection  
**Location:** Brady Township, Clearfield County  
**Duration:** 180 calendar days after notice to proceed  
**Contact:** Construction Contracts Section, (717) 783-7994

**BF 476-101.1** Abandoned Mine Land Reclamation Project, Rich Coal Company, Mining Permit No. 11860105-01, 02. Involves clearing and grubbing, 210,000 c.y. grading, 120 c.y. ditch excavation, 230 s.y. rock lining and 19 acre seeding. This project issues December 20, 2002. Payment in the amount of \$10.00 must be received before bid documents will be sent.

**Department:** Environmental Protection  
**Location:** Reade Township, Cambria County  
**Duration:** 270 calendar days after notice to proceed  
**Contact:** Construction Contracts Section, (717) 783-7994



### Food

**103** Milk, Skim, 48,000 each, in 1/2 pint containers for the period January 01 - December 31, 2003, and all related items. Bids will be sent out bi-monthly. Interested vendors must be registered with the Commonwealth's Imagine PA project and have a registered vendor number. To register with the Commonwealth, call 1-866-775-2868.

**Department:** Corrections  
**Location:** SCI-Fayette, 421 LaBelle Road, East Millsboro, PA 15433  
**Duration:** January 01 - December 31, 2003  
**Contact:** Nancy Keller, (724) 785-3541

**107** Veal Steaks, 6,000 lbs., 4 oz. portions and all related items. Items will be bid bi-monthly. All amounts are approximate for period January 01 to December 31, 2003. Interested vendors must be registered with the Commonwealth's Imagine PA project and have a registered vendor number. To register with the Commonwealth, call 1-866-775-2868.

**Department:** Corrections  
**Location:** SCI-Fayette, 421 LaBelle Road, East Millsboro, PA 15433  
**Duration:** January 01 - December 31, 2003  
**Contact:** Nancy Keller, (724) 785-3541

**105** Ice Cream in 4 oz. cups, minimum of 1/3 delivery to be with toppings and one meal of sherbert per month. Approximately 480 dozen cups weekly from January 01 to December 31, 2003. Bids will be sent out bi-monthly. Interested vendors must be registered with the Commonwealth's Imagine PA project and have a registered vendor number. To register with the Commonwealth, call 1-866-775-2868.

**Department:** Corrections  
**Location:** SCI-Fayette, 421 LaBelle Road, East Millsboro, PA 15433  
**Duration:** January 01 - December 31, 2003  
**Contact:** Nancy Keller, (724) 785-3541

**115** Frozen Entrees; 20,000 each, Chicken Burritos and 20,000 each, Beef Burritos and all related items. Cases are approximate for the 12 month period. Items will be bid bi-monthly. All amounts are approximate for the period January 01 to December 31, 2003. Interested vendors must be registered with the Commonwealth's Imagine PA project and have a registered vendor number. To register with the Commonwealth, call 1-866-775-2868.

**Department:** Corrections  
**Location:** SCI-Fayette, 421 LaBelle Road, East Millsboro, PA 15433  
**Duration:** January 01 to December 31, 2003  
**Contact:** Nancy Keller, (724) 785-3541

**100** Items to be bid bi-monthly, all amounts are approximate for the period January 01 - December 31, 2003. (Lbs. are approximate for 12-month period), 8,000 lb. Fish Portions, raw, unbreaded, cod, 4 oz. portions. USDA Certificate required, 8,000 lb. Crab Cakes, 4 oz. portion, pre-cooked. Certificate of Compliance required, 1,200 lbs. Clams and ALL related items. Interested vendors must be registered with the Commonwealth Imagine PA project and have a registered vendor number. Registration with the Commonwealth can be made by calling 1-866-775-2868.

**Department:** Corrections  
**Location:** State Correctional Institution at Fayette, 421 LaBelle Road, East Millsboro, PA 15433  
**Duration:** January 01 to December 31, 2003  
**Contact:** Nancy Keller, (724) 785-3541

**106** Cheese, 20,000 lbs., Cheese, processed American; 10,000 lbs. Cheese, processed Swiss; 7,000 lbs. Longhorn Cheese and all related items. Items will be bid bi-monthly, all amounts are approximate for period January 01 to December 31, 2003. Interested vendors must be registered with the Commonwealth's Imagine PA project and have a registered vendor number. To register with the Commonwealth, call 1-866-775-2868.

**Department:** Corrections  
**Location:** SCI-Fayette, 421 LaBelle Road, East Millsboro, PA 15433  
**Duration:** January 01 - December 31, 2003  
**Contact:** Nancy Keller, (724) 785-3541

**110** Onions, Carrots, Celery, Lettuce, Bananas, Apples, Oranges, Grapefruit, Pears and all related items. USDA Certificate Required. Items to be bid bi-monthly. All amounts are approximate for the period January 01 - December 31, 2003. Interested vendors must be registered with the Commonwealth's Imagine PA project and have a registered vendor number. To register with the Commonwealth, call 1-866-775-2868.

**Department:** Corrections  
**Location:** SCI-Fayette, 421 LaBelle Road, East Millsboro, PA 15433  
**Duration:** January 01 - December 31, 2003  
**Contact:** Nancy Keller, (724) 785-3541

**101** Eggs, Fresh, Consumer Grade A, Medium, must be candle inspected, Class I, Brown and White, packed 30 dozen/case. Forty (40) pound carton. USDA Certificate required (and all related items). Approximately 1,500 dozen each Monday from January 01 - December 31, 2003. Bids will be sent out bi-monthly. Interested vendors must be registered with the Commonwealth's Imagine PA project and have a registered vendor number. To register with the Commonwealth, call 1-866-775-2868.

**Department:** Corrections  
**Location:** SCI-Fayette, 421 LaBelle Road, East Millsboro, PA 15433  
**Duration:** January 01 - December 31, 2003  
**Contact:** Nancy Keller, (724) 785-3541

**102** Cheese Pizza, 62,000 each, 5.5 oz., prepared frozen. Individual pizza to contain 1-1/2 oz. mozzarella cheese, 1-1/2 oz. tomato sauce and spice on a 2-1/2 oz. enriched crust. Packed 48/case. Net weight: 16 lbs/case. Items to be bid bi-monthly, all amounts are approximate for period January 01 - December 31, 2003. Interested vendors must be registered with the Commonwealth's Imagine PA project and have a registered vendor number. To register with the Commonwealth, call 1-866-775-2868.

**Department:** Corrections  
**Location:** SCI-Fayette, 421 LaBelle Road, East Millsboro, PA 15433  
**Duration:** January 01 - December 31, 2003  
**Contact:** Nancy Keller, (724) 785-3541

**113** Frozen Vegetables, 18,000 lbs. Broccoli, frozen; 7,000 lbs. Brussel Sprouts, frozen; 9,000 lbs. Cauliflower, frozen and all related items. Items to be bid bi-monthly and all amounts are approximate for period January 01 to December 31, 2003. Interested vendors must be registered with the Commonwealth's Imagine PA project and have a registered vendor number. To register with the Commonwealth, call 1-866-775-2868.

**Department:** Corrections  
**Location:** SCI-Fayette, 421 LaBelle Road, East Millsboro, PA 15433  
**Duration:** January 01 to December 31, 2003  
**Contact:** Nancy Keller, (724) 785-3541

**108** Chicken, 46,000 lbs., ready to cook, Grade A, Type II, Fresh Frozen, Class I Broilers or Fryers, Style II, quartered, no livers, gizzards or necks. Weight Range: 3 lb. per chicken. PA Spec c-94, effective 04/11/73. USDA Certificate Required (and all related items). Items to be bid bi-monthly; all amounts are approximate for the period January 01 to December 31, 2003. Interested vendors must be registered with the Commonwealth's Imagine PA project and have a registered vendor number. To register with the Commonwealth, call 1-866-775-2868.

**Department:** Corrections  
**Location:** SCI-Fayette, 421 LaBelle Road, East Millsboro, PA 15433  
**Duration:** January 01 - December 31, 2003  
**Contact:** Nancy Keller, (724) 785-3541

**109** Flour, Hi-Gluten, 400 bags, 100 lb. bags; 200 bags of Flour, Rye, 100 lb. bags; 300 bags Flour, Whole Wheat, 100 lb. bags; 4,200 bags Flour, Bread, 100 lb. bags; and all related items. Bids to be done bi-monthly. Interested vendors must be registered with the Commonwealth's Imagine PA project and have a registered vendor number. To register with the Commonwealth, call 1-866-775-2868.

**Department:** Corrections  
**Location:** SCI-Fayette, 421 LaBelle Road, East Millsboro, PA 15433  
**Duration:** January 01 - December 31, 2003  
**Contact:** Nancy Keller, (724) 785-3541

**104** All items to be bid bi-monthly, and all amounts are approximate for the period January 01 - December 31, 2003. Pounds are approximate for the 12 month period: 8,000 lbs. Beef Liver; 12,000 lbs. Frankfurters, all Beef; 9,600 lbs. Ham, skinless; 15,000 lbs. Pork Chops and all related items; 8,000 lbs. Bacon; 5,000 lbs. Bologna, garlic (all beef); 5,000 lbs. Bologna (all beef); 15,000 lbs. Beef Sandwich Steaks; 4,500 lbs. Braunsweiger; 4,000 lbs. Chopped Ham; 14,400 lbs. Beef Rib-B-Que and all related items. Interested vendors must be registered with the Commonwealth's Imagine PA project and have a registered vendor number. To register with the Commonwealth, call 1-866-775-2868.

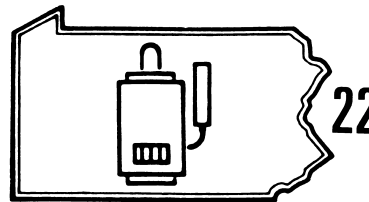
**Department:** Corrections  
**Location:** SCI-Fayette, 421 LaBelle Road, East Millsboro, PA 15433  
**Duration:** January 01 - December 31, 2003  
**Contact:** Nancy Keller, (724) 785-3541

**114** Potatoes, to be US #2, First Choice, 6 oz minimum, if available, then 3 inch round, white. US #1 is acceptable. USDA Certificate required. Item to be bid bi-monthly for period January 01 to December 31, 2003. Approximately 32,000 lbs. per month. Interested vendors must be registered with Commonwealth's Imagine PA project and have a registered vendor number. To register with the Commonwealth, call 1-866-775-2868.

**Department:** Corrections  
**Location:** SCI-Fayette, 421 LaBelle Road, East Millsboro, PA 15433  
**Duration:** January 01 to December 31, 2003  
**Contact:** Nancy Keller, (724) 785-3541

**112** Poultry Meat, 22,000 lbs.; Turkey Breast, 12,000 lbs.; Chicken Patties, 12,000 lbs.; Turkey Sausage, 4,000 lbs; Turkey Ham, 8,000 lbs.; Chicken Franks, 9,000 lbs.; Ground Turkey, 12,000 lbs; and all related items. All items to be bid bi-monthly, all amounts are approximate for the period January 01 to December 31, 2003. Interested vendors must be registered with the Commonwealth's Imagine PA project and have a registered vendor number. To register with the Commonwealth, call 1-866-775-2868.

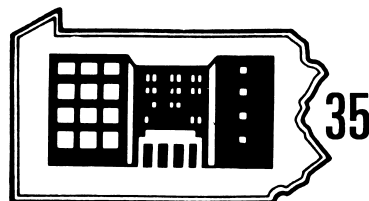
**Department:** Corrections  
**Location:** SCI-Fayette, 421 LaBelle Road, East Millsboro, PA 15433  
**Duration:** January 01 to December 31, 2003  
**Contact:** Nancy Keller, (724) 785-3541



### HVAC Services

**ME-20877007** Contractor to upgrade the existing fire alarm system in Building No. 4 of the Ebensburg Center to an addressable type system. Contractor must use Cerberus Pyrotronics fire alarm system components to assure compatibility and consistency with existing fire alarm projects in other buildings of the Center.

**Department:** Public Welfare  
**Location:** Ebensburg Center, Department of Public Welfare, Rt. 22 West, P.O. Box 600, Ebensburg, PA 15931  
**Duration:** Contract completion date will be 150 days from approval date of contract.  
**Contact:** Cora Davis, Purchasing Agent, (814) 472-0288



### Real Estate Services

**93541** LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Public Welfare with 10,172 useable square feet of office space with a minimum parking for 19 vehicles, within the corporate town limits of Bloomsburg, Columbia County, PA. Downtown locations will be considered. For more information on SFP #93541, which is due on January 28, 2003 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) to download an SFP package or call (717) 787-4394.

**Department:** Public Welfare  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Mrs. Cynthia T. Lentz, (717) 787-0952



**93547** LEASE OFFICE/CLINIC SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Health with 2,061 useable square feet of office/clinic space in Tioga County, PA. with a minimum parking for 10 vehicles, within the Boroughs of Mansfield or Wellsboro. Downtown locations will be considered. For more information on SFP #93547 which is due on February 3, 2003 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) to download a SFP package or call (717) 787-4394.

**Department:** Health  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Mr. John Hocker, (717) 787-4396

**93548** LEASE OFFICE/CLINIC SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Health with 2,061 useable square feet of office/clinic space in Bradford County, PA. with a minimum parking for 10 vehicles. Downtown locations will be considered. For more information on SFP #93548 which is due on February 3, 2003 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) to download a SFP package or call (717) 787-4394.

**Department:** Health  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Mr. John Hocker, (717) 787-4396

**93539** LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Health with 7,359 useable square feet of office space in Dauphin County, PA. with a minimum parking for 35 vehicles, within the following boundaries of Harrisburg: NORTH: Division St. and Elmerton Ave. SOUTH: Walnut, Market, 13th and Derry Streets EAST: Progress Ave. WEST: Front St. Downtown locations will be considered. For more information on SFP #93539 which is due on January 13, 2003 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) to download a SFP package or call (717) 787-4394.

**Department:** Health  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Mr. John Hocker (717) 787-4396

**93542** LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Public School Employees' Retirement System with 2,566 useable square feet of office space in Allegheny County, PA. with a minimum parking for 21 vehicles, within the following boundaries: NORTH: Allegheny and Washington County border. SOUTH: Interstate 279 and Rt. 837, EAST: Interstate 79, WEST: Rt. 837, Pittsburgh, Allegheny County, PA. Downtown locations will be considered. For more information on SFP #93542 which is due on January 27, 2003 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) to download a SFP package or call (717) 787-4394.

**Department:** Public School Employees' Retirement System  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Mrs. Cynthia T. Lentz, (717) 787-0952

[Pa.B. Doc. No. 02-2301. Filed for public inspection December 20, 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> |
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KELLY POWELL LOGAN,  
*Secretary*

STATE CONTRACTS INFORMATION

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract No.</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
5810-03 sup#17	12/10/02	Daly Computers	\$5,000.00
5810-03 sup#17	12/10/02	Ikon Office Solutions	10,000.00
5810-03 sup#17	12/10/02	Intellimark	20,000.00
5810-03 sup#17	12/10/02	Oce-USA	5,000.00
5810-03 sup#17	12/10/02	Quickware	5,000.00
5810-03 sup#18	12/10/02	Accutrac Software	5,000.00

<b>Requisition or Contract No.</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
5810-03 sup#18	12/10/02	Compaq/HP Computer	5,000.00
5810-03 sup#18	12/10/02	Thing Learning Solutions	10,000.00
6350-03 sup#8	12/10/02	Secur-Data Systems/Intervid	45,000.00
6350-03 sup#8	12/10/02	Wacor Electronic systems	45,000.00
8010-16	12/03/02	Todd Heller KELLY POWELL LOGAN, <i>Secretary</i>	2,399,171.80

[Pa.B. Doc. No. 02-2302. Filed for public inspection December 20, 2002, 9:00 a.m.]



