



Volume 33 (2003)

Pennsylvania Bulletin
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February 22, 2003 (Pages 961-1038)

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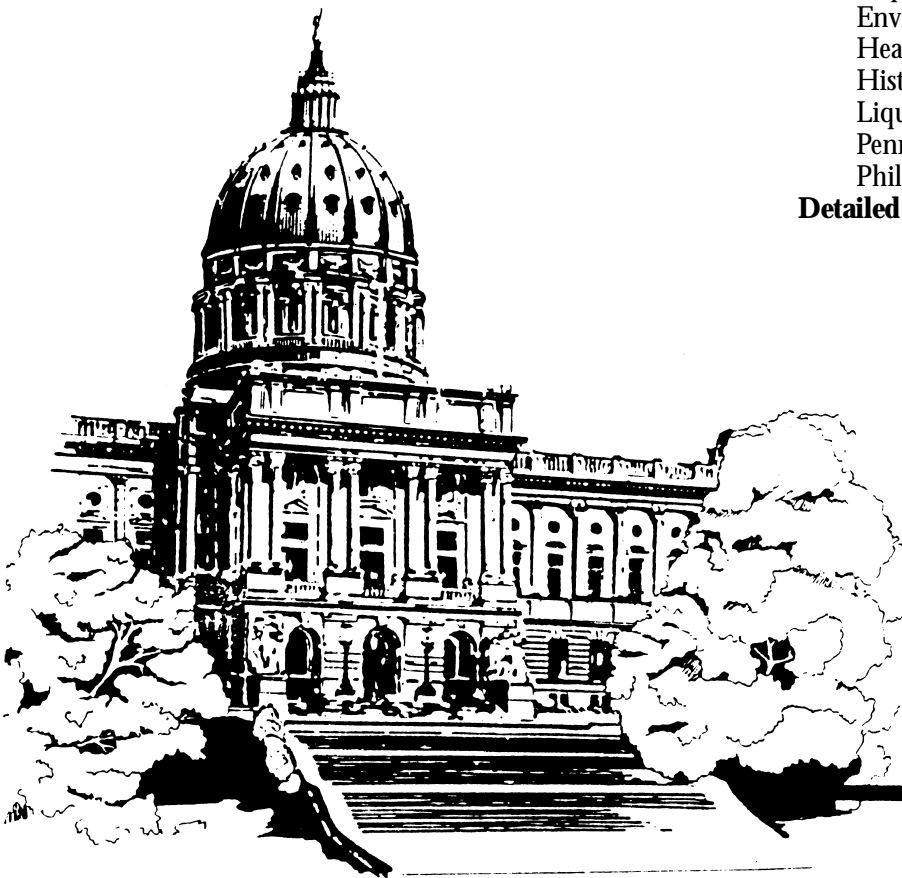
PENNSYLVANIA BULLETIN

Volume 33
Saturday, February 22, 2003 • Harrisburg, Pa.
Number 8
Pages 961—1038

Agencies in this issue:

The Courts
Department of Banking
Department of Environmental Protection
Department of General Services
Department of Health
Department of Labor and Industry
Environmental Hearing Board
Health Care Cost Containment Council
Historical and Museum Commission
Liquor Control Board
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority

Detailed list of contents appears inside.



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

No. 339, February 2003

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BULLETIN

(ISSN 0162-2137)

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

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Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 85]

Amendments to Rules of Organization and Procedure of the Disciplinary Board of the Supreme Court of Pennsylvania; Order No. 58

In this Order, The Disciplinary Board of the Supreme Court of Pennsylvania is amending its Rules of Organization and Procedure to update the addresses of Chief Disciplinary Counsel and the Board's District II Office.

The Disciplinary Board of the Supreme Court of Pennsylvania finds that:

(1) To the extent that 42 Pa.C.S. § 1702 (relating to rule making procedures) and Article II of the act of July 31, 1968 (P. L. 769, No. 240), known as the Commonwealth Documents Law, would otherwise require notice of proposed rulemaking with respect to the amendments adopted hereby, such proposed rulemaking procedures are inapplicable because the amendments adopted hereby relate to agency procedure and are perfunctory in nature.

(2) The amendments to the Rules of Organization and Procedure of the Board adopted hereby are not inconsistent with the Pennsylvania Rules of Disciplinary Enforcement and are necessary and appropriate for the administration of the affairs of the Board.

The Board, acting pursuant to Pa.R.D.E. 205(c)(10), orders:

(1) Title 204 of the *Pennsylvania Code* is hereby amended as set forth in Annex A hereto.

(2) The Secretary of the Board shall duly certify this Order, and deposit the same with the Administrative Office of Pennsylvania Courts as required by Pa.R.J.A. 103(c).

(3) The amendments adopted hereby shall take effect upon publication in the *Pennsylvania Bulletin*.

(4) This Order shall take effect immediately.

By The Disciplinary Board of the Supreme Court of Pennsylvania

ELAINE M. BIXLER,
Executive Director and Secretary

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

CHAPTER 85. GENERAL PROVISIONS

§ 85.5. Location of Office of Disciplinary Counsel.

(a) *Chief Disciplinary Counsel.* The location of the headquarters of the Office of Disciplinary Counsel and the office of the Chief Disciplinary Counsel is:

Office of Disciplinary Counsel
The Disciplinary Board of the Supreme Court of Pennsylvania

[501 Grant Street
Suite 3710
One Oxford Centre
Pittsburgh, Pennsylvania 15219
(412) 565-2300
(fax: (412) 565-7833)]
Suite 1400
200 North Third Street
Harrisburg, PA 17101
(717) 783-0990
(fax: 717-783-4963)

(b) *Disciplinary District Offices.* The present locations of the district offices of the Office of Disciplinary Counsel and the office of the Assistant Disciplinary Counsel for each such disciplinary district are:

* * * * *

(2) District II Office

Office of Disciplinary Counsel
The Disciplinary Board of the Supreme Court of Pennsylvania

[Suite 6000
One Sentry Parkway
Blue Bell, PA 19422
(215) 270-1896
(fax: (215) 270-1006)]
Suite 170
820 Adams Avenue
Trooper, PA 19403
(610) 650-8210
(fax: 610-650-8213)

* * * * *

[Pa.B. Doc. No. 03-310. Filed for public inspection February 21, 2003, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 1]

Attorneys—Appearances and Withdrawals

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Pa.R.Crim.P. 120 (Attorneys—Appearance and Withdrawals) to clarify the duration of retained counsel's obligation. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

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

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

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

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

no later than Friday, March 28, 2003.

By the Criminal Procedural Rules Committee:

JOHN J. DRISCOLL,
Chair

Annex A

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

PART B. Counsel

Rule 120. Attorneys—Appearances and Withdrawals.

(A) Counsel for defendant shall [enter an appearance in writing] file an entry of appearance with the clerk of courts promptly after being retained or appointed, and serve a copy [thereof] of the entry of appearance on the attorney for the Commonwealth.

(1) If a firm name is entered, the name of an individual lawyer shall be designated as being responsible for the conduct of the case.

(2) The entry of appearance shall include the attorney's address, phone number, and attorney ID number.

(B) Counsel shall not be permitted to represent a defendant following a preliminary hearing unless an entry of appearance is [entered] filed with the clerk of courts.

(C) An attorney who has been retained or appointed by the court shall continue such representation through direct appeal or until relieved by the court.

(D) Counsel for a defendant may not withdraw his or her appearance except by leave of court. Such leave shall be granted only upon motion made and served on the attorney for the Commonwealth and the client, unless the interests of justice otherwise require.

Comment

* * * * *

Ordinarily, counsel remains in the case until permitted to withdraw or final judgment, which includes all avenues of appeal through the Supreme Court of Pennsylvania. In making the decision whether to file a petition for allowance of appeal, counsel must review the standards set forth in Pa.R.A.P. 1114 (Considerations Governing Allowance of Appeal) and the note following that rule. However, this rule does not require counsel to file a petition for allowance of appeal in every case, or, if a petition is filed, for counsel to include every reviewable issue. Concerning counsel's obligations as appointed counsel, see *Jones v. Barnes*, 463 U.S. 745 (1983). See also *Commonwealth v. Padden*, 783 A.2d 299 (Pa. Super. 2001).

Under paragraph [(C)] (D), the court should make a determination of the status of a case before permitting counsel to withdraw. **A factor that must be considered by the court in determining whether there is good cause to permit the withdrawal of counsel is the defendant's failure to meet his or her financial obligations to pay for the attorney's services. See *Commonwealth v. Roman. Appeal of Zaiser*, 549 A.2d 1320 (Pa. Super. 1988).**

* * * * *

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

Committee Explanatory Reports:

* * * * *

Report explaining the proposed amendments clarifying the procedures concerning entry of appearance and duration of counsel's obligation published at 33 Pa.B. 968 (February 22, 2003).

REPORT

Proposed amendments to Rule 120

CLARIFICATION OF DURATION OF COUNSEL'S OBLIGATION

I. INTRODUCTION

At the request of the Supreme Court's Common Pleas Court Management System (CPCMS) Project¹ staff, during the past year, the Committee has been reviewing the procedures related to the entry and withdrawal of retained and appointed counsel's appearance. The changes being proposed² are intended to clarify the issue of the duration of retained counsel's obligation, an issue the Committee agreed should be addressed in the rules because it continues to arise in the case law.³

II. DISCUSSION

A. *Duration of Obligation*

The issue of counsel's obligation has two parts—the length of time the attorney is obligated to stay in a case and the nature of the obligation. New paragraph (C) addresses the first part, the duration of representation under Rule 120, and requires that both appointed and retained counsel must stay in the case through direct appeal or until relieved by the court. As explained in the Comment, the courts have determined that “direct appeal” includes “all avenues of appeal through the Supreme Court of Pennsylvania.” See, e.g., *Commonwealth v. Daniels*, 420 A.2d 1323 (Pa. 1980) (a person seeking allowance of appeal is entitled to the assistance of counsel). See also Rule 122 (Assignment of Counsel).

The Comment also incorporates the principles espoused in the case law with regard to the withdrawal of counsel;

¹ The CPCMS Project is developing a statewide automated case management system for the common pleas criminal courts.

² This is the second proposal to be developed as the result of the Committee's review of the rules addressing counsel. The first proposal developed as a result of the Committee's review addressed the entry of appointed counsel's appearance, and was published in the February 23, 2003 *Pennsylvania Bulletin*, volume 33 at page 1039. These proposed changes are not shown in this current proposal.

³ The Committee has pending with the Court a recommendation for changes to Rules 122 and 904 that clarify the duration of appointed counsel's obligation. The Committee's Report explaining the proposed changes was published in 30 Pa.B. 5533 (October 28, 2000).

that the primary consideration of the judge when determining whether to permit a withdrawal by counsel is ensuring that the defendant has counsel to proceed with direct appeal, and to proceed in a timely manner. Before permitting an attorney to withdraw from a case, the judge must look to where the case is in the process and whether a new attorney has entered an appearance. Another factor the judge must consider is whether there is good cause, including whether the defendant is able to meet his or her financial obligations to pay for the attorney's services. See, e.g., *Commonwealth v. Roman, Appeal of Zaiser*, 549 A.2d 1320 (Pa. Super. 1988).

The second part, the nature of the obligation, is more complicated. Although the scope of Rule 120 does not include the nature of counsel's obligation specifically, several members expressed concern that without some clarification, the rule would be interpreted to require an attorney to file a petition for allowance of appeal in every case, even when the attorney's professional judgment indicates it is inappropriate. The Committee therefore agreed to include in the second paragraph of the Comment an explanation emphasizing that the attorney, when determining whether to file a petition for allowance of appeal, must review Pa.R.A.P. 1114 (Considerations Governing Allowance of Appeal), and would only file a petition if there is a substantial basis for filing and the case meets the standards in the appellate rule. See *Jones v. Barnes*, 463 U.S. 745 (1983) and *Commonwealth v. Padden*, 783 A.2d 299 (Pa. Super. 2001).

B. Entry of Appearance Requirements

In addition to addressing the issues concerning the duration of counsel's obligation, the Committee also is proposing some changes to bring Rule 120 in line with the motions rules. Paragraph (A) would be amended by replacing "enter an appearance in writing" with "file an entry of appearance," which conforms to the filing terminology in Rule 576 (Filing). In addition, the Committee is proposing that the entry of appearance be required to include the attorney's address, phone number, and attorney ID number so this information is readily available to the clerk of courts who is responsible for including this information in the list of docket entries.

[Pa.B. Doc. No. 03-311. Filed for public inspection February 21, 2003, 9:00 a.m.]

[234 PA. CODE CH. 4]

Order Amending Rules 401, 405, 406, 411 and 460, and Revising the Comments to Rules 400, 403 and 410; No. 291 Criminal Procedural Rules; Doc. No. 2

The Criminal Procedural Rules Committee has prepared a Final Report explaining amendments to Rules of Criminal Procedure 401, 405, 406, 411, and 460, and revisions of the Comments to Rules 400, 403, and 410. These changes clarify and fill in gaps in the procedures in the rules for electronically transmitting parking violation information to institute proceedings in cases in which a defendant has failed to respond to a parking ticket, and provide the procedures for electronically preparing, verifying, and transmitting citation information generally. The Final Report follows the Court's Order.

Order

Per Curiam:

Now, this 6th day of February, 2003, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 29 Pa.B. 2770 (May 28, 1999) and 32 Pa.B. 3891 (August 10, 2002), and in the *Atlantic Reporter* (Second Series Advance Sheets, Vols. 800/801), and a Final Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that:

1) Rules of Criminal Procedure 401, 405, 406, 411, and 460 are amended; and

2) the Comments to Rules 400, 403, and 410 are revised,

all in the following form.

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

Annex A

**TITLE 234. RULES OF CRIMINAL PROCEDURE
CHAPTER 4. PROCEDURES IN SUMMARY CASES**

PART A. Instituting Proceedings

Rule 400. Means of Instituting Proceedings in Summary Cases.

* * * * *

Comment

* * * * *

For the procedures when a citation is issued to a defendant pursuant to paragraph (1) of this rule, see Chapter 4 Part B(1), Rules 405, 406, 407, 408, and 409.

Electronically transmitting the citation information or parking ticket information to the issuing authority would institute proceedings by filing pursuant to paragraph (2) of this rule.

* * * * *

For general procedures applicable in all summary cases, see Chapter 4 Part E, Rules 451, 452, 453, 454, 455, 456, 457, and 458.

For the procedures for appealing to the court of common pleas for a trial de novo, see Chapter 4[,] Part F, Rules 460, 461, and 462.

* * * * *

The Rules of Criminal Procedure generally do not apply to juvenile proceedings, but these rules do apply to proceedings in summary cases involving juveniles to the extent that the Juvenile Act does not apply to such proceedings. See, e.g., Juvenile Act §§ 6302—6303, 42 Pa.C.S. §§ 6302—6303; Vehicle Code § 6303, 75 Pa.C.S. § 6303. See also 42 Pa.C.S. §§ 1515(a)(1) and 6303(a)(5) concerning jurisdiction of summary offenses arising out of the same episode or transaction involving a delinquent act for which a petition alleging delinquency is filed.

* * * * *

Official Note: Previous Rule 51[,] adopted January 23, 1975, effective September 1, 1975; Comment revised January 28, 1983, effective July 1, 1983; Comment revised December 15, 1983, effective January 1, 1984; rescinded July 12, 1985, effective January 1, 1986; and replaced by present Rules [**103, 400, 401, 402, 405, 410,**

420, 440, and 430] 3, 51, 52, 55, 60, 65, 70, 75, and 95. Present Rule 51 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; Comment revised February 1, 1989, effective July 1, 1989; Comment revised January 31, 1991, effective July 1, 1991; Comment revised January 16, 1996, effective immediately; Comment revised June 6, 1997, effective immediately; renumbered Rule 400 and amended March 1, 2000, effective April 1, 2001; **Comment revised February 6, 2003, effective July 1, 2003.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the February 6, 2003 Comment revision concerning electronic transmission of citations published with the Court's Order at 33 Pa.B. 973 (February 22, 2003).

Rule 401. Means of Instituting Proceedings in Summary Cases Charging Parking Violations.

(A) Political subdivisions may use parking tickets to inform defendants of parking violations and to offer defendants an opportunity to avoid criminal proceedings by paying an amount specified on the ticket within the time specified on the ticket.

(1) When a political subdivision does use parking tickets and a ticket has been handed to a defendant or placed on a vehicle windshield, a criminal proceeding shall be instituted only if the defendant fails to respond as requested on the ticket.

(2) [In that event,] When a defendant fails to respond to a parking ticket, the criminal proceeding shall be instituted either

(a) by a law enforcement officer filing a citation with the proper issuing authority, or

(b) by having the parking violation information electronically transmitted to the proper issuing authority.

Upon [the filing of the citation,] receipt of the citation or the electronically transmitted information, the issuing authority shall proceed as provided in Rule 411, and the case shall proceed [in the same manner as other summary cases instituted by filing a citation,] in accordance with Rules 411—414.

(B) When a parking ticket has not been used, a criminal proceeding in a summary case charging a parking violation shall be instituted by a law enforcement officer issuing a citation either by handing it to a defendant or by placing it on a vehicle windshield.

(1) Upon the issuance of a citation, the case ordinarily shall [ordinarily] proceed in the same manner as other summary cases instituted by issuing a citation to the defendant, in accordance with Rules 405—409.

(2) If the defendant fails to respond to the citation, the issuing authority shall issue a summons and the case shall then proceed in accordance with Rules 411—414 as if the proceedings were instituted by filing a citation, unless the issuing authority has reasonable grounds to believe that the defendant will not obey a summons, in which case an arrest warrant shall be issued and the case shall proceed in accordance with Rule 431.

[(C) The filing of a citation charging a parking violation may be accomplished by electronic filing.]

Comment

* * * * *

If the defendant pays the amount specified on the parking ticket within the time specified on the ticket, the case will be concluded without the institution of a criminal proceeding. If the defendant makes no response within the suggested time, or if the defendant indicates a desire to plead not guilty, and the subdivision desires to proceed with the case, a law enforcement officer must determine the identity of the vehicle owner from the Department of Transportation and then institute a criminal proceeding by either filing a citation directly with the proper issuing authority, or having the parking violation information electronically transmitted under paragraph (A) of this rule.

Although this rule and Rule 411 do not require that a citation be prepared when the parking violation information is transmitted electronically, a municipality, of course, may continue to have its officers prepare citations as provided in paragraph (A)(2)(a), and also electronically transmit the parking violation information.

[Paragraph (C) was added in 1996 to specifically authorize that a citation charging a parking violation may be filed electronically.]

* * * * *

Official Note: Rule 95 adopted July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; amended July 17, 1996, effective January 1, 1997; renumbered Rule 401 and amended March 1, 2000, effective April 1, 2001; amended February 6, 2003, effective July 1, 2003.

Committee Explanatory Reports:

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Final Report explaining the February 6, 2003 amendments clarifying the procedures for electronically transmitting parking violation information published with the Court's Order at 33 Pa.B. 973 (February 22, 2003).

PART B. Citation Procedures

Rule 403. Contents of Citation.

* * * * *

Comment

A law enforcement officer may prepare, verify, and transmit a citation electronically. The law enforcement officer contemporaneously must give the defendant a paper copy of the citation containing all the information required by this rule. Nothing in this rule is intended to require the defendant to sign the citation.

Paragraph (A)(3) requires the law enforcement officer who issues a citation to indicate on the citation if the defendant is a juvenile and, if so, whether the juvenile's parents were notified. See the Judicial Code, 42 Pa.C.S. § 1522, concerning parental notification in certain summary cases involving juveniles.

* * * * *

Paragraph (B)(6) was amended in 2000 to make it clear in a summary criminal case that the defendant may file an appeal for a trial de novo following the entry of a

guilty plea. See Rule [86] 460 (Notice of [Appeals] Appeal).

* * * * *

With regard to the "proper" issuing authority as used in these rules, see Rule 130.

See Rule 401 for procedures for instituting cases in which there is a parking violation. When the parking violation information is electronically transmitted as permitted by Rule 401(A), only a summons is issued as provided in Rule 411.

Official Note: Previous rule, originally numbered Rule 133(a) and Rule 133(b), adopted January 31, 1970, effective May 1, 1970; renumbered Rule 53(a) and 53(b) September 18, 1973, effective January 1, 1974; amended January 23, 1975, effective September 1, 1975; Comment revised January 28, 1983, effective July 1, 1983; rescinded July 12, 1985, effective January 1, 1986, and not replaced in these rules. Present Rule 53 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; amended February 1, 1989, effective as to cases instituted on or after July 1, 1989; amended January 31, 1991, effective July 1, 1991; amended June 3, 1993, effective as to new citations printed on or after July 1, 1994; amended July 25, 1994, effective January 1, 1995; renumbered Rule 403 and Comment revised March 1, 2000, effective April 1, 2001; amended March 3, 2000, effective July 1, 2000; **Comment revised February 6, 2003, effective July 1, 2003.**

Committee Explanatory Reports:

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Final Report explaining the February 6, 2003 Comment revisions cross-referencing Rule 401 concerning electronic transmission of parking citations published with the Court's Order at 33 Pa.B. 973 (February 22, 2003).

PART B(1). Procedures When Citation Is Issued to Defendant

Rule 405. Issuance of Citation.

When a criminal proceeding in a summary case is instituted by issuing a citation to the defendant [,]:

(1) the law enforcement officer who issues the citation shall exhibit [some] an official sign of the officer's authority; and

(2) the law enforcement officer contemporaneously shall give the defendant a paper copy of the citation containing all the information required by Rule 403.

Comment

A law enforcement officer may prepare, verify, and transmit a citation electronically.

A law enforcement officer may issue a citation based upon information that the defendant has committed a summary violation, which information may be received from a personal observation of the commission of the offense; a witness; another police officer; investigation; or speed-timing equipment, including radar. Contrast *Commonwealth v. Hatfield*, 453 A.2d 671 (Pa. Super. 1982), decided before the adoption of previous Rule 70 (Defects in Form, Content, or Procedure—Summary Cases) and the 1983 revision of the previous Comment.

* * * * *

Official Note: Previous rule, originally numbered Rule 135, adopted January 31, 1970, effective May 1, 1970; renumbered Rule 55 September 18, 1973, effective January 1, 1974; rescinded July 12, 1985, effective January 1, 1986, and replaced by present Rule [408] 58. Present Rule 55 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates are all extended to July 1, 1986; Comment revised February 11, 1989, effective July 1, 1989; Comment revised January 16, 1996, effective immediately; renumbered Rule 405 and Comment revised March 1, 2000, effective April 1, 2001; **amended February 6, 2003, effective July 1, 2003.**

Committee Explanatory Reports:

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Final Report explaining the February 6, 2003 amendments concerning issuance of citations published with the Court's Order at 33 Pa.B. 973 (February 22, 2003).

Rule 406. Procedure Following Issuance of Citation.

Within 5 days after a citation is issued to the defendant, the [original] citation shall be filed with the proper issuing authority.

Comment

To satisfy the requirements of this rule, the law enforcement officer may prepare, verify, and transmit the citation information electronically.

These rules are not intended to require the law enforcement officer who issued the citation to personally file the [original] citation.

It is intended that the [original] citation be filed as soon as is practical so the issuing authority may process the case. However, failure to comply with the [five] 5-day limit is not intended to be grounds for dismissal, unless the defendant is prejudiced by the delay. See Rule 109.

* * * * *

Official Note: Previous rule, originally numbered Rule 137, adopted January 31, 1970, effective May 1, 1970; renumbered Rule 56 and paragraph (d) amended September 18, 1973, effective January 1, 1974; rescinded July 12, 1985, effective January 1, 1986; and replaced by present Rule [409] 59. Present Rule 56 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; renumbered Rule 406 and amended March 1, 2000, effective April 1, 2001; **amended February 6, 2003, effective July 1, 2003.**

Committee Explanatory Reports:

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Final Report explaining the February 6, 2003 changes concerning the electronic preparation, verification, and transmission of citations published with the Court's Order at 33 Pa.B. 973 (February 22, 2003).

PART B(2). Procedures When Citation Filed

Rule 410. Filing of Citation.

* * * * *

Comment

Filing as used in this rule includes electronically transmitting the citation or parking ticket information.

A law enforcement officer should file a citation with the issuing authority when, due to the circumstances of the case, the law enforcement officer is unable to issue the citation directly to the defendant at the time of the offense. Examples of situations when the law enforcement officer would be unable to issue a citation include, but are not limited to, when the officer receives information that the defendant has committed a summary violation from a witness but the defendant is not then present; when a witness is not present at the scene and the officer wants to question the witness before completing the investigation; or when the officer is summoned to another case that requires prompt action. See Section 902 of the Game and Wildlife Code, 34 Pa.C.S. § 902, which provides, *inter alia*, that "Deputy Wildlife Conservation Officers shall not be authorized to issue citations . . . and shall provide the information to the Wildlife Conservation Officer." Under this statute, it would not be feasible for the Deputy Wildlife Conservation Officer to issue the citation, and, therefore, pursuant to this rule, the citation would be filed.

* * * * *

When evidence is discovered after the issuance of a citation that gives rise to additional charges against the defendant resulting from the same incident, the [**police**] law enforcement officer must file with the issuing authority an additional citation alleging such additional summary offenses, or a complaint when the additional charges include a misdemeanor or felony. For proceedings on such charges when a complaint is filed, see Chapter 5 of these rules.

* * * * *

Official Note: Previous rule, originally adopted as Rule 116 June 30, 1964, effective January 1, 1965; suspended effective May 1, 1970; readopted January 31, 1970, effective May 1, 1970 [,] ; renumbered as Rule 60 and amended to apply only to summary cases September 18, 1973, effective January 1, 1974; amended April 26, 1979, effective July 1, 1979; amended January 28, 1983, effective July 1, 1983; rescinded July 12, 1985, effective January 1, 1986, and replaced by present Rule [**431**] **76**. Present Rule 60 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates are all extended to July 1, 1986; Comment revised February 1, 1989, effective July 1, 1989; Comment revised August 13, 1999, effective immediately; renumbered Rule 410 and Comment revised March 1, 2000, effective April 1, 2001; **Comment revised February 6, 2003, effective July 1, 2003.**

Committee Explanatory Reports:

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Final Report explaining the February 6, 2003 Comment revision concerning filing published with the Court's Order at 33 Pa.B. 973 (February 22, 2003).

Rule 411. Procedures Following Filing of Citation— Issuance of Summons.

(A) Upon the filing of the citation, **including receipt of electronically transmitted citation or parking violation information**, the issuing authority shall issue a summons commanding the defendant to respond within 10 days of receipt of the summons, unless the issuing authority has reasonable grounds to believe that the defendant will not obey a summons in which case an arrest warrant shall be issued. The summons shall be served as provided in these rules.

(B) [**Except**] A copy of the citation shall be served with the summons, **except** in cases charging parking violations when the [**citation**] parking violation information is electronically filed [, a copy of the citation shall be served with the summons] .

(C) In cases charging parking violations [**when**] in which the [**citation**] parking violation information is electronically filed, the summons **also** shall [**also**] include:

* * * * *
Comment
* * * * *

This rule [**was amended in 1996 to**] facilitates the electronic [**filing**] transmission of [**citations charging**] parking [**violations**] violation information by (1) **eliminating the requirement that a copy of the citation be served with the summons in cases in which the parking violation information is electronically filed pursuant to Rule 401(A), and (2) requiring additional information be added to the summons.** See Rule 401 (Proceedings in Summary Cases Charging Parking Violations). **However, nothing in this rule or Rule 401 is intended to preclude a municipality from continuing to have its officers prepare a citation in addition to electronically transmitting the parking violation information.**

Official Note: Previous Rule 117, adopted June 30, 1964, effective January 1, 1965; suspended effective May 1, 1970; revised January 31, 1970, effective May 1, 1970; renumbered and amended to apply only to summary cases September 18, 1973, effective January 1, 1974; amended April 26, 1979, effective July 1, 1979; amended January 28, 1983, effective July 1, 1983; rescinded July 12, 1985, effective January 1, 1986, and replaced by present Rule [**431**] **76**. Present Rule 61 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; amended July 17, 1996, effective January 1, 1997; renumbered Rule 411 and Comment revised March 1, 2000, effective April 1, 2001; **amended February 6, 2003, effective July 1, 2003.**

Committee Explanatory Reports:

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Final Report explaining the February 6, 2003 amendments concerning electronic transmission of citation and parking violation information published with the Court's Order at 33 Pa.B. 973 (February 22, 2003).

PART F. Procedures in Summary Cases under the Vehicle Code

Rule 460. Notice of Appeal.

* * * * *

(D) The issuing authority shall, within 20 days after receipt of the notice of appeal, file with the clerk of courts:

* * * * *

(2) the original complaint or citation, **if any;**

* * * * *

* * * * *

Comment

This rule applies to appeals in all summary proceedings, including appeals from prosecutions for violations of municipal ordinances [which] that provide for the possibility of imprisonment, and default hearings.

* * * * *

Paragraph (D) was amended in 2003 to align this rule with Rule 401(A), which permits the electronic transmission of parking violation information in lieu of filing a citation. Therefore, in electronically transmitted parking violation cases only, because there is no original citation, the issuing authority would file the summons with the clerk of courts pursuant to paragraph (D)(3).

Rule 462(D) provides for the dismissal of an appeal when the defendant fails to appear for the trial de novo.

* * * * *

Official Note: Former Rule 86 adopted July 12, 1985, effective January 1, 1986; revised September 23, 1985, effective January 1, 1986; the January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended March 22, 1993, effective January 1, 1994; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; amended February 27, 1995, effective July 1, 1995; amended October 1, 1997, effective October 1, 1998; amended May 14, 1999, effective July 1, 1999; amended March 3, 2000, effective July 1, 2000; rescinded March 1, 2000, effective April 1, 2001, and paragraphs (A), (D), (E), (F), (H), and (I) replaced by Rule 460. New Rule 460 adopted March 1, 2000, effective April 1, 2001; **amended February 6, 2003, effective July 1, 2003.**

Committee Explanatory Reports:

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New Rule 460:

* * * * *

Final Report explaining the February 6, 2003 changes concerning electronically transmitted parking citations published at 33 Pa.B. 973 (February 22, 2003).

FINAL REPORT¹

Amendments to Pa.Rs. Crim.P. 401, 405, 406, 411, and 460; Revision of the Comments to Pa.Rs. Crim.P. 400, 403, and 410

**ELECTRONIC PREPARATION, VERIFICATION,
AND TRANSMISSION OF PARKING VIOLATION
INFORMATION AND CITATION INFORMATION
GENERALLY**

On February 6, 2003, effective July 1, 2003, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rules of Criminal Procedure 401 (Proceedings In Summary Cases Charging Parking Violations), 405 (Issuance of Citation), 406 (Procedure Following Issuance of Citation), 411 (Procedures Following Filing of Citation—Issuance of Summons), and 460 (Notice of Appeal), and revised the Comments to Rules 400 (Means of Instituting Proceedings in Summary Cases), 403 (Contents of Citation), and 410 (Filing of Citation). These changes 1) clarify and fill in gaps in the

¹ The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

procedures in the rules for electronically transmitting parking violation information to institute proceedings in cases in which a defendant has failed to respond to a parking ticket, and 2) provide the procedures for electronically preparing, verifying, and transmitting citation information generally.

I. BACKGROUND

a. Phase I

The Committee in 1998 and 1999 received several inquiries concerning the interplay between the electronic filing provisions of Rule 401 and the summons procedures in Rule 411, the citations procedures in Rule 403, and the appeals procedures in Rule 460. The inquiries questioned: 1) when a parking citation is filed electronically, does there have to be a paper copy of the citation; and 2) when the parking ticket information has been filed electronically, what documentation must be transmitted from the issuing authority to the clerk of courts when an appeal is filed.²

The Committee reviewed the summary case rules (Chapter 4) and the history of the electronic filing provisions. In 1996, when the Court adopted the initial changes concerning electronic filing of citations charging parking violations, this was considered a first step toward integrating advanced communication technology³ into the Criminal Rules.⁴ Rule 401 was changed to provide in those limited cases in which a defendant fails to respond to a parking ticket, that the political subdivision may institute a criminal proceeding by filing a citation with the proper issuing authority, see paragraph (A), and the filing of such a citation *may be accomplished by* electronic filing, see paragraph (C) (emphasis added). In addition, in cases charging a parking violation when the citation is filed electronically, Rule 411 provides that the information that ordinarily appears on the citation be included in the summons. Although the concepts of electronic filing and advanced communication technology were novel to the rules, these 1996 changes have had little substantive impact on defendants—a parking violation is never filed unless the defendant fails to respond to a parking ticket, and the summons a defendant receives in these cases provides the defendant with all the relevant information concerning the parking violation charged.

After reviewing the history of the 1996 rule changes permitting electronic filing and the rule provisions themselves, and based on the members' experience with electronic filings, the Committee agreed some additional rule changes were necessary to address the questions brought to our attention, but these changes only were needed to clarify the earlier amendments providing for the utilization of electronic filing for parking violation information. Accordingly, the Committee in 1999 published a proposal intended to clarify the procedures for electronically filing parking violation information in cases in which a defendant has failed to respond to a parking ticket. See 29 Pa.B. 2770 (May 29, 1999).

b. Phase II

Following the Committee's publication of the 1999 proposal, we received communications from the Administrative Offices of Pennsylvania Courts' Information Tech-

² The initial inquiries to the Committee also raised the question whether there must be a verification of the information electronically filed. After fully discussing the merits of this type of verification requirement, the Committee agreed that it is unnecessary.

³ See Rule 103 for the definition of advanced communication technology.

⁴ The changes also were intended to (1) provide a cost-effective and efficient means for municipalities and issuing authorities to transmit documents, and (2) reduce the amount of paperwork that flows between the respective offices. See Committee Final Report at 26 Pa.B. 3629 (August 3, 1996).

nology Staff, representatives of the Pennsylvania State Police and the Justice Network (JNET), and representatives of Philadelphia Traffic Court concerning the development of electronic data management systems that would permit the electronic issuance of citations and the electronic transmission of citation information generally. The Committee agreed that implementation of the proposed electronic data management systems described by these various organizations should be pursued as long as the procedural requirements in the Criminal Rules are satisfied.⁵ However, during the Committee's consideration of the use of electronic data managing systems in general, the members expressed concern that the 1999 proposal clarifying the procedures for the electronic filing of parking violation information could be misconstrued as limiting electronic filing to only transmission of parking violation information if the general citation rules are not similarly amended to include specific provisions for the electronic transmission of citation information.

In view of the points raised in these communications, the Committee's review of the rules as they relate to the new technologies, the Court's goals of statewide uniformity, and the potential for unintended consequences that could result from not including specific provisions for the electronic transmission of citation information, the Committee published a Supplemental Report proposing changes to the Criminal Rules that supplement the 1999 proposal for the electronic filing of parking violation information by including the procedures for the electronic preparation of the citation and the electronic transmission of citation information generally. See 32 Pa.B. 3891 (August 10, 2002).⁶

II. DISCUSSION OF RULE CHANGES

a. Rule 400 (*Means of Instituting Proceedings in Summary Cases*)

Rule 400 provides the means of instituting proceedings in summary cases. The term "filing" in paragraph (2) is intended to be broad and include both traditional filing methods and electronic transmission of citation and parking violation information. Accordingly, the Rule 400 Comment has been revised by explaining in a new third paragraph that filing may be accomplished by electronically transmitting the citation information or parking ticket information to the issuing authority.

b. Rule 401 (*Proceedings in Summary Cases Charging Parking Violations*)

Rule 401 has been amended to more clearly incorporate advanced communication technology principles by removing the "citation" concept from the electronic transmission provisions within the context of parking tickets.⁷ Para-

⁵ The Committee strongly believes the use of technology should be encouraged when feasible because this promotes the Court's goals of statewide uniformity in the practice of law, and the use of technology has been shown to result in a more efficient use of the court's limited resources.

⁶ The changes in the 2002 proposal largely incorporated the changes in the 1999 proposal, but in some places language was modified or was deleted as no longer necessary.

⁷ The questions that were addressed to the Committee focused on the use of advanced communication technology in transmitting the parking violation information to the issuing authority, including whether a paper copy of the parking violation information electronically transmitted should be maintained. When filing is accomplished by electronic transmission, only the transmission of the parking violation information is required because 1) a parking ticket already will have been issued to a defendant, 2) a summons setting forth all the relevant information about the parking violation will be issued to institute the criminal proceeding in cases in which the defendant has failed to respond to the parking ticket, and 3) requiring a citation is redundant and inefficient. Furthermore, when the initial electronic filing provisions had been developed in 1995, there was little practical experience with advanced communication technology in the context of criminal proceedings, and the amendments to former Rules 61 and 95 (renumbered Rules 411 and 401 respectively), therefore, merely applied the existing concept of filing a parking citation to the electronic filing provisions.

graph (A) has been divided into subparagraphs,⁸ and paragraph (C) and its corresponding paragraph in the Comment have been deleted. Paragraph (A)(2) covers the cases in which a defendant fails to respond to a parking ticket, and distinctly provides for the two methods of providing the issuing authority with the necessary information to issue a summons under Rule 411: 1) filing the citation by traditional methods directly with the issuing authority; or 2) filing the parking violation information by electronic transmission to the issuing authority. This change makes it clear what is transmitted electronically is the information, not a citation. The Comment has been revised to clarify that the new language does not preclude the traditional practice of preparing citations.

c. Rule 403 (*Contents of Citation*)

Rule 403 provides the requirements for the contents of the citation. To tie this rule into the concept of using electronic means for the preparation, verification, and transmission of citation information generally, the Rule 403 Comment has been revised to: 1) make it clear that the preparation, verification, and transmission of the citation information can be accomplished electronically by the law enforcement officer⁹ and that the defendant must be given a paper copy of the citation; 2) explain that nothing in the rule is intended to require the defendant sign the citation;¹⁰ and 3) include a cross-reference to Rule 401 concerning the procedures for instituting cases in which there is a parking violation.

d. Rule 405 (*Issuance of Citation*)

Rule 405 provides the procedures for instituting a summary case proceeding by issuing a citation to the defendant. The rule has been amended to make it clear that the law enforcement officer who issues the citation must exhibit an official sign of his or her authority (see new paragraph (1)), and to add the requirement that the law enforcement officer at the time of issuance of the citation give the defendant a paper copy of the citation (see new paragraph (2)). Although the law enforcement officer may electronically prepare and transmit the citation to the issuing authority, the law enforcement officer must ensure the defendant receives a paper copy of the citation to ensure proper and timely notice of the charges and of the defendant's rights and obligations.

e. Rule 406 (*Procedure Following Issuance of Citation*)

Rule 406 has been amended by changing the term "original" to "citation" to accommodate the other proposed changes allowing the filing of the citation by electronically transmitting the citation information to the issuing authority.

f. Rule 410 (*Filing of Citation*)

Rule 410 provides the procedures when a summary case is instituted by the filing of a citation. The Comment has been revised by including as a new first paragraph the language, "Filing as used in this rule includes electronically transmitting the citation information or parking ticket information."

⁸ Paragraph (B) also is divided into subparagraphs to more clearly set forth the procedures covered by this paragraph.

⁹ This conforming change has also been added to the Comments to Rules 405 and 406.

¹⁰ Traditionally, although the rules have never required the defendant sign the citation, law enforcement officers have had the defendant sign the citation to acknowledge receipt, and a signature line has been on the citation form.

*g. Rule 411 (Procedures Following Filing of Citation—
Issuance of Summons)*

Conforming changes have been made to Rule 411 by distinguishing between cases when parking violation information is transmitted electronically and all other summary cases. These changes make it clear 1) when the parking violation information is transmitted electronically, a citation in these limited cases is not required, and 2) the rule requires the issuing authority to issue a summons when a citation is filed or parking information is filed electronically. A correlative revision has been made to the Comment emphasizing there is no citation

requirement in those cases in which parking violation information is filed electronically.

h. Rule 460 (Notice of Appeal)

Rule 460 (Notice of Appeal) has been amended by adding the language “if any” after “citation” at the end of paragraph (D)(2) to accommodate cases in which the parking violation information has been filed by electronic transmission and there is no citation, and the Comment has been revised further explaining this paragraph.

[Pa.B. Doc. No. 03-312. Filed for public inspection February 21, 2003, 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 February 11, 2003.

BANKING INSTITUTIONS

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-7-03	Lebanon Valley Farmers Bank Lebanon Lebanon County	<i>To:</i> 901 East Main St. (Out Parcel) Palmyra Lebanon County <i>From:</i> Palmyra Shopping Center 901 East Main Street Palmyra Lebanon County	Approved
2-7-03	Fulton Bank Lancaster Lancaster County	<i>To:</i> Route 1 and School House Road East Marlborough Twp. Chester County <i>From:</i> 863 East Baltimore Pike East Marlborough Twp. Chester County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-7-03	Northwest Savings Bank Warren Warren County	1001 East Main St. Bradford McKean County	Approved

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

A. WILLIAM SCHENCK, III,
Acting Secretary

[Pa.B. Doc. No. 03-313. Filed for public inspection February 21, 2003, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

NPDES APPLICATIONS

PART I PERMITS

Under the Federal Clean Water Act and The Clean Streams Law, the following parties have applied for an NPDES permit or to renew their current permit to discharge controlled wastewaters into the waters of this Commonwealth or to

conduct other activities required by the NPDES permit. For renewal applications listed in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements. For new permit applications, renewal application with major changes or applications for permits not waived by the EPA, the Department, based upon preliminary reviews, also made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications listed in Section II. These determinations are published as proposed actions for comments prior to taking final actions.

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

Persons wishing to comment on the proposed permit are invited to submit a statement, to the office noted above 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 No.)</i>	<i>EPA Waived Y/N ?</i>
PA0085278	Deerwood Homeowners Association 11375 Lafayette Road Mercersburg, PA 17236	Franklin Montgomery Township	UNT Licking Creek 13C	Y

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

PA0100838, Amendment No. 1, Industrial Waste, **Barkeyville Municipal Authority—Barkeyville WTP**, Routes 8 and 208 Intersection, Barkeyville, PA 16127. This proposed facility is located in Barkeyville Borough, **Venango County**.

Description of Proposed Activity: Discharge of treated industrial waste.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Slippery Rock Creek and Camp Allegheny—Salvation Army intake in Wayne Township, Lawrence County, approximately 35 miles below point of discharge.

The receiving stream, unnamed tributary to North Branch Slippery Rock Creek, is in watershed 20-C and classified for CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 (Interim) based on a design flow of 0.0063 MGD.

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX				
Total Suspended Solids	1.6	3.2	30	60	75
Aluminum	0.05	1	1	2	2.5
Iron	0.1	0.2	2	4	5
Manganese	0.05	1	1	2	2.5
pH	6.0 to 9.0 standard units at all times				

The proposed effluent limits for Outfall 001 (Final) based on a design flow of 0.0134 MGD.

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX				

Parameters	Loadings		Concentrations		
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Total Suspended Solids	XX	XX	30	60	75
Aluminum	0.16	0.31	1.4	2.8	3.5
Iron	XX	XX	2	4	5
Manganese	XX	XX	1	2	2.5
Total Residual Chlorine			1		2.3
pH			6.0 to 9.0 standard units at all times		

XX = Monitor and Report

The EPA Waiver is in effect.

PA0221635, Sewage, **The Lighthouse Foundation**, 1302 East Cruikshank Road, Butler, PA 16002. This proposed facility is located in Middlesex Township, **Butler County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Zelenople Municipal Waste Works and Connoquenessing Creek located at Zelenople, 16.5 miles below point of discharge.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0012 MGD.

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX		
CBOD ₅	10		20
Total Suspended Solids	20		40
NH ₃ -N			
(5-1 to 10-31)	7		14
(11-1 to 4-30)	21		42
Total Phosphorus (as P)			
(4-1 to 10-31)	2		4
Fecal Coliform		200/100 ml as a geometric average	
Total Residual Chlorine	0.7		1.63
pH		6.0 to 9.0 standard units at all times	

XX—Monitor and report.

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.

PA0027031, Sewage, **Borough of West Chester**, 401 East Gay Street, West Chester, PA 19380. This application is for renewal of an NPDES permit to discharge treated sewage from West Chester Borough's Goose Creek STP in West Goshen Township, **Chester County**. This is an existing discharge to Chester Creek (locally known as Goose Creek).

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

The proposed effluent limits for Outfall 001, based on an average flow of 1.672 MGD are as follows:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅			
(5-1 to 10-31)	15	23	30
(11-1 to 4-30)	25	40	50
Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	1.5	2.3	3.0
(11-1 to 4-30)	4.5	6.8	9.0
Total Residual Chlorine	0.03		0.10
Fecal Coliform		200 colonies/100 ml as a geometric average	

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	Within limits of 6.0—9.0 Standard Units at all times		
Phenols, Total	0.018	0.036	0.045
Zinc, Total	Monitor and Report		
Chloroform	Monitor and Report		
Lead, Total	Monitor and Report		
Copper, Total	Monitor and Report		

Other Conditions: conditions for future permit modification; implementation of industrial pretreatment program requirements; effective disinfection; and special test methods for certain pollutants.

The EPA Waiver is not in effect.

PA0055573, Industrial Waste, **Sovereign Packaging Group, Inc.**, 765 Pike Springs Road, Phoenixville, PA 19442. This application is for renewal of an NPDES permit to discharge cooling water and stormwater from noncontact cooling tower water and stormwater runoff from the Kimberton Facility in East Pikeland Township, **Chester County**. This is an existing discharge to an unnamed tributary to French Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.016 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>
Temperature			110°F
pH	Within limits of 6.0—9.0 Standard Units at all times		
Trichloroethylene	Monitor and Report	Monitor and Report	

This facility was formerly known as Pierce and Stevens Corporation.

The EPA Waiver is not in effect.

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

PAS232204, Industrial, **Poly One Corporation**, 177 Mikron Road, Bethlehem, PA 18017. This proposed facility is located in Lower Nazareth Township, **Northampton County**.

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

The receiving stream, unnamed tributary to Monocacy Creek, is in the State Water Plan watershed no. 2C and is classified for HQ-CWF. The nearest downstream public water supply intake for the Keystone Water Company is located on the Delaware River, approximately 59 miles below the point of discharge.

Four Stormwater Outfalls are subject to Stormwater Appendix J with optional monitoring requirement.

PA0062936, Industrial, **Lehighon Water Authority**, P. O. Box 29, Municipal Building, Lehighon, PA 18325. This proposed facility is located in Franklin Township, **Carbon County**.

Description of Proposed Activity: Renewal of a NPDES permit to discharge process wastewater into Long Run.

The receiving stream, Long Run, is in the State Water Plan watershed no. 2 and is classified for CWF. The nearest downstream public water supply intake for the Lehighon Water Authority is on Long Run, 600 feet below the point of discharge.

The proposed effluent limits for Outfall 001 based on an intermittent design flow of 0.0135 MGD.

<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>
Total Suspended Solids			30.0	60.0
Total Aluminum			4.0	8.0
Total Iron			2.0	4.0
Total Manganese			1.0	2.0
pH	6.0 to 9.0 Standard Units at all times			
Total Residual Chlorine			0.5	1.0

Outfall 002—This outfall is permitted to discharge stormwater only. There are no effluent limitations or monitoring requirements at this time.

Outfall 003—This outfall is permitted to discharge stormwater only. There are no effluent limitations or monitoring requirements at this time.

The EPA waiver is in effect.

PA0026492, Sewage, **Sewer Authority of the City of Scranton**, 307 North Washington Avenue, Scranton, PA 18503. This proposed facility is located in City of Scranton, **Lackawanna County**.

Description of Proposed Activity: Renewal of an NPDES Permit to discharge 20.0 MGD dry weather flow and 25 MGD wet weather flow of treated sewage into the Lackawanna River. This is an existing discharge.

The receiving stream, Lackawanna River, is in the State Water Plan watershed no. 5A and is classified for WWF. The nearest downstream public water supply intake for the Danville Water Authority is on the Susquehanna River, 67 miles below the point of discharge.

The proposed effluent limits for Outfall 001/002 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	3		6
(11-1 to 4-30)	9		18
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	0.40		1.0

In addition to the effluent limits, the permit contains the following major special conditions: CSO condition, pretreatment condition, WETT test condition

PA0061310, Sewerage, **Marian High School**, 166 Marian Avenue, Tamaqua, PA 18252-9789. This proposed action is for the renewal of an NPDES permit to discharge 0.035 MGD of treated sewage into Little Schuylkill River in Rush Township, **Schuylkill County**.

The receiving stream is in the State Water Plan watershed no. 03A and is classified for CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the Pottstown Borough Water Authority is on the Schuylkill River, approximately 30 miles below the point of discharge.

Outfall 001: The proposed effluent limits based on a design flow of 0.035 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric mean	
(10-1 to 4-30)	2,000/100 ml as a geometric mean	
Total Residual Chlorine	1.2	2.8
pH	6.0 to 9.0 standard units at all times	

The EPA waiver is in effect.

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

PA0096059, Industrial Waste, SIC 3399, **Crucible Compaction Metals**, 1001 Robb Hill Road, Oakdale, PA 15071. This application is for renewal of an NPDES permit to discharge treated cooling water and stormwater from metals manufacturing in North Fayette Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary of North Branch Robinson Run, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the West View Municipal Authority at West View, 18 miles below the discharge point.

Outfall 002: existing discharge, design flow of 0.037 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Monitor and Report				
Temperature (°F)					
pH (S.U.)	not greater than 9.0				

Outfall 003: existing discharge, design flow of 0.0003 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Monitor and Report				
Temperature (°F)	110				
pH (S.U.)	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA0205044, Industrial Waste, SIC 4953, **BFI Waste Systems of North America, Inc.**, Route 980 and Boggs Road, P. O. Box 47, Imperial, PA 15126. This application is for issuance of an NPDES permit to discharge stormwater from the Imperial Landfill in Findlay Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributaries to the North and South Forks of Montour Run, classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Robinson Township Municipal Authority, Robinson Township, 9 miles below the discharge point.

Outfall 001: existing discharge.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Chemical Oxygen Demand	Monitor and Report				
Oil and Grease	Monitor and Report				
Total Dissolved Solids	Monitor and Report				
Total Organic Carbon	Monitor and Report				
Total Suspended Solids	35.0			70.0	
Barium	Monitor and Report				
Chromium	Monitor and Report				
Lead	Monitor and Report				
Magnesium	Monitor and Report				
Iron	3.5			7.0	
Aluminum	Monitor and Report				
Manganese	2.0			4.0	
Zinc	Monitor and Report				
Phenols	Monitor and Report				
pH	not less than 6.0 nor greater than 9.0				

Outfall 002: existing discharge.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Oil and Grease	Monitor and Report				
Chemical Oxygen Demand	Monitor and Report				
Total Dissolved Solids	Monitor and Report				
Total Organic Carbon	Monitor and Report				
Total Suspended Solids	35.0			70.0	
Barium	Monitor and Report				
Chromium	Monitor and Report				
Lead	Monitor and Report				
Magnesium	Monitor and Report				
Iron	3.5			7.0	
Aluminum	Monitor and Report				
Manganese	2.0			4.0	
Zinc	Monitor and Report				
Phenols	Monitor and Report				
pH	not less than 6.0 nor greater than 9.0				

Other Conditions: Underdrain discharges shall consist solely of uncontaminated groundwater. Emergency spillways are subject to the previous limitations and/or monitoring requirements.

The EPA waiver is in effect.

PA0219037, Industrial Waste, SIC, **Greater Johnstown Water Authority**, P. O. Box 1287, Johnstown, PA 15907-1287. This application is for issuance of an NPDES permit to discharge backwash water from Saltlick Water Treatment Plant in East Taylor, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, Saltlick Run, classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Saltsburg Municipal Water Authority, Saltsburg on the Conemaugh River, approximately 64 miles below the discharge point.

Outfall 001: new discharge, design flow of 0.28 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids			30		60
Total Iron			2		4
Aluminum (T)			4		8
Manganese (T)			1		2
Total Residual Chlorine			0.5		1
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

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

PA0239003, Sewage, **Perry Lake Estates**, US 19, Harmony, PA 16037. This proposed facility is located in Lancaster Township, **Butler County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Scholars Run and Zelienople Municipal Waterworks (Scholars Run) located at River Mile 0.48, 5.745 miles below point of discharge.

The receiving stream, Scholars Run, is in watershed 20-C and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0065 MGD.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		XX
CBOD ₅	25		50
Total Suspended Solids	30		60
NH ₃ -N			
(5-1 to 10-31)	3.0		6.0
(11-1 to 4-30)	9.0		18.0
Phosphorus			
(4-1 to 10-31)	2		4
Fecal Coliform			
(5-1 to 9-30)		200/100ml as a geometric average	
(10-1 to 4-30)		5,000/100 ml as a geometric average	
Ultra-violet light	XX		XX
pH	6.0 to 9.0 standard units at all times		

The EPA Waiver is in effect.

PA0238872, Sewage, **West Wind Village**, Route 65N, Ellwood City, PA 16117. This proposed facility is located in Wayne Township, **Lawrence County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is Beaver River and the Beaver Falls Municipal Authority at River Mile 3.76, 14.25 miles below point of discharge.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.018 MGD.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow			
CBOD ₅	25		50

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Total Suspended Solids	30		60
NH ₃ -N			
(5-1 to 10-31)	5.5		10.5
(11-1 to 4-30)	16		32
Total Residual Chlorine	1.4		2.198
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

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).

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

WQM Permit No. 0503201, CAFO Operation, **Hostetter Management Company**, P. O. Box 526, 120 Lake

Street, Ephrata, PA 17522. This proposed facility is located in Monroe Township, **Bedford County**.

Description of Proposed Action/Activity: Expansion of existing swine operation. The current population of the facility is 150 sows with litters, 1,180 gestation sows, 7 boars, 3,360 nursery pigs and 120 finishing animals. The planned new animal numbers will be 336 sows with litters, 2, 800 gestation sows, 15 boars, 320 nursery pigs and 450 finishing animals. The nursery animal numbers will be confined to the barns 365 days a year, all the time. A new manure storage facility will be constructed as part of the expanded operation. The new facility will have a total volume of approximately 2.9 million gallons. With freeboard and other requirements the total capacity of manure storage will be approximately 2.3 million gallons. The new manure storage will be in addition to the existing storage facility, which has a capacity of approximately 3.7 million gallons.

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

WQM Permit No. 0803402, Sewerage, **William Hogan**, 236 Brown Road, Berkshire, NY 13736. This proposed facility will be located in Pike Township, **Bradford County**.

Description of Proposed Action/Activity: Application for construction and operation of a small flow treatment facility to serve a single residence. The treatment facility will discharge to an unnamed tributary to Johnson Creek (CWF).

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

Application No. 6569433-A2, Sewerage, **Kenneth Hurlbut, High Meadows Mobile Home Park**, 4751 Kendor Drive, Lower Burrell, PA 15068. Application for the construction and modification of a sewerage treatment plant to serve the High Meadows Mobile Home Park, located in Allegheny Township, **Westmoreland County**.

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

WQM Permit No. 6203409, Sewerage, **Kinzua-Warren County Joint Authority**, P. O. Box 412, Clarendon, PA 16313. This proposed facility is located in Mead and Pleasant Townships, **Warren County**.

Description of Proposed Action/Activity: This project is to extend the existing sewer service by way of sewer extension and pump station and will flow into the Kinzua-Warren County Joint wastewater treatment facility.

WQM Permit No 6203403, Sewerage, **John J. Salapek**, 131 Scranton Hollow Road, Warren, PA 16365. This proposed facility is located in Farmington Township, **Warren County**.

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

WQM Permit No 2003402, Sewerage, **Daniel J. Cowher No. 1**, 5112 U. S. Highway 322, Jamestown, PA 16134. This proposed facility is located in South Shenango Township, **Crawford County**.

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

WQM Permit No 2003403, Sewerage, **Daniel J. Cowher No. 2**, 5112 U. S. Highway 322, Jamestown, PA 16134. This proposed facility is located in South Shenango Township, **Crawford County**.

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

NPDES Stormwater Individual Permit

The following parties have applied for an NPDES permit to discharge stormwater associated with a construction activity into waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and 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 PAI2011502006, Stormwater, **William Bush**, 504 Pickering Drive, Chester Springs, PA, has applied to discharge stormwater associated with a construction activity located in Uwchlan Township, **Chester County** to Pine Creek (HQ-TSF).

NPDES Permit PAI2011502007, Stormwater, **Donna Kasuska**, 237 Jeffers Road, Downingtown, PA, has applied to discharge stormwater associated with a construction activity located in East Brandywine Township, **Chester County** to unnamed tributary to Culbertson Run (HQ-TSF-MF).

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

Lancaster County Conservation District, 1383 Arcadia Road, Room 6, Lancaster, PA 17601; (717) 299-5361.

<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAI2033603001	Harry Zeckman Stoner Inc. P. O. Box 65 Quarryville, PA 17566	East Drumore Township Lancaster County	Stewart Run HQ
<i>Cumberland County Conservation District, 43 Brookwood Avenue, Suite 4, Carlisle, PA 17013; (717) 240-7812.</i>			
<i>NPDES No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAI2032103002	Rockfield LLC c/o Daily Express P. O. Box 39 Carlisle, PA 17013	Carlisle Borough Cumberland County	Letort Spring Run EV

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

Beaver County Conservation District: 1000 3rd Street, Suite 202, Beaver, PA 15009-2026.

NPDES Permit PAI2056303001, Stormwater, **Frank T. Perano**, Box 677, Morgantown, PA 19543, has applied to discharge stormwater associated with a construction activity located in Donegal Township, **Washington County** to Dutch Fork Creek/Buffalo Creek (HQ-WWF).

Somerset County Conservation District: 1590 North Center Avenue, Suite 103, Somerset, PA 15501.

NPDES Permit PAI2055603001, Stormwater, **Laurel Summit L. P.**, 2617 Glenchester Road, Wexford, PA 15090, has applied to discharge stormwater associated with a construction activity located in Jefferson Township, **Somerset County** to Schaffer Run (HQ-CWF).

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

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

SAFE DRINKING WATER

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

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

Permit No. 6703502, Public Water Supply.
 Applicant **The York Water Company**
 Township or Borough Various
 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	Robert J. Halbert, P. E. Rummel Klepper & Kahl LLP 2641 Carnegie Road York, PA 17402
Application Received Date	January 13, 2003
Description of Action	Construction Permit application for a proposed Susquehanna River raw water intake, pump station and pipeline. The raw water intake and pump station permitted capacity would be 12 MGD. A 16 mile, 36 inch pipeline would deliver raw water to Lake Redman or other York Water pumping and treatment facilities.

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

Permit No. 1101503—Addition to Application, Public Water Supply.

Applicant	Greater Johnstown Water Authority P. O. Box 1287 Johnstown, PA 15907-1287
Township or Borough	East Taylor Township
Responsible Official	Louis Soulcheck, Administrative Assistant Greater Johnstown Water Authority P. O. Box 1287 Johnstown, PA 15907-1287
Type of Facility	Saltlick Membrane Filtration Plant
Consulting Engineer	Gibson-Thomas Engineering Co., Inc. 1004 Ligonier Street P. O. Box 853 Latrobe, PA 15650
Application Received Date	February 7, 2003
Description of Action	Fluoridation, manganese treatment and disinfection

WATER ALLOCATIONS

Applications received under the Act of June 24, 1939 (35 P. S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of this Commonwealth.

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

WA16-1002, Water Allocations, **Farmington Township**, P. O. Box 148, Leeper, PA 16233, Farmington Township, **Clarion County**. Subsidiary application for the purchase of 75,106 gpd from Pennsylvania American Water Company—Clarion District.

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

WA2-778A, Water Allocations Resubmittal, **Fawn-Frazer Joint Water Authority**, 326 Donnellville Road, Natrona Heights, PA 15065, **Allegheny County**. The applicant is requesting the right to purchase 746,000 gallons per day of water from the Harrison Township Water Authority, Springdale Borough and Brackenridge Borough and to sell water to the Harrison Township Municipal Authority, Springdale Borough and East Deer Township.

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

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

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

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

Najaka Residence, Union Township, **Luzerne County**. Richard Merhar, Project Geologist, PMC Environmental, 835 Springdale Drive, Suite 201, Exton, PA 19341 has submitted a Notice of Intent to Remediate (on behalf of Mr. and Mrs. B. Bruce Najaka, Cherokee Drive, Shickshinny Lake, PA 18655) concerning the remediation of soils found or suspected to have been contaminated with no. 2 fuel oil as the result of an accidental release. A summary of the Notice of Intent to Remediate was reportedly published in *The Times Leader* on February 3, 2003.

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

Lower Mill (Formerly Raymark), Borough of Manheim, **Lancaster County**. RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, on behalf of Phoenix Group II, LLC, 2600 Virginia Avenue NW, Watergate Suite 606, Washington, DC 20037, submitted a revised Notice of Intent to Remediate site soils and groundwater contaminated with, chlorinated solvents, inorganics, lead, MTBE and other organics. The applicant proposes to remediate the site to meet a combination of the Statewide Health and Site-Specific standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *New Era* on November 13, 2002.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

PAD004810222. Kelly Run Sanitation, Inc., 1500 Hayden Blvd., P. O. Box 298, Elizabeth, PA 15037. An application for a permit renewal of a RCRA Part B Post-closure permit in Forward Township, **Allegheny County**, was received in the Regional Office on February 4, 2003.

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, Floor 14, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Application No. WMGR023. Metal Management Northeast, Inc., P. O. Box 5158, Newark, NJ 07105. General Permit Numbered WMGR023 is for the beneficial use of processed dredge material removed from the New York harbor complex as a construction material. Central Office received the application on December 17, 2002, and determined administratively complete on February 7, 2003.

Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in obtaining more information about the general permit application may contact the Division at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

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

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the Regional Office identi-

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

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

PLAN APPROVALS

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

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

39-399-056: Carpenter Co. (5016 Monument Avenue, Richmond, VA 23230) for construction of a polyurethane flexible foam production line at the facility at 57 Olin Way, Upper Macungie Township, **Lehigh County**.

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

61-007A: IA Construction Corp. Franklin Plant (Route 62, Franklin, PA 16323) for modification of an existing permit to burn alternative fuels: reprocessed fuel no. 5, no. 2 fuel oil, liquid propane and natural gas at the Franklin Plant in Sugar Creek Township, **Venango County**.

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

AMS 03012: Tenet Health Systems Roxborough LLC (5800 Ridge Avenue, Philadelphia, PA 19128) for operation of three boilers, two emergency generators and one peak shaving generator in Philadelphia, **Philadelphia County**.

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

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

48-310-046: Chrin Brothers, Inc. (635 Industrial Drive, Easton, PA 18042) for construction of a nonmetallic mineral crushing plant controlled by water spray dust suppression systems at their noncoal surface mine facility in Williams Township, **Northampton County**. The crushing plant is a non-Title V facility. The fugitive dust emissions from the crushing plant will be controlled by the water spray dust suppression systems to the extent that the crushing plant will comply with the fugitive air contaminant emission requirements of 25 Pa. Code §§ 123.1 and 123.2 and the requirements of 40 CFR Part 60, Subpart OOO—Standards of Performance for New Stationary Sources. The plan approval will include monitoring, work practices, reporting and recordkeeping re-

quirements designed to keep the sources 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.

67-05099: Kinsley Construction, Inc. (2700 Water Street, York, PA 17403) for construction of a surface coating operation at its Kinsley Manufacturing steel fabrication plant in the City of York, **York County**. The facility's annual VOC emissions are around 12 tons. The plan approval and operating permit will contain emission restrictions, work practice standards and monitoring, recordkeeping and reporting requirements 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.

18-0007A: Brodart Company (500 Arch Street, Williamsport, PA 17705) for the construction of a wood furniture finishing operation in the company's existing McElhattan facility located in the Clinton County Industrial Park in Wayne Township, **Clinton County**. The McElhattan facility is currently a minor facility operating under Operating Permit OP-18-0007 but will become a major facility for both VOCs and HAPs and will consequently become subject to the Department's Title V operating permit requirements, if plan approval is issued and the respective wood furniture finishing operation is constructed.

The wood furniture finishing operation which Brodart Company proposes to construct will be comprised of four finishing lines, incorporating a total of four spray booths and three infrared drying ovens, which will be used to apply VOCs and HAPs-containing finishing or coating materials to wood furniture. The respective wood furniture finishing operation will emit up to 49.0 tons of VOCs, 9.99 tons of any individual HAP (subject to additional restrictions as specified as follows) and 24.99 tons of all HAPs combined in any 12 consecutive month period. These values are not additive as most of the HAPs are also VOCs nor will the wood furniture finishing operation be able to emit up to 9.99 tons of any conceivable individual HAP due to restrictions being placed on the emission of certain specific HAPs under the prohibition of air pollution provision of 25 Pa. Code § 121.7. These additional restrictions are specified in the following proposed plan approval conditions.

The Department's review of the information contained in the application indicates that the proposed wood furniture finishing operation will comply with all applicable requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12 and the prohibition of air pollution provisions of 25 Pa. Code § 121.7. Based on this finding, the Department intends to approve the application and issue plan approval for the construction of the proposed wood furniture finishing operation.

Because the McElhattan facility will become a major VOC emitting facility if plan approval is issued and the proposed wood furniture finishing operation is constructed, certain minor VOC emitting sources which existed at the facility prior to July 15, 1994, and which still exist at the facility, will become subject to the Reasonably Available Control Technology (RACT) requirements of 25 Pa. Code §§ 129.91—129.95. The respective

sources are a 2.6 million Btu per hour natural gas-fired oven, a 2.5 million Btu per hour natural gas-fired oven, a 2.5 million Btu per hour natural gas/no. 2 fuel oil-fired boiler, a 15 kW natural gas-fired emergency generator, gluing operations and several miscellaneous combustion sources (space heaters, water heaters, and the like).

In accordance with 25 Pa. Code §§ 129.91—129.95, the Department has made a preliminary determination to approve Brodart Company's RACT plan for these sources as well as an amendment to the State Implementation Plan (SIP). The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the Department's approval of the RACT plan. This preliminary RACT determination, if approved, will be submitted to the EPA as a revision to the Commonwealth's SIP.

The following is a summary of the preliminary RACT determination for the respective minor sources which the Department proposes to place in the plan approval it intends to issue for the proposed wood furniture finishing operation:

The total combined VOC emissions from the 2.6 million Btu per hour De Burg natural gas-fired oven, the 2.5 million Btu per hour North American natural gas-fired oven, the 2.5 million Btu per hour Weil McLain natural gas/no. 2 fuel oil-fired boiler, the 15 kW Kohler natural gas-fired emergency generator, the gluing operations and miscellaneous combustion sources (space heaters, water heaters, and the like) shall not exceed 2.70 tons in any 12 consecutive month period.

The 15 kW natural gas-fired emergency generator shall not be operated more than 500 hours in any 12 consecutive month period. Records shall be maintained of the number of hours the generator is operated each month.

The only glues or adhesives which shall be used in the gluing operations shall be "Multibond 2000" and "Assembly 70A" (or other water-based glues or adhesives determined by the Department to have an equivalent VOC content).

The following is a summary of the remaining conditions the Department proposes to place in the plan approval it intends to issue for the proposed wood furniture finishing operation to ensure compliance with all applicable regulatory requirements (other than the RACT requirements of 25 Pa. Code §§ 129.91—129a.95):

1. The particulate matter concentration of the exhaust from each of the four spray booths shall not exceed .01 grain per dry standard cubic foot.
2. The spray booths shall be equipped with filters as well as instrumentation to continuously monitor the differential pressure across the filters.
3. The VOC content of any spray stains used in the new wood furniture finishing operation shall not exceed 6.8 pounds per gallon of coating, minus water and exempt solvents, as applied.
4. The VOC content of any wiping stains used in the new wood furniture finishing operation shall not exceed 6.4 pounds per gallon of coating, minus water and exempt solvents, as applied.
5. The new wood furniture finishing operation shall employ UV coatings wherever practical, as determined by the Department.
6. Hand application with a rag or brush or the use of high volume low pressure spray technology shall be the only means of applying the coatings or finishing materials

used in the new wood furniture finishing operation unless prior approval has been granted by the Department to utilize an alternate technology.

7. The total combined emission from the entire facility of each individual HAP listed shall not exceed the limitation specified for that pollutant:

<i>Pollutant</i>	<i>Tons (in any 12 consecutive month period)</i>
Toluene	19.80
Xylene	19.80
Methanol	19.80
Methyl isobutyl ketone	19.80
Methyl ethyl ketone	19.80
Ethyl benzene	19.80
Formaldehyde	0.60
Cumene	19.80
Dibutyl phthalate	7.20
Acrylic acid	8.65
Aniline	11.00
Cobalt compounds*	2.90
Diethanolamine	2.95
Ethylene glycol	19.80
Ethylene oxide	2.20
Butyl cellosolve	19.80
Hexane	19.80
Maleic anhydride	0.55
Manganese compounds*	19.80
Naphthalene	19.25
Phenol	19.80
Propylene oxide	6.95
Styrene	19.80
Triethylamine	3.00
Vinyl acetate	12.90

* The previous limitations for cobalt and manganese compounds assume that the dry filters associated with the spray booths will capture 99% of these HAPs. Therefore, the previous limitations represent the emissions from the stack after control.

Additionally, the total combined emission of any individual HAP from the new wood furniture finishing operation shall not exceed 9.99 tons in any 12 consecutive month period (unless restricted further by a limitation listed previously), the total combined emission of any individual HAP from the remainder of the facility shall not exceed 9.99 tons in any 12 consecutive month period (unless restricted further by a limitation listed previously), the total combined emission of all HAPs from the new wood furniture finishing operation shall not exceed 24.99 tons in any 12 consecutive month period and the total combined emission of all HAPs from the remainder of the facility shall not exceed 24.99 tons in any 12 consecutive month period. Under no circumstances shall any HAP, other than those specifically listed, ever be emitted from the new wood furniture finishing operation or from the remainder of the facility, without approval having first been obtained from the Department to do so.

8. Acetone shall be the only solvent used for cleanup and washoff activities in, or associated with, the new wood furniture finishing operation.

9. The total combined amount of acetone contained in coatings and coating additives and used for cleanup and washoff activities in, or associated with, the new wood furniture finishing operation shall not exceed 6,000 gallons in any 12 consecutive month period.

10. Solvent used for spray line cleaning shall be flushed into closed containers; under no circumstance shall cleanup solvent be removed from spray lines by

spray through a spray gun. Containers of cleanup solvents shall be kept closed when not in actual use and all solvent-wet rags, and the like, shall be stored in closed containers when not in actual use. Under no circumstance shall waste solvent be disposed of via evaporation or solvent-wet rags, and the like, be treated or pretreated prior to disposal or reuse by subjecting them to air drying or any other means of solvent removal which unnecessarily cause solvent to be evaporated into the air.

11. The total combined VOC emissions from the new wood furniture finishing operation shall not exceed 49.00 tons in any 12 consecutive month period.

12. The total combined VOC emissions from the remainder of the facility shall not exceed 49.99 tons in any 12 consecutive month period.

13. Wood furniture finishing operations at the facility, regardless of whether they are new or currently existing, shall comply with all of the wood furniture manufacturing operation provisions of 25 Pa. Code §§ 129.101—129.107, as well as the surface coating process provisions of 25 Pa. Code § 129.52, where applicable.

14. Wood furniture finishing operations at this facility shall comply with Subpart JJ of the National Emission Standards for Hazardous Air Pollutants, 40 CFR 63.800—63.808 (National Emission Standards for Wood Furniture Manufacturing Operations) in accordance with the schedule specified therein.

15. The permittee shall maintain accurate and comprehensive records of the following:

* Product composition sheets for all coatings and coating additives used any where in the facility which list the amount of VOCs, the amount of each individual HAP and the amount of acetone contained in each of the coatings and coating additives. These shall be used to demonstrate compliance with all applicable emission limitations and finishing material or coating VOC content limitations.

- The amount of each individual coating and coating additive used each month in the new wood furniture finishing operation.

- The amount of each individual coating and coating additive used each month in the remainder of the facility.

- The amount of acetone used in the new wood furniture finishing operation (including the acetone contained in coatings and coating additives).

- The amount of waste acetone disposed of offsite in liquid form which was generated from the new wood furniture finishing operation.

- A record of each batch of coating mixed for application which specifies the amount of each coating and coating additive used for the respective batch.

Records generated under this condition shall be retained onsite for a period of at least 5 years from the date of generation and shall be provided to the Department upon request. Additionally, records generated for each calendar quarter, including air contaminant emission calculations, shall be submitted to the Department by the 30th day following the respective calendar quarter (reports due on January 30, April 30, July 30 and October 30). This report shall include all background information and calculations used in the derivation of the reported values.

16. Within 120 days from the date of startup of the new wood furniture finishing operation, the permittee shall submit an application to the Department for a Title V operating permit.

17. The new wood furniture finishing operation may operate up to 180 days from the date of its startup for the purpose of allowing compliance to be determined with all applicable requirements. This period may be extended with Department approval.

A copy of the plan approval application, including the RACT plan, is available for public inspection during normal business hours at the address which follows. Persons interested in inspecting this material must schedule an appointment in advance by calling (570) 327-3693.

A public hearing will be held solely for the purpose of receiving comments on the Department's RACT determination and associated proposed SIP revision. The Department will not be entertaining comments regarding any other aspect of the respective plan approval application or the Department's review of said application at this hearing. The hearing will be held on March 27, 2003, at 1 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA. The public is invited to appear at this public hearing and comment on the Department's RACT determination and proposed SIP revision.

Persons wishing to present testimony at the hearing should contact Daniel Spadoni at (570) 327-3659 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Daniel Spadoni at (570) 327-3659 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Persons unable to attend the hearing but wishing to comment on the Department's RACT determination and proposed SIP revision or persons who have comments that should be considered in the Department's review of any other aspect of the respective plan approval application or anyone who wishes to protest the issuance of plan approval may do so by submitting their comments or protests in writing to the Department at the following address. Comments or protests must be received by the Department by April 6, 2003, to be considered. Each protest or comment should include the name, address and telephone number of the person submitting the protest or comment and a concise statement explaining the relevancy of the comment or protest being presented to the Department.

The Department may hold an additional public hearing to solicit comments on issues and concerns, other than the Department's RACT determination and proposed SIP revision, pertaining to the respective plan approval application and the Department's review thereof if the Department, in its discretion, decides a hearing is warranted based on the information received. Persons requesting a hearing, protesting the issuance of plan approval or submitting comments will be notified of the decision to hold an additional public hearing by publication in a newspaper of general circulation in the McElhattan area or by letter or telephone if the Department feels that the notification is sufficient.

Written comments, protests or requests for an additional public hearing should be directed to David W.

Aldenderfer, Environmental Program Manager, Air Quality Program, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

For additional information regarding the respective plan approval application, contact Richard L. Maxwell, Jr., Chief, New Source Review Section, Air Quality Program, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-3640.

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

02168: University of Sciences in Philadelphia (600 South 43rd Street, Philadelphia, PA 19104) for operation of several combustion sources. The potential NOx emission increases from these sources are limited to 13.5 tons per year. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

02240: House of Corrections (Philadelphia Prison System, 8001 State Road, Philadelphia, PA 19136) for operation of 10 boilers each less than 10 mmBtu/hr, 16 hot water heaters each less than 10 mmBtu/hr, 1 spray booth and 8 diesel fired emergency generators. The potential NOx emission increases from these sources are limited to less than 25 tons per year. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

PUBLIC HEARING

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

18-0007A: Brodart Company (500 Arch Street, Williamsport, PA 17705) has submitted an application (18-0007A) to the Department for plan approval to construct a wood furniture finishing operation in the company's existing McElhattan facility located in the Clinton County Industrial Park in Wayne Township, **Clinton County**. The McElhattan facility is currently a minor facility operating under Operating Permit OP-18-0007 but will become a major VOC emitting facility if plan approval is issued and the respective wood furniture finishing operation is constructed.

Because the McElhattan facility will be a major VOC emitting facility, certain minor VOC emitting sources which existed at the facility prior to July 15, 1994, and which still exist at the facility, will become subject to the Reasonably Available Control Technology (RACT) requirements of 25 Pa. Code §§ 129.91—129.95. The respective sources are a 2.6 million Btu per hour natural gas-fired oven, a 2.5 million Btu per hour natural gas-fired oven, a 2.5 million Btu per hour natural gas/no. 2 fuel oil-fired boiler, a 15 kW natural gas-fired emergency generator, gluing operations and several miscellaneous combustion sources (space heaters, water heaters, and the like).

In accordance with 25 Pa. Code §§ 129.91—129.95, the Department has made a preliminary determination to approve Brodart Company's RACT plan for these sources as well as an amendment to the State Implementation Plan (SIP). The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the Department's approval of the RACT plan. This preliminary RACT determination, if approved, will be submitted to the EPA as a revision to the Commonwealth's State Implementation Plan.

The following is a summary of the preliminary RACT determination for the respective minor sources which the Department proposes to place in the plan approval it intends to issue for the proposed wood furniture finishing operation:

- The total combined VOC emissions from the 2.6 million Btu per hour De Burg natural gas-fired oven, the 2.5 million Btu per hour North American natural gas-fired oven, the 2.5 million Btu per hour Weil McLain natural gas/no. 2 fuel oil-fired boiler, the 15 kW Kohler natural gas-fired emergency generator, the gluing operations and miscellaneous combustion sources (space heaters, water heaters, and the like) shall not exceed 2.70 tons in any 12 consecutive month period.

- The 15 kW natural gas-fired emergency generator shall not be operated more than 500 hours in any 12 consecutive month period. Records shall be maintained of the number of hours the generator is operated each month.

- The only glues or adhesives which shall be used in the gluing operations shall be "Multibond 2000" and "Assembly 70A" (or other water-based glues or adhesives determined by the Department to have an equivalent VOC content).

A copy of the plan approval application, including the RACT plan, is available for public inspection during normal business hours at the following address. Persons interested in inspecting this material must schedule an appointment in advance by calling (570) 327-3693.

A public hearing will be held solely for the purpose of receiving comments on the Department's RACT determination and associated proposed SIP revision. The Department will not be entertaining comments regarding any other aspect of the respective plan approval application or the Department's review of said application at this hearing. The hearing will be held on March 27, 2003, at 1 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA. The public is invited to appear at this public hearing and comment on the Department's RACT determination and proposed SIP revision.

Persons wishing to present testimony at the hearing should contact Daniel Spadoni at (570) 327-3659 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Daniel Spadoni at (570) 327-3659 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Persons unable to attend the hearing but wishing to comment on the Department's RACT determination and proposed SIP revision may do so by submitting their comments in writing to the Department at the following address. Comments must be received by the Department by April 6, 2003, to be considered. Each comment should include the name, address and telephone number of the person submitting the comment and a concise statement explaining the relevancy of the comment being presented to the Department.

Written comments should be directed to David W. Aldenderfer, Environmental Program Manager, Air Qual-

ity Program, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

For additional information, contact Richard L. Maxwell, Jr., Chief, New Source Review Section, Air Quality Program, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-3640.

OPERATING PERMITS

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

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

30-00109: Equitrans, L. P., Rogersville Compressor Station (100 Allegheny Center Mall, Pittsburgh, PA 15212-5332) for operation of a Title V facility in Center Township, **Greene County**. The facility's major source of emissions include one natural gas engine and three natural gas turbine units which primarily emit NOx.

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

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

48-313-089: Elementis Pigments, Inc. (1525 Wood Avenue, Easton, PA 18042) for operation of a granulation system and associated air cleaning devices at their Easton Plant in Wilson Borough, **Northampton County**.

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

06-03067: Beacon Container Corp. (700 West First Street, Birdsboro, PA 19508) for operation of a corrugated box manufacturing facility in the Borough of Birdsboro, **Berks County**. The facility has the maximum potential to emit 30.7 ton/yr of SO₂, 21.5 ton/yr of NOx, 2 ton/yr of CO, 0.1 ton/yr of VOCs and 3.9 ton/yr of particulates. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

31-03001: Alexandria Wood Products, Inc. (P. O. Box 357, Alexandria, PA 16611) for operation of a wood fired boiler at the wood drying operation in Porter Township, **Huntingdon County**. The facility's emission source includes a wood fired boiler, which primarily emits particulate matter having a potential emission rate of 5.0 tons per year. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restriction and work practice standards designed to keep the facility operating within all applicable requirements.

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

12-399-016: Micron Research Corp. (P. O. Box 269, Emporium, PA 15834) for operation of a carbon graphite manufacturing operation in Shippen Township, **Cameron County**.

The carbon graphite manufacturing operation consists of a mixer, a carbon bake furnace, three graphitizing furnaces and various crushing, milling, screening, and the like, operations. This equipment is used to produce fine grained graphite shapes. The air contaminant emissions from the mixer are controlled by a cartridge collector and an activated carbon filter operating in series, the air contaminant emissions from the bake furnace are controlled by a thermal afterburner and the air contaminant emissions from each of the graphitizing furnaces is controlled by a full diameter hood incorporating a carbon pack. The carbon graphite manufacturing operation, as controlled, could potentially emit up to 3.5 tons of nitrogen oxides and 10.25 tons of sulfur oxides per year along with a negligible amount of particulate matter.

The Department has determined that the carbon graphite manufacturing operation has been constructed and is operating, in accordance with all conditions of Plan Approval 12-399-016 as well as in compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. The Department consequently intends to issue an operating permit for the operation of the respective carbon graphite manufacturing operation.

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

1. The mix temperature in the mixer shall never exceed the temperature specified in the plan approval application. Additionally, the mixer shall remain closed except when empty or when adding or removing materials.

2. The particulate matter emissions from the air pollution control system associated with the mixer shall not exceed .02 grain per dry standard cubic foot and the visible air contaminant emissions shall not exceed 0% opacity (except for steam or water vapor). Additionally, there shall be no fugitive air contaminant emissions which escape capture by the air pollution control system.

3. The thermal afterburner shall incorporate a natural gas-fired burner sized no smaller than 1.48 million Btu per hour. For each occasion of bake furnace operation, a temperature of 1,550°F shall be achieved prior to the initiation of operation and shall thereafter be maintained throughout the furnace operating cycle except that the afterburner need not be used once the bake portion of the cycle has been completed provided no visible air contaminants (other than steam or water vapor) or malodorous air contaminants are emitted.

4. The thermal afterburner shall be equipped with a continuous afterburner outlet temperature monitoring and recording system. Records generated by this system shall be retained for at least 5 years.

5. The particulate matter emissions from the thermal afterburner shall not exceed .02 grain per dry standard cubic foot, the visible air contaminant emissions shall not exceed 0% opacity (except for steam or water vapor), the sulfur oxides emissions shall not exceed 500 parts per million (dry volume basis) and the NO_x emissions shall not exceed .798 pound per hour.

6. The particulate matter emissions from the air pollution control system associated with the graphitizing furnaces shall not exceed .02 grain per dry standard cubic foot, the visible air contaminant emissions shall not

exceed 0% opacity (except for steam or water vapor) and the sulfur oxides emissions shall not exceed 500 parts per million (dry volume basis).

7. The sulfur content of the mixed material placed into the bake furnace shall not exceed a maximum of 4% (by weight).

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

63-00629: Better Materials Corp. (P. O. Box 187, Berkeley Springs, WV 25411) for operation of a bituminous asphalt manufacturing plant in Somerset Township, **Washington County**.

63-00154: Miller Centrifugal Casting Co. (P. O. Box 456, Cecil, PA 15321) a renewal for operation of a secondary copper plant in Cecil Township, **Washington County**.

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

25-00929: Russell Standard Corp.—Millcreek Plant (2002 Pittsburg Avenue, Erie, PA 16502). Synthetic Minor Operating Permit for operation of the facility's air contamination sources consisting of a 250-tph-asphalt batch plant in Millcreek Township, **Erie County**.

25-00092: Noram Seating (18 Market Street, Union City, PA 16438). Natural Minor operating permit for emissions from the manufacturing of wooden chairs in Union City, **Erie County**.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

Coal Applications Received

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

03860111 and NPDES Permit No. PA0589144. State Industries, Inc. (P. O. Box 1022, Kittanning, PA 16201). Renewal application for continued mining and reclamation of an existing bituminous surface mine located in East Franklin Township, **Armstrong County**, affecting 667 acres. Receiving streams: unnamed tributaries to Allegheny River (WWF). The first potable water supply intake within 10 miles downstream from the point of discharge is the West Penn Water Company. Renewal application received February 5, 2003.

30980101 and NPDES Permit No. PA0202304. Coresco, Inc. (P. O. Box 1209, Morgantown, WV 26507). Renewal application for continued mining and reclamation of an existing bituminous surface mine located in Dunkard Township, **Greene County**, affecting 148.4 acres. Receiving streams: unnamed tributary to Dunkard Creek to Monongahela River (WWF). There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received February 6, 2003.

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

32920104 and NPDES Permit No. PA0212237. Opal Industries, Inc., P. O. Box 980, Latrobe, PA 15650, permit renewal for reclamation only and for continued restoration of a bituminous surface mine and for discharge of treated mine drainage in Conemaugh Township, **Indiana County**, affecting 88.0 acres. Receiving streams: unnamed tributary to and Blacklegs Creek (CWF). There are no potable water supply intakes within 10 miles downstream. Application received January 27, 2003.

56980104 and NPDES Permit No. PA0234729. Dunamis Resources, Inc., One Energy Place, Suite

4000, Latrobe, PA 15650, permit renewal for reclamation only and for continued restoration of a bituminous surface mine and for discharge of treated mine drainage in Lincoln Township, **Somerset County**, affecting 20.5 acres. Receiving streams: unnamed tributary to North Branch of Quemahoning Creek (CWF). The first downstream potable water supply intake from the point of discharge is the Cambria Somerset Authority Quemahoning Surface Water Intake. Application received January 30, 2003.

56960108 and NPDES Permit No. PA0234265. PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541, permit renewal for reclamation only and for continued restoration of a bituminous surface mine and for discharge of treated mine drainage in Brothersvalley Township, **Somerset County**, affecting 101.0 acres. Receiving streams: unnamed tributary to Buffalo Creek; Buffalo Creek (CWF). There are no potable water supply intakes within 10 miles downstream. Application received January 3, 2003.

11970106 and NPDES Permit No. PA0234591. Laurel Sand & Stone, Inc., P. O. Box 556, 210 East Main Street, Ligonier, PA 15658, permit renewal for continued operation of a bituminous surface and sandstone removal mine and for discharge of treated mine drainage in Jackson Township, **Cambria County**, affecting 75.5 acres. Receiving streams: unnamed tributary to South Branch of Blacklick Creek; unnamed tributaries to Hinckston Run; and Bracken Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received February 3, 2003.

McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317, (724) 941-7100.

30910701. NPDES Permit PA0214027, Chess Coal Co. (155 Chess Road, Smithfield, PA 15478-9611), to renew the permit for the Refuse Site No. 7 in Dunkard Township, **Greene County**, Renewal, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A. No additional discharges. The first downstream potable water supply intake from the point of discharge is N/A. Application received December 23, 2002.

30901601. NPDES Permit PA0214035, Chess Coal Co. (155 Chess Road, Smithfield, PA 15478). To renew the permit for the Poland Dock in Monongahela Township, **Greene County**, Renewal, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A. No additional charges. The first downstream potable water supply intake from the point of discharge is N/A. Application received December 23, 2002.

65831701. NPDES Permit PA0213985, Eastern Associated Coal Corp. (P. O. Box 1233, Charleston, WV 25324). To renew the permit for the Delmont Treatment Facility in South Huntington Township, **Westmoreland County**, Renewal, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A. No additional charges. The first downstream potable water supply intake from the point of discharge is N/A. Application received December 24, 2002.

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

16970104 and NPDES Permit No. PA0227471. MSM Coal Company, Inc. (P. O. Box 243, DuBois, PA 15801). Renewal of an existing bituminous surface strip operation in Clarion Township, **Clarion County** affecting 97.5 acres. Receiving streams: unnamed tributary of Brush Run to Brush Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received February 3, 2003.

33970107 and NPDES Permit No. PA0227463. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767). Renewal of an existing bituminous surface strip and auger operation in Rose Township, **Jefferson County** affecting 171.6 acres. Receiving streams: Eckler Run, unnamed tributary to Beaver Run and unnamed tributary to Eckler Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received February 6, 2003.

33920109 and NPDES Permit No. PA0211427. Sky Haven Coal, Inc. (R. R. 1, Box 180, Penfield, PA 15849). Renewal of an existing bituminous surface strip and auger operation in Winslow Township, **Jefferson County** affecting 315.0 acres. Receiving streams: Trout Run, McCreight Run, unnamed tributary of Soldier Run (CWF). The first downstream potable water supply intake from the point of discharge is Reynoldsville Water Authority. Application received February 6, 2003.

Noncoal Applications Received

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

14030301 and NPDES Permit No. PA0243434. Two Rock Stone Co., P. O. Box 496, Port Matilda, PA 16870. Commencement, operation and restoration of a Large Industrial Minerals (Sandstone) Permit in Howard Township, **Centre County** affecting 143.1 acres. Receiving streams: unnamed tributaries to Lick Run (HQ-CWF) and Bald Eagle Creek (WWF). The first downstream potable water supply intake from the point of discharge is Howard Borough, Well Numbers 1—4. Application received February 3, 2003.

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

0579201, New Enterprise Stone & Lime Company, Inc., P. O. Box 77, New Enterprise, PA, renewal of NPDES Permit No. PA0118583, Broadtop Township, **Bedford County**, receiving streams Six Mile Run. NPDES Renewal application received January 27, 2003.

4274SM28, New Enterprise Stone & Lime Company, Inc., P. O. Box 77, New Enterprise, PA, renewal of NPDES Permit No. PA0035408, Frankstown Township, **Blair County**, receiving streams unnamed tributary to New Creek. NPDES Renewal application received January 27, 2003.

4274SM7, New Enterprise Stone & Lime Company, Inc., P. O. Box 77, New Enterprise, PA, renewal of NPDES Permit No. PA0009822, Walker Township, **Huntingdon County**, receiving streams Crooked Creek. NPDES Renewal application received January 27, 2003.

4174SM2, New Enterprise Stone & Lime Company, Inc., P. O. Box 77, New Enterprise, PA, renewal of NPDES Permit No. PA0009814, Shade Township, **Somerset County**, receiving streams Laurel Run and Beaverdam Run. NPDES Renewal application received January 27, 2003.

4275SM14T, New Enterprise Stone & Lime Company, Inc., P. O. Box 77, New Enterprise, PA, renewal of NPDES Permit No. PA0124532, Warriors Mark and Snyder Townships, **Huntingdon and Blair Counties**, receiving streams Logan Spring Run; unnamed tributary to Little Juniata River; and to Little Juniata River. NPDES Renewal application received January 27, 2003.

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 of Environmental Protection (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

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

EGS No. 56004, Southern Alleghenies Conservancy, 702 West Pitt Street, Fairlawn Court Suite 8, Bedford, PA 15522. A water pollution abatement project to construct a passive treatment system (Metro Project) for two abandoned deep mine discharges on 8 acres of the Edward Hay, et al. and Albert and Martha Hertzler properties located approximately 1/2 mile northeast of the Village of Coal Run on the east side of Township Road T-363 in Elk Lick Township, **Somerset County**. The receiving stream is an unnamed tributary to the Casselman River (known locally as Coal Run). The proposal was received January 23, 2003.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications and requests for Environmental Assessment approval and requests for Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)), requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Initial requests for 401 Water Quality Certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of

an Environmental Assessment must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E40-615. Department of Transportation, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501, in Plymouth Township, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain a prestressed concrete spread box beam bridge, having two spans (39.2 feet and 45.6 feet) and an underclearance of 12.3 feet, across Harveys Creek (CWF). The project includes construction of a temporary bridge across Harveys Creek and associated approach roadways, having a temporary wetland impact of 0.12 acre. The project is located along SR 0029, Section 374, Segment 0150, Offset 0035 (Wilkes-Barre West, PA Quadrangle N: 20.8 inches; W: 16.5 inches).

E40-617. Jackson Township, 2211 Huntsville Road, Shavertown, PA 18708, in Jackson Township, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To remove the existing culvert (approximately 35 linear feet) to construct and maintain a stream enclosure of a tributary to Browns Creek (CWF), consisting of approximately 190 linear feet of dual 36-inch concrete culverts followed by 25 linear feet of riprap apron; and to place fill in approximately 0.19 acre of PFO wetlands for the purpose of expanding an existing parking lot that serves the Jackson Township municipal building and recreational park. It is proposed to divert flow around approximately 255 linear feet of the stream channel during construction, utilizing sandbag dikes and pumped flow. The project is located on the west side of SR 1005 (Huntsville Road), approximately 1.2 miles north of the

intersection SR 1005 and SR 1012. (Kingston, PA Quadrangle N: 9.0 inches; W: 13.7 inches).

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

E03-413. Department of Transportation, Engineering District 10-0, 2550 Oakland Avenue, P. O. Box 429, Indiana, PA 15701. Redbank Township, **Armstrong County**, ACOE Pittsburgh District.

To remove the existing bridge and to construct and maintain a 17.0 foot by 7.0 foot precast reinforced concrete box culvert in Nye Branch Pine Run (CWF). The invert of the box culvert will be depressed 1.0 foot creating an effective underclearance of 6.0 feet. The length of the box culvert will be 32.0 feet. The project is located on SR 1012 approximately 250 feet north of its intersection with Township Road 784.

E26-304. Fayette County Commissioners, Courthouse, 61 East Main Street, Uniontown, PA 15401. Georges Township, **Fayette County**, ACOE Pittsburgh District.

To remove the existing County Bridge No. 162 and to construct and maintain a bridge having a normal clear span of 36.0 feet and an underclearance of 7.0 feet across Mountain Creek (CWF). The structure is located on T-500 (Ringer Road) approximately 350 feet south of T-345 (Smithfield, PA Quadrangle N: 6.08 inches; W: 8.55 inches).

E63-78727. Orion Power MidWest, LP, 2000 Cliff Mine Road, Suite 200, Cliff Mine Road, Pittsburgh, PA 15275. Union Township, **Washington County** and Jefferson Hills Borough, **Allegheny County**, ACOE Pittsburgh District.

To amend Permit No. 6378727 that authorizes Orion Power MidWest, LLC to perform maintenance dredging along the left bank of the Monongahela River at Mile 25 in Union Township, Washington County to include the operation and maintenance of the existing barge mooring facility in the channel and along the left bank of the Monongahela River, to construct and maintain a 200 foot long by 233 foot wide addition to the existing barge mooring facility (on the downstream end) and to construct and maintain a loading ramp and asphalt driveway along the left bank of said stream for the purpose of expanding the existing barge mooring facility. The project is located at River Mile 25, approximately 6,300 feet upstream from the Lock and Dam No. 3 (Glassport, PA Quadrangle N: 0.5 inch; W: 5.7 inches).

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

E10-371. Grandview Development Corporation, P. O. Box 163, Curwensville, PA 16833. Grandview Development Group Student Housing, in Slippery Rock Township, **Butler County**, ACOE Pittsburgh District (Slippery Rock, PA Quadrangle N: 10.5 inches; W: 5.25 inches).

The applicant proposes to construct two 12-unit apartment buildings for student housing at 347 Kiester Road involving: (1) permanent fill of 0.048 acre of de minimis PSS wetlands; and (2) construction and maintenance of a stormwater outfall discharging approximately 10 feet upgradient of a PSS wetlands and having an 1.5-foot diameter pipe. The project proposes to directly affect 0.048 acre of wetlands.

E16-122, Licking Township, P. O. Box 111, Calensburg, PA 16213, T-374 Morris Road Bridge, in Licking Township, **Clarion County**, ACOE Pittsburgh District (Rimersburg, PA Quadrangle N: 20.9 inches; W: 1.5 inches).

The purpose of the application is to replace the existing single span steel stringer bridge that carries T-374 (Morris Road) over Licking Creek (CWF). The existing structure has an overall length of approximately 17.05 meters, a clear span of 15.9 meters and an underclearance of 2.78 meters. This will be replaced with a composite steel I-beam bridge having a clear span of 19.8 meters and an underclearance of 3.626 meters. The new bridge will be shifted downstream approximately 9.5 meters. The project will also impact 0.03 acre of PEM wetland to accommodate the shift of the bridge location and widening of T-374.

E62-388, Conewango Township Supervisors, 4 Firemans Street, Warren, PA 16365. State Street (T-364) Bridge Replacement, in Conewango Township, **Warren County**, ACOE Pittsburgh District (Warren, PA Quadrangle N: 20.8 inches; W: 3.9 inches).

The applicant proposes to remove the existing bridge and to construct and maintain a prestressed concrete box beam bridge having a clear span of 50 feet and an underclearance of 9.1 feet on a 90 degree skew across Jackson Run, which is a perennial stream classified as a CWF, on T-634 (State Street) approximately 600 feet northeast of the intersection of SR 69 and U. S. Route 62. The project proposes to directly affect a total of approximately 50 lineal feet of stream channel.

DAM SAFETY

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

D09-244A. Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797. Project proposes to modify Wildcat Dam to address existing structural inadequacies with the dam impacting a de minimis area of wetland (PEM) equal to 0.03 acre. The modifications will include regrading the dam embankment to a uniform elevation, armoring the emergency spillway with concrete block mats, installing a stone drain along the downstream embankment toe and repairing the principal spillway structure. Modifications will lower the normal pool 6 to 9 inches below the level maintained in recent years. The dam is located across a tributary to Beaver Creek (EV) approximately 2,000 feet north of the intersection of T425 and T485 (Frenchtown, NJ-PA Quadrangle N: 2.60 inches; W: 15.65 inches). Tincum Township, **Bucks County**.

D54-023A. Blythe Township Municipal Authority, 375 Valley Street, New Philadelphia, PA 17959. To modify, operate and maintain Silver Creek Reservoir Dam across Silver Creek (CWF), impacting a de minimis area of wetland equal to 0.04 acre PEM and approximately 60 feet of stream for the purpose of rehabilitating the dam by constructing a drain to control and monitor seepage and by buttressing the downstream slope by adding fill to improve the factor of safety against slope failure. The dam is located in Blythe Township, **Schuylkill County** (Shenandoah, PA Quadrangle N: 0.75 inch; W: 0.50 inch).

ACTIONS

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

INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

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

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

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

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

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

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

NPDES Permit No. PA0058092, Industrial Waste, **Department of Environmental Protection**, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428. This proposed facility is located in Whitpain Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval to discharge into Willow Run (3F)

NPDES Permit No. PA0051161, Sewage, **Southco Inc.**, 210 North Brinton Lake Road, P. O. Box 0116 Concordville, PA19331. This proposed facility is located in Concord Township, **Delaware County**.

Description of Proposed Action/Activity: Renewal to discharge into an unnamed tributary to West Branch of Chester Creek-3G Watershed.

WQM Permit No. 4600436, Sewerage, **Berks Montgomery Municipal Authority**, P. O. Box 370, 136 Municipal Drive, Gilbertsville, PA 19525-0370. This proposed facility is located in Douglass Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the expansion and upgrade of the Swamp Creek wastewater treatment plant.

WQM Permit No. 1500421 Amendment No. 2, Sewerage, **Upper Uwchlan Township**, 140 Pottstown Pike, Chester Spring, PA 19425. This proposed facility is located in Upper Uwchlan Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the amendment of the existing permit for the construction and operation of the gravity sewers and interceptor to collect sewage from the proposed residential Eagle Hunt development.

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

NPDES Permit No. PA0011762, Industrial Waste, **American Nickeloid Company**, 129 Cherry Street, Walnutport, PA 18088. This proposed facility is located in Walnutport Borough, **Northampton County**.

Description of Proposed Action/Activity: Renewal of NPDES Permit to discharge industrial waste into Lehigh River.

NPDES Permit No. PA0012742, Industrial Waste, **Copperhead Chemical Company, Inc.**, Two River Road, Tamaqua, PA 18252. This proposed facility is located in Walker Township, **Schuylkill County**.

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

NPDES Permit No. PA0034746, Sewerage, **Hometown Li'l Wolf, LLC**, 3411 Li'l Wolf Drive, Orefield, PA 18069. This proposed facility is located in North Whitehall Township, **Lehigh County**.

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

NPDES Permit No. PA0061719, Sewerage **Pinecrest Development Corporation**, P. O. Box 760, Pocono Pines, PA 18350. This proposed facility is located in Tobyhanna Township, **Monroe County** and discharge to unnamed tributary to Beaver Creek.

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

NPDES Permit No. PA0062332, Sewerage, **Eaton Sewer and Water Co.**, P. O. Box 316, Nicholson, PA 18446. This proposed facility is located in Eaton Township, **Wyoming County** and discharge to North Branch Susquehanna River.

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

NPDES Permit No. PA0062111, Sewerage, **Mahanoy Area Joint Industrial Corp.**, P. O. Box 271, Mahanoy City, PA 17948. This proposed facility is located in Delano Township, **Schuylkill County** and discharge to Pine Creek.

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

NPDES Permit No. PA0030996, Sewerage, **Bangor Area School District**, 123 Five Points Richmond Road, Bangor, PA 18013. This proposed facility is located in

Upper Mount Bethel Township, **Northampton County** and discharge to an unnamed tributary to Jacoby Creek.

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

NPDES Permit No. PA0043206, Sewerage, **Trail's End Camp, RRSC Inc.**, R. R. 4, Box 1244, Honesdale, PA 18431. This proposed facility is located in Berlin Township, **Wayne County** and discharges to unnamed tributary to Beach Lake.

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

NPDES Permit No. PA0070254, Sewerage, **Lynn Township Sewer Authority**, P. O. Box 208, New Tripoli, PA 18066. This proposed facility is located in Lynn Township, **Lehigh County** and discharge to Ontelaunee Creek.

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

NPDES Permit No. PA0063096, Sewerage, **Seiders Hill, Inc.**, P. O. Box 359, Pottsville, PA 17901. This proposed facility is located in North Manheim Township, **Schuylkill County** and discharge to West Branch Schuylkill River.

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

NPDES Permit No. PA0060097, Sewerage, **Pennsylvania American Water Company**, 446 Sterling Road, Tobyhanna, PA 18466. This proposed facility is located in Coolbaugh Township, **Monroe County** and discharges to East Branch Dresser Run.

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

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

WQM Permit No. 1702202, Industrial Waste 4941, **Irvona Municipal Authority**, P. O. Box 247, Berwind Street, Irvona, PA 16656. This proposed facility is located in Irvona Borough, **Clearfield County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Part II Permit for construction of a waste holding tank and sludge drying beds. Wastewater from a public water supply membrane filtration plant will be directed to the waste holding tank. Supernatant will be discharged through approved NPDES outfall 001 and solids will be sent to sludge drying beds and/or sanitary sewer system.

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

NPDES Permit No. PA0000701, Industrial Waste, **PFV Enterprises, Inc.**, 125 North Franklin Street, Titusville, PA 16354. This proposed facility is located in Oil Creek Township, **Venango County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to Pine Creek.

NPDES Permit No. PA0026387, Sewerage, **St. Marys Municipal Authority**, P. O. Box 1994, 808 South Michael Road, St. Marys, PA 15857. This proposed facility is located in City of St. Marys, **Elk County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Elk Creek.

NPDES Permit No. PA0210331, Sewage, **Pine Grove Mobile Home Park & Sales, Inc.**, 374 North Perry Highway, Mercer, PA 16137. This proposed facility is located in Coolspring Township, **Mercer County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to an unnamed tributary to Munnell Run.

WQM Permit No. 2002432, Sewerage, **Richard M. and Betty J. Curry**, 21158 Shore Drive, Meadville, PA 16335. This proposed facility is located in West Mead Township, **Crawford County**.

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

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>
PAS10Q238	Treetop Estates 4969 Hamilton Blvd. Allentown, PA 18106	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF
PAS10Q251	Tiger Den Partners, LLC 171 Route 173, Suite 201 Asbury, NJ 08802	Lehigh	Bethlehem City	Monocacy Creek HQ-CWF

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

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

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

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>
East Bradford Township Chester County	PAR10G488	Talleyville Properties 501 Silvers Road Wilmington, DE 19809	Taylor Run TSF-MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
New Garden Township Chester County	PAR10G519	Rao Wharry P. O. Box 368 Kennett Square, PA 19348	West Branch Red Clay Creek CWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
East Marlborough Township Chester County	PAR10G504	Gilman Properties 510 Philadelphia Pike Wilmington, DE 19809	Unnamed tributary Pocopson Creek TSF-MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Caln Township Chester County	PAR10G520	Land Management 232 22nd Street Philadelphia, PA 19103	East Branch Brandywine Creek WWF-MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
East Bradford Township Chester County	PAR10G523	Cornerstone Communities 771 East Lancaster Avenue Villanova, PA 19085	Blackhorse Run TSF-MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Kennett Township Chester County	PAR10G516	Louis M. Marson 102 Stonepine Drive Kennett Square, PA 19348	Unnamed tributary to Red Clay Creek CWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Upper Darby Township Delaware County	PAG2002303002	Commerce Bank 11000 Atrium Way Mt. Laurel, NJ 08054-5119	Darby Creek TSF-MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Haverford Township Delaware County	PAG2002303001	Commerce Bank 11000 Atrium Way Mt. Laurel, NJ 08054-5119	Cobbs Creek WWF-MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Merion Township Montgomery County	PAR10T406R	Upper Merion Township 175 West Valley Forge Road King of Prussia, PA 19406	Trout Creek WWF-MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Hopewell Township	PAG2002103003	Steve Stoltzfus 299 Shippensburg Road Shippensburg, PA 17257	Conodoguinet Creek WWF	Cumberland County Conservation District (717) 240-7812
Centre County Philipsburg Borough Bush Township Clearfield County Decatur Township	PAR10F172	Department of Transportation P. O. Box 342 Clearfield, PA 16830	Moshannon Creek TSF Cold Stream CWF	Centre County Conservation District 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817
Northumberland County Shamokin Township	PAG2004902005	Department of Transportation Engineering District 3-0 P. O. Box 218 Montoursville, PA 17754	Bennys Run CWF Shamokin Creek WWF	Northumberland County Conservation District R. R. 3, Box 238C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Allegheny County Marshall Township	PAR10A322-1	Linmar Realty II 1800 Moler Road Columbus, OH 43207	Brush Creek WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Ohio Township	PAR10A598	Allegheny General Hospital 320 East North Ave. Pittsburgh, PA 15212	Lowries Run/Bear Run TSF	Allegheny County Conservation District (412) 241-7645
Fayette County Chippewa Township	PAR10L091	Raymond L. Theodori 213 Rutter Road Waltersburg, PA 15488	UNT to North Branch Brown's Run WWF	Fayette County Conservation District (724) 438-4497
<i>General Permit Type—PAG-3</i>				
<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Dauphin County Middletown Borough	PAR213596	AP Green Refractories, Inc. 400 Fairway Drive Moon Township, PA 15108	Storm Sewer to Susquehanna River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Pittsfield Township Warren County	PAR608341	West End Auto Parts R. R. 1 Route 6 Youngsville, PA 16371	Brokenstraw Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-4

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
West Mead Township Crawford County	PAG048866	Richard M. and Betty J. Curry 21158 Shore Drive Meadville, PA 16335	Unnamed tributary to Little Sugar Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-5

<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>
Bucks County Bristol Township	PAG050040	Getty Properties Corporation 125 Jericho Turnpike, Suite 302 Jericho, NY 11753	Mill Creek—2E	Southeast Region Water Management (610) 832-6130

PUBLIC WATER SUPPLY PERMITS

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

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

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

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

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

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

Permit No. 3602515, Public Water Supply.

Applicant	Manheim Borough Authority
Borough or Township	Manheim Borough
County	Lancaster

Type of Facility	Upgrade of an existing filtration plant. Installation of diatomaceous earth filters, stripping towers, conversion of existing floc/sed tanks into chlorine contact tanks. Existing chlorination and fluoridation chemical feed systems to remain.
Consulting Engineer	George H. Wagner, Jr. Rettew Assoc., Inc. 3020 Columbia Ave. Lancaster, PA 17603
Permit to Construct Issued	January 28, 2003
Permit No. 0702501 , Public Water Supply.	
Applicant	Westwood Park Water Company
Borough or Township	Logan Township
County	Blair
Type of Facility	Installation of corrosion control treatment for lead and copper treatment. pH adjustment and a corrosion inhibitor is treatment of choice.
Consulting Engineer	Mark V. Glenn, P. E. Gwin, Dobson & Foreman, Inc. 3121 Fairway Dr. Altoona, PA 16602-4475
Permit to Construct Issued	December 5, 2002
Permit No. 0602510 , Public Water Supply.	
Applicant	Misty Meadows Apartments
Borough or Township	Caernarvon and Robeson Townships
County	Berks
Type of Facility	Project includes the addition of two new wells and chemical treatment which will consist of pH adjustment and disinfection.

Consulting Engineer Daniel R. Hudson, P. E.
Evans Mill Environmental, Inc.
P. O. Box 735
Uwchland, PA 19480-0735

Permit to Construct December 23, 2002
Issued

Permit No. 3602517, Public Water Supply.

Applicant **Columbia Water Company**
Borough or Township Columbia Borough
County **Lancaster**
Type of Facility Construction of a new booster pump station at the Lockard's Hollow Tanks to serve a newly defined pressure zone called the Manor/Mountville Pressure Zone. The new station will consist of two pumps, sodium hypochlorite feed system and an emergency generator.

Consulting Engineer David T. Lewis, P. E.
ARRO Consulting Inc.
270 Granite Run Drive
Lancaster, PA 17601

Permit to Construct January 22, 2003
Issued

Permit No. 3602514, Public Water Supply.

Applicant **Marietta Gravity Water Company**
Borough or Township Hellam Township, **York County**
County **Lancaster**
Type of Facility Construction of Well No. 4 at 20-gpm to provide water to the system and abandonment of Well No. 1 and Well No. 2.

Consulting Engineer Gerald R. McClune, P. E.
ARRO Consulting Inc.
270 Granite Run Drive
Lancaster, PA 17601-6804

Permit to Construct December 9, 2002
Issued

Permit No. 2102508, Public Water Supply.

Applicant **United Water Pennsylvania**
Borough or Township Mechanicsburg Borough
County **Cumberland**
Type of Facility Installation of filter to waste piping and other upgrades to the Mechanicsburg Market St. plant.

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

Permit to Construct January 31, 2003
Issued

Permit No. 0502506, Public Water Supply.

Applicant **St. Clairsville Water Association**
Borough or Township East St. Clair Township
County **Bedford**

Type of Facility Addition of a spring to augment the existing water supply.

Consulting Engineer Mark V. Glenn, P. E.
Gwin, Dobson & Foreman, Inc.
3121 Fairway Dr.
Altoona, PA 16602-4475

Permit to Construct December 16, 2002
Issued

Operations Permit issued to **Mount Holly Springs Borough Authority**, 7210037, South Middleton Township, **Cumberland County** on January 31, 2003, for the operation of facilities approved under Construction Permit No. 2102504 MA.

Operations Permit issued to **Fredericksburg United Methodist Church**, 7380417, Bethel Township, **Lebanon County** on January 27, 2003, for the operation of facilities approved under Construction Permit No. 3801508.

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

Operations Permit issued to **Krayn Water Cooperative**, 1245 Krayn Road, Windber, PA 15963, PWS ID 4110019, Adams Township, **Cambria County** on February 7, 2003, for the operation of facilities approved under Construction Permit 1100502.

Operations Permit issued to **Beaver Falls Municipal Authority**, 1425 Eighth Avenue, Beaver Falls, PA 15010, PWS ID 5040012, Adams Township, **Cambria County** on February 7, 2003, for the operation of facilities approved under Construction Permit 0402501.

Permit No. 0402503, Minor Amendment. Public Water Supply.

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

Borough or Township Center Township
County **Beaver**

Type of Facility Broadhead Road and Mt. Carmel Drive Interconnection

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

Permit to Construct February 7, 2003
Issued

Permit No. 0402504, Minor Amendment. Public Water Supply.

Applicant **Borough of Monaca**
928 Pennsylvania Avenue
Monaca, PA 15061

Borough or Township Monaca Borough
County **Beaver**

Type of Facility Monaca Borough and Center Township water interconnect

Consulting Engineer Michael Baker Jr., Inc.
Box 280, 4301 Dutch Ridge Road
Beaver, PA 15009

Permit to Construct February 7, 2003
Issued

WATER ALLOCATIONS

Actions taken on applications received under the Act of June 24, 1939 (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.

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

WA3-1026, Water Allocations, **Parks Township Municipal Authority**, R. R. 1, Box 572A, Vandergrift, PA 15690-9639, Parks Township, **Armstrong County**. The right to purchase 325,000 gallons per day, as a 30 day average, from the Municipal Authority of Westmoreland County.

WA65-111E, Water Allocations, **Municipal Authority of Westmoreland County**, P. O. Box 730, Greensburg, PA 15601, **Westmoreland County**. Modification order to provide water to Parks Township Municipal Authority.

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>
Middlesex Township	133 Browns Hill Road Valencia, PA 16059	Butler

Plan Description: The approved plan provides for the relocation of the proposed sewage treatment plant to a site on Davis Road, an increase in capacity of the proposed plant to 0.5 MGD, an update of the project costs and funding program and an increase in the scope of the proposed sewer area. 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

Amendment to a Settlement under the Comprehensive Environmental Response, Compensation and Liability Act and the Hazardous Sites Cleanup Act

Douglassville Disposal Site, Berks County

The Department of Environmental Protection (Department), 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 (42 U.S.C.A. §§ 9601—9657), has executed: (a) a proposed amendment to a previously proposed settlement between the Department and 137 De Minimis Parties (De Minimis Parties); and (b) a proposed amendment to a previously proposed settlement between the Department and 11 other parties.

The Department's proposed settlement with the De Minimis Parties obligated those parties to reimburse to the Department \$224,024.74 of approximately \$1,635,433 in Department-expended costs and accrued interest. No-

tice of that settlement was published at 31 Pa.B. 6856 (December 15, 2001), signaling a 60-day public comment period that ended February 15, 2002.

During that public comment period, the Department received comments on the settlement from only one source, the Douglassville Site PRP Committee, by the Committee's letter of February 14, 2002, to the Department. In addition, on that same date, the Committee filed an appeal of the settlement with the Environmental Hearing Board (Board). Among its comments and among its alleged basis for appeal, was the Committee's objection to the settlement on the grounds that the Department was unfairly giving to the De Minimis Parties a covenant not to sue for natural resource damages, notwithstanding that the De Minimis Parties may have been substantial contributors of waste to the site.

The Department's second proposed settlement, with 11 other parties, obligated those parties to reimburse to the Department \$784,453.73 of the Department's expended costs and accrued interest. Notice of that settlement was published at 32 Pa.B. 1764 (April 6, 2002), signaling a 60-day public comment period that ended June 6, 2002. During that public comment period, the Department received no comments on the settlement.

The proposed amendment to the Department's settlement with the De Minimis Parties makes clear that the contribution protection given by the Department to the De Minimis Parties as the result of the settlement includes protection against contribution claims by other parties for natural resource damages.

The proposed amendment to the Department's settlement with the 11 other parties extends the Department's covenant not to sue to include any claim the Department might make for natural resource damages and extends the Department's contribution protection as the result of the settlement to include contribution claims for natural resource damages.

For a period of 60 days beginning with the February 22, 2003, publication date of this notice, the public is invited to review the proposed amendments, Monday through Friday, from 8 a.m. to 4 p.m., at the Department's Office at 909 Elmerton Avenue, Harrisburg, PA 17110, by contacting Crystal Snook, (717) 705-6645. The proposed amendments can also be reviewed at the Department's Reading District Office, 1005 Crossroads Boulevard, Reading, PA 19605, from 8 a.m. to 4 p.m., by contacting Donna Good, (610) 916-0100.

After review, the public may submit written comments on the proposed amendments, before April 23, 2003, by mailing them to Crystal Snook at the Department's Harrisburg Office at the previous address. Questions concerning this notice should be directed to Crystal Snook at the previous telephone number. A person adversely affected by the settlement may also file an appeal of the proposed amendments to the Board.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (Act) require

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

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

The Department has received the following final reports:

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

Former Penn Fuel Gas Manufactured Gas Plant—Pottsville Site, City of Pottsville, **Schuylkill County**. RETEC Group, Inc., 3040 William Pitt Way, Pittsburgh, PA 15238 has submitted a Remedial Investigation Report (on behalf of PPL Services Corp., Two North Ninth Street, Allentown, PA 18101) concerning the characterization of soils, groundwater and adjacent surface water found or suspected to have been contaminated with metals, polycyclic aromatic hydrocarbons, phenolics, cyanides and BTEX compounds related to historic manufactured gas plant operations. The report was submitted in partial fulfillment of a combination of both the Statewide Health and the Site-Specific Standards.

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

Dennis Residence, City of Reading, **Berks County**. Hafer Environmental Services, Inc., P. O. Box 4418, Reading, PA 19606, on behalf of Joseph and Mary Dennis, 506 Schuylkill Avenue, Reading, PA 19601, submitted a Final Report concerning remediation of site soils contaminated with benzene, ethylbenzene, toluene, cumene, naphthalene, fluorene and phenanthrene. The report was submitted within 90 days of a contaminant release and is intended to document remediation of the site to the Statewide Health Standard.

Crawford Station, Middletown Borough, **Dauphin County**. Susquehanna Area Regional Airport Authority, Harrisburg International Airport, 208 Airport Drive, Suite 100, Middletown, PA 17057, has submitted a baseline environmental report concerning remediation of site soils, groundwater, surface water and sediment contaminated with heavy metals, solvents and PHCs. The site is being remediated as a Special Industrial Area.

Former United Piece Dye Works, Spring Garden and Springettsbury Townships, **York County**. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of Spring Garden township, 558 South Ogontz Street, York, PA 17403-5709, submitted a Remedial Investigation Report concerning remediation of site soils,

groundwater, surface water and sediment contaminated with PCBs, lead, heavy metals, solvents, BTEX and PAHs. The applicant proposes to remediate the site to meet a combination of the requirements for the Site-Specific and Statewide Health Standards.

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

North Penn Gas Company Buckwheat Hollow Check EK-5, Lawrence Township, **Tioga County**. PPL-North Penn Gas Company, 2 North 9th Street, Allentown, PA 18101, has submitted a Final Report concerning soil contaminated with inorganics. This Final Report is intended to demonstrate attainment of the Statewide Health Standard.

North Penn Gas Company Learn No. 1 Well TW-205, Farmington Township, **Tioga County**. PPL-North Penn Gas Company, 2 North 9th Street, Allentown, PA 18101, has submitted a Final Report concerning soil contaminated with inorganics. This Final Report is intended to demonstrate attainment of the Statewide Health Standard.

North Penn Gas Company Leslie Well TW-207, Farmington Township, **Tioga County**. PPL-North Penn Gas Company, 2 North 9th Street, Allentown, PA 18101, has submitted a Final Report concerning soil contaminated with inorganics. This Final Report is intended to demonstrate attainment of the Statewide Health Standard.

North Penn Gas Company Meeker to Elms Meter/Regulator Station M-57, Farmington Township, **Tioga County**. PPL-North Penn Gas Company, 2 North 9th Street, Allentown, PA 18101, has submitted a Final Report concerning soil contaminated with inorganics. This Final Report is intended to demonstrate attainment of the Statewide Health Standard.

North Penn Gas Company Petticrew Well MW-508, Farmington Township, **Tioga County**. PPL-North Penn Gas Company, 2 North 9th Street, Allentown, PA 18101, has submitted a Final Report concerning soil contaminated with inorganics. This Final Report is intended to demonstrate attainment of the Statewide Health Standard.

North Penn Gas Company Treat Well TW-300, Farmington Township, **Tioga County**. PPL-North Penn Gas Company, 2 North 9th Street, Allentown, PA 18101, has submitted a Final Report concerning soil contaminated with inorganics. This Final Report is intended to demonstrate attainment of the Statewide Health Standard.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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. 101165. Mifflin County Solid Waste Authority, P. O. Box 390, Lewistown, PA 17044, Derry Township, **Mifflin County**. The permit modification is for Barner Landfill's Action Plan for Radiation Monitoring. The permit was approved by the Southcentral Regional Office on February 6, 2003.

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

Denied 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.

Mauricio Valverde, 1841 S. 68 St., Philadelphia, PA 19142. Authorization No. WH1369. Effective February 7, 2003.

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.

Manuel R. Santos, 35 Ned Court, Sewaren, NJ 07077. Authorization No. WH2076. Effective February 5, 2003.

Midnight Express Trucking Inc., 14 Signal Hill Dr., Voorhees, NJ 08043. Authorization No. WH2077. Effective February 5, 2003.

Zaharija Trucking Inc./Zaharija Markowski, 255 Washington Ave., Hackensack, NJ 07601. Authorization No. WH2078. Effective February 5, 2003.

Luis and Amanda Zapta Corp./Louis E. Zapatatrujillo, 56 Jefferson St., Newark, NJ 07105. Authorization No. WH2079. Effective February 5, 2003.

Linda M. Hamilton, P. O. Box 322, 5 Scot Run Road, Scotrun, PA 18355. Authorization No. WH2080. Effective February 5, 2003.

Douglas W. Armstrong, 13 Chelsea Ave., E. Orange, NJ 07108. Authorization No. WH2081. Effective February 5, 2003.

Carlos Rodriguez, 85-57 67 Dr., Flushing, NY 11374. Authorization No. WH2082. Effective February 5, 2003.

Hector N. Ramirez, 7 Canal St., Sayreville, NJ 08872. Authorization No. WH2083. Effective February 5, 2003.

Manuel D. Guzman, 195 1st St. Apt. 5G, Newark, NJ 07107. Authorization No. WH2084. Effective February 5, 2003.

Milton W. Cardenas-Gordill, 18 Chestnut St. Apt. 2L, West Orange, NJ 07052. Authorization No. WH2085. Effective February 5, 2003.

David Egnaldo Inc., 1007 Eddy Ave., Linden, NJ 07036. Authorization No. WH2086. Effective February 5, 2003.

Maria I. Nascimento, 246 Cortlandt St., Belleville, NJ 07109. Authorization No. WH2087. Effective February 5, 2003.

Trajan Paskoski, 7 Shady Lane, Budd Lake, NJ 07828. Authorization No. WH2088. Effective February 5, 2003.

Rodrigo Figueroa, 25 Halstead St., Kearny, NJ 07032. Authorization No. WH2089. Effective February 5, 2003.

Angela A. Iansen, 6 1/2 Edison Place, E. Rutherford, NJ 07073. Authorization No. WH2090. Effective February 5, 2003.

Leo R. Magalhaes, 310 Passaic Ave. Apt. 202, Harrison, NJ 07029. Authorization No. WH2091. Effective February 5, 2003.

Everth Montoya, Apt. 26U, 300 Parsippany Road, Parsippany, NJ 07054. Authorization No. WH2092. Effective February 5, 2003.

Johnathan C. Lucas, 161B Bear Creek Road, Andover, NJ 07821. Authorization No. WH2093. Effective February 5, 2003.

Ricardo Alvarado, 56 Wilson Ave., Newark, NJ 07105. Authorization No. WH2094. Effective February 5, 2003.

Oscar Cubillos, 631 Mill St., Belleville, NJ 07109. Authorization No. WH2095. Effective February 5, 2003.

CTL Trucking LLC, 19 East Ave., Mullica Hill, NJ 08062. Authorization No. WH2096. Effective February 5, 2003.

Mix Bros. Transport Inc./Marcelo Contreras, 447 N. 5th St., Newark, NJ 07107. Authorization No. WH2097. Effective February 5, 2003.

New Design Stucco Co., 17 A Thornton St., Newark, NJ 07105. Authorization No. WH2098. Effective February 5, 2003.

M & D Trucking Inc./Milutin Dimoski, 15 Arnold Road, Landing, NJ 07850. Authorization No. WH2099. Effective February 5, 2003.

AAG Enterprises Inc./Armando Guardiola, 290 Washington Ave., Cedarhurst, NY 11516. Authorization No. WH2101. Effective February 5, 2003.

Synagro WWT Inc., 7014 E. Baltimore St., Baltimore, MD 21224. Authorization No. WH2197. Effective February 5, 2003.

Weavertown Environmental Group, 201 S. Johnson Road, Houston, PA 15342. Authorization No. WH2217. Effective February 5, 2003.

John Brown Trucking Co., 8063 Southern Blvd., Youngstown, OH 44512. Authorization No. WH2417. Effective February 5, 2003.

Pittsburgh City Allegheny County, City County Bldg., Rm. 526, 400 Grant St., Pittsburgh, PA 15219-2404. Authorization No. WH2420. Effective February 5, 2003.

Greathouse Trucking, Route 1 Box 270, Flemington, WV 26347. Authorization No. WH0276. Effective February 5, 2003.

American Eagle Waste Services Inc., 8 Industrial Dr., Sharon Hill, PA 19079-1105. Authorization No. WH1739. Effective February 5, 2003.

SDF Enterprises, 10 Lingert Avenue, Clinton, NJ 08809-1219. Authorization No. WH1946. Effective February 5, 2003.

Mayer Pollock Steel Corp., S. Keim St. and Industrial Highway, P. O. Box 759, Pottstown, PA 19464-0759. Authorization No. WH1948. Effective February 5, 2003.

Streamside Farms Trucking Inc., 4802 Commerce St., P. O. Box 409, Temple, PA 19560-1644. Authorization No. WH1951. Effective February 5, 2003.

Nadim Trucking Corp., 2nd Floor, 2061 72nd Street, Brooklyn, NY 11204. Authorization No. WH1960. Effective February 5, 2003.

Pennsylvania General Energy Corp., 208 Liberty St., Warren, PA 16365-2304. Authorization No. WH2622. Effective February 5, 2003.

Department of Transportation, 355 Dewart St., P. O. Box 432, Sunbury, PA 17801. Authorization No. WH2651. Effective February 5, 2003.

Marcos Dasilva, 90 Waverly Avenue, Milford, CT 06460. Authorization No. WH1055. Effective February 3, 2003.

Health Care Waste Services Corporation, 1370 Viele Avenue, Bronx, NY 10474. Authorization No. WH2137. Effective February 3, 2003.

Daryl Houston, 1504 Orangewood Avenue, Pittsburgh, PA 15216. Authorization No. WH2152. Effective February 3, 2003.

Stutzman Vacuum Service, 194 Pyle Drive, Somerset, PA 15501. Authorization No. WH2153. Effective February 3, 2003.

Millersville Borough, 10 Colonial Avenue, Millersville, PA 17551-1416. Authorization No. WH2154. Effective February 3, 2003.

Crow Haven Farm, 8038 Crow Road, Zionsville, PA 18092. Authorization No. WH2155. Effective February 3, 2003.

Pen Argyl Borough, South Main, P. O. Box 249A, Pen Argyl, PA 18072. Authorization No. WH2156. Effective February 3, 2003.

Ray Bortz General Contractor, 539 Fagleysville Road, Perkiomenville, PA 18074-9609. Authorization No. WH2157. Effective February 3, 2003.

Shells Disposal & Recycling Center, 640 South Franklin Street, P. O. Box 1584, Lancaster, PA 17608. Authorization No. WH2158. Effective February 3, 2003.

Blossburg Borough, 245 Main Street, Blossburg, PA 16912-1110. Authorization No. WH2159. Effective February 3, 2003.

Syed Asgher, 94-07 76th Street, First Floor, Ozone Park, NY 11416. Authorization No. WH2160. Effective February 3, 2003.

JAD Trucking, 61 Vineyard Road, Levittown, PA 19057. Authorization No. WH2163. Effective February 3, 2003.

Southern Alleghenies Landfill, Inc., 843 Miller Picking Road, Davidsville, PA 15928. Authorization No. WH2164. Effective February 3, 2003.

OP-Tech Environmental Services, Inc., 6392 Deere Road, Syracuse, NY 13206. Authorization No. WH2165. Effective February 3, 2003.

Regional Waste & Recycling Services, LLC, 459 Blackhorse Lane, North Brunswick, NJ 08902. Authorization No. WH2166. Effective February 3, 2003.

Edison G. Orellana, 19 Princeton Arms, South 1, Cranbury, NJ 08512. Authorization No. WH2169. Effective February 3, 2003.

B & L Hauling, Inc., P. O. Box 3178, McKeesport, PA 15134-3178. Authorization No. WH2170. Effective February 3, 2003.

W.E.B. & Sons Trucking, 47 Newbury Road, Rowley, MA 01969. Authorization No. WH2171. Effective February 3, 2003.

AES Logistics, Inc., 107 Patton Drive, Normandy Place, Suite 300, Moon Township, PA 15108. Authorization No. WH2172. Effective February 3, 2003.

Donald W. Cherry, III, 2557 Deer Creek Road, Morrisdale, PA 16858. Authorization No. WH2173. Effective February 3, 2003.

Cruz Transportation, P. O. Box 3164, Ridgefield, NJ 07657. Authorization No. WH2174. Effective February 3, 2003.

Joseph A. Weiss, Jr., 345 New Street, Spring City, PA 19475. Authorization No. WH2175. Effective February 3, 2003.

Romano Rubbish Removal, Inc., 3355 Arcola Road, Collegeville, PA 19426-3465. Authorization No. WH2176. Effective February 3, 2003.

Industrial Marine Service, Inc., 23 Stahl Point Road, P. O. Box 2740, Baltimore, MD 21225-0740. Authorization No. WH2177. Effective February 3, 2003.

Terry V. Shultz, Route 36, P. O. Box 25, La Jose, PA 15753. Authorization No. WH2178. Effective February 3, 2003.

Allstate ORC, Inc., 473 Hamburg Turnpike, West Milford, NJ 0780-3746. Authorization No. WH2179. Effective February 3, 2003.

Chacon Wilbert, Apt. 2, 421 Plainfield Avenue, Berkeley Heights, NJ 07922. Authorization No. WH2543. Effective February 3, 2003.

Borough of Sellersville, Bucks County, 140 East Church Street, Sellersville, PA 18960-2340. Authorization No. WH2265. Effective February 4, 2003.

Dabbco Construction, Inc., 6077 Harford Road, P. O. Box 3661, Baltimore, MD 21214-0661. Authorization No. WH2263. Effective February 4, 2003.

Housing Authority of the City of Shamokin, 1 East Independence Street, Shamokin, PA 17872. Authorization No. WH2262. Effective February 4, 2003.

B & G Restoration, Inc., 105 Ryerson Road, Lincoln Park, NJ 07035. Authorization No. WH2261. Effective February 4, 2003.

City of Bethlehem Sewer Maintenance, Northampton County, 10 East Church Street, Bethlehem, PA 18018-6005. Authorization No. WH2260. Effective February 4, 2003.

City of Latrobe, Westmoreland County, 901 Jefferson Street, P. O. Box 829, Latrobe, PA 15650-0829. Authorization No. WH2259. Effective February 4, 2003.

Millers Roofing, 6293 Big Mount Road, East Berlin, PA 17316-8928. Authorization No. WH2258. Effective February 4, 2003.

J. Strober & Sons, LLC, P. O. Box 177, Ringoes, NJ 08551. Authorization No. WH2257. Effective February 4, 2003.

Jose H. Buestan, 424 Ridge Street, Newark, NJ 07104. Authorization No. WH2256. Effective February 4, 2003.

Bennett Hauling & Construction, Inc., 116 Schneider Street, Johnstown, PA 15906. Authorization No. WH2253. Effective February 4, 2003.

American Roofing, Inc., P. O. Box 1831, Altoona, PA 16603-1831. Authorization No. WH2254. Effective February 4, 2003.

Gilbrto R. Banhon, 84 Somme Street, Newark, NJ 07105. Authorization No. WH2252. Effective February 4, 2003.

Chelsar Enterprises, Inc., R. R. 1 Box 313F, New Stanton, PA 15672-9623. Authorization No. WH2251. Effective February 4, 2003.

Springettsbury Township, York County, 1501 Mount Zion Road, York, PA 17402-9084. Authorization No. WH2250. Effective February 4, 2003.

James F. Weaver Roofing, 6817 Gun Club Road, Coopersburg, PA 18036-1345. Authorization No. WH2249. Effective February 4, 2003.

Portage Township, Cambria County, P. O. Box 96, Emporium, PA 15834. Authorization No. WH2248. Effective February 4, 2003.

Roy Adams & Son, Inc., R. D. 3 Box 104, Sunbury, PA 16801. Authorization No. WH2247. Effective February 4, 2003.

E & W Construction, Inc., 335 Ridge Road, P. O. Box 142, Summit Station, PA 17979. Authorization No. WH2246. Effective February 4, 2003.

Stanley W. Bauman, Jr. General Contractor, Inc., P. O. Box 157, 17 East Franklin Street, Tipton, PA 19562-0157. Authorization No. WH2244. Effective February 4, 2003.

Bower Disposal, 46 Wyndmere Drive, Williamsport, PA 17701. Authorization No. WH2242. Effective February 4, 2003.

Banks Township Supervisors, Carbon County, 23 East Oak Street, P. O. Box 231, Tresckow, PA 18254. Authorization No. WH2241. Effective February 4, 2003.

Temple University, 1717 North 10th Street, Philadelphia, PA 19122. Authorization No. WH2239. Effective February 4, 2003.

Tommy Johns—Haul Master, 122 South Garfield Avenue, Scranton, PA 18504. Authorization No. WH2237. Effective February 4, 2003.

EMS Dispatch, Inc., 316 West Mt. Vernon Street, Lansdale, PA 19446. Authorization No. WH2236. Effective February 4, 2003.

Walter J. Boileau & Co. Inc., 68 Hunsberger Road, Telford, PA 18969-1510. Authorization No. WH2234. Effective February 4, 2003.

Borough of Kennett Square, Chester County, P. O. Box 5, 120 North Broad Street, Kennett Square, PA 19348-0005. Authorization No. WH2235. Effective February 4, 2003.

Schultz Enterprises, Inc., 541 Flint Hill Road, King of Prussia, PA 19406. Authorization No. WH2067. Effective February 4, 2003.

Lehigh Valley Site Contractor, Inc., P. O. Box 321, Skippack, PA 19474. Authorization No. WH1811. Effective February 4, 2003.

Kautz Construction Company, 2009 Franklin Road, Washington Borough, PA 17582. Authorization No. WH2133. Effective February 4, 2003.

The Salvation Army ARC, 44 South 9th Street, Pittsburgh, PA 15203-1196. Authorization No. WH2147. Effective February 4, 2003.

Roberto C. Jones, Fl. 2, 2228 S. 63rd St., Philadelphia, PA 19142. Authorization No. WH2276. Effective February 7, 2003.

Simmers Builders Inc., 1035 W. Lincoln Highway, Coatesville, PA 19320. Authorization No. WH2277. Effective February 7, 2003.

Sullivan Company, P. O. Box 1112, DuBois, PA 15801. Authorization No. WH2278. Effective February 7, 2003.

Browns Hauling, 108 N. 7th St., Easton, PA 18042. Authorization No. WH2279. Effective February 7, 2003.

Dibble Disposal, 120 North St., Athens, PA 18810. Authorization No. WH2280. Effective February 7, 2003.

Robert Lee Stacey, 2201 Bernville Road, Reading, PA 19601. Authorization No. WH2125. Effective February 4, 2003.

Roberto Chavez, Apt. 1, 26 East 4th Street, Bridgeport, PA 19405. Authorization No. WH2124. Effective February 4, 2003.

Fleet Environmental Service LLC, 75D York Avenue, Randolph, MA 02368. Authorization No. WH2123. Effective February 4, 2003.

Latimore Trucking & Supply Company, 115 Third Street, Leetsdale, PA 15056. Authorization No. WH2122. Effective February 4, 2003.

AEG Environmental Products & Services Inc., P. O. Box 286, Westminster, MD 21158. Authorization No. WH2121. Effective February 4, 2003.

George Husack, Inc., 4234 Locust Drive, Schnecksville, PA 18078-2526. Authorization No. WH2073. Effective February 6, 2003.

Salvation Army Adult Rehabilitation Center, P. O. Box 6176, Erie, PA 16512-6176. Authorization No. WH2074. Effective February 6, 2003.

Gator Trucking, 151 Kelly Road, Dayville, CT 06241-1403. Authorization No. WH2075. Effective February 6, 2003.

Tri-S Environmental Services, Inc., 25 Pinney Street, Ellington, CT 06029. Authorization No. WH2100. Effective February 6, 2003.

Universal Builders & Remodelers Unlimited, 8012 Castor Avenue, Philadelphia, PA 19152. Authorization No. WH2102. Effective February 6, 2003.

Taylor Borough, Lackawanna County, 122 Union Street, Taylor, PA 18517-1772. Authorization No. WH2104. Effective February 6, 2003.

Conemaugh Township, Cambria County, 113 Mizel Lane, Johnstown, PA 15902. Authorization No. WH2105. Effective February 6, 2003.

Jose S. Briceno, 3 Kingsland Avenue, Harrison, NJ 07029. Authorization No. WH2106. Effective February 6, 2003.

Wending Creek Farms, Inc., 106 Steerbrook Road, P. O. Box 850, Coudersport, PA 16915-1141. Authorization No. WH2107. Effective February 6, 2003.

George Alfred, 113 Douglass Street, Reading, PA 19601. Authorization No. WH2108. Effective February 6, 2003.

Drummond Transportation, Inc., 52 North Mortimer Avenue, Elmsford, NY 10523. Authorization No. WH2110. Effective February 6, 2003.

Air Ride Express Inc., Cheese Quake Villa, 11 Alabama Court, Matawan, NJ 07747. Authorization No. WH1697. Effective February 10, 2003.

Karrs Removal Service Inc., 315 Paxson Avenue, Glenside, PA 19038-4613. Authorization No. WH1879. Effective February 10, 2003.

Charles B. Gill, Apt. 4, 308 Center Avenue, Cresson, PA 16630. Authorization No. WH2191. Effective February 10, 2003.

Walter A. Subjin, HC 67, Box 277, Dingmans Ferry, PA 18328-9597. Authorization No. WH2192. Effective February 10, 2003.

North Schuylkill Landfill Association, 2 Coles, Mahanoy City, PA 17948-2301. Authorization No. WH2195. Effective February 10, 2003.

Gold Medal Inc., 15 Fox Hollow Lane, Sewell, NJ 08080. Authorization No. WH2198. Effective February 10, 2003.

Gold Medal Disposal Inc., 15 Fox Hollow Lane, Sewell, NJ 08080. Authorization No. WH2199. Effective February 10, 2003.

All Waste Inc., 143 Murphy Road, Hartford, CT 06114. Authorization No. WH2201. Effective February 10, 2003.

Phillips Reduction Ltd., 130 Downing Street, Plymouth, PA 18612. Authorization No. WH2203. Effective February 10, 2003.

Jack Clark Inc., 346 Pinecrest Road, Springfield, PA 19064. Authorization No. WH2204. Effective February 10, 2003.

Lehigh Valley Building Systems Inc., P. O. Box 3454, 330 Schantz Road, Allentown, PA 18106-0454. Authorization No. WH2205. Effective February 10, 2003.

Falletta Carting Corporation, 162 21st Street, Brooklyn, NY 11232. Authorization No. WH2206. Effective February 10, 2003.

Donald R. Slagle Trucking Company, R. R. 2, Box 177, Worthington, PA 16262. Authorization No. WH2207. Effective February 10, 2003.

GB Groft Inc., 3048 Centennial Road, Hanover, PA 17331. Authorization No. WH2208. Effective February 10, 2003.

Douglas Bros. Inc., Wolcott Hollow Road, R. R. 1, Box 42, Athens, PA 18810. Authorization No. WH2209. Effective February 10, 2003.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

GP1-67-03060: Cintas (121 North Blettner Avenue, Hanover, PA 17331) on February 1, 2003, was authorized to operate a small gas and No. 2 oil fired combustion unit under GP1 in Penn Township, **York County**.

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

GP3-14-04 Hanson Aggregates, Pennsylvania, Inc. (P. O. Box 231, Easton, PA 18044) on January 15, 2003, to authorize the relocation of a portable stone screening plant operating under the General Plan Approval and General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) to the Oak Hall Quarry in College Township, **Centre County**.

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

33-171: Punxsutawney Area School District—Punxsutawney High School (450 North Findley Avenue, Punxsutawney, PA 15767) on February 1, 2003, for operation of two boilers in Punxsutawney, **Jefferson County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

28-03043: CAM Superline, Inc. (4763 Zane Miller Drive, Waynesboro, PA 17268) on February 4, 2003, for construction of one spray paint booth controlled by dry panel filters in Washington Township, **Franklin County**.

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

55-310-002A: National Limestone Quarry, Inc. (P. O. Box 397, Middleburg, PA 17842) on January 7, 2003, for construction of various pieces of limestone processing equipment (crushers, screens, conveyors, and the like) and associated air cleaning device (a water spray dust suppression system) in Franklin Township, **Snyder County**. This equipment is subject to Subpart OOO of the Federal Standards of Performance for New Stationary Sources.

18-00009A: Clinton County Solid Waste Authority (P. O. Box 209, McElhattan, PA 17740) on January 17, 2003, for construction of a replacement landfill gas-fired flare at the Wayne Township Landfill in Wayne Township, **Clinton County**.

59-00003B: OSRAM SYLVANIA Products, Inc. (One Jackson Street, Wellsboro, PA 16947) on January 28, 2003, for construction of a 16.8 million Btu per hour natural gas and propane-fired boiler equipped with a low NOx burner and flue gas recirculation in Wellsboro Borough, **Tioga County**. This boiler is subject to Subpart Dc of the Federal 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.

43-170E: Werner Co.—Greenville Division (93 Werner Road, Greenville, PA 16125) on January 31, 2003, for modifications to the pultrusion process in Sugar Grove Township, **Mercer County**.

25-0955C: Foam Fabricators, Inc. (6550 West 26th Street, Erie, PA 16506) on January 30, 2003, for modifications to the polystyrene fabrication process in Erie, **Erie County**.

25-971F: Erie Plating Co. (656 West 12th Street, Erie, PA 16512) on January 22, 2003, for operation of solution tanks and scrubber in Erie, **Erie County**.

25-971G: Erie Plating Co. (656 West 12th Street, Erie, PA 16512) on January 22, 2003, for operation of 11 solution tanks and scrubbers in Erie, **Erie County**.

25-971E: Erie Plating Co. (656 West 12th Street, Erie, PA 16512) on January 22, 2003, for operation of solution tanks and mist eliminators in Erie, **Erie County**.

43-329A: White Rock Silica Sand Co., Inc. (331 Methodist Road, Greenville, PA 16125) on January 27, 2003, for operation of a diesel generator in Hempfield Township, **Mercer County**.

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

AMS 01163: Philadelphia International Airport (8800 Essington Avenue, Philadelphia, PA 19153) was authorized to operate 11 boilers, 44 area heaters and 9 emergency generators in Philadelphia, **Philadelphia County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

09-0110A: Riverside Construction Materials (7900 Radcliffe Street, Bristol, PA 19007) on February 4, 2003, for operation of a Cement Handling in Bristol Township, **Bucks County**.

09-0063A: New Hope Crushed Stone Co. (6970 Phillips Mill Road, New Hope, PA 18938) on February 4, 2003, for operation of a stone crushing plant in Solebury Township, **Bucks County**.

09-0024A: Waste Management of PA, Inc. (200 Bordentown Road, Tullytown, PA 19007) on February 4, 2003, for operation of a permitted landfill in Tullytown Borough, **Bucks County**.

09-0007A: Waste Management Disposal Service of PA (1513 Bordentown Road, Morrisville, PA 19067) on February 4, 2003, for operation of a solid waste landfill expansion in Falls Township, **Bucks County**.

46-0037M: Cabot Performance Materials (County Line Road, Boyertown, PA 19512) on February 4, 2003, for operation of a large scrubber in Douglass Township, **Montgomery County**.

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

28-05001: Martin's Famous Pastry Shoppe, Inc. (1000 Potato Roll Lane, Chambersburg, PA 17201) on February 5, 2003, for modification of its Chambersburg Bakery in Guilford Township, **Franklin County**. This plan approval was extended.

36-05067G: C and D Technologies, Inc. (82 East Main Street, Leola, PA 17540) on January 30, 2003, for modification of a lead-acid battery manufacturing plant in Upper Leacock Township, **Lancaster County**. This facility is subject to 40 CFR Part 60, Subpart KK—Standards of Performance for New Stationary Sources. This plan approval was extended.

38-05025: Lancaster Aluminum Co., Inc. (24 Keystone Drive, Lebanon, PA 17042) on January 29, 2003, for construction of a secondary aluminum production facility in South Lebanon Township, **Lebanon County**. This source is subject to 40 CFR Part 63, Subpart RRR—Standards of Performance for Hazardous Air Pollutants for Secondary Aluminum Production. This plan approval was extended.

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

17-309-024: Mt. Savage Refractories Co. (P. O. Box 60, Curwensville, PA 16833) on February 3, 2003, to extend the plan approval and to extend the authorization to operate a refractories manufacturing facility and associated air cleaning devices (a scrubber and nine fabric collectors) on a temporary basis, until June 3, 2003, in Pike Township, **Clearfield County**.

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

10-021J: INDSPEC Chemical Corp. (133 Main Street, Petrolia, PA 16050) on February 28, 2003, for a reactor in Petrolia, **Butler County**.

10-027B: Penreco (138 Petrolia Street, Karns City, PA 16041) on January 31, 2003, for 9L agitator in Karns City, **Butler County**.

42-176H: Temple Inland Forest Products Corp.—Mt. Jewett (Hutchins Road, Mt. Jewett, PA 16740) on February 28, 2003, for modifications to the MDF plant in Sergeant Township, **McKean County**.

42-176G: Temple Inland Forest Products Corp.—Mt. Jewett (Hutchins Road, Mt. Jewett, PA 16740) on February 28, 2003, for modifications to the MDF plant in Sergeant Township, **McKean County**.

42-158E: Temple Inland Forest Products Corp.—Mt. Jewett (Hutchins Road, Mt. Jewett, PA 16740) on February 28, 2003, for modifications to the particleboard plant in Sergeant Township, **McKean County**.

42-158D: Temple Inland Forest Products Corp.—Mt. Jewett (Hutchins Road, Mt. Jewett, PA 16740) on February 28, 2003, for modifications to the particleboard plant in Sergeant Township, **McKean County**.

Plan Approvals Denied, Terminated, Modified, Suspended or Revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and the provisions of 25 Pa. Code §§ 127.13b and 127.13c.

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

59-310-004I: Hanson Aggregates Pennsylvania, Inc. (P. O. Box 231, Easton, PA 18044) on January 6, 2003, for proposed construction of a 635 horsepower diesel fuel-fired generator at a stone crushing plant due to the applicant's failure to demonstrate that the NOx emissions from the generator would satisfy the best available

technology requirements of 25 Pa. Code §§ 127.1 and 127.12 at the Blossburg Quarry in Liberty Township, **Tioga County**.

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

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

15-00010: Bethlehem Steel Corp. (130 Modena Road, Coatesville, PA 19320) for an administrative amendment to Title V operating permit 15-00010 in Coatesville City, **Chester County**. The facility's five main production areas include: steel making, ingot and slab conditioning, rolling mills, heat treating and plate finishing. The previously issued permit is being amended to incorporate changes based on the appeal of the Title V operating permit. The amended Title V Operating Permit will contain additional monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements. The permit is being amended to incorporate following changes:

(i) Sections A and D, Source IDs: 181 and 182—Fuel Sources FML01 and FML02 have been added to the flow process diagram for these sources.

(ii) Section D, Source ID: 180, Condition No. 002—Inclusion of the term "Effective July 1, 2002...."

(iii) Section D, Source ID: 258, Condition No. 004—Inclusion of the term "Effective July 1, 2002...."

This Administrative Amendment of the Title V Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) is processed in accordance with 25 Pa. Code § 127.450.

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.

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

15-00107: Pet Memorial Services Corp. (319 Westtown Road, West Chester, PA 19382) on February 6, 2003, for operation of a Natural Minor Operating Permit in West Goshen Township, **Chester County**.

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

61-00200: Webco Industries, Inc. (363 Seneca Street, Oil City, PA 16301) on January 28, 2003, for a Natural Minor Operating Permit for two natural gas-fired annealing furnaces and a cold draw tube manufacturing process in Oil City, **Venango County**.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

15-0074: R. A. Ferris and Co., Inc. (899 Fern Hill Road, West Chester, PA 19380) amended February 6, 2003, for a crematory incinerator in West Goshen Township, **Chester County**.

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

55-399-003: Penn Lyon Homes, Inc. (Airport Road, Selinsgrove, PA 17870) on February 4, 2003, to incorporate conditions established in Plan Approval 55-399-003A for prefabricated housing surface coating and gluing operations in Monroe Township, **Snyder County**.

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

43-00036: Hodge Foundry, Inc. (42 Leach Road, Greenville, PA 16125) for an administrative amendment to incorporate changes brought about by a change of ownership in Greenville Borough, **Mercer County**. The previous owner was Metso Minerals Industries, Inc.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

32-00059: Reliant Energy, Inc. (1001 Broad Street, P. O. Box 1050, Johnstown, PA, 15907-1050) to increase site emissions of PM10 by 0.59 ton per year at their Conemaugh Power Plant in West Wheatfield Township, **Indiana County**. The emission increases are due to the operation of a new synthetic fuel processing facility. The Department has approved these emissions as de minimis increases in accordance with 25 Pa. Code § 127.449.

65-00865: Sony Chemicals Corp. of America (1001 Technology Drive, Mt. Pleasant, PA, 15666-1766) to increase site emissions of carbon monoxide by 4.0 ton per year at their Pittsburgh Manufacturing Center in East Huntingdon Township, **Westmoreland County**. The emission increases are due to increased air flow through the thermal oxidizer to maintain safe solvent to air ratios. The Department has approved these emissions as de minimis increases in accordance with 25 Pa. Code § 127.449.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); 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).

Coal Permits Actions

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

54860108R3 and NPDES Permit PA0593508. Reading Anthracite Company (P. O. Box 1200, 200 Mahantongo Street, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation and for existing discharge of treated mine drainage in New Castle and Norwegian Townships and St. Clair Borough, **Schuylkill County** affecting 1469.0 acres. Application received October 31, 2002. Renewal issued February 3, 2003.

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

65960108. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal issued for reclamation only of a bituminous surface mine located in Unity and Ligonier Townships, **Westmoreland County**, affecting 105.8 acres. Receiving streams: unnamed tributary to Indian Camp Run to Ninemile Run to Loyalhanna Creek to Conemaugh River. Application received January 9, 2003. Reclamation only renewal issued February 4, 2003.

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

32970110 and NPDES Permit No. PA0234559. Mears Enterprises, Inc., P. O. Box 157, Clymer, PA 15728, permit renewal for reclamation only and for continued restoration of a bituminous surface and auger mine in Rayne Township, **Indiana County**, affecting 143.0 acres. Receiving streams: Rayne Run to Crooked Creek (CWF). There are no potable water supply intakes within 10 miles downstream. Application received October 10, 2002. Permit issued January 31, 2003.

McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317, (724) 941-7100.

63831302. NPDES Permit PA0213608, Eighty Four Mining Co. (P. O. Box 284, Eighty-Four, PA 15330), to renew the permit for the Mine 84 in Somerset and Amwell Townships, **Washington County**, renewal, Surface Acres Proposed 8, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, unnamed tributary to Redd Run. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued January 30, 2003.

30841316. NPDES Permit PA0213535, Consol Pennsylvania Coal Company (P. O. Box 355, 172 Route 519, Eighty-Four, PA 15330), to revise the permit for the Bailey Mine in Richhill Township, **Greene County**, revision, to provide administrative corrections to permit revision issued December 9, 2002, allowing for full extraction longwall mining in panels 19A and 20A, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional charges. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued February 6, 2003.

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

33960107. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Renewal of an existing

bituminous strip operation in Union Township, **Jefferson County** affecting 17.8 acres. This renewal is issued for reclamation only. Receiving streams: Welch Run. Application received December 16, 2002. Permit issued February 5, 2003.

Noncoal Permits Actions

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

64022806. Ciccone Construction, Inc. (R. R. 2 Box 2455, Honesdale, PA 18431), commencement, operation and restoration of a small noncoal surface mine in Texas and Palmyra Townships, **Wayne County**, affecting 3.0 acres. Receiving stream: Lackawaxen River. Application received October 21, 2002. Permit issued January 31, 2003.

58022801. Delaware Valley Landscape Stone, Inc. (P. O. Box 778, 6603 Route 202, New Hope, PA 18938), commencement, operation and restoration of a quarry operation in Dimock Township, **Susquehanna County** affecting 5.0 acres. Receiving stream: White Creek. Application received January 11, 2002. Permit issued February 3, 2003.

45950301C3 and NPDES Permit PA0223506. Bill Barry Excavating, Inc. (R. R. 3 Box 82, Cresco, PA 18326), renewal of NPDES Permit for existing discharge of treated mine drainage in Barrett Township, **Monroe County**, receiving stream: unnamed tributary to Cranberry Creek. Application received December 24, 2002. Renewal issued February 4, 2003.

58020847. Kenneth E. Decker (R. R. 1 Box 1150A, Hop Bottom, PA 18824), commencement, operation and restoration of a quarry operation in Harford Township, **Susquehanna County** affecting 3.0 acres. Receiving stream: Leslie Creek. Application received October 9, 2002. Permit issued February 5, 2003.

7975SM2A1C5 and NPDES Permit PA0613151. Haines & Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for existing discharge of treated mine drainage in Plumstead Township, **Bucks County**, receiving stream: Geddes Run. Application received December 20, 2002. Permit issued February 5, 2003.

40980301C and NPDES Permit PA0223867. Brdaric Excavating, Inc. (230 Bunkerhill Road, Wyoming, PA 18644), renewal of NPDES Permit for existing discharge of treated mine drainage in Kingston Township, **Luzerne County**, receiving stream: unnamed tributaries to Susquehanna River. Application received December 23, 2002. Renewal issued February 6, 2003.

58020849. Lee Allard (R. R. 1 Box 1484, Great Bend, PA 18821), commencement, operation and restoration of a quarry operation in Liberty Township, **Susquehanna County** affecting 5.0 acres. Receiving stream: Snake Creek. Application received October 15, 2002. Permit issued February 6, 2003.

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

08020814. Frank A. Remington, R. R. 2, Box 195, New Albany, PA 18833. Commencement, operation and restoration of a Small Industrial Minerals (Flagstone) permit in Overton Township, **Bradford County** affecting 1 acre. Receiving streams: unnamed tributary, tributary to Loyalsock Creek. Application received October 31, 2002. Permit issued February 5, 2003.

**ACTIONS ON BLASTING ACTIVITY
APPLICATIONS**

Actions on applications under the Explosives Acts of 1937 and 1957 (43 P. S. §§ 151—161); and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

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

40034006. Slusser Brothers Trucking & Excavating (125 North Warren Street, West Hazleton, PA 18202), construction blasting in Hazle Township, **Luzerne County** with an expiration date of May 31, 2003. Permit issued February 4, 2003.

01034001. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Conewago Township, **Adams County** with an expiration date of March 1, 2004. Permit issued February 4, 2003.

28034002. David H. Martin Excavating, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting in Guilford Township, **Franklin County** with an expiration date of July 30, 2004. Permit issued February 4, 2003.

36034009. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in Clay Township, **Lancaster County** with an expiration date of August 30, 2003. Permit issued February 4, 2003.

40034007. Pioneer Equipment Rental c/o Popple Construction Company (202 Main Street, Laflin, PA 18702), construction blasting in Duryea Borough, **Luzerne County** with an expiration date of June 30, 2003. Permit issued February 4, 2003.

45034005. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting in Barrett Township, **Monroe County** with an expiration date of January 23, 2004. Permit issued February 4, 2003.

49034001. Eastern Industries, Inc. (P. O. Box 135, Winfield, PA 17889), construction blasting in Chillisquaque, **Northumberland County** with an expiration date of August 31, 2003. Permit issued February 4, 2003.

67034007. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Fairview Township, **York County** with an expiration date of May 30, 2003. Permit issued February 4, 2003.

22034003. ABEL Construction Company, Inc. (3925 Columbia Avenue, Mountville, PA 17554), construction blasting in South Hanover Township, **Dauphin County** with an expiration date of December 3, 2003. Permit issued February 5, 2003.

36034010. ABEL Construction Company, Inc. (3925 Columbia Avenue, Mountville, PA 17554), construction blasting in Manor Township, **Lancaster County** with an expiration date of December 3, 2003. Permit issued February 5, 2003.

36034011. ABEL Construction Company, Inc. (3925 Columbia Avenue, Mountville, PA 17554), construction blasting in Manheim Township, **Lancaster County** with an expiration date of September 3, 2003. Permit issued February 5, 2003.

36034012. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting in West Earl Township, **Lancaster County** with an expiration date of March 3, 2008. Permit issued February 5, 2003.

22034004. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting in Lower Paxton Township, **Dauphin County** with an expiration date of March 3, 2004. Permit issued February 5, 2003.

36034013. Hall Explosives, Inc. (2981 Elizabethtown road, Hershey, PA 17033), construction blasting in East Hempfield Township, **Lancaster County** with an expiration date of March 3, 2004. Permit issued February 5, 2003.

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

31034001. Stone Valley Welding, R. D. 2, Box 213, Huntingdon, PA 16657, building construction—Stone Valley Welding Building. Excavation project in Jackson Township, **Huntingdon County**. Duration approximately 11 months. Permit issued February 5, 2003.

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

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

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

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)).

Except as otherwise noted, the Department certifies that the construction and operation herein described will comply with the applicable provisions of section's 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.

E58-251. Department of Transportation—Engineering District 4-0, P. O. Box 111, Scranton, PA 18501. Clifford Township, **Susquehanna County**, Army Corps of Engineers Baltimore District.

To remove the existing structure and to construct and maintain a road crossing of a tributary to East Branch Tunkhannock Creek, consisting of a 6.5-foot by 5.5-foot precast concrete box culvert with its invert depressed 1.0 foot below streambed elevation. The proposed culvert will be realigned to intercept the channel approximately 40 feet downstream of the existing culvert outlet. The project includes relocation of an existing 15-inch CMP stormwater outfall structure along the right bank. The project is located along SR 0106, Segment 0232, Offset 0360, approximately 1.0 mile southeast of the intersection of SR 0106 and SR 0374 (Clifford, PA Quadrangle N: 5.7 inches; W: 14.3 inches).

E64-236. Wayne County, 925 Court Street, Honesdale, PA 18431. Honesdale Borough, **Wayne County**, Army Corps of Engineers Philadelphia District.

To repair and maintain an existing single-span bridge, having a span of approximately 20 feet and an

underclearance of 11.1 feet, across Carley Brook. Work will include repair of the left concrete abutment and upstream wing walls. The bridge, known as the Axe Factory Bridge (County Bridge No. 21), is located along East Tryon Street, approximately 800 feet upstream of the confluence of Carley Brook and the Lackawaxen River (White Mills, PA Quadrangle N: 11.5 inches; W: 16.4 inches).

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

E07-365. New Pig Corporation, Three Pork Avenue, Tipton, PA 16684 in Antis Township, **Blair County**, ACOE Baltimore District.

To construct and maintain a manufacturing and warehouse facility in 0.39 acre of palustrine and scrub shrub wetlands at the existing New Pig Corporation Headquarters in the Ardie J. Dillen Industrial Park along the Little Juniata River (TSF) (Tipton, PA Quadrangle N: 0.81 inch; W: 7.2 inches) in Antis Township, Blair County. An existing wetland at the site will be enhanced and 0.39 acre of palustrine emergent and scrub shrub wetlands will be created contiguous with existing onsite wetland. The requirements for a permit have been waived under 105.12(a)(6) for impacts to 0.06 acre of palustrine emergent wetlands.

E36-730. Chiques Creek Watershed Association, 971 N. Colebrook Road, Manheim, PA 17545 in Rapho Township and Manheim Borough, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a phased waterway restoration project within the Chickies Creek (TSF) watercourse and its tributaries for the purposes of: stream bank stabilization, improved sediment transport, establishment of riparian buffers and improved aquatic habitat while implementing a natural stream channel design approach consisting of the following construction activities: channel relocation, stream and floodway excavation and filling, installation of rock vanes, cross vanes, J-hooks and riprap, placement of random boulders, root wads and log spurs, ford improvements and cattle crossing installations.

The initial phase of the project consists of realigning and stabilizing approximately 1,000 feet of Rife Run (WWF) just north of SR 772 within Mummua Park (Manheim, PA Quadrangle N: 6.2 inches; W: 4.2 inches) in Rapho Township and Manheim Borough, Lancaster County. The applicant is proposing to construct and stabilize the channel using cross vanes, log vanes or rock vanes, plantings of native grasses, trees and shrubs. The existing channel will be abandoned and filled with excavated material from the proposed channel.

As a part of this permit, the watershed association will create 1.0 to 1.5 acres of wetlands and establish approximately 2 acres of riparian buffer.

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

E41-519. Wayne G. Stebbins, Sr., 11 Academy Road, Cogan Station, PA 17728. Small Projects Water Obstruction and Encroachment Joint Permit Application, in Hepburn Township, **Lycoming County**, ACOE Susquehanna River Basin District (Cogan Station, PA Quadrangle N: 12.75 inches; W: 3.5 inches).

To construct and maintain a 120-foot long by 48-foot wide by 15-foot high warehouse as well as 470 cubic yards of shale fill in the floodway of Mill Creek, located 3 miles east of SR 0015N on SR 0973, in Hepburn Town-

ship, Lycoming County. This permit was issued under section 105.13(e) "Small Projects."

[Pa.B. Doc. No. 03-314. Filed for public inspection February 21, 2003, 9:00 a.m.]

Proposed Revision to the State Implementation Plan for Ozone for the Pittsburgh-Beaver Valley Ozone Nonattainment Area

Proposed Revision to Maintenance Plan; Public Hearing

Ground-level ozone concentrations above the Federal health-based standard are a serious human health threat and can also cause damage to crops, forests and wildlife. Since October 2001, the United States Environmental Protection Agency (EPA) redesignated the Pittsburgh-Beaver Valley area (Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland Counties) to "attainment" with the 1-hour ozone National Ambient Air Quality Standard (NAAQS) (66 Fed. Reg. 53094). As part of that determination, a 10-year maintenance plan (Plan) is in place to ensure the area continues to maintain the 1-hour ozone standard.

The Sierra Club and the Group Against Smog and Pollution, Inc., represented by the Earth Justice Legal Defense Fund (Earth Justice), challenged the EPA's Beaver Valley area redesignation to attainment of the 1-hour ozone standard in the 3rd Circuit United States Court of Appeals. The Department of Environmental Protection (Department) and the Southwestern Pennsylvania Growth Alliance subsequently intervened in this case in support of the EPA's decision. On January 22, 2003, the United States Department of Justice and Earth Justice signed a settlement agreement including terms and conditions requiring the Commonwealth to amend the contingency measures portion of the Plan. The revised maintenance plan must be submitted to the EPA for approval as a State Implementation Plan (SIP) revision.

The Department is seeking public comment on the proposed revisions to the Plan which identifies additional measures the Commonwealth would take in the event of exceedances of the 1-hour ozone standard, in accordance with the procedures of the Air Pollution Control Act (35 P. S. §§ 4001—4015) and other relevant State statutes, to ensure that the Pittsburgh area maintains the 1-hour ozone NAAQS. Those additional measures include incorporating transportation control measures into the SIP if the measures offer a quantifiable ozone reduction benefit; increasing rule effectiveness of Stage II controls at gasoline stations to control volatile organic compound emissions; the convening of a stakeholder group to recommend additional measures; and proposing additional control measures to attain and maintain the ozone NAAQS in the area.

This proposal is available on the Department website at <http://www.dep.state.pa.us> (choose Information by Subject/Air Quality/Ozone/Clean Air Plans) or through the contact persons listed.

The Department will hold a public hearing to receive comments on the SIP revision on Wednesday, March 26, 2003, at 1 p.m. at the offices of the Southwest Regional Office, Allegheny Room, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. The Southwest Regional Office is located at Washington's Landing beneath the 31st Bridge along State Route 28. Persons wishing to present testimony at

the hearing should contact Connie Cross, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9495 to reserve a time. Persons who do not reserve a time will be able to testify as time allows. Witnesses should keep testimony to 10 minutes and should provide two written copies at the hearing. Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Wick Havens, (717) 787-9495. TDD users may contact the AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

Written comments should be sent by March 28, 2003, to Wick Havens, Chief, Division of Air Resource Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468.

KATHLEEN A. MCGINTY,
Acting Secretary

[Pa.B. Doc. No. 03-315. Filed for public inspection February 21, 2003, 9:00 a.m.]

Water Resources Advisory Committee Meeting Cancellation

The March 12, 2003, meeting of the Water Resources Advisory Committee has been cancelled. The next scheduled meeting will be held on May 14, 2003, at 9:30 a.m. in Room 105, Rachel Carson State Office Building, Harrisburg, PA.

For further information, contact Carol Young at (717) 787-9637.

KATHLEEN A. MCGINTY,
Acting Secretary

[Pa.B. Doc. No. 03-316. Filed for public inspection February 21, 2003, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Abington Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Abington Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 107.32 (relating to medical staff meetings).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and

require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for Speech and/or Hearing Impaired Persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 03-317. Filed for public inspection February 21, 2003, 9:00 a.m.]

Application of Elkins Park Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Elkins Park Hospital has requested an exception to the requirements of 28 Pa. Code § 107.32 (relating to medical staff meetings).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for Speech and/or Hearing Impaired Persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 03-318. Filed for public inspection February 21, 2003, 9:00 a.m.]

Application of Healthsouth Rehabilitation Hospital of Mechanicsburg

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Healthsouth Rehabilitation Hospital of Mechanicsburg has requested an exception to the requirements of 28 Pa. Code §§ 107.61 and 107.62 (relating to written orders; and oral orders).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for Speech and/or Hearing Impaired Persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 03-319. Filed for public inspection February 21, 2003, 9:00 a.m.]

Application of Meadville Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Meadville Medical Center has requested an exception to the requirements of 28 Pa. Code §§ 107.61 and 107.62 (relating to written order; and oral orders).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for Speech and/or Hearing Impaired Persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 03-320. Filed for public inspection February 21, 2003, 9:00 a.m.]

Application of Titusville Area Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Titusville Area Hospital has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for Speech and/or Hearing Impaired Persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 03-321. Filed for public inspection February 21, 2003, 9:00 a.m.]

Application of Warminster Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Warminster Hospital has requested an exception to the requirements of 28 Pa. Code § 107.32 (relating to medical staff meetings).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for Speech and/or Hearing Impaired Persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 03-322. Filed for public inspection February 21, 2003, 9:00 a.m.]

Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board, established under the Federal Traumatic Brain Injury Act of 1996 (Pub. L. No. 104-66) will hold a public meeting on Friday, February 28, 2003, at the Department of Health, Conference Room 812, Commonwealth Avenue at Forster Street, Harrisburg, PA, from 10 a.m. to 3 p.m.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary

aid, service or other accommodation to do so, contact Elaine Terrell at (717) 772-4959 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 03-323. Filed for public inspection February 21, 2003, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Public Comment on Amendments to the State Plan

The Department of Labor and Industry, Office of Vocational Rehabilitation (OVR), under the Rehabilitation Act of 1973 as amended in the Workforce Investment Act of 1998, announces a period of public comment throughout this Commonwealth. The purpose of this comment period is to provide individuals, advocates and other interested parties and/or organizations the opportunity to present their views and recommendations regarding vocational rehabilitation (VR) services for persons with disabilities. In this Commonwealth, those services are provided by the OVR through a network of 21 local offices including the OVR and the Bureau of Blindness and Visual Services (BBVS) District Offices and Hiram G. Andrews.

The OVR is required under law to develop and implement a Combined Agency State Plan which must be reviewed and, as necessary, revised annually when there are changes to the State's VR program. The Combined Agency State Plan, currently in effect for the period 2000—2004, is a compliance document filed with the Commissioner, Rehabilitation Services Administration, United States Department of Education. It is the blueprint for the provision of VR services to persons with disabilities in this Commonwealth.

This period of public comment gives interested parties an opportunity to provide input regarding the Commonwealth's public VR program. Specifically, comment is being solicited regarding the following State Plan components: input and recommendations of the Pennsylvania Rehabilitation Council; comprehensive system of personnel development; annual estimate of individuals to be served and costs of services; the State's goals and priorities; order of selection; distribution of supported employment funds; and innovation and expansion activities. In addition to these areas, BBVS will accept public comment on the Business Enterprises Program, Specialized Services for Children and Adults and Independent Living Services for Older Persons Who are Blind.

The meeting sites are accessible and interpreters for people who are deaf or hard of hearing will be present at each public meeting. For additional information, reasonable accommodation requests or alternative format requests, contact the OVR District Office or BBVS District Office conducting the public meeting.

If an individual or organization is unable to attend a public meeting, but wishes to give testimony, written comments may be mailed to the appropriate OVR or

BBVS District Office serving the area in which the individual/organization resides. Written comments should be submitted to that district office by April 11, 2003.

A listing of OVR District Offices, Hiram G. Andrews and BBVS District Offices and their addresses and telephone numbers (voice and TTY) follows. The public meetings are planned for March 31, 2003, through April 11, 2003. Persons/organizations wishing to obtain information regarding the specific time and location of the meetings in their area, a copy of the State Plan attachments or other information regarding available services should contact the appropriate district office in their area.

Copies of the current Combined Agency State Plan and revised attachments will be available on the OVR website: <http://www.dli.state.pa.us/ovr>.

OVR District Offices

Allentown OVR District Office
(Carbon, Lehigh, Monroe and Northampton Counties)
160 Hamilton Street, Suite 100
Allentown, PA 18101
(800) 922-9536 (voice)
(610) 821-6144 (TTY)

Altoona OVR District Office
(Bedford, Blair, Centre, Fulton and Huntingdon Counties)
1101 Green Avenue
Altoona, PA 16601
(800) 442-6343 (voice)
(814) 949-7914 (TTY)

Altoona BBVS District Office
(Bedford, Blair, Cambria, Centre, Clinton, Columbia, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Snyder, Somerset and Union Counties)
1101 Green Ave., Room 139
Altoona, PA 16601
(866) 695-7673 (voice)
(814) 949-7955 (TTY)

DuBois OVR District Office
(Cameron, Clearfield, Elk, Jefferson and McKean Counties)
199 Beaver Drive, DuBois, PA 15801
(800) 922-4017 (voice)
(814) 371-7505 (TTY)

Erie OVR District Office
(Clarion, Crawford, Erie, Forest, Mercer, Venango and Warren Counties)
3200 Lovell Place
Erie, PA 16503
(800) 541-0721 (voice)
(814) 871-4535 (TTY)

Erie BBVS District Office
(Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Potter, Venango and Warren Counties)
3100 Lovell Place
Erie, PA 16503
(866) 521-5073 (voice)
(814) 871-4599 (TTY)

Harrisburg OVR District Office
(Cumberland, Dauphin, Juniata, Lebanon, Mifflin and Perry Counties)
2971-B North Seventh Street
Harrisburg, PA 17110
(800) 442-6352 (voice)
(717) 787-4013 (TTY)

Harrisburg BBVS District Office
(Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry and York Counties)
2971-B North Seventh Street
Harrisburg, PA 17110
(866) 375-8264 (voice)
(717) 787-1733 (TTY)

Johnstown OVR District Office
(Cambria, Indiana, Somerset and Westmoreland Counties)
727 Goucher Street, Section 10
Johnstown, PA 15905
(800) 762-4223 (voice)
(814) 255-5510 (TTY)

New Castle OVR District Office
(Armstrong, Beaver, Butler and Lawrence Counties)
100 Margaret Street, New Castle, PA 16101
(800) 442-6379 (voice)
(724) 656-3252 (TTY)

Norristown OVR District Office
(Bucks, Chester, Delaware and Montgomery Counties)
1875 New Hope Street
Norristown, PA 19401
(800) 221-1042 (voice)
(484) 250-4357 (TTY)

Philadelphia OVR District Office
(Philadelphia County)
444 North Third Street, Fifth Floor
Philadelphia, PA 19123
(800) 442-6381 (voice)
(215) 560-6144 (TTY)

Philadelphia BBVS District Office
(Bucks, Chester, Delaware, Montgomery and Philadelphia Counties)
444 North Third Street, Fifth Floor
Philadelphia, PA 19123
(866) 631-3892 (voice)
(215) 560-5725 (TTY)

Pittsburgh OVR District Office
(Allegheny County)
217 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
(800) 442-6371 (voice)
(412) 392-5921 (TTY)

Pittsburgh BBVS District Office
(Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Washington and Westmoreland Counties)
1075 Kossman Building
400 Stanwix Street
Pittsburgh PA 15222
(866) 412-4072 (voice)
(412) 565-5509 (TTY)

Reading OVR District Office
(Berks and Schuylkill Counties)
1090 Commons Boulevard
Reading, PA 19605
(800) 442-0949 (voice)
(610) 378-4433 (TTY)

Washington OVR District Office
(Fayette, Greene and Washington Counties)
201 West Wheeling Street
Washington, PA 15301
(800) 442-6367 (voice)
(724) 223-4430 (TTY)

Wilkes-Barre OVR District Office
 (Bradford, Columbia, Lackawanna, Luzerne, Pike, Sullivan, Susquehanna, Wayne and Wyoming Counties)
 300 G Laird Street
 Wilkes-Barre, PA 18702
 (800) 634-2060 (voice)
 (570) 826-2023 (TTY)

Wilkes-Barre BBVS District Office
 (Berks, Bradford, Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Sullivan, Susquehanna, Tioga, Wayne and Wyoming Counties)
 300 G Laird Street
 Wilkes-Barre, PA 18702
 (866) 227-4163 (voice)
 (570) 826-2361 (voice)

Williamsport OVR District Office
 (Clinton, Lycoming, Montour, Northumberland, Potter, Snyder, Tioga and Union Counties)
 The Grit Building, Suite 102
 208 West Third Street
 Williamsport, PA 17701
 (800) 442-6359 (voice)
 (570) 327-3620 (TTY)

York OVR District Office
 (Adams, Franklin, Lancaster and York Counties)
 2550 Kingston Road, Suite 101
 York, PA 17402
 (800) 762-6306 (voice)
 (717) 771-4433 (TTY)

Hiram G. Andrews
 727 Goucher Street
 Johnstown, PA 15905
 (800) 762-4211 (voice)
 (814) 255-8200 (TTY)

STEPHEN M. SCHMERIN,
Acting Secretary

[Pa.B. Doc. No. 03-324. Filed for public inspection February 21, 2003, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Antrim Township Municipal Authority and Antrim Township v. DEP; EHB Doc. No. 2003-024-MG

Antrim Township Municipal Authority and Antrim Township have appealed the issuance by the Department of Environmental Protection of an NPDES permit to Antrim Township for a facility in Antrim Township, Franklin 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 interested parties 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, (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. 03-325. Filed for public inspection February 21, 2003, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Special Reports and Request for Data

The Health Care Cost Containment Council (Council), according to Act 89 as amended by Act 34, is required to publish a list of all special reports and data that have been prepared during the previous calendar year. The following represents a summary of the reports and requests for data generated by the Council in calendar year 2002. Questions about procedures for obtaining access to Council data should be addressed to Jill Wiest, Special Requests Unit, Health Care Cost Containment Council, 225 Market Street, Suite 400, Harrisburg, PA 17101, (717) 232-6786, www.phc4.org.

MARC P. VOLAVKA,
Executive Director

<i>Applicant</i>	<i>Project Description</i>
Agency for Healthcare Research & Quality	A custom Statewide 2001 inpatient discharge, ambulatory procedure and revenue code detail data set to be used in the Healthcare Cost and Utilization Project.
AmeriNet Central, Inc.	A standard Statewide 2001 inpatient discharge and ambulatory procedure data set to be used in a commercial software product.
AmeriNet Central, Inc.	A standard Statewide 2002 inpatient discharge and ambulatory procedure data set to be used in a commercial software product.
Analysis Group, Inc.	A standard Statewide 4th quarter 2001 inpatient discharge and ambulatory procedure market share report to be used for economic research and consulting.
Ashland Regional Medical Center	A custom 2nd quarter 2001 through 1st quarter 2002 inpatient discharge report to be used for internal hospital research.

<i>Applicant</i>	<i>Project Description</i>
Auditor General's Department	A custom financial data set for fiscal years ended 1997—2000 to be used to audit hospitals receiving extraordinary expense payments as part of the tobacco settlement.
Auditor General's Department	A fiscal year ending June 30, 2000, inpatient discharge facility data set to be used to audit hospitals receiving extraordinary expense payments as part of the tobacco settlement.
Bayhealth Medical Center	A custom 3rd and 4th quarters 1999—2001 and 1st and 2nd quarters 2002 inpatient discharge data set by Delaware residents to be used for internal use by the strategic planning department to determine market share.
Capital Blue Cross	A custom 1998—2001 financial data set to be used to provide customers and Capital Blue Cross Board members with information about the financial condition of hospitals. The data will also be used to develop and monitor payment agreements with the hospitals within Capital Blue Cross's 21 county service area.
Cardinal Information Corporation	A standard Statewide 2001 inpatient discharge data set to be used in a commercial software product.
Central Montgomery Medical Center	A custom 2001 inpatient discharge report by hospital, DRG and MDC for select zip codes to be used for a market share study.
Childrens Hospital of Boston	A standard 1995—2001 inpatient discharge and ambulatory procedure data set for two facilities to be used for internal analysis of the pediatric services market.
CHPS Consulting	A custom 2000 inpatient discharge data set for Bradford County to be used for an out-migration analysis.
Community Health Systems	A standard Statewide 2001 inpatient discharge and ambulatory procedure data set to be used for internal strategic planning purposes.
Crozer Keystone Health System	A custom 1999—2001 inpatient discharge and ambulatory procedure data set to be used for research on the relationship among race, gender, income and rates of invasive diagnostic and therapeutic cardiac procedures in Delaware County.
Doylestown Hospital	A custom 1998 through 2nd quarter of 2001 inpatient discharge data set to be used in marketing.
Gnaden Huetten Memorial Hospital	A standard 2001 inpatient discharge and ambulatory procedure data set for regions 6 and 7 to be used to review hospital market share within their service area.
Good Shepherd Rehabilitation Hospital	A standard 2001 inpatient discharge data set by region and facility to be used for a market share study.
Harvard University	A 1994/1995 Coronary Artery Bypass Graft (CABG) data set to be used as part of academic work on technology diffusion in medical care, studying the impact of focused teams on the performance of CABG and PTCA, defining focus based on the degree to which a given surgeon or cardiologist splits his or her practice across multiple hospitals.
Haverford Nursing & Rehab Center	A custom 2001 inpatient discharge report to be used for a feasibility analysis for Haverford in relation to leasing additional space.
Health Care Choices	A custom 2001 inpatient discharge and ambulatory procedure report to be used for publishing on the client's website which educates the public about the Nation's health care system.
Healthshare Technology, Inc.	A standard Statewide 2001 inpatient discharge and ambulatory procedure report data set to be used in a commercial software product.
Highmark	A custom 2000 inpatient discharge data set to be used to conduct account and community reporting and consulting, selective contracting, utilization review and applied health services research.
Highmark	A custom 2001 inpatient discharge data set to be used to conduct account and community reporting and consulting, selective contracting utilization review and applied health services research.
Hospital & Healthsystem Association of Pennsylvania	A fiscal year 2000 restated and fiscal year 2001 financial data set to be used to supplement financial and utilization data that HAP currently collects on a voluntary basis from member hospitals. It will be used to model the potential effect of policy changes and to support HAPs representation and advocacy initiatives in support of member hospitals and the communities they serve.
Jefferson Regional Medical Center	A standard 2nd through 4th quarter 2001 inpatient discharge and ambulatory procedure regional data set to be used to determine the market share of the South Hills Health System service area.
Kabala & Geeseman	A standard 1999—2001 inpatient discharge data set for Brownsville General Hospital to be used in preparation for a medical staff hearing.

<i>Applicant</i>	<i>Project Description</i>
Kennedy Memorial Hospitals—Univ. Medical Center	A custom 1998—2000 inpatient discharge and ambulatory procedure data set to be used for an out-migration study as part of a strategic plan.
Khubchandank, Stasik, & Rosen, P.C.	A custom 1991—2001 inpatient discharge report by specific ICD-9-CM codes to be used for a research project on colorectal cancer mortality.
Lancaster Regional Medical Center	A standard Statewide 4th quarter 2000 through 3rd quarter 2001 inpatient discharge and ambulatory procedure market share report.
Laurel Health System	A custom 3rd and 4th quarters 1996 through 2nd quarter 2001 inpatient discharge and ambulatory procedure data set by county to be used for a marketing plan (two requests).
Laurel Health System	A standard 3rd quarter 1996 through 2nd quarter 2001 inpatient discharge and ambulatory procedure facility data set to be used for a marketing plan.
Legislative Budget and Finance Committee	A custom 2001 report and fiscal year 2000-2001 inpatient discharge data set by DRGs and payor to be used for a review of the Impact of Managed Care on the Provision of Drug and Alcohol Addiction Treatment Services.
Lehigh Valley Hospital	A standard Statewide 2001 inpatient discharge and ambulatory data set to be used for internal marketing and analysis.
Lehigh Valley Hospital	A standard Statewide 1st quarter 2002 inpatient discharge and ambulatory procedure data set to be used to develop strategic initiatives for the hospital and to measure progress against competition over time and to project clinical and utilization needs.
Lower Bucks Hospital	A custom 2000 and 2001 inpatient discharge report to be used to project Lower Bucks Hospital volumes and assist with market positioning.
Mercy Health Partners NE Region	A custom 3rd and 4th quarter 2000 and 1st and 2nd quarter 2001 inpatient discharge data set for two Commonwealth hospitals to be used for internal verification purposes.
Moses Taylor Hospital	A custom 4th quarter 2000 through 3rd quarter 2001 inpatient discharge report by select county, DRG and hospital to be used for out-migration and market share studies.
New Solutions, Inc.	A custom 1998—2000 inpatient discharge data set for Pike County to be used for an annual strategic plan and market analysis report.
New Solutions, Inc.	A custom 2001 inpatient discharge data set to be used for a commercial software product.
New York University Center for Health & Public Service	A standard 2000 inpatient discharge data set for Regions 1, 8 and 9 to be used for two projects, "The Urban Health Initiative" and "The Safety Net Assessment," which studies health and safety of urban youth in America.
New York University Center for Health & Public Service	A custom 2001 inpatient discharge data set for Region 1, 8 and 9 to be used for a continued research project on health and safety of urban children and youth.
Department of Health	A custom 2001 sampling, by hospital, of inpatient discharge and ambulatory procedure data to be used in support of the Department of Health Licensing and Quality Assurance process.
Department of Health	A custom 2000 inpatient discharge and ambulatory data set of select ICD-9-CM codes to be used by the Department of Health, Bureau of Chronic Diseases and Injury Prevention for data analysis and reporting of osteoporosis.
Department of Health	A custom 1996—2000 inpatient discharge report of hospitalizations of children and youth to be used for the FFY 2003 Maternal and Child Health Services Federal Block Grant (Title V).
Department of Health	A custom 2000 inpatient discharge data set to be used in the Department of Health Injury Program.
Department of Health	A custom 2001 inpatient discharge data set to be used for the Federal CODES (Crash Outcomes Data Evaluation Study) project.
Department of Health	A standard Statewide 1998—2001 inpatient discharge and ambulatory procedure data set to be used to develop baseline levels for public health surveillance and to estimate the numbers of cases and of disease outbreaks. The Department of Health will use those estimates as the benchmark against which current and future public health surveillance system can be evaluated.
Department of Health	A custom 2001 inpatient discharge report to be used for the Healthy People 2010 Web statistics as part of the Department of Health website.
Department of Health	A standard Statewide 1st quarter 2002 inpatient discharge and ambulatory procedure data set to be used to profile discharge patterns to develop and evaluate algorithms for sampling discharges, by the Department of Health Division of Acute and Ambulatory Care for the quality assurance and licensing functions.

<i>Applicant</i>	<i>Project Description</i>
Department of Health	A custom 1st quarter 2002 sampling, by hospital, of inpatient discharge and ambulatory procedure data set to be used for hospital audits conducted by the Department of Health Licensing and Quality Assurance surveyors.
Department of Health	To utilize previously received 1994—2001 standard Statewide data sets for a study on trauma triage protocols in this Commonwealth.
Department of Health	To utilize previously received 1994—2001 standard Statewide data sets for a study on the effectiveness of EMS pediatric protocols in this Commonwealth.
Department of Health	To utilize previously received 1994—2001 standard Statewide data sets for a study on rural trauma care patients in this Commonwealth.
Department of Health	A custom 2002 inpatient discharge and ambulatory procedure data set to be used for a birth defects registry.
Office of the Attorney General	A standard Statewide 2001 and 1st quarter 2002 inpatient discharge data set to be used to analyze the effect of the University of Pittsburgh Medical Center merger with St. Francis Hospital and other hospital mergers, which will occur over the next year. The analysis on hospital mergers is being done under the Office of Attorney General's authority to enforce the antitrust laws on behalf of the Commonwealth and its citizens.
Pennsylvania State Data Center	A custom 2000 financial report to be used in the 2002 Pennsylvania Abstract published annually by the Pennsylvania State Data Center
Pennsylvania State Data Center	A custom 2001 financial report to be used in the 2003 Pennsylvania Abstract published annually by the Pennsylvania State Data Center.
Peterson Consulting	A standard 2001 inpatient discharge and ambulatory procedure facility data set to be used for consulting purposes.
<i>Philadelphia Inquirer</i>	A standard 2001 inpatient discharge data set for regions 8 and 9 to be used for newspapers stories.
<i>Philadelphia Inquirer</i>	A standard 2002 inpatient discharge data set for regions 8 and 9 to be used for newspapers stories.
<i>Philadelphia Inquirer</i>	A standard 2000 inpatient discharge data set for regions 8 and 9 to be used for analysis in support of newspaper stories.
<i>Pittsburgh Tribune Review</i>	A standard 2001 inpatient discharge data set for region 1 to be used for newspaper stories.
Pocono Medical Center	A custom 2000 and 1st quarter 2001 inpatient discharge and ambulatory procedure report by DRG and facility for Monroe and Pike Counties to be used for strategic planning.
Reading Hospital and Medical Center	A custom 1996—2000 inpatient discharge and ambulatory procedures charges report of Medicaid data to be used for charity care planning.
Robert Wood Johnson Medical School, UMDNJ	A custom 1995—1999 Statewide inpatient discharge and ambulatory procedure data set to be used for cancer research.
Solucient	A standard Statewide 2001 inpatient discharge and ambulatory procedure data set to be used in a commercial software product.
Solucient	A standard Statewide first quarter 2002 inpatient discharge and ambulatory procedure data set to be used in a commercial software product.
St. Clair Hospital	A custom 1st and 2nd quarter 2001 inpatient discharge report by select zip codes and facilities to be used for market share planning.
St. Clair Hospital	A custom 1999 and 2000 inpatient discharge report by zip code and specific data fields to be used for market share planning.
St. Marys Medical Center	A standard 1st and 2nd quarter 2001 inpatient discharge data set for regions 8 and 9 to be used for market share analysis.
Stanford University	A custom 2000 inpatient discharge data set by Lupis ICD-9-CM codes to be used to conduct a national level research study of the effect of hospital experience on mortality in patients with systemic lupus erythematosus.
Stephen R. Couch, Ph.D.	A standard 3rd quarter 2001 inpatient discharge and ambulatory procedure data set for region 8 to be used to study increases in diseases and illnesses in southeastern Pennsylvania.
Steven H. Untracht, M.D.	A custom 1990—2001 inpatient discharge and ambulatory procedure data set for select physicians and surgeons to be used to research practice patterns for physicians.
Susquehanna Health System	A custom 1994 through 3rd quarter 2001 inpatient discharge report of regional and Statewide total charges and increases to be used internally for validation purposes.

<i>Applicant</i>	<i>Project Description</i>
The MEDSTAT Group/Inforum, Inc.	A standard Statewide 2001 inpatient discharge and ambulatory procedure data set to be used in a commercial software product
The MEDSTAT Group/Inforum, Inc.	A standard Statewide 2002 inpatient discharge and ambulatory procedure data set to be used in a commercial software product.
The News Journal	A custom 1995—2001 inpatient discharge and ambulatory procedure report by ICD-9 codes of Delaware residents in Commonwealth hospitals, to be used for a newspaper story on cancer.
Thomas Jefferson University Hospital	A custom 2001 inpatient discharge data set for Philadelphia residents admitted with asthma to be used for a research project.
Tyler Memorial Hospital	A standard 1st quarter 2000 and 3rd quarter 2001 inpatient discharge and ambulatory procedure market share report to be used for internal market share studies.
United States Environmental Protection Agency	A custom 2000 inpatient discharge data set for Allegheny County asthma admissions to be used in an EPA Particulate Matter Risk Analysis in support of the National Ambient Air Quality Standards review.
University Hospital/UMDNJ	A custom 1997 and 1998 and 2000 inpatient discharge data set by zip code to be used for utilization trends and making benchmark comparisons for a New Jersey hospital system.
University Hospital/UMDNJ	A custom 2001 inpatient discharge data set by patient zip code to be used for utilization trends and making benchmark comparisons for the New Jersey hospital system.
University of Pittsburgh School of Medicine	A custom 2000 inpatient discharge and revenue code detail data set to be used for a research project on "Critical Care and Critical Illness in this Commonwealth, access, incidence, delivery and outcomes."
University of Pittsburgh School of Medicine	A custom 1995—2000 inpatient discharge data set for Allegheny County to be used to explore the association of various air pollutants with the exacerbation of cardiorespiratory disease.
University of Pittsburgh School of Medicine	A custom 1999—2001 inpatient discharge data set for Allegheny, Dauphin, Erie, Lancaster, York and Fayette Counties by ICD-9-CM respiratory system codes to be used for a study of asthma and air pollution.
Urban Health Institute	A custom 2000 inpatient discharge data set to be used to determine out-migration of patients from New Jersey receiving open-heart procedures in other states.
United States Department of Health and Human Services	A standard 1997 and 1999 inpatient discharge data set for four Commonwealth facilities to be used to conduct analyses related to the measurement of severity of illness and care delivered by children's teaching hospitals.
Wayne Memorial Hospital	A custom 3rd and 4th quarter 2000 and 1st and 2nd quarter 2001 inpatient discharge data set by zip code and DRG to be used for a market share study.
West Virginia United Health System	A custom 2001 inpatient discharge and ambulatory procedure data set to be used for a market share analysis of West Virginia patients in Pennsylvania hospitals (two requests).
Wyoming Valley Health Care System	A standard 2001 and 2002 inpatient discharge and ambulatory procedure by facility data set to be used internally to track volumes and benchmarking against the other hospitals in our immediate area. (2 requests)
Yale School of Public Health	A standard 2000 inpatient discharge and ambulatory procedure data set to be used for market share consulting.

[Pa.B. Doc. No. 03-326. Filed for public inspection February 21, 2003, 9:00 a.m.]

HISTORICAL AND MUSEUM COMMISSION

National Register Nominations to be Reviewed by the Historic Preservation Board

A Historic Preservation Board (Board) meeting will be held at 9:45 a.m. on March 11, 2003, in Room 515, Historical and Museum Commission, Third and North Streets, Harrisburg, PA. Persons with a disability who wish to attend the meeting and require an auxiliary aid,

service or other accommodation to participate should contact Helena Johnson, (717) 783-2698 or the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD) to discuss how the Board can accommodate their needs. Individuals with questions or comments should contact the Bureau for Historic Preservation, (717) 783-8946.

Southwestern Pennsylvania

1. *Butler Historic District*, roughly bounded by West Wayne Street, North and South Jackson Streets, West Birch Street, North Church Street, North Washington Street, West North Street, East Brady Street, West Walnut Street, East and West Locust Streets, North and

South Cliff Streets, Franklin Street, South McKean Street and East Diamond Street, Butler, Butler County.

2. *Dr. Thomas R. Kerr House*, 438 Fourth Street, Oakmont, Allegheny County.

Allegheny Plateau

3. *O. B. Grant House*, 610 West Main Street, Ridgway, Ridgway Township, Elk County.

4. *Brockwayville Passenger Depot, Buffalo, Rochester & Pittsburgh Railroad*, Alexander Street at Fourth Avenue, Brockway, Jefferson County.

5. *First Universalist Church of Sharpsville*, 131 N. Mercer Avenue, Sharpsville, Mercer County.

Great Valley and Piedmont Region

6. *Philadelphia School of Occupational Therapy*, 419 S. 19th Street, Philadelphia.

7. *Booth Farm*, 3221 Foulk Road, Bethel Township, Delaware County.

JOHN C. WESLEY,
Interim Executive Director

[Pa.B. Doc. No. 03-327. Filed for public inspection February 21, 2003, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Monroe County, Wine & Spirits Shoppe #4508, Jay Park, Route 209, Marshalls Creek, PA 18335-1378.

Lease Expiration Date: February 29, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 8,500 to 9,000 net useable square feet of new or existing retail commercial space located in the vicinity of the intersection of U.S. Route 209 and Business U.S. Route 209, Marshalls Creek.

Proposals due: March 14, 2003, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Charles D. Mooney, (717) 657-4228

Cumberland County, Wine & Spirits Shoppe #2105, Mechanicsburg Plaza, 5303 Simpson Ferry Road, Mechanicsburg, PA 17055-3577.

Lease Expiration Date: July 31, 2003

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 6,000 net useable square feet of new or existing retail commercial space within 1/2 mile of the intersection of Simpson Ferry and Allendale Roads, Mechanicsburg, Hampden Township.

Proposals due: March 14, 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. NEUMAN, Jr.,
Acting Chairperson

[Pa.B. Doc. No. 03-328. Filed for public inspection February 21, 2003, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Declaratory Order

Public Meeting held
February 6, 2003

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

Application of Renzenberger, Inc.; Doc. No. A-00116249F.3

Declaratory Order

By the Commission:

Before the Commission for disposition is the Petition for Declaratory Order of Renzenberger, Inc. (Renzenberger). In its petition, Renzenberger seeks a determination regarding the Commission's jurisdiction to regulate economically motor transportation services provided to the crew and other employees of Norfolk Southern Corporation (Norfolk Southern) by Renzenberger. Renzenberger and Norfolk Southern have proposed to enter into a contractual arrangement for Renzenberger to provide motor transportation services to the crew of Norfolk Southern between points exclusively located in Pennsylvania by using motor vehicles only having a seating capacity of less than 16 including the driver (16-vehicles). In considering prior applications of other applicants proposing similar type of motor transportation service to rail carriers, the Commission has exercised jurisdiction over the motor transportation service by determining the service to be "in the public interest" and issued certificates of public convenience to the applicants.¹ Notwithstanding the Commission's exercise of jurisdiction over similar type of motor transportation service, Renzenberger asserts that the Commission lacks jurisdiction over its proposed motor transportation services to the crews of Norfolk Southern.

Under section 331(f), 66 Pa.C.S. § 331(f), the issuance of a declaratory order is a matter within the Commission's discretion. Therefore, to remove the uncertainty associated with the Commission's jurisdiction to regulate Renzenberger's proposed motor transportation services to the crews of Norfolk Southern, we are entertaining this petition.

¹ See, e.g., Application of Renzenberger, Inc., A-00116249 F.1 (Order entered August 21, 2000); Application of D&T Limousine Service, Inc., A-00109546 F.3 (Order entered April 13, 1994); Application of Milepost Inns, Inc. t/d/b/a Milepost Industries, A-00109365 F.1 (Order entered October 2, 1991).

History of the Proceeding

On November 6, 2000, Renzenberger filed an application with the Commission at Docket No. A-00116249F.3, requesting authority for the additional operating rights to provide transportation by motor vehicles to Norfolk Southern's railroad crews and other employees between points exclusively located in Pennsylvania.² Renzenberger indicated that Norfolk Southern's impetus to engage Renzenberger's motor transportation services resulted from Federal regulations restricting rail crews to working only 12-hour shifts. Renzenberger further explained that as a result of this Federal legislation, Norfolk Southern must replace its crews every 12 hours, regardless of where the train may be, to ensure continuous rail service. Renzenberger asserted that operation of the entire Norfolk Southern system depended, among other things, on the regular and immediate transportation of its railroad crews and relief crews to and from operating trains.

Shortly thereafter, on November 14, 2000, Renzenberger filed a Motion to Dismiss its Application docketed at A-00116249F.3. In its Motion, Renzenberger questioned the jurisdiction of the Commission to regulate economically the proposed motor transportation services to be provided to the crews and other employees of Norfolk Southern.

By Secretarial Letter dated February 20, 2002, the Commission's Secretary's Bureau informed Renzenberger that the Motion to Dismiss would be treated as a Petition for Declaratory Order under section 5.42 of the *Pennsylvania Code*, 52 Pa. Code § 5.42. In an effort to expedite the matter and to comply with section 5.42(b) of the Code, 52 Pa. Code § 5.42(b), the Secretary's Bureau served the motion on the Office of Consumer Advocate, Office of Trial Staff, Office of Small Business Advocate and Professional Transportation, Inc. No parties responded to the motion.

Discussion

The issue is whether the Commission has the jurisdiction to regulate economically Renzenberger's proposed contractual arrangement with Norfolk Southern to provide to Norfolk Southern's crew and other employees motor transportation services between points exclusively located in Pennsylvania by using motor vehicles having a seating capacity of less than 16 including the driver (16-vehicles).

As mentioned previously, the Commission has previously exercised jurisdiction over similar type of service.³ Nevertheless, Renzenberger asserts that the Commission lacks jurisdiction over its contemplated rail crew transportation service because: (i) the rail crew transportation service is interstate in nature and beyond the Commission's jurisdiction to regulate; or (ii) the Commission is preempted by the Transportation Equity Act from regulating this service.

The Commission notes that this is the first time that an applicant providing rail crew transportation services has raised the issue that its proposed service is "interstate in nature" and, thus, beyond the Commission's jurisdiction to regulate. Fundamentally, if a motor carrier transportation service is interstate in nature, the Commission does not have the jurisdiction to regulate that particular transportation service. 49 V.S.C. § 13501; see also *Merchants Fast Motor Lines, Inc. v. I.C.C.*, 5 F.3d 911 (5th Cir. 1993).

² Renzenberger had previously been granted authority by the Commission to provide motor transportation services, as a contract carrier, to the employees of CSX Transportation at Docket No. A-00116249.

³ See supra footnote 1.

In its petition, Renzenberger asserts that its proposed motor transportation services to Norfolk Southern is analogous to the motor transportation services provided to transient airline crew personnel between airport terminals and hotel accommodations located within the same state. This type of service has been held to be in interstate commerce in certain situations. See generally *Motor Transportation of Passengers Incidental to Air*, 95 M.C.C. 526 (1964).

Renzenberger relies on the case of *Pennsylvania Public Utility Commission v. United States of America*, 812 F.2d 8 (D.C. Cir. 1987) in making the case for its analogy. In this particular case, an applicant, Air Couriers International, Inc. (ACI) had contracted with United Airlines (United) to transport United's employees from BWI Airport to a hotel located in Columbia, MD and back again to BWI Airport so that the flight crew could continue its interstate journey. The former Interstate Commerce Commission (ICC) had concluded ACI's service, which consisted of the single-state movement of transient flight crew personnel from an airport to hotel accommodations and back to the airport so as to continue their interstate travel, was interstate in nature.

The Commission appealed the decision of the ICC. On appeal, the court determined that the principle established in the case, *United States v. Yellow Cab Co.*, 332 U.S. 218 (1947), of focusing on a variety of factors so as to determine the degree of contact between the interstate carrier and the local transportation provider would be helpful in its analysis of whether the ICC had reached the appropriate conclusion. The court concluded that there were a number of factors present to suggest that the local transportation service provided by ACI was sufficiently related to the stream of commerce of United to be considered in interstate commerce. The court noted: (1) that there was an explicit contract between United and ACI for the transport of United's personnel; (2) that ACI's transportation service was not a part of a regularly scheduled service for other paying passengers; and (3) that ACI's service was not transporting the passengers (United's personnel) to their final destination, but only to a temporary hotel accommodation from which they would return subsequently so as to continue their interstate journey. See generally *Airlines Transportation Inc. v. Tobin*, 198 F.2d 249 (4th Cir. 1952).

Additionally, the Court noted that its decision was consistent with prior ICC decisions on this issue. The ICC had established the rule that where there has been a prior or subsequent interstate air movement of passengers, the motor transportation of these passengers between an airport and another point in the same State, is an "interstate movement" only where there is an arrangement, referred to as a "common arrangement" or through ticketing, between the motor carrier and air carrier for continuous passage or interchange. *Motor Transportation of Passengers Incidental to Air*, 95 M.C.C. 526, 536 (1964); *Kimball-Petition for Declaratory Order*, 131 M.C.C. 908, 918 (1980); see also *Midwest Transportation, Inc. Common Carrier Application*, 98 M.C.C. 362, 363-364 (1965). Thus, for intrastate motor transportation services to be considered in interstate commerce, there must be an explicit common arrangement between the motor carrier and the interstate carrier which provides for continuous passage and interchange of the crew of the interstate carrier. Additionally, the arrangement between the motor carrier and the interstate carrier should specify that the ground transportation being provided by the motor car-

rier has been arranged and paid for by the interstate carrier. See *Portland Airport—Petition for Declaratory Order*, 118 M.C.C. 45 (1973).

In the instant case, Renzenberger proposes to enter into an explicit contractual arrangement with Norfolk Southern to provide motor transportation services between points exclusively located in Pennsylvania to the crews and relief crews of Norfolk Southern. In accordance with this contract, the motor transportation services provided to the crews of Norfolk Southern are being paid for by Norfolk Southern. Additionally, Renzenberger indicates that is not holding itself out to the public at large to provide this particular motor transportation service because this service is not part of a regularly schedule service for other paying customers. The service is exclusively to Norfolk Southern.

Furthermore, Renzenberger asserts that the contractual arrangement will provide that Renzenberger is only taking the crews to and from temporary housing accommodations and other locations in continuation of their interstate movement—not to their final destination. Thus, Renzenberger's arrangement with Norfolk Southern provides for continuous passage or interchange. The crews, relief crews and other employees of Norfolk Southern will have had an immediately prior, or will have an immediately subsequent movement by rail to or from some point located outside the state in which the temporary housing was located. Thus, similar to the airline crews, the crews and relief crews of Norfolk Southern are in transit.

Despite the Commission's exercise of jurisdiction over similar type of service offered by other applicants, the Commission is persuaded by Renzenberger's argument that its rail crew transportation services to Norfolk Southern is in interstate commerce.⁴ The Commission concludes that similar to the arrangement between ACI and United, Renzenberger has a "common arrangement" with Norfolk Southern. Based on this conclusion, Renzenberger's proposed service to Norfolk Southern is in interstate commerce and the Commission does not have jurisdiction to regulate the service. Additionally, since the Commission has reached this conclusion concerning Renzenberger's first argument, we will not discuss the merits of Renzenberger's alternative argument regarding the preemption of the Commission's jurisdiction. Also, in light of our past practice of exercising jurisdiction over the type of motor transportation service proposed by Renzenberger, the Commission will publish this Declaratory Order in the *Pennsylvania Bulletin*. The Commission is taking this step solely to give similarly-situated carriers notice of the Commission's decision. However, we advise future applicants that they should present their case before the Commission prior to providing motor transportation services to rail carriers in Pennsylvania to give the Commission an opportunity to determine whether or not their particular case meets the specific facts necessary for a finding that the proposed service is interstate in nature; *Therefore*,

It Is Ordered That:

1. The Petition of Declaratory Order of Renzenberger, Inc. is granted in part and denied in part, consistent with the body of this Order.

⁴As the Commission mentioned above, this is the first instance in which an applicant proposing to provide motor transportation services only to a rail carrier has raised the argument that its service to the rail carrier is in interstate commerce. Accordingly, it is appropriate for the Commission to consider the issue and to make a determination based on the law and the specific facts presented in the instant case. Since the prior applicants never raised this issue before the Commission, but rather sought to have the Commission regulate them as motor carriers and issue them certificates of public convenience, the Commission appropriately exercised its jurisdiction over the applicants in those particular cases.

2. Our conclusion is limited strictly to the specific fact pattern set forth in Renzenberger's Petition for Declaratory Order. To the extent any of Renzenberger's operations actually deviate from that fact pattern set forth in its Petition, our ruling does not extend to them and Renzenberger would have to file with the Commission an application for authority to operate as a motor carrier before providing any motor transportation service to any entity in Pennsylvania.

3. The Application at Docket No. A-00116249F.3 is dismissed and the Secretary's Bureau will take the appropriate action.

4. A copy of this Order be published in the *Pennsylvania Bulletin* and also served on Renzenberger, Inc.

JAMES J. MCNULTY,
Secretary

Dissent of Commissioner Aaron Wilson, Jr.

Petition of Renzenberger, Inc. Requesting a Declaratory Order allowing them to provide motor transportation services to the crew of Norfolk Southern Corporation	Public Meeting February 6, 2003 FEB-2003-L-0014-R Docket No. A-00116249 F.3
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Staff recommends interpreting a party's pleading as a Declaratory Motion in order to determine that motor carriers providing ancillary railroad crew transportation services are beyond the Commission's jurisdiction. Staff concludes that such matters are a concern of interstate commerce.

For the reasons set forth in detail below, I dissent. I do not think that staff's recommendation is consistent with state and federal law.

First, the matter has inexplicably languished at this Commission for over two years. Staff now urges the Commission to act on a stale pleading and depart from existing precedent, which treats carriers that provide ancillary transportation services to railroad crews as subject to Commission authority, without an adequate explanation for this change. As a matter of law, Declaratory Orders under Section 331 of our Public Utility Code are discretionary decisions, intended to remove uncertainty or terminate a controversy, that are immediately subject to appeal as a final order. *Professional Paramedical Services, Inc. v. Pennsylvania Public Utility Commission*, 106 Pa.Commonwealth Ct., 525 A.2d 1274, appeal denied 517 Pa. 627, 538 A.2d 879. I believe that the passage of time prevents us from issuing a Declaratory Order based on this stale pleading.

Second, the Commission has previously certificated carriers that provide services similar to those offered by this Petitioner. Staff's recommendation departs from precedent in a manner that is inconsistent with Pennsylvania law. The recommendation originally overlooked all contrary precedent and now contains a cursory and inadequate explanation for departing from that contrary precedent. Under Pennsylvania law, the Commission is not strictly bound by the principle of stare decisis although we are required to render consistent opinions that must follow, distinguish or overrule our own precedent. *Standard Fire Insurance v. Insurance Department*, 1148 Pa.Commonwealth Ct. 350, 611 A.2d 356, 359 (1992); *Lehigh Valley Farmers v. Block*, 640 F.Supp 1497, affirmed, 829 F.2d 409 (Eastern District, Pennsylvania 1986). An agency abuses its discretion if it fails to

interpret statutes, regulations or orders consistent with their clean and plain meaning or when an agency fails to follow its own regulations and procedures. *Peoples Natural Gas Company v. Pennsylvania Public Utility Commission*, 542 A.2d 606, 608 (1988).

Third, the issue of jurisdiction is never waived. The view that somehow the question of jurisdiction is waived because it was never raised by another party is contrary to law. Moreover, this unexplained departure from precedent could not have been challenged by any party precisely because the Declaratory Order was never publicly published in the *Pennsylvania Bulletin*. Consequently, no party was able to comment on this two-year old pleading that serves as the vehicle for an inadequately explained departure from past precedent.⁵ I do not believe this approach is consistent with due process nor do I believe that the jurisdictional issue is waived because it was never raised by a party. *Blackwell v. State Ethics Commission*, 513 Pa. 347, 567 A.2d 630 (1989), reargument granted, 529 Pa. 403, 573 A.2d 536 (1990) and on reargument, 527 Pa. 172, 589 A.2d 1094, 67 Ed.Law.Rep. 924 (1991).

Fourth, staff's recommendation that the transportation of railroad crews is an interstate matter rests on an argument by analogy to the airline industry. Railroads are not airlines. I do not think we can ignore precedent and rely on the prior practices of an ostensibly analogous industry for the proposition that the Commission should act on a two-year old pleading for the conclusion that we must no longer certificate carriers that provide transportation for railroad crews.

Finally, it has long been a fundamental legal tenet of constitutional law that the interstate commerce power of the federal government does not forestall all state action that affects interstate commerce. Consequently, even though state action affects interstate commerce incidentally, indirectly, or remotely, where it does not undertake to regulate such commerce and is no more than a bona fide, legitimate, and reasonable exercise of the reserved police power of the state in respect of a matter of local or internal concern, it is valid so long as it does not discriminate against interstate commerce or disrupt its uniformity. *Corpus Juris Secundum*, Vol. 15, § 11 citing *Great Atlantic & Pacific Tea Company v. Cottrell*, 424 U.S. 366, 96 S.Ct. 923, 47 L.Ed.2d 55 (1976); *New Energy Company of Indiana v. Limbach*, 486 U.S. 269, 108 S.Ct. 1803, 100 L.Ed.2d 302 (1988); *Bank of Lexington v. Jack Adams Aircraft Sales, Inc.* 570 F.2d 1220, 23 U.C.C. Rep. Serv. 1008 (5th Cir. 1978); *U.S. v. Pennsylvania Refuse Removal Association*, 357 F.2d 806 (3rd Cir. 1966); *Robert Emmet & Son Oil & Supply Company v. Sullivan*, 158 Conn. 234, 259 A.2d 636, 45 A.L.R.3d 1261 (1969); *Service Machine & Shipbuilding Corporation v. Edwards*, 617 F.2d 70, 92 Lab. Cas. (CCH) para. 55306 (5th Cir. 1980), judgment affirmed, 449 U.S. 913, 101 S.Ct. 310, 66 L.Ed.2d 142 (1980); *H.P. Hood & Sons, Inc. v. DuMond*, 336 U.S. 525, 69 S.Ct. 657, 93 L.Ed. 865 (1949).

This Commonwealth has long expressed an interest in the ancillary services provided by transportation carriers that transport a railroad's crew. We did so in order to

⁵ My reluctance to support a determination based on a two-year old record is reinforced by the fact that staff's recommendation on this stale record originally denied the existence of contrary precedent until its existence was brought to staff's attention. The cursory discussion that ensured of this reluctantly addressed precedent underscores my belief that this is not the appropriate proceeding to address this departure from precedent.

ensure the safety, adequacy, and reliability of those services. At no time has that authority ever been successfully challenged as an impediment to interstate commerce. There is simply no basis for concluding that traditional interstate commerce power removes any legitimate state interest in the safety of citizens, intrastate and interstate alike, being transported in Pennsylvania.

Moreover, state regulation is valid under the Commerce Clause if it evenhandedly regulates to advance legitimate local interests, notwithstanding incidental effects on interstate commerce, unless the burden imposed on such commerce is clearly excessive to the putative local benefits. *Mehlman v. Mobil Oil Corp.*, 291 N.J. Super 98, 676 A.2d 1143 (App. Div. 1996), judgment affirmed 153 N.J. 163, 707 A.2d 1000, 13 I.E.R. Cas. (BNA) 1441 (1998); *Grant's Dairy Maine, LLC. V. Commissioner of Maine Department of Agriculture*, 232 F.3d 8 (1st Cir. 2000).

The Commonwealth's long-standing interest in certifying the providers of ancillary railroad transportation services, in order to ensure the safety, adequacy, and reliability of those services, has never been expressly declared to be anything less than even handed nor has any court ever declared that our certification authority clearly exceeds the benefits to all citizens, intrastate and interstate alike, that are transported by service providers like this Petitioner.

State regulation is also valid when Congress has not acted or when, if the Congress has acted, state regulation is not deemed preempted in the absence of persuasive reasons. *Alexandria Scrap Corporation v. Hughes*, 391 F.Supp 46 (D. Md. 1975), judgment reversed on other grounds, 426 U.S. 794, 96 S.Ct. 2488, 49 L.Ed. 2nd 220 (1976); *Swift & Company v. Wickham*, 364 F.2d 241 (2nd Cir. 1966).

In this case, the premier federal agency that regulated interstate railroads i.e., the Interstate Commerce Commission no longer exists. The federal interest in interstate railroads, let alone this Petitioner who merely wants to provide ancillary transportation services for railroad crews, has declined. The federal authority was vacated and any residual authority has been dispersed to a myriad of federal agencies. Staff cannot, and to date has not, identified what federal agency retains any interest in transportation services such as those provided by this Petitioner.

The Commonwealth has an unchallenged history of imposing reasonable burdens on the providers of ancillary transportation services for interstate railroads even when the federal government extensively regulated interstate railroads. At no time then, or now, has our interest in the legitimate exercise of our police power to ensure the safety, adequacy, and reliability of ancillary transportation services for railroad crews been overturned as an unreasonable burden on interstate commerce? Since that was the case before the federal government abolished the Interstate Commerce Commission and given that no party presents current evidence demonstrating that the federal law abolishing the Interstate Commerce Commission also prohibited all state regulation, I do not believe that the Commission is without authority to require certification in order to ensure the delivery of safe, adequate, and reliable railroad crew transportation services in this Commonwealth.

The Commission has jurisdiction and staff's recommendation does not adequately explain why we should depart from past precedent in which we asserted jurisdiction.

Dr. Aaron Wilson, Jr.,
Commissioner

[Pa.B. Doc. No. 03-329. Filed for public inspection February 21, 2003, 9:00 a.m.]

Railroad With Hearing

A-00119378. City of Pittsburgh. Application of the City of Pittsburgh for leave to continue prior overhead clearance for certain bridges carrying Ridge Avenue, West Ohio Street, North Avenue and Brighton Road over tracks operated by Norfolk Southern in the City of Pittsburgh, Allegheny County.

A-00119379. City of Pittsburgh. Application of the City of Pittsburgh for approval of the alteration of the railroad crossings at the Ridge Avenue, West Ohio Street and North Avenue and Brighton Road bridges which carry said streets above the tracks operated by Norfolk Southern Corporation in Pittsburgh, Allegheny County.

An initial hearing on this matter will be held Wednesday, April 23, 2003, at 10 a.m. in an available hearing room, 11th Floor, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-330. Filed for public inspection February 21, 2003, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Each protest should 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, on or before March 17, 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 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-00116475, Folder 1, Am-A. J Randall Tharan and Kevin C. Tharan, Copartners (53 Tharan Lane, Knox, Clarion County, PA 16232)—persons in limousine service,

between points in Pennsylvania: *So As To Permit* the transportation of persons in limousine service, between points in Allegheny County.

Complaint

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Clifton Transfer & Cartage, Inc.; Doc. No. A-00108830C02, A-00108830

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 Clifton Transfer & Cartage, Inc., respondent, maintains its principal place of business at 20160 Center Ridge Rd., Suite 205, Rocky River, OH 44116.

2. That respondent was issued a certificate of public convenience by this Commission on December 29, 1989, at Application Docket No. A-00108830.

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-00108830.

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. McQuiston, Merritt, R. C. & E. M. t/a McQuiston Coal Company; Doc. No. A-00086872C02, A-00086872

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 McQuiston, Meritt, R. C. & E. M., t/a McQuiston Coal Company, respondent, maintains its principal place of business at P. O. Box 31, Bessemer, PA 16112.

2. That respondent was issued a certificate of public convenience by this Commission on March 4, 1960, at Application Docket No. A-00086872.

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 Com-

mission revoke respondent's Certificate of Public Convenience at A-00086872.

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. 03-331. Filed for public inspection February 21, 2003, 9:00 a.m.]

Tentative Order

Public Meeting held
February 6, 2003

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

Cardinal Communications of PA (2002.0421); A-310886

Tentative Order

By the Commission:

Cardinal Communications of Pennsylvania (Cardinal) has failed to pay its \$218 general assessment for 2002-2003 under section 510(c) of the Public Utility Code. 66 Pa.C.S. § 510(c). Cardinal is a telecommunications interexchange reseller certificated at A-310886. Commission staff sent by certified mail a notice to Cardinal that its 2002-2003 annual assessment was overdue. The notice came back as refused and an earlier attempt to mail the invoice to a different address the Commission had for Cardinal was returned as nondeliverable. Telephone calls to the last known business address of Cardinal also confirmed that the number is disconnected and no information is available for any new phone numbers. At this point, there is no reasonable means to reach Cardinal, and it has failed in its responsibility to pay its annual general assessment and in its responsibility to notify the Commission of any address or phone number changes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of another remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on the previous, we believe it is appropriate to revoke Cardinal's certificate of public convenience without the necessity of a formal complaint, and we tentatively conclude that revocation of Cardinal's certificate of public convenience under 66 Pa.C.S. § 1102(a)(2) is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Cardinal seeks relief from this Tentative Order; *Therefore,*

It Is Ordered That:

1. Revocation of Cardinal Communications of Pennsylvania's interexchange reseller certificate of public convenience is hereby tentatively approved as being in the public interest.
2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate and the Office of Trial Staff, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.
3. Absent the filing of adverse public comment within 20 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.
4. Upon this order becoming final and without further action by the Commission, the certificate of public convenience held by Cardinal Communications of Pennsylvania at A-310886 shall be canceled and Cardinal Communications' name stricken from all active utility lists maintained by the Tariff and Annual Report Section of the

Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Audits.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-332. Filed for public inspection February 21, 2003, 9:00 a.m.]

Tentative Order

Public Meeting held
February 6, 2003

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

Incomnet Communications Corp. (2002.0421); A-310235

Tentative Order

By the Commission:

Incomnet Communications Corp. (Incomnet) has failed to pay its general assessment for 2002-2003 of \$108 under section 510(c) of the Public Utility Code. 66 Pa.C.S. § 510(c). Incomnet is a telecommunications interexchange reseller certificated at A-310235. Incomnet's former legal counsel has advised Commission Staff that Incomnet is no longer in business and that it has sold all of its assets. In addition, telephone calls to the last known business address of Incomnet confirmed that the numbers are disconnected and no information is available for any new phone numbers.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of another remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on the previous, we believe it is appropriate to revoke Incomnet's certificate of public convenience without the necessity of first filing a formal complaint. For these reasons and because of Incomnet's failure to pay its general assessment for 2002-2003, we tentatively conclude that revocation of Incomnet's certificate of public convenience under 66 Pa.C.S. § 1102(a)(2) is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Incomnet seeks relief from this Tentative Order; *Therefore,*

It Is Ordered That:

1. Revocation of Incomnet Communications Corp.'s interexchange reseller certificate of public convenience is hereby tentatively approved as being in the public interest.
2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate and the Office of Trial Staff, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.
3. Absent the filing of adverse public comment within 20 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.
4. Upon this order becoming final and without further action by the Commission, the certificate of public convenience held by Incomnet Communications Corp. at

A-310235 shall be canceled, and Incomnet's name stricken from all active utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Audits.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-333. Filed for public inspection February 21, 2003, 9:00 a.m.]

Tentative Order

Public Meeting held
February 6, 2003

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

Network Plus, Inc. (2002.0421); A-310097

Tentative Order

By the Commission:

Network Plus, Inc. (Network Plus) has failed to pay its general assessment for 2002-2003 of \$515 under section 510(c) of the Public Utility Code. 66 Pa.C.S. § 510(c). Network Plus is a competitive local exchange carrier and a telecommunications interexchange reseller certificated at A-310097. Network Plus's former legal counsel has advised Commission staff that Network Plus filed a Chapter 11 bankruptcy petition, sold its assets and is no longer in business. In addition, telephone calls to the last known business address of Network Plus confirmed that the numbers are disconnected and no information is available for any new phone numbers.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of another remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on the previous and because of Network Plus's failure to pay its general assessment for 2002-2003, we believe it is appropriate to revoke Network Plus's certificate of public convenience without the necessity of a formal complaint. Also, Network Plus currently has no NXX codes. For these reasons, we tentatively conclude that revocation of Network Plus's certificate of public convenience under 66 Pa.C.S. § 1102(a)(2) is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Network Plus seeks relief from this Tentative Order; *Therefore,*

It Is Ordered That:

1. Revocation of Network Plus, Inc.'s competitive local exchange and interexchange reseller certificate of public convenience is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate and the Office of Trial Staff, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Absent the filing of adverse public comment within 20 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.

4. Upon this order becoming final and without further action by the Commission, the certificate of public convenience held by Network Plus, Inc. at A-310097 shall be canceled, and Network Plus's name stricken from all active utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Audits.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-334. Filed for public inspection February 21, 2003, 9:00 a.m.]

Tentative Order

Public Meeting held
February 6, 2003

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

PDS, Inc. (2002.0421); A-310876

Tentative Order

By the Commission:

PDS, Inc. (PDS) has failed to pay its general assessment for 2002-2003 of \$62 under section 510(c) of the Public Utility Code. 66 Pa.C.S. § 510(c). PDS is a telecommunications interexchange reseller certificated at A-310876. PDS has advised the Secretary's Bureau that as of December 31, 2001, it no longer does any business in Pennsylvania and objects to the payment of its general assessment for 2002-2003.

By letter dated October 22, 2002, from the Commission's Assessment Section of the Bureau of Administrative Services, PDS was advised of the process to cancel its certificate of public convenience. To date, PDS has taken no formal action to abandon its certificate under the instructions provided by the Assessment Section. The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of another remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301.

Based on the previous written representations by PDS, we believe it is appropriate to revoke PDS's certificate of public convenience without the necessity of a formal complaint. For this reason and because of PDS's failure to pay its general assessment for 2002-2003, we tentatively conclude that revocation of PDS's certificate of public convenience under 66 Pa.C.S. § 1102(a)(2) is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if PDS seeks relief from this Tentative Order; *Therefore,*

It Is Ordered That:

1. Revocation of PDS, Inc.'s interexchange reseller certificate of public convenience is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate and the Office of Trial Staff, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Absent the filing of adverse public comment within 20 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.

4. Upon this order becoming final and without further action by the Commission, the certificate of public convenience held by PDS, Inc. at A-310876 shall be canceled, and PDS's name stricken from all active utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Audits.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-335. Filed for public inspection February 21, 2003, 9:00 a.m.]

Water Service

A-212285F0111. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval of: (1) the transfer, by sale, of the water works property and rights of the Connoquenessing Borough Authority to Pennsylvania-American Water Company; and (2) the rights of Pennsylvania-American Water Company to begin to offer or furnish water service to the public in additional portions of Connoquenessing Township and all of Connoquenessing Borough, Butler County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before March 10, 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: Pennsylvania-American Water Company

Through and By Counsel: Velma A. Redmond, Esquire, Susan D. Simms, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 03-336. Filed for public inspection February 21, 2003, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept proposals until 2 p.m. on Thursday, March 13, 2003, for the following projects for work to be done at the Tioga Marine Terminal, Philadelphia, PA:

Project #03-036.1, Construction of an Interim and Final Berth for the Department of the Navy's Large Medium Speed Ro-Ro Vessels

The following ancillary items/services will also be procured:

Project #03-037.4, Electrical Upgrades to Include High Mast Lighting

Project #03-038.S, Video Surveillance and Alarm System

Project #03-039.1, Prefabricated Guard House

Project #03-040.P, Fencing

Project #03-041.P, Trash Removal

Project #03-042.2, Steam Boiler

The proposal documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available on February 25, 2003. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 03-337. Filed for public inspection February 21, 2003, 9:00 a.m.]

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #03-025.6, Replace Existing Sprinkler and Fire Protection Systems, Pier 38 South, until 2 p.m. on Thursday, March 20, 2003. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Fl., Philadelphia, PA 19134, (215) 426-2600 and will be available March 4, 2003. The cost of the bid document is \$35 (includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal opportunity laws and regulations.

A mandatory prebid job site meeting will be held on March 6, 2003, at 10 a.m. at (Pier 38 South, Columbus Blvd. and Queen Street (inside gate)), Philadelphia, PA.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 03-338. Filed for public inspection February 21, 2003, 9:00 a.m.]

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept proposals for Project #03-034.P, Printing of PRPA Port Services Directory, until 2 p.m. on Thursday, March 6, 2003. The proposal documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Fl., Philadelphia, PA 19134, (215) 426-2600 and will be available February 25, 2003. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 03-339. Filed for public inspection February 21, 2003, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:
 The payment date specified in the contract.
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
 PA Department of Community and Economic Development
 374 Forum Building
 Harrisburg, PA 17120
 800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department:	General Services			
Location:	Harrisburg, Pa.			
Duration:	12/1/93-12/30/93			
Contact:	Procurement Division			
	787-0000			

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:
 Vendor Services Section
 717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

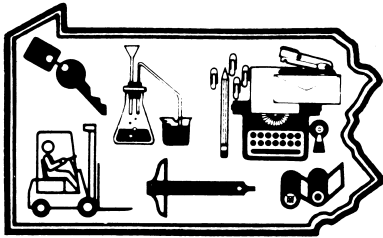
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room G13 Finance Building
 Harrisburg, PA 17120
 717-787-2990
 1-800-252-4700

BARBARA HAFER,
State Treasurer



Commodities

SU-02-20 SU-02-20: Quantity 1 each - Plant Growth Chamber Conviron Model CMP4030. All products must meet or exceed the specifications that are available with the solicitation package. (Brand Name or Equal). Requests for the bid package may be faxed to 717-477-1350, Shippensburg University.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg, PA 17257
Duration: Request delivery be made as soon as possible.
Contact: Mona M. Holtry, (717) 477-1386

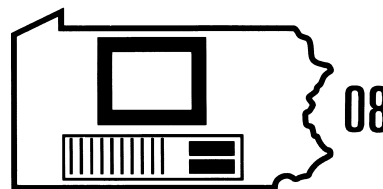
SERVICES



Child Care Services

1-03 Child care services.

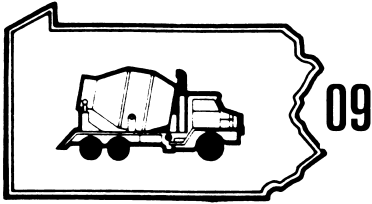
Department: Labor and Industry
Location: Labor and Industry Building, 7th and Forster Streets
Duration: Five years
Contact: Teresa DeLeo, (717) 783-5829



Computer Related Services

RFP 2R-08 This request for proposals (RFP) consists of computer programming services to provide on-going maintenance of the Construction Documentation System (CDS) "NeXtGen." CDS NeXtGen is essential to the effective operation of Pennsylvania Department of Transportation's (PENNDOT's) construction activity. It supports all project site activities, including the generation of estimates to pay contractors for work performed and an interface with the Engineering and Construction Management System (ECMS). The selected contractor will assist the Department in providing a high level of support in maintaining the NeXtGen application so that each of PENNDOT's Districts' construction staff will be provided a reliable and efficient computerized documentation system. Interested contractors may request a copy of the RFP by faxing their name, company name, address, telephone number, E-Mail address, and fax number to Kathy Joy-Brosius at 717-783-7971. Please reference RFP 2R-08 on your fax.

Department: Transportation
Location: Pennsylvania Department of Transportation, Bureau of Office Services, 400 North Street, 5th Floor, Harrisburg, PA 17105-3451
Duration: Sixty (60) months.
Contact: Kathy Joy-Brosius, (717) 705-4665



Construction & Construction Maintenance

30009917 Installation of 6,000 SY of Bituminous Surface Course, ID-2A complete in place, to consist of one 2" thick wearing course of hot-mixed, hot-laid asphaltic concrete installed over an existing paved base. Contractor to cut out bad spots in existing base and repair with 3" thick asphaltic concrete. Installation of 2 ft. wide berm of 4" thick compacted 2A stone around entire paved area.

Department: Fish and Boat Commission
Location: PA Fish and Boat Commission, East Fredericktown Access Area, Township Road 300, Luzerne Township
Duration: Work to be completed by June 30, 2003
Contact: Kathi Tibbott, (814) 359-5130

SU-2002/9 Invitation To Bid - Shippensburg University: SU-2002/9: Mowrey, Naugle, and McLean Halls Elevator Upgrade. Shippensburg University of the State System of Higher Education invites Electrical Contractors to request bid documents for this project. Work includes all work necessary to upgrade four traction elevators and incidental related construction. Prospective Bidders may obtain project plans for a non-refundable fee of \$25.00 from BASCO Associates, P.C., Architects/Engineers, 445 West Philadelphia Street, York, PA 17404, ATTN: Ms. Elizabeth McKinley, 717-852-1433, Fax: 717-852-1613. Pre-Bid Meeting with site visit immediately to follow will be held on March 6, 2003, at 10:00 AM in Reed Operations Center Conference Room. Bids Due: March 25, 2003, at 4:00 PM in Old Main Room 300. Public Bid Opening: March 26, 2003, at 2:00 PM., Old Main Room 203B. Contracts, Prevailing Wages and MBE/WBE Apply. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and of the PA State System of Higher Education.

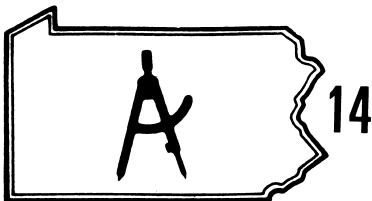
Department: State System of Higher Education
Location: Shippensburg University, Shippensburg, PA 17257
Duration: Two Phases: Phase 1 - 9-2-03 through 12-1-03; Phase 2 - 12-15-03 through 3-05-04
Contact: Deborah K. Martin, (717) 477-1121

KUFR-0010 KUFR-0010: Kutztown University is seeking qualified contractors for an open-ended requirements contract to perform Major Concrete Renovations at Kutztown University. RFP packages are available for a non-refundable fee of \$15.00 from: Barbara Barish, Contract Specialist, Kutztown University, Office of Planning and Construction, P. O. Box 730, Kutztown, PA 19530, Phone (610) 683-4602. RFP packages are available February 17, 2003, through Pre-proposal. A pre-proposal meeting has been scheduled for February 26, 2003, at 1:30 PM in Room OM-26, Old Main Building. Proposals are to be received no later than 3:00 PM, March 11, 2003, in Room 229, Office of Planning and Construction. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

Department: State System of Higher Education
Location: Kutztown University, Kutztown, PA 19530
Duration: One (1) year after NTP (4 additional year renewal option)
Contact: Barbara Barish, (610) 683-4602

PR30009889 Installation of 6,645 SY of Bituminous Surface Course, ID-2A complete in place, to consist of two courses - a 2" thick binder course and a 1-1/2" thick wearing course of hot-mixed, hot-laid asphaltic concrete installed on a prepared stone base. Installation of 2 ft. wide berm of 4" thick compacted 2A stone around entire paved area.

Department: Fish and Boat Commission
Location: PA Fish and Boat Commission, Phoenixville Access Area, on State Route 113, 1-1/2 miles North of Phoenixville, PA
Duration: Work to be completed by June 30, 2003
Contact: Kathi Tibbott, (814) 359-5130



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.

Department: Transportation
Location: Various
Contact: www.dot2.state.pa.us



Janitorial Services

30877002 Window Cleaning Service: Contractor to furnish all labor, materials and equipment to clean glass windows and/or glass door panels at both the Ebensburg Center and the Altoona Center.

Department: Public Welfare
Location: Ebensburg Center, DPW, Rt. 22 West, PO Box 600, Ebensburg, PA 15931 (Cambria County); Altoona Center, DPW, 1515 Fourth St., Altoona, PA 16601 (Blair County)
Duration: Contract is anticipated to begin July 1, 2003, and end June 30, 2006.
Contact: Cora Davis, Pur. Agent, (814) 472-0288



Medical Services

CN00001580 Provide pharmaceuticals with delivery service.

Department: Public Welfare
Location: Youth Forestry Camp #2, Hickory Run State Park, R.R.#1, Box 82, White Haven, PA 18661
Duration: 7/1/03 through 6/30/04
Contact: Dee Kuhn, Purchasing Agent, (717) 789-5509

CN00001577 Provide psychological testing and individual psychotherapy.

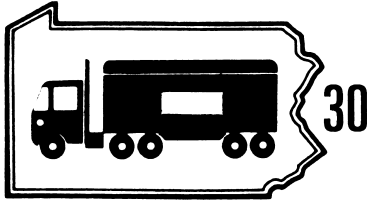
Department: Public Welfare
Location: Youth Forestry Camp #2, Hickory Run State Park, R.R.#1, Box 82, White Haven, PA 18661
Duration: 7/1/03 through 6/30/04
Contact: Dee Kuhn, Purchasing Agent, (717) 789-5509

CN00001578 Provide individual and group drug and alcohol counseling.

Department: Public Welfare
Location: Youth Forestry Camp #2, Hickory Run State Park, R. R. #1, Box 82, White Haven, PA 18661
Duration: 7/1/03 through 6/30/04
Contact: Dee Kuhn, Purchasing Agent, (717) 789-5509

SPC-03008 Contractor to provide preventative maintenance inspections and repairs to nine (9) arjo century whirlpool tubs located at the Gino J. Merli Veterans Center. For detailed specifications please send request via fax to (570) 961-4400 or via e-mail to bpartyka@state.pa.us.

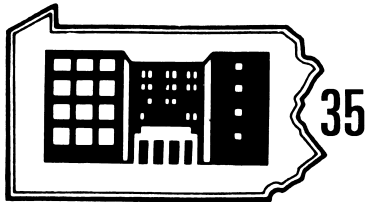
Department: Military Affairs
Location: Gino J. Merli Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: July 1, 2003, through June 30, 2006, with renewal option
Contact: Barbara Partyka, PA-1, (570) 961-4354



Moving Services

RFP WC 777 West Chester University is issuing Request for Proposal WC 777 for Open-Ended Moving Contracts. WCU expects to award one or more contracts in an amount not to exceed \$100,000 per year. Work orders will be issued in an amount between \$500 and \$50,000 for each move. No guarantee of a minimum amount of work is implied. The contract(s) will be for one year with two 2-year options for renewal. Contractors must be licensed by the PUC to work in West Goshen Township, East Bradford Township and West Chester Boro. RFP is available through the Construction Procurement Office at West Chester University. Fax request to 610-436-2020 or call (610) 436-2706. Proposals must be received by 11:00 a.m. March 3, 2003. Late proposals will not be considered regardless of the reason.

Department: State System of Higher Education
Location: West Chester University of PA, Construction Procurement Office, 201 Carter Drive, Suite 200, West Chester, PA 19383
Duration: One year with two 2-year options for renewal.
Contact: Barbara A. Cooper, (610) 436-2706



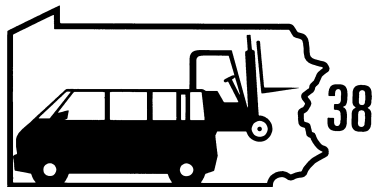
Real Estate Services

93564 LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Public Welfare with 4,668 useable square feet of office space in with a minimum parking for 11 vehicles, within the following boundaries: North: Township Line Road; South: Ridge Pike; East: Butler Pike; West: Whitehall Road, Norristown, Montgomery County, Pennsylvania. Downtown locations will be considered. For more information on SFP #93564 which is due on April 14, 2003, visit www.dgs.state.pa.us to download a SFP package or call (717) 787-4394.

Department: Public Welfare
Location: 505 North Office Building, Harrisburg, PA 17125
Contact: Cynthia T. Lentz, (717) 787-0952

Sale of land no longer required for Transportation Notice is hereby given that the Department of Transportation pursuant to 71 PS § 513(e)(7) intends to sell certain land owned by it. The parcel consists of an area of 42,333 sq. ft. irregular in shape located in the Northwest quadrant of the Intersection of SR 724 and SR 222 located in Berks County, Spring Township. Interested public entities are invited to express their interest in purchasing the parcel within 20 calendar days from this notice.

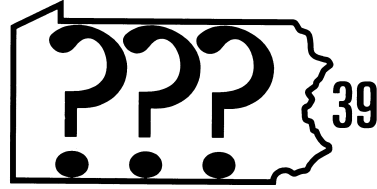
Department: Transportation
Location: Engineering District 5-0, 1713 Lehigh St., Allentown, PA 18103 (Spring Township, Berks County)
Contact: Paul J. Goida, Dist. R/W Admin., (610) 798-4260



Vehicle, Heavy Equipment and Powered Machinery Services

SP-260206 Remove corrugated cartons and waste on a regular established schedule from the premises of approximately 84 shoppes located in Allegheny County. The pick-up frequency varies from one per week to per call. Contractor to furnish metal containers as specified on the location listing.

Department: Liquor Control Board
Location: Allegheny County, PA
Duration: A minimum of one (1) year; up to five (5) years is possible.
Contact: Leland E. Scott, Jr., (717) 787-9854



Miscellaneous

2R-06 "Improved Drivers Skills Test" - The contractor will satisfy a need for ensuring that each applicant for a driver's license has the basic knowledge and skills to operate the vehicle for which they are licensed. The Department must ensure that the non-commercial skills testing process is measuring and testing for the proper skills and that the test is both uniform and fair. For information on this project, e-mail robecooper@state.pa.us or fax to Roberta Cooper at 717-783-7971 the following information: your name, organization name, address, phone number, fax number, and e-mail address.

Department: Transportation
Location: Statewide
Duration: 18 months
Contact: Joyce Martineau, (717) 787-2491

KUFR-0009 KUFR-0009: Kutztown University is seeking qualified contractors for an open-ended requirements contract to perform Major Paving Renovations at Kutztown University. RFP packages are available for a non-refundable fee of \$15.00 from: Barbara Barish, Contract Specialist, Kutztown University, Office of Planning and Construction, P. O. Box 730, Kutztown, PA 19530, Phone: (610) 683-4602. RFP packages are available February 17, 2003, through Pre-proposal. A pre-proposal meeting has been scheduled for February 25, 2003, at 1:30 p.m. in Room OM-26, Old Main Building. Proposals are to be received no later than 2:00 p.m., March 11, 2003, in Room 229, Office of Planning and Construction. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

Department: State System of Higher Education
Location: Kutztown University, Kutztown, PA 19530
Duration: One (1) year after NTP (4 additional year renewal option)
Contact: Barbara Barish, (610) 683-4602

30877003 Vendor to provide orthopedic shoes. Vendor will visit Center to verify sizes. Center will contact vendor. Clinic date must be scheduled within two weeks following contact of vendor. Shoes ordered at clinic must be returned within three weeks after clinic. Orthopedic shoes to be brand name. Final acceptance of shoes and corrections will be at the discretion of the doctor of podiatric medicine.

Department: Public Welfare
Location: Ebensburg Center, Department of Public Welfare, Rt. 22 West, PO Box 600, Ebensburg, PA 15931
Duration: Contract anticipated to begin July 1, 2003, and end June 30, 2006.
Contact: Cora Davis, Pur. Agent, (814) 472-0288

[Pa.B. Doc. No. 03-340. Filed for public inspection February 21, 2003, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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DONALD T. CUNNINGHAM, Jr.
Acting Secretary

Special Notice

Effective February 1, 2003, the contract awards issued by the Department of General Services (Department), Bureau of Purchases, will no longer be published in the *Pennsylvania Bulletin*. This information will continue to be available on the Department's website at www.dgs.state.pa.us, DGS KEYWORD "Procurement Awards."

DONALD T. CUNNINGHAM, Jr.,
Acting Secretary

[Pa.B. Doc. No. 03-341. Filed for public inspection February 21, 2003, 9:00 a.m.]
