

NOTICES

DELAWARE RIVER BASIN COMMISSION

Commission Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Tuesday, December 18, 2001. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the Commission offices at 25 State Police Drive, West Trenton, NJ.

The conference among the Commissioners and staff will begin at 10 a.m. Topics of discussion will include the status of the Comprehensive Plan process; an update on PCB characterization studies and PCB and VOC point source monitoring data submissions; summaries of the Flow Management Technical Advisory Committee meeting of November 16, 2001, and a 2-day meeting of the Commission and HydroQual staff and Peer Review Panel members on November 29-30, 2001; a proposal to release for public comment the Commission's proposed Integrated Resource Plan guidance; a proposal to fund a pilot Internet GIS interactive mapping application; a proposal to adopt revised FOIA provisions; and a report on the Commission's rulemaking agenda for 2002.

The subjects of the public hearing to be held during the 1 p.m. business meeting include, in addition to the following dockets, a resolution under Articles 3.3 and 10.4 of the Delaware Basin Compact declaring a Water Supply Emergency and directing measures to preserve water supplies; a resolution adopting the Commission's annual budgets for the fiscal year ending June 30, 2003, and apportioning among the signatory parties the amount required for the support of the current expense and capital budgets; and a resolution adopting the 2002 Water Resources Program.

The dockets scheduled for public hearing are as follows:

1. *Agere Systems D-86-79 Renewal*. A ground water withdrawal renewal project with an increase from 22.3 million gallons (mg)/30 days to 27.88 mg/30 days to supply the applicant's manufacturing facility from existing Well No. PW-1 in the Richland formation. The project is located in the Bernhart Creek watershed in Muhlenberg Township, Berks County, PA.

2. *Warrington Township Municipal Authority D-90-19 CP Renewal*. A ground water withdrawal renewal project to continue withdrawal of 43.68 mg/30 days of water to supply the applicant's public distribution system from existing Wells Nos. 1-6, 8, 9 and 11 in the Stockton formation. The project is located in Warrington Township, Bucks County in the Southeastern Pennsylvania Ground Water Protected Area.

3. *Philadelphia Suburban Water Company D-98-11 CP*. A project to withdraw up to 4.0 million gallons per day (mgd) from the East Branch Brandywine Creek for public water supply when stream flow exceeds 25% of the average daily flow and is greater than 90 mgd for the Brandywine River at Chadds Ford. The applicant proposes to serve West Brandywine Township and portions of East Brandywine Township and to include capacity for future service to a portion of Wallace Township, all in Chester County, PA. The intake will be situated on the

east bank of the East Branch Brandywine Creek just south of Marshall Road in Wallace Township. When available, the raw water will be conveyed for storage in a nearby abandoned quarry (known as Cornog Quarry) with an estimated storage capacity of approximately 100 mg. Withdrawals ranging from 0.5 mgd to 1.0 mgd will then be made from the quarry, treated by a proposed new filter plant and distributed to the project service area.

4. *Borough of Woodstown D-99-4 CP*. A ground water withdrawal project to supply up to 8.1 mg/30 days of water to the applicant's distribution system from new Well No. 5, located in the Middle Potomac-Raritan-Magothy Aquifer, and to increase the existing combined withdrawal limit from all wells from 18.1 mg/30 days to 26.2 mg/30 days. The project is located in Woodstown Borough, Salem County, NJ.

5. *Mallinckrodt Baker, Inc. D-99-35*. A ground water withdrawal project to continue to provide 92.82 mg/30 days of water to the applicant's industrial facility and remediation system from 15 existing wells; to permit an additional 2.32 mg/30 days from four new wells located in the Kittatinny Aquifer; and to limit the withdrawal from all wells to 95.14 mg/30 days. The project is located in the Town of Phillipsburg, Warren County, NJ.

6. *Reliant Energy Mid-Atlantic Holdings, LLC D-2000-8 (Revised)*. A project to construct a 560 megawatt natural gas-fired electric power generating plant at the applicant's existing Portland Generating Station (previously owned by Sithe Portland LLC) in Portland Borough and Upper Mount Bethel Township, Northampton County, PA. No increase in surface water allocation is proposed, and the applicant's existing intake on the Delaware River has the capacity to provide the 5.13 mgd of cooling and process water required by the plant. Of this amount, approximately 4.12 mgd will be consumptively used due to evaporation and drift. The electric power generated will be conveyed via local transmission lines to the PA-NJ-MD power grid for sale. Approximately 1 mgd of process wastewater will be discharged via the existing outfall to a portion of the Delaware River in DRBC Water Quality Zone 1D.

7. *Thomas H. Draper D-2000-69*. A ground water withdrawal project to supply up to 21.2 mg/30 days of water to irrigate approximately 130 acres of corn crops from Wells Nos. 1-3 in the Columbia Aquifer. The applicant's farm is located near the Town of Milton, Sussex County, DE.

8. *Village of Monticello D-2001-5 CP*. An application for approval of a ground water withdrawal project to supply up to 9.72 mg/30 days of water to the applicant's public distribution system from new Well No. 3, and to maintain the total combined allocation from existing Wells Nos. 1 and 2 and new Well No. 3 at 27 mg/30 days. The project well is located in gravel formation in the Village of Monticello, Sullivan County, NY and will continue to supply the Village of Monticello service area.

9. *Leesport Borough Authority D-2001-21 CP*. A project to expand a 0.2 mgd contact stabilization sewage treatment plant (STP) to treat 0.5 mgd, while maintaining secondary level of treatment via the sequencing batch reactor process. The plant is located 1,800 feet south of the intersection of State Routes 61 and 383 in Leesport Borough, Berks County, PA. The project will continue to serve Leesport Borough and discharge to the Schuylkill River via a new outfall line.

10. *Montgomery County Sewer Authority D-2001-42 CP.* A project to rerate the Oaks STP from 9.17 mgd to 9.5 mgd as an annual average flow. The plant will continue to provide advanced secondary treatment via an anoxic/oxic process. The Oaks STP is located at the confluence of the Perkiomen Creek and the Schuylkill River in Upper Providence Township, Montgomery County, PA. The project will continue to serve portions of Upper Providence, Lower Providence, Perkiomen, and Skippack Townships, plus Collegeville and Trappe Boroughs, all in Montgomery County. STP effluent will continue to be discharged to the Schuylkill River through the existing outfall.

11. *Tredyffrin Township D-2001-44.* A ground water withdrawal project to supply up to 1.71 mg/30 days of water to the applicant's park irrigation system from new Well No. WP-1 in the Limestone and Quartzite Formation. The project is located in the Valley Creek watershed in Tredyffrin Township, Chester County in the Southeastern Pennsylvania Ground Water Protected Area.

12. *Little Washington Wastewater Co. D-2001-54.* A project to expand a 93,000 gpd STP to process an average flow of 115,133 gpd, while maintaining a tertiary level of treatment. The plant is located just south of Little Washington-Lyndell Road and about 3,000 feet east of Route 322 in East Brandywine Township, Chester County, PA. Currently, up to 53,000 gpd of STP effluent is discharged to Culbertson Run, a tributary of East Branch Brandywine Creek, and 40,000 gpd is discharged to nearby effluent disposal beds that recharge the ground water table. The proposed expanded flow will be treated and discharged to additional effluent disposal beds. The proposed expansion will enable the applicant to serve additional residential developments in East Brandywine Township.

In addition to the public hearing items, the Commission will address the following at its 1 p.m. business meeting:

minutes of the October 31, 2001, business meeting; announcements; a report on basin hydrologic conditions; reports by the Executive Director and General Counsel; a directed appearance by six Delaware Estuary point source dischargers to explain their failure to provide PCB monitoring data required by the Commission; a resolution to fund a pilot internet GIS interactive mapping application; a resolution adopting the 2002 Water Resources Program; a resolution for the minutes expanding the Watershed Advisory Council to include as many as 40 members; and public dialogue.

Documents relating to the dockets and other items may be examined at the Commission's offices. Preliminary dockets, with the exception of number D-98-11 CP, are available in single copies upon request and will be posted on the Commission's website at <http://www.state.nj.us/drbc/commeet.htm> on or about December 6, 2001. Docket D-98-11 CP will not be available before the close of business on December 13, 2001. Contact Thomas L. Brand at (609) 883-9500 ext. 221 with docket-related questions. Persons wishing to testify at this hearing are requested to register in advance with the Secretary at (609) 883-9500 ext. 203.

Individuals in need of an accommodation as provided for in the Americans with Disabilities Act who wish to attend the hearing should contact the Commission Secretary, Pamela M. Bush, directly at (609) 883-9500 ext. 203 or through the New Jersey Relay Service at (800) 852-7899 (TTY), to discuss how the Commission may accommodate their needs.

PAMELA M. BUSH,
Secretary

[Pa.B. Doc. No. 01-2229. Filed for public inspection December 14, 2001, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending December 4, 2001.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
12-3-01	Citizens Financial Group, Inc., Providence, Rhode Island, to acquire 100% of the voting shares of Citizens Bank of Pennsylvania, Philadelphia	Providence, RI	Effective

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-3-01	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	1735 Market St. Philadelphia Philadelphia County	Commenced Operations

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-3-01	Citizens Bank of Pennsylvania Philadelphia Philadelphia County Purchase of assets/assumption of liabilities of 326 branch offices of Mellon Bank, N.A., Pittsburgh, located in Pennsylvania (320); New Jersey (4); and Maryland (2)	Philadelphia	Effective

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-3-01	Firsttrust Savings Bank Conshohocken Montgomery County	Cathedral Village 600 Cathedral Road Philadelphia Philadelphia County (Limited Service Facility)	Approved
12-3-01	Pennsylvania Business Bank Philadelphia Philadelphia County	30 Elm Avenue Woodbury Heights Gloucester County, NJ	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-3-01	Fulton Bank Lancaster Lancaster County	Weaver's Market Rtes. 272 and 897 Adamstown Lancaster County	Approved

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
11-30-01	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Amendment to Article VII provides for a reduction in the number of original trustees.	Approved and Effective

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

JAMES B. KAUFFMAN, Jr.,
Secretary

[Pa.B. Doc. No. 01-2230. Filed for public inspection December 14, 2001, 9:00 a.m.]

Maximum Lawful Rates of Interest for Residential Mortgages for the Month of January 2002

The Department of Banking under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of January 2002, is 7 1/2%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96-221). Further preemption was instituted with the signing of Pub. L. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as a principal residence.

Each month the Department of Banking is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 5.03 to which was added 2.50 percentage points for a total of 7.53 that by law is rounded off to the nearest quarter at 7 1/2%.

JAMES B. KAUFFMAN, Jr.,
Secretary

[Pa.B. Doc. No. 01-2231. Filed for public inspection December 14, 2001, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Eisenhower Postsecondary Grant Application Guidelines for Professional Development Pro- grams for Reading

Applications from Commonwealth nonprofit organizations, which have previously conducted successful reading professional development activities, and Commonwealth institutions of higher education will be accepted for professional development programs specially-designed to improve reading in this Commonwealth. Grant awards will be funded with higher education money authorized by Subchapter II—Dwight D. Eisenhower Professional Development Program—The Improving America's Schools Act of 1994 (Pub. L. No. 103-382). Awards are contingent upon receipt of the Federal appropriation for the Dwight D. Eisenhower Professional Development Program. The Commonwealth has approximately \$300,000 available for competition.

Copies of the Eisenhower Postsecondary Grant Application (EPGA) guidelines are available on the Department

of Education's (Department) website at <http://www.pde.psu.edu> or from the Issuing Office, which is the sole point of contact for the guidelines: Division of Program Services, Bureau of Postsecondary Services, Department of Education, 333 Market Street, Harrisburg, PA 17126-0333; (717) 772-3623; TDD (717) 783-8445.

A preproposal conference is scheduled for Friday, January 4, 2002, at 10 a.m. in the Honors Suite, 1st Floor, 333 Market Street, Harrisburg. Attendance by a representative or regional site is a prerequisite to submitting an application. If special accommodations are required to participate in the preproposal conference, contact the Division of Program Services. Written questions are to be submitted by January 2, 2002, on PDE-4658 available on the Department's website at <http://www.pde.psu.edu>.

Applications submitted in response to the EPGA guidelines are due in the Division of Program Services no later than 5 p.m., Thursday, January 31, 2002.

CHARLES B. ZOGBY,
Secretary

[Pa.B. Doc. No. 01-2232. Filed for public inspection December 14, 2001, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

NPDES APPLICATIONS

PART I PERMITS

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0087581	Maiden Creek Associates, Inc. 1112 Mountain Road Kempton, PA 19529	Berks County Cumru Township	UNT to Irish Creek/3B	Y
PA0024457	Halifax Municipal Authority P. O. Box 443 Halifax, PA 17032-0443	Dauphin County Halifax Township	Susquehanna River/6C	Y

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

PA0222208, Sewage. **Frank Fiamella Subdivision**, 3949 Knoyle Road, Erie, PA 16510. This proposed facility is located in Greene Township, **Erie County**.

Description of Proposed Activity: treatment of sanitary waste from a five-lot subdivision.

The receiving stream, unnamed tributary to Four Mile Creek, is in watershed 15FM and classified for: WWF and MF. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, there is no existing/proposed downstream potable water supply (stream and public water supplier) to be considered during the evaluation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0015 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10		20
Total Suspended Solids	20		40
Phosphorus as "P"	1.0		
Dissolved Oxygen		minimum of 3.0 mg/l at all times	
Total Residual Chlorine	0.5		1.2
Fecal Coliform		200/100 ml as a geometric average	
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

PA0046418, Sewage. **Municipal Authority of Middleboro**, Municipal Building, P. O. Box 189, McKean, PA 16426. This proposed facility is located in McKean Borough, **Erie County**.

Description of Proposed Activity: Treatment of sanitary waste from a municipality

The receiving stream, Elk Creek, is in watershed 15 (Lake Erie) and classified for: WWF; MF.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, there is no existing/proposed downstream potable water supply (stream and public water supplier) to consider for this evaluation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.10 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	10	15	20
(11-1 to 4-30)	20	30	40
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	2.5		5.0
(11-1 to 4-30)	7.5		15
Phosphorus as "P"	1.0		
Dissolved Oxygen		minimum of 4.0 mg/l at all times	
Total Residual Chlorine	0.5		1.6
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		34,500/100 ml as a geometric average	
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

PA0103373, Sewage. **Foxburg Area Water and Sewer Authority**, P. O. Box 2, Foxburg, PA 16036-0002. This proposed facility is located in Foxburg Borough, **Clarion County**.

Description of Proposed Activity: discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (stream and Public Water Supplier) considered during the evaluation is the Allegheny River and the Parker City Municipal Authority located at Parker City, 3 miles below point of discharge.

The receiving stream, the Allegheny River, is in watershed 17B and classified for: warm water fishes, water supply and recreation

The proposed effluent limits for Outfall 001 based on a design flow of 0.085 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		100,000/100 ml as a geometric average	
Total Residual Chlorine	0.5		1.2
pH		6.0 to 9.0 standard units at all times	

XX—Monitor and report on monthly DMRs.

The EPA Waiver is in effect.

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

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

PA#0028576, Sewage, **Clarks-Summit—S. Abington Joint Sewer Authority**. This proposed facility is located in S. Abington Township, **Lackawanna County**.

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

The receiving stream, Leggett Creek, is in the State Water Plan watershed #5A and is classified for: cold water fishery, water supply and recreation. The nearest downstream public water supply intake for Danville Water Supply is located on Susquehanna is approximately 75 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 2.5 MGD (Dry Weather Flow).

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	2.9		5.8
(11-1 to 4-30)	8.7		17.4
Dissolved Oxygen	A minimum of 3 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	.17		.39
Copper	Monitor & Report		
Lead	Monitor & Report		
Zinc	Monitor & Report		

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

Application No. PA 008541, SIC Code 3585, Industrial Waste, **York International**, 631 Richland Avenue, York, PA 17403. This facility is located in Spring Garden Township, **York County**.

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

The receiving stream, Codorus Creek, is in Watershed 7-H and classified for warm water fishery, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Wrightsville Water Supply Co. is located on the Susquehanna River, approximately 20 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 (process wastewater) based on a design flow of 0.096 MGD are:

<i>Parameter</i>	<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH		6.0 to 9.0 S.U. at all times	
TSS	31	60	75
CBOD ₅	XXX	Monitor & Report	XXX
Total Phosphorus	2.0	4.0	5.0
Total Cadmium	0.16	0.25	0.4
Total Chromium	1.7	2.8	4.2
Total Copper	0.75	1.5	1.9
Total Lead	0.43	0.69	1.1
Total Nickel	2.4	4.0	6.0
Total Silver	0.24	0.48	0.6
Total Zinc	1.5	2.6	3.8
Total Cyanide	0.65	1.2	1.6
Oil and Grease	15	XXX	30
Total Toxic Organics	XXX	2.13	XXX
Total Aluminum	XXX	Monitor and Report	XXX
Trichloroethylene	XXX	Monitor and Report	XXX

The proposed effluent limits for Outfalls 003, 005, 006, 008, 011 and 012 (noncontact cooling water and stormwater) are:

<i>Parameter</i>	<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH		6.0 to 9.0 S.U. at all times	
Discharge Temperature (°F)	XXX	Monitor and Report	XXX

In addition, the following parameters are proposed for monitoring: Total Cadmium, Total Chromium, Total Copper, Total Lead, Total Nickel, Total Silver, Total Zinc, Total Cyanide, Total Toxic Organics, Total Suspended Solids, Oil and Grease, Total Aluminum, Trichloroethylene, Trichlorofluoromethane, Chloro-difluoromethane and 1,1,2,2-Tetrafluoroethane.

The proposed monitoring parameters for Outfalls 002, 004, 007, 009 and 010 (stormwater outfalls) are Total Cadmium, Total Chromium, Total Copper, Total Lead, Total Nickel, Total Silver, Total Zinc, Total Cyanide, Total Toxic Organics, Total Suspended Solids, Oil and Grease, pH, Total Aluminum, Trichloroethylene, Trichlorofluoromethane, Chlorodifluoromethane and 1,1,2,2-Tetrafluoroethane.

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

The EPA waiver is in effect.

Application No. PA 0029106, Sewage, **Greenfield Township Municipal Authority**, R. D. 1, Box 948, Claysburg, PA 16625-9737. This facility is located in Greenfield Township, **Blair County**.

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

The receiving stream, Frankstown Branch Juniata River, is in Watershed 11-A and classified for trout stocking, water supply and recreation and fish consumption. The nearest downstream public water supply intake for United Water Company is located on the Susquehanna River, approximately 150 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.800 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
	CBOD ₅	25	40
Suspended Solids	30	45	60
NH ₃ -N (5-1 to 10-31)	8.0	XXX	16
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		7,600/100 ml as a geometric average	

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

The EPA waiver is in effect.

Application No. PA 0088820, SIC Code 4911, Industrial Waste, **Conectiv Mid-Merit, Inc.**, 113 Pencader Drive, Suite 100, Newark, DE 19714-6066. This application is for issuance of an NPDES permit for a new discharge of treated industrial waste to the Susquehanna River, in East Donegal Township, **Lancaster County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Columbia Water Co. located in Columbia Borough, Lancaster County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 8.18 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH		6—9	
Temperature		110°F	
Heat Rejection Rate		Monitor	
Free Available Chlorine	XXX	0.2	0.5

The proposed effluent limits for Outfall 100 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	100	125
Oil and Grease	15	20	30

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

The EPA waiver is in effect.

Application No. PAS603503, Stormwater, **Royal Green Corporation**, P. O. Box 9, Temple, PA 19560. This facility is located in Ontelaunee Township, **Berks County**.

Description of activity: The application is for issuance of an NPDES permit for an existing discharge of stormwater.

The receiving stream, Schuylkill River, is in Watershed 3-C and classified for warm water fishes, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Pottstown Borough is located on the Schuylkill River, approximately 28 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfalls 001, 002, 003 and 004 are:

<i>Parameter</i>	<i>Monitoring Requirements</i>	
	<i>Composite Sample (mg/l)</i>	<i>Monitor Frequency</i>
Total Iron	Monitor and Report	1/6 months
Total Copper	Monitor and Report	1/6 months
Total Lead	Monitor and Report	1/6 months
Total Zinc	Monitor and Report	1/6 months
Total Aluminum	Monitor and Report	1/6 months
Chromium, VI	Monitor and Report	1/6 months
Total Suspended Solids	Monitor and Report	1/6 months
Benzene	Monitor and Report	1/6 months
Toluene	Monitor and Report	1/6 months
Ethyl Benzene	Monitor and Report	1/6 months
Naphthalene	XXXX	1/6 months

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

The EPA waiver is in effect.

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

PA0000914, Industrial Waste, SIC, 8731, **U. S. Department of Energy**, Pittsburgh Naval Reactors Office, 814 Pittsburgh-McKeesport Road, West Mifflin, PA 15122-0109. This application is for renewal of an NPDES permit to discharge treated process water from Bettis Atomic Power Laboratory in West Mifflin, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, NorthEast Stream—002 and 007; Thompson Run—006; Bull Run—001, 002, 003, 004, 005, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Western Pennsylvania Water Company, located at Pittsburgh, 9 miles below the discharge point.

Outfall 001 and 002: existing discharge, design flow of 0.06 and 0.008 resp. 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	Monitor and Report				
Total Suspended Solids			25		50
Oil and Grease			15		30
Temperature					110°
Zinc			0.271	0.54	0.68
pH	not less than 6.0 nor greater than 9.0				

Outfall 007: existing discharge, design flow of 0.036 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	Monitor and Report				
Total Suspended Solids			30		75
Tetrachloroethylene			0.0022		0.0055
Trichloroethylene			0.005		0.0125
1,2-trans-Dichloroethylene			0.005		0.0125
Dissolved Iron					7
pH	not less than 6.0 nor greater than 9.0				

Outfall 006: existing discharge, design flow of N/A 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>
Fecal Coliform	Monitor and Report				

Outfall 003—005: existing discharge, design flow of N/A 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>
	Discharge consists of uncontaminated stormwater runoff.				

The EPA waiver is in effect.

PA0205061, Sewage, **Hopewell Area School District**, 2354 Broadhead Road, Aliquippa, PA 15000-4501. This application is for renewal of an NPDES permit to discharge treated sewage from Raccoon Elementary School STP in Raccoon Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as tributary of Gum Run, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: Midland Borough Water Authority.

Outfall 001: existing discharge, design flow of 0.00854 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	1.9			3.8
(11-1 to 4-30)	3.0			6.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.02			0.04
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			

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). The applications are listed in two categories. Section I lists all municipal and industrial permits.

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

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

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

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

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

WQM Permit No. 4501408, Sewerage, **Pinecrest Development Corporation**, P. O. Box 760, Pocono Pines, PA 18350. This proposed facility is located in Tobyhanna Township, **Monroe County**.

Description of Proposed Action/Activity: Facility upgrade for existing wastewater treatment plant. Work to include: addition of a 35,000 gallon influent equalization tank, a tertiary filter in the existing control building and piping modifications.

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

Application No. 0278408-A6, Sewerage, **Upper Allegheny Joint Sanitary Authority**, 320 Fourth Avenue, Tarentum, PA 15084. Application for the Modification of a Sewage Treatment Plant to serve the Upper Allegheny Joint Sanitary Authority located in East Deer Township, **Allegheny County**.

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

WQM Permit No 2001422, Sewerage, **Gary Galford**, 16019 State Highway 86, Meadville, PA 16335. This proposed facility is located in Woodcock Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for a Single Residence Sewage Treatment Plant.

WQM Permit No 2501426, Sewerage, **Thomas J. Steele**, 1013 Broad Street, Conneaut, OH 44030. This proposed facility is located in Franklin Township, **Erie County**.

Description of Proposed Action/Activity: This project is for a Single Residence Sewage Treatment Plant.

WQM Permit No 6201410, Sewerage, **Diane M. and Steven C. Pondel**, 240 Seminole Avenue, Corry, PA 16407. This proposed facility is located in Columbus Township, **Warren County**.

Description of Proposed Action/Activity: This project is for a Single Residence Sewage Treatment Plant.

WQM Permit No. 1601405, Sewerage, **Rimersburg Borough Municipal Authority**, P. O. Box 413, Rimersburg, PA 16248. This proposed facility is located in Rimersburg, Borough, **Clarion County**.

Description of Proposed Action/Activity: This project is for the construction and installation of a chlorine contact tank and control building at the Rimersburg 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 (BMPs) 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 DEP 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 that 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.

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

Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10S056-2	Aventis Pasteur, Inc. Discovery Drive Swiftwater, PA 18370	Monroe County Pocono Township	Swiftwater Creek HQ-CWF

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

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10U162	Richard Bartolacci, Pres. Fairfield Development 3864 Courtney Street Suite 140 Bethlehem, PA 18017	Northampton County Lower Nazareth and Bethlehem Townships	Bushkill Creek HQ-CWF

Wayne County Conservation District: Ag Service Center, 470 Sunrise Ave., Honesdale, PA 18431, (570) 253-0930.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS107424	James A. Forti Lobilito, Inc. Route 507 P. O. Box 225 Gouldsboro, PA 18424	Wayne County Lehigh Township	Lehigh River HQ-CWF

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6860.

NPDES Permit PAS104112, Stormwater. **Catalyst Energy, Inc.**, 117 Radcliff Drive, Pittsburgh, PA 15237-3384 has applied to discharge stormwater associated with a construction activity located in Lafayette Township, **McKean County** to Thundershower Run (HQ-CWF) and Turnup 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 that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

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

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

Application No. 3501503, Public Water Supply.

Applicant **PA-American Water Company**
Township or Borough **Jessup Borough**

Responsible Official David Kaufman
Northeast Regional Manager
PA-American Water Company
20 East Union Street
Wilkes-Barre, PA 18701-1397

Type of Facility PWS

Consulting Engineer Richard B. Kresge, Jr., P.E.
Quad Three Group, Inc.
37 North Washington Street
Wilkes-Barre, PA 18701

Application Received Date November 8, 2001

Description of Action Approval is requested for the construction of two new booster pump stations and one elevated water storage tank for the Jessup Small Business Center.

Application No. 3501508, Public Water Supply.

Applicant **Mountain Spring Water, Inc.**

Township or Borough West Penn Township

Responsible Official Gregory Jones, President
Mountain Spring Water, Inc.
Columbia and Bern Streets
Schuylkill Haven, PA 17972

Type of Facility Bulk Water Hauling System

Consulting Engineer Daniel James Becker, P.E.
RETTEW Associates, Inc.
3020 Columbia Avenue
Lancaster, PA 17603

Application Received Date November 27, 2001

Description of Action Mountain Spring Water, Inc. currently provides water service to the Village of South Tamaqua, Schuylkill County under DEP Public Water Supply Permit Facility I. D. No. 3540048. The system currently serves approximately 32 customers. Mountain Spring Water, Inc. has made provisions with the Tamaqua Water Authority to take over the existing distribution system and service Mountain Spring Water, Inc.'s existing customers. At that time, Mountain Spring Water, Inc. intends to disconnect from the system and begin operation as a bulk water hauling system.

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

Permit No. 4401501 MA, Public Water Supply.

Applicant **Municipal Authority of the Borough of Lewistown**

Municipality Derry Township

County **Mifflin**

Responsible Official Harris Layton
70 Chestnut St.
Lewistown, PA 17044

Type of Facility Public Water Supply

Consulting Engineer Eric A Casanave, P.E.
Gwin Dobson & Foreman Inc
3121 Fairway Drive
Altoona, PA 16602-4475

Application Received Date November 9, 2001

Description of Action Construction of a 250,000 gallon finished water storage tank and 8,4000 feet of pipe.

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

Permit No. 0401505, Public Water Supply.

Applicant **Marion Township**
485 Hartzell School Road
Fombell, PA 16123

Township or Borough Marion Township

Responsible Official Jeff Kording, Chairperson
Marion Township
485 Hartzell School Road
Fombell, PA 16123

Type of Facility Tank

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

Application Received Date November 26, 2001

Description of Action Installation of 209,000 gallon above ground water storage tank.

MINOR AMENDMENT

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

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

Application No. NA, Minor Amendment.

Applicant **Mahoning Manor Estates Home Owners Association**

Township or Borough Mahoning Township, **Carbon County**

Responsible Official Dennis Daubenspeck, Operator
59 White Pine Lane
Lehighton, PA 18235

Type of Facility Public Water System

Consulting Engineer Jack A. Raudenbush, P.E.
29 South Union Street
Middletown, PA 17057

Application Received Date November 20, 2001

Description of Action The addition of well source #2, a storage tank and treatment to disinfect and sequester manganese.

WATER ALLOCATIONS

Applications received under the Act of June 24, 1939 (P. L. 842, No. 365) (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.

WA56-808A, Water Allocations. **Municipal Authority of the Borough of Seven Springs**, 290 Lagoon Lane, Champion, PA 15622-9602, **Somerset County**. The applicant is requesting 415,000 gallons per day, peak day, from Trout Run Springs Nos. 1, 2, 3 and 4; and 55,000 gallons per day, peak day, from the Hemlock Lodge Spring.

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

WA 10-913B, Water Allocations. **Connoquenessing Borough Authority**, Connoquenessing Borough, **Butler County**. The Connoquenessing Borough Authority is requesting a subsidiary water allocation permit to increase purchase to 254,500 gpd from the Pennsylvania American Water Company-Butler (PAWC). This proposed increased allocation will provide adequate supply for current number of services and the projected growth over the 25-year request.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the 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 of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

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

Bloomer Residence, Bristol Township, **Bucks County**. Richard F. Spafford, P.E., Hydro Environmental Technologies, Inc., Brielle Hills, Bldg. 7, Suite 301A, 2640 Highway 70, Manasquan, NJ 08736 on behalf of Christine Bloomer, 229 Blue Ridge Dr., Levittown, PA, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with BTEX and petroleum hydrocarbons. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bucks County Courier Times* on November 18, 2001.

World Savings Property, Bensalem Township, **Bucks County**. Andrew K. Markoski, P.G., Onesky Engineering, Inc., 210 Carter Dr., Suite 8, West Chester, PA 19382 on behalf of World Savings, 198 Washington Valley Rd., Warren NJ 07059, has submitted a Notice of Intent to Remediate site soil contaminated with BTEX and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bucks County Courier Times* on November 9, 2001.

Indian Springs Day Camp, West Pikeland Township, **Chester County**. Craig Herr, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of Indian Springs Day Camp, Inc., 23 Roberts Rd., Newtown Square, PA 19073, has submitted a Notice of Intent to Remediate site soil contaminated with BTEX and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Phoenix Evening News* on November 6, 2001.

Blue Rock Subdivision Property, Elverson Borough, **Chester County**. John Jacobs, Blue Rock Subdivision Property, 119 S. Chestnut St., Elverson, PA 19520, has submitted a Notice of Intent to Remediate site groundwater contaminated with BTEX. The applicant proposes to remediate the site to meet Background Standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Daily Local News* on November 14, 2001.

Former Chari-Stan Property, Upper Chichester Township, **Delaware County**. John P. Mihalich, P.G., RMT, Inc., 527 Plymouth Rd., Suite 406, Plymouth Meeting, PA 19462, on behalf of Stephen J. Lewicki, Peter S. Lewicki, Gregory D. Lewicki and Virginia Lewicki, Successor Trustees under the Residuary Trust under Revocable Trust of Stephen Lewicki dated March 26, 1999, P. O. Box 2129, Aston, PA 19014-0129, has submitted a Notice of Intent to Remediate site soil contaminated with lead and heavy metals. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *Delaware County Daily Times* on November 23, 2001.

LHTW Corp., City of Philadelphia, **Philadelphia County**. Steven F. Coe, Brown Environmental Services, 42 Sequoia Dr., Newtown, PA 18940, on behalf of LHTW Corp., 32 Lockerman Square, Suite L-100, Dover DE 19904, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with petroleum hydrocarbons. The applicant proposes to remediate the site to meet Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Daily News* on November 27, 2001.

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

Schuylkill County Housing Authority—Coaldale Family Housing Development, Coaldale Borough, **Schuylkill County**. Jennifer Risser, Project Manager, Alternative Environmental Solutions, 930 Pointview Avenue, Suite B, Ephrata, PA 17522 has submitted a Notice of Intent to Remediate (on behalf of her client, Schuylkill County Housing Authority, 245 Parkway, Schuylkill Haven, PA 17972) concerning the remediation of soils found or suspected to have been contaminated with no. 2 fuel oil constituents. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was published in the *Pottsville Republican & Evening Herald* on October 25, 2001.

Former Dalton Shell Station, City of Bethlehem, **Northampton County**. Jon English, Senior Environmental Scientist, Skelly and Loy, Inc., 2601 North Front Street, Harrisburg, PA 17110 has submitted a Notice of Intent to Remediate (on behalf of her client, Byler Management Company, 1821 Oregon Pike, Lancaster, PA 17601) concerning the remediation of soils found or suspected to have been contaminated with naphthalene. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reportedly published in Allentown's *The Morning Call* on October 29, 2001.

Former Blue Ridge Winkler Wastewater Treatment Plant, Washington Township, **Northampton County**. Dr. William K. Ahlert, Manager, Lawler, Matusky & Skelly Engineers, LLP, The Sovereign Building, 609 Hamilton Mall, Allentown, PA 18101 has submitted a Notice of Intent to Remediate (on behalf of his client, Northampton County, 669 Washington Street, Easton, PA 18042) concerning the remediation of soils and onsite surface water found or suspected to have been contaminated with metals and polynuclear aromatic hydrocarbons. The applicant proposes to remediate the site to meet both the Statewide health and site-specific standards. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the

Notice of Intent to Remediate was published in *The Express-Times* on November 12, 2001.

AIR QUALITY

NOTICE OF PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (DEP) 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 DEP, 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.

Notice is hereby given that DEP 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 DEP 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 DEP 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. Any comments or protests filed with DEP 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 DEP schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

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

PLAN APPROVALS

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

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

67-05066A: Surtech Industries, Inc. (125 Derry Court, York, PA 17402) for relocation of four paint booths, three screen printing presses and a burn off oven from its industrial manufacturing site in Manchester Township, **York County** to a new facility in the City of York, York County.

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

24-120B: Dominion Transmission Corp.—Ardell Compressor Station (State Route 2004, Benezette, PA 15821) for a Minor Modification of Plan Approval 24-120A to install two smaller gas compressor engines with proportional less emissions in Benezette Township, **Elk County**. The facility is a Title V Facility.

25-395A: ErieZ Manufacturing Co., Inc. (2200 Asbury Road, Erie, PA 16514) for installation of an HVLP spray gun in each of the two existing paint booths in Erie, **Erie 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.

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

23-0063A: Department of Correction—SCI Chester (500 East Fourth Street, Chester, PA 19013) for the amendment of fuel usage of natural gas used by a Model D-34, Cleaver Brooks boiler, covered under Plan Approval PA-23-0063, at their facility in the City of Chester, **Delaware County**. The amendment is to correct a fuel usage of 7.76 MM scf of natural gas per year to 70.2 MM scf of natural gas per year. The Model D-34, Cleaver Brooks boiler is already subject to emission limitations, which it will continue to meet with the amended fuel usage rate. There are no increases in potential emissions.

23-0077A: County of Delaware (340 North Middletown Road, Lima, PA 19037) for the installation of a cogeneration process at their Fair Acres Complex facility in Middletown Township, **Delaware County**. This Plan Approval is for the installation of a cogeneration process that was to be originally installed under Plan Approval PA-23-0077; The County of Delaware did not begin construction by the expiration date of Plan Approval PA-23-0077; therefore, the County of Delaware is re-applying for approval. The facility is a synthetic minor facility. The proposed cogeneration process will be used to create electricity as a partial supply for the facility and steam for both heating and cooling purposes at the facility. The natural gas-fired engine associated with the cogeneration process is equipped with turbocharger, aftercooler and automatic electronic air/fuel ratio controller. Potential emissions of nitrogen oxides shall be less than 7.5 tons per year. Potential emissions of carbon monoxide shall be less than 11.0 tons per year. Potential emissions of volatile organic compounds, particulate matter and sulfur oxides will each be less than 2 tons per year. The Plan Approval and Operating Permit will contain recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

22-03051: Buse Funeral Home (9066 Jonestown Road, Grantville, PA 17028) for construction of a human cremation chamber controlled by an afterburner in East Hanover Township, **Dauphin County**. The potential to emit nitrogen oxides and particulate matter is about 1.1 and .75 tons per year, respectively. The plan approval will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

36-05019E: Anvil International Inc. (1411 Lancaster Avenue, Columbia, PA 17512) for installation of a fabric filter collector and a cartridge collector at the Columbia Plant located in Columbia Borough, **Lancaster County**. These collectors will replace existing collectors. The particulate emissions are unchanged. The plan approval will include provisions for emission testing, monitoring, recordkeeping and reporting designed to ensure compliance with the applicable requirements.

67-03041B: County Line Quarry, Inc. (740 South Front Street, Wrightsville, PA 17368) for construction of a cone crusher, quad deck screen and associated conveyors controlled by a fabric filter and water suppression at the Wrightsville Quarry in Hellam Township, **York County**. The potential-to-emit particulate matter is about 5 tons per year. The modification to the stone crushing facility is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. The plan approval will include emission restrictions, monitoring, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements.

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

59-00005D: Dominion Transmission Corp. (625 Liberty Avenue, Pittsburgh, PA 15222-3199) for installation of an air cleaning device, a "screw-in prechamber," on a 2000 horsepower natural gas-fired reciprocating internal combustion compressor engine (Engine 7) at the Sabinsville Compressor Station in Clymer Township, **Tioga County**. The Sabinsville Compressor Station is a major facility which has been issued a Title V Operating Permit (59-00005).

The proposed air cleaning device will replace an existing air cleaning device and is intended to better assure compliance with the nitrogen oxides emission limitations previously established for the respective engine under the reasonably available control technology requirements of 25 Pa. Code §§ 129.91—129.95. This installation will not result in any change in the amount of nitrogen oxides or any other air contaminant allowed to be emitted from the engine but may result in a reduction in the emission rate of one or more air contaminants from the levels now actually occurring.

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

1. Following the installation of the screw-in prechamber (SIP) system on Engine 7, the nitrogen oxides (NO_x, expressed as NO₂) emissions from the respective engine shall not exceed 13.23 pounds per hour at full load/full speed and 26.4 pounds per hour at any time. Additionally, the emission of volatile organic compounds

and carbon monoxide from the engine shall not exceed 3.5 and 11.96 pounds per hour, respectively.

2. Within 120 days of the completion of installation of the SIP system, stack testing shall be performed for nitrogen oxides (NO_x, expressed as NO₂), volatile organic compounds and carbon monoxide.

3. Semi-annual nitrogen oxides portable analyzer testing shall be performed on the engine.

4. Records shall be maintained of the number of hours per month that the engine is operated and the amount of fuel used per month.

5. The engine shall only be fired on pipeline quality natural gas.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.

26-00540A: Carbon Fuel Resources, Inc. (200 College Drive Suite 300, Lemont Furnace, PA 15456) for operation of coal processing at Ronco II Mine Plant in German Township, **Fayette County**.

03-00228A: Rosebud Mining Co. (R. D. 9, Box 379A, Kittanning, PA 16201) for construction of coal stockpiling/screening at the Stitt Mine in Rayburn Township, **Armstrong County**.

04-00695A: Norfolk Southern Railway Co. (425 Holiday Drive, Pittsburgh, PA 15220) for construction of Boilers 1, 2 and 3 fuel change at Conway Yard in Conway Borough, **Beaver County**.

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

10-027A: Penreco (138 Petrolia Street, Karns City, PA 16041) for air permitting associated with the replacement of an existing tank that is used to store spent sulfuric acid sludge in the Borough of Karns City, **Butler County**. The vent will be connected to a scrubber system that serves Penreco's oleum and acid sludge storage tanks. The scrubber system is permitted under an existing Plan Approval No. 10-312-001 and the facility's existing Title V permit. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. Issuance of the plan approval is recommended with the appropriate conditions in the plan approval:

1. This source is subject to 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor and visible emissions, respectively.

2. Particulate emissions from the exhaust of the scrubber shall not exceed 0.04 grain/dscf.

3. A pressure gauge shall be permanently installed and maintained at a conveniently readable location to indicate the vacuum drawing vapors from all sources. Readings shall be recorded daily and the records kept for a minimum of 2 years.

4. The facility shall monitor and record the pressure that is induced into the scrubber jets. Readings shall be recorded daily and the records kept for a minimum of 2 years.

5. The facility shall comply with 25 Pa. Code § 127.25 as follows:

a. No person shall cause or permit the operation of the sources unless the source and air cleaning devices are

operated and maintained in accordance with specifications in the Plan Approval application and Condition Nos. 1—6. A person may not cause or permit the operation of this source in a manner inconsistent with good operating practices

6. Issuance of an operating permit is contingent upon satisfactory compliance with previous conditions, upon the source being constructed and operated as stated on the application and upon the satisfactory demonstration that the emissions from the source will not be in violation of applicable Rules and Regulations of the Department of Environmental Protection.

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.

48-307-059: Lehigh Heavy Forge Corporation (1275 Daly Avenue, Bethlehem, PA 18015) for operation of two furnaces (No. 6 and No. 4) in Bethlehem, **Northampton County**.

40-303-020: Pikes Creek Asphalt (Division of Reading Materials, Inc., 2052 Lucon Road, P. O. Box 1467, Skip-pack, PA 19474-0079) for operation of a batch asphalt plant and associated air cleaning device along Trojan Road in Lehman Township, **Luzerne County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Leif Ericson, Program Manager, (717) 705-4702.

21-03021: ASF—Keystone (3420 Simpson Ferry Road, Camp Hill, PA 17001-0456) for operation of a railroad equipment manufacturing facility in Lower Allen Township, **Cumberland County**. There is a potential to emit less than 1 pound of chromate, about 3 tons of VOCs and a little over a ton of NO_x per year. The hard chromeplating operation is subject to 40 CFR 63, Subpart N—Chromium Electroplating and Anodizing, National Emission Standards for Hazardous Air Pollutants. This Natural Minor Operating Permit shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

21-03027: Lafferty and Co., Inc. (1100 Hummel Avenue, Lemoyne, PA 17043-1700) for operation of a wood fired boiler, 2.5 mmBtu/hr and wood working dust collection system silo in Lemoyne Borough, **Cumberland County**. The particulate matter emission from the operation is less than a ton per year. The Natural Minor Operating Permit shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

21-05021: Arnold Fuel Oil Inc. (P. O. Box 2621, Harrisburg, PA 17105) for the administrative amendment to synthetic minor operating permit No. 21-05021 for the facility's Mechanicsburg North Terminal to incorporate the backup Vapor Recovery Unit installed as per Plan Approval 21-05021B and Tank 127 and Tank 128, Storage Tank for gasoline and distillate, installed as per Plan Approval 21-05021C, located in Silver Spring Township, **Cumberland County**. The facility's major sources of emissions include loading racks and storage tanks that primarily emit VOC. This installation will result in facility's potential to emit VOC emissions increase of 7.1 tpy and the actual VOC emissions limit of 50 tons per

year shall not change. The synthetic minor operating permit will contain monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

36-03004: Homette Corp. (P. O. Box 743, Elkhart, IN 46515) for operation of the Nomad/Layton Travel Trailers facility in Upper Leacock Township, **Lancaster County**. Recreational vehicles are assembled at this facility. There is a potential to emit less than 1 ton /year of the following pollutants: nitrogen oxides, particulate matter, sulfur oxides and carbon monoxide. There is a potential to emit less than 5 tons/year of volatile organic compounds and less than 2 tons/year of hazardous air pollutants. The natural minor operating permit shall contain additional record keeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

36-05064: Homette Corp. (P. O. Box 743, Elkhart, IN 46515) for operation of the Skyline Homes facility in Ephrata Borough, **Lancaster County**. Mobile homes are manufactured at this facility. There is a potential to emit less than 1 ton/year of the following pollutants: nitrogen oxides, particulate matter, sulfur oxides and carbon monoxide. Facility emissions will be limited to less than 50 tons/year of volatile organic compounds, less than 10 tons/year of any single hazardous air pollutant and less than 25 tons of any combination of hazardous air pollutants. The synthetic minor operating permit shall also contain additional record keeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

36-05065: Homette Corp. (P. O. Box 743, Elkhart, IN 46515) for operation of the Skyline Homes facility in Upper Leacock Township, **Lancaster County**. Mobile homes are manufactured at this facility. There is a potential to emit less than 1 ton /year of the following pollutants: nitrogen oxides, particulate matter, sulfur oxides and carbon monoxide. Facility emissions will be limited to less than 50 tons/year of volatile organic compounds, less than 10 tons/year of any single hazardous air pollutant and less than 25 tons of any combination of hazardous air pollutants. The synthetic minor operating permit shall also contain additional record keeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

67-03100: Iris Energy, LLC (100 Nyala Farm, Westport, CT 06880) for a natural minor operating permit for a synthetic fuel processing facility in East Manchester Township, **York County**. The potential-to-emit volatile organic compounds (VOCs) are about 37 tons per year. The natural minor operating permit shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

11-00414: Senate Coal Mines, Inc. (One Energy Place, Suite 5100, Latrobe, PA 15650) for operation of Coal Refuse Reprocessing at St. Michael Pile in Adams Township, **Cambria County**.

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

25-00918: Medical Manufacturing Corp. (2205 East 33rd Street, Erie, PA 16510) for a Natural Minor Operat-

ing Permit for operation of an ethylene oxide sterilization facility in the City of Erie, **Erie County**.

10-00011: Castle Rubber Co. (Railroad Street, P. O. Box 589, Butler, PA 16003) for a Natural Minor Operating Permit for the manufacture of custom rubber components in East Butler Borough, **Butler County**.

43-00037: SQP Industries (2 North Sixth Street, Sharpsville, PA 15150) for a Natural Minor Operating Permit to operate a malleable iron foundry in Sharpsville, **Mercer County**.

MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to the applications will also address the 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 the certification.

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

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

Written comments or objections should contain the name, address and telephone number of persons submit-

ting 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

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

13010202. Northampton Fuel Supply Co., Inc. (7500 Old Georgetown Road, Suite 13, Bethesda, MD 20814), commencement, operation and restoration of an anthracite coal refuse reprocessing and fly ash disposal operation in Banks Township, **Carbon County** affecting 111.85 acres, receiving stream—none (no discharge). Application received: November 20, 2001.

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

17950116 and NPDES Permit No. PA0220183. Hilltop Coal Company, R. R. 1, Box 347, Houtzdale, PA 16651. Renewal of an existing bituminous surface mine permit in Bigler Township, **Clearfield County** affecting 14 acres. Receiving streams: unnamed tributaries of Upper Morgan Run to Upper Morgan Run; Upper Morgan Run to Clearfield Creek; and Alexander Run to Clearfield Creek; Clearfield Creek to West Branch Susquehanna River. Application received: October 26, 2001.

17900107 and NPDES Permit No. PA0116963. Hilltop Coal Company, R. R. 1, Box 347, Houtzdale, PA 16651. Renewal of an existing bituminous surface mine permit in Bigler Township, **Clearfield County** affecting 18.2 acres. Receiving streams: Alexander Run, Upper Morgan Run. Application received: October 26, 2001.

14960101 and NPDES Permit No. PA0220388. River Hill Coal Company, Inc., Box 141, Kylertown, PA 16847. Renewal of an existing bituminous surface mine permit in Snow Shoe Township, **Centre County** affecting 48.5 acres. Receiving streams: North Fork Beech Creek to Beech Creek, Beech Creek to Bald Eagle Creek; Bald Eagle Creek to West Branch Susquehanna River. Application received: November 19, 2001.

17960116 and NPDES Permit No. PA0220469. T D K Coal Sales, Inc., P. O. Box 259, Brockway, PA 15824-0259. Transfer of an existing bituminous surface mine permit from E. P. Bender Coal Co., Inc., located in Jordan Township, **Clearfield County** affecting 154 acres. Receiving streams: unnamed tributaries to Comfort Run and Comfort Run. Application received: November 7, 2001.

17840126 and NPDES Permit No. PA0609781. T D K Coal Sales, Inc., P. O. Box 259, Brockway, PA 15824-0259. Transfer of an existing bituminous surface mine permit from E. P. Bender Coal Co., Inc., located in Jordan Township, **Clearfield County** affecting 341.7 acres. Receiving streams: Hunter Run and unnamed tributaries to Comfort Run and Comfort Run, to North Witmer Run to Clearfield Creek. Application received: November 7, 2001.

14820103 and NPDES Permit No. PA0611719. American Compliance Coal, Inc., P. O. Box 260, Brockway, PA 15824. Transfer of an existing bituminous surface mine-auger permit from Al Hamilton Contracting Company, located in Rush Township, **Centre County** affecting 379.7 acres. Receiving streams: unnamed tribu-

taries to Trout Run and Moshannon Creek to Moshannon Creek, to the West Branch Susquehanna River, to the Susquehanna River. Application received: November 8, 2001.

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

03910102. T. C. Mining (R. R. 2, Box 301B, Kittanning, PA 16201). Renewal application received for reclamation only of a bituminous surface mine located in Valley Township, **Armstrong County**, affecting 72.6 acres. Receiving stream: unnamed tributary to Long Run and Long Run, classified for the following use: warm water fishery. The first downstream potable water supply intake from the point of discharge is PA American Water Company. Renewal application received: November 27, 2001.

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

32960103 and NPDES Permit No. PA021331. Kraynak Coal Company, 3124 Firetower Road, Mahaffey, PA 15757. Permit renewal for continued operation of a bituminous surface and auger mine and for existing discharge of treated mine drainage in Grant and Green Townships, **Indiana County**, affecting 329.7 acres. Receiving streams: unnamed tributary to East Run and Little Mahoning Creek to Mahoning Creek and unnamed tributaries of North Branch of Two Lick Creek classified for the following uses: High Quality—Cold Water Fishery; High Quality—Cold Water Fishery; Cold Water Fishery and Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 26, 2001.

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

32841317. NPDES Permit # PA0037109, Helvetia Coal Company (P. O. Box 219, Sheloceta, PA 15774), to revise the permit for the Lucerne No. 9 deep mine in Conemaugh Township, **Indiana County** to add a treatment pond and 2.5 surface acres to the existing surface area of Lucerne 9 Mine/No. 2 portal, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A, The first downstream potable water supply intake from the point of discharge is N/A, Application received: November 19, 2001.

30831303. NPDES Permit # PA0013511, RAG Cumberland Resources, L.P., 158 Portal Rd., P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Whiteley Township, **Greene County** to add three vent boreholes and a stream crossing, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A, The first downstream potable water supply intake from the point of discharge is N/A, Application received: November 28, 2001.

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

33970111. Falls Creek Energy Co., Inc. (R. D. 6, Box 231, Kittanning, PA 16201). Revision to an existing bituminous surface strip operation in McCalmont and Winslow Townships, **Jefferson County** affecting 94.3

acres. Receiving streams: Laurel Run and Big Run, classified for the following uses: Statewide water uses: CWF. No public water supplies are within 10 miles downstream of this proposed operation. Revision to include a post mining land use change from forestland to unmanaged natural habitat on lands of Falls Creek Energy Co., Inc. Application received: October 9, 2001.

Coal Applications Returned

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

54850207T2. Phoenix Contract Mining, Inc. (243 Pine Street, Tremont, PA 17981), transfer of an existing anthracite coal refuse reprocessing and preparation plant operation from Harriman Coal Corporation in Hegins Township, **Schuylkill County** affecting 39.1 acres. Application received: August 7, 2001. Application returned: November 27, 2001.

54930102T2. Phoenix Contract Mining, Inc. (243 Pine Street, Tremont, PA 17981), transfer of an existing anthracite surface mine operation from Harriman Coal Corporation in Porter Township, **Schuylkill County** affecting 460.0 acres. Application received: August 7, 2001. Application returned: November 27, 2001.

54803203T3. Phoenix Contract Mining, Inc. (243 Pine Street, Tremont, PA 17981), transfer of an existing anthracite surface mine and coal refuse reprocessing operation from Harriman Coal Corporation in Hegins Township, **Schuylkill County** affecting 76.0 acres. Application received: August 13, 2001. Application returned: November 27, 2001.

54820203T2. Phoenix Contract Mining, Inc. (243 Pine Street, Tremont, PA 17981), transfer of an existing anthracite surface mine and coal refuse reprocessing operation from Harriman Coal Corporation in Hegins and Porter Townships, **Schuylkill County** affecting 200.0 acres. Application received: August 13, 2001. Application returned: November 27, 2001.

Noncoal Applications Received

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

67960301C3. Codorus Stone & Supply Co., Inc. (135 Mundis Race Road, York, PA 17402-9723), renewal of NPDES Permit #PA0223701 in East Manchester Township, **York County**, receiving stream—Codorus Creek, warm water fishery. Application received: November 21, 2001.

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

05920301 and NPDES Permit No. PA0212261. New Enterprise Stone & Lime Company, Inc., P. O. Box 77, Church Street, New Enterprise, PA 16664, for continued operation of a noncoal surface mine and to add 20.7 acres to the permit. Total acres goes from 351.5 to 372.2 in Snake Spring Valley Township, **Bedford County**. Receiving streams: Cove Creek and Raystown Branch of the Juniata River classified for the following uses: Exceptional Value, Trout Stock Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 28, 2001.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications and requests for Environmental Assessment approval and requests for Water Quality Certification have been received by the Department of Environmental Protection. Section 401 of

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E15-678. West Whiteland Township, 222 North Pottstown Pike, Exton, PA 19341, West Whiteland Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain a 6-foot wide bridge pedestrian and elevated boardwalk spanning Lionville Run, a tributary to West Valley Creek (WWF-MF) and 0.064 acre of adjacent wetlands (PEM) located in Miller Park. Concrete piers will support the boardwalk. The site is located approximately 1,500 feet southwest of the intersection of Pottstown Pike and Swedesford Road (Downingtown, PA Quadrangle N: 5.7 inches; W: 1.5 inches).

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

E64-224. Pennsylvania Department of Transportation, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501, in Damascus Township, **Wayne County**, U. S. Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain a stream enclosure of Hollister Creek (HQ-

CWF), consisting of a 12.0-foot by 9.0-foot concrete box culvert with its invert depressed 1.0-foot below streambed elevation. The project will also temporarily impact .034 acre of PEM Wetlands. The project is located along S.R. 1016, Section 670, Segment 0050, approximately 0.8 mile downstream of Snyder Pond. (Long Eddy, NY-PA, Quadrangle N: 2.9 inches; W: 3.0 inches).

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

E36-720. Darrell Lovelette, Manheim Township, 1840 Municipal Drive, Lancaster, PA 17601 in Manheim Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a pedestrian footbridge approximately 10-foot by 6-foot wide with a span of 25-foot across the West Branch of Backman Run (WWF) at a point approximately 2,800 feet north of the intersection of Fruitville Road and Stonehenge Road (Lancaster, PA Quadrangle N: 21.9 inches; W: 11.8 inches) in Manheim Township, Lancaster County.

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

E18-289 Amendment. East Nittany Valley Joint Municipal Authority, P. O. Box 314, Lamar, PA 16848. East Nittany Sewer Extension, in Porter Township, **Clinton County**, ACOE Baltimore District (Beech Creek, PA Quadrangle N: 5.65 inches; W: 2.69 inches).

The original permit was authorized to construct and maintain a total of 19 sewer line crossings and 6 pump stations. The crossings will consist of one 10-inch line, eleven 8-inch lines, one 4-inch line, three 3-inch lines and three 2-inch lines. There are three methods of crossing consisting of boring at a minimum of 3 feet under the stream, hanging the line from an existing bridge or using an open trench. If an open trench method was utilized the work will be completed when the stream is dry. The crossings will be through Fishing Creek (HQ-CWF), Little Fishing Creek (HQ-CWF), Cedar Run (HQ-CWF), Long Run (HQ-CWF), Roaring Run (HQ-CWF) and Axe Factory Hollow (CWF).

Currently an amendment request has been presented to change the method of crossing from a bore crossing to an open cut crossing. The crossings shall be constructed in the dry by utilizing stream diversion methods. All dewatering is proposed to be passed through sediment removal system prior to any infiltration to the stream. The two crossings are both on the main branch of Fishing Creek.

E41-493: Montgomery Water and Sewer Authority, 35 South Main Street, Montgomery, PA 17752. Small Projects Water Obstruction and Encroachment Joint Permit Application, in Clinton Township, **Lycoming County**, ACOE Susquehanna River Basin District (Muncy, PA Quadrangle N: 10.5 inches; W: 15.4 inches).

To remove an existing concrete pipe culvert and construct and maintain two 7.92-feet by 5.7-foot arch culverts in an unnamed tributary to the West Branch of the Susquehanna River. This project proposes to have a minimal impact on the Susquehanna River, which is, designated a Warm Water Fishery and does not propose to impact any jurisdictional wetlands.

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

E02-1359. Michael and Erin Joyce, 403 Mt. Nebo Road, Pittsburgh, PA 15237. Borough of Emsworth, **Allegheny County**, ACOE Pittsburgh District.

To rehabilitate and maintain a bridge across Lowries Run (TSF) by replacing the bridge deck. The bridge will provide access to a proposed multi self-storage unit development. The bridge is located on the east side of Camp Horne Road approximately 3/4 mile from its intersection with Route 65 (Ohio River Boulevard) (Emsworth, PA Quadrangle N: 2.1 inches; W: 12.9 inches).

E32-420 A3. Reliant Energy Mid-Atlantic Power Holdings, LLC, 1001 Broad Street, Johnstown, PA 15907-1050. East Wheatfield Township, **Indiana County**, ACOE Pittsburgh District.

To amend Permit E32-420 to include the construction and maintenance of an access roadway along the Conemaugh River (WWF) and a four span bridge having spans of 96.0 feet, 139.0 feet, 115.0 feet, 115.0 feet and an underclearance of 42.5 feet across an unnamed tributary to the Conemaugh River (WWF). The proposed work will impact 0.62 acre of wetlands. The project is located at the Seward Power Plant off of Power Plant Road (New Florence, PA Quadrangle N: 4.5 inches; W: 5.3 inches).

E56-309. Ogle Township, 212 Summit Drive, Windber, PA 15963. Ogle Township, **Somerset County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a 36-inch HDPE culvert in Piney Run (EV) for the purpose of improving roadway standards and transportation safety. The project is located on Roman Road, approximately 200-feet from its intersection with Mount Carmel Drive (Ogletown, PA Quadrangle N: 6.12 inches; W: 12.55 inches).

ENVIRONMENTAL ASSESSMENTS

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

EA52-001NE. Saw Creek Estates Community Association. Lehman Township, **Pike County**, ACOE Philadelphia District.

To remove an existing stream enclosure and restore approximately 380 linear feet of a tributary to Saw Creek, in conjunction with permit waiver provision § 105.12(a)(16), Dam Safety and Waterway Management Regulations. The overall project will also include replacement of a minor road crossing (Decker Road), approximately 50 feet downstream of the restored channel section, under the authorization of General Permit BDWM-GP-7. The project is located between Decker Road and Southport Drive in Saw Creek Estates (Bushkill, PA-NJ Quadrangle N: 21.8 inches; W: 7.4 inches).

EROSION AND SEDIMENT CONTROL

The following parties have applied for an Erosion and Sediment Control Permit for an earth disturbance activity associated with either a road maintenance or timber harvesting operation.

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.

Persons wishing to comment on the proposed permit are invited to submit a statement to the appropriate Department Regional Office listed before the application within 30 days 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 distur-

bance activity are on file and may be inspected at the office identified in this notice.

Persons with a disability that 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.

Applications received under sections 5 and 402 of The Clean Streams Law (35 P.S. §§ 691.5 and 691.402).

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

Venango Conservation District, (814) 676-2832.

<i>ESCP No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESCP6101801	Industrial Timber and Land Company P. O. Box 67 Endeavor, PA 16322	Venango Conservation District (814) 676-2832	Allegheny and President Townships	Stewart Run (CWF)

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 (Department) has taken the following actions on previously received permit applications and requests for plan approval. The actions are listed in two categories. Section I lists all municipal and industrial permits and Section II lists oil and gas related permits.

Persons aggrieved by this 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, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of 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 of 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 decisional law.

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. PA0051284, Industrial Waste, **Springfield Township**, 50 Powell Road, Springfield, PA 19064. This proposed facility is located in Springfield Township, **Delaware County**.

Description of Proposed Action/Activity: Renewal to discharge into an unnamed tributary to Crum Creek-3G.

NPDES Permit No. PA0058378, Sewage, **Upper Uwchlan Township Municipal Authority**, 140 Pottstown Pike, Chester Springs, PA 19425. This proposed facility is located in Upper Uwchlan Township, **Chester County**.

Description of Proposed Action/Activity: Issuance of a NPDES Permit to discharge into Black Horse Creek-3H.

NPDES Permit No. PA0050466, Sewage, **East Vincent Municipal Authority**, 262 Ridge Road, Spring City, PA 19475. This proposed facility is located in East Vincent Township, **Chester County**.

Description of Proposed Action/Activity: Renewal of a NPDES Permit to discharge into the Schuylkill Canal to Schuylkill River-3D.

WQM Permit No. 4601414, Sewerage, **Limerick Township Municipal Authority**, P. O. Box 29, Royersford, PA 19468. This proposed facility is located in Limerick Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation to upgrade existing sewer line.

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

NPDES Permit No. PA-0062481, Sewage, **Rico Carisch**, 20 Canal Road, Easton, PA 18042. This proposed facility is located in Williams Township, **Northampton County**.

Description of Proposed Action/Activity: NPDES permit renewal approval to discharge domestic wastewater from a single family residence to the Delaware River.

NPDES Permit No. PA-0032107, Sewage, **Department of Conservation and Natural Resources—Beltzville State Park**, Bureau of State Parks, P. O. Box 8551, Harrisburg, PA 17105. This proposed facility is located in Franklin Township, **Carbon County**.

Description of Proposed Action/Activity: The renewal application for this NPDES permit is approved. Applicant is thus permitted to discharge 0.025 mgd of treated sewage into the Pohopoco Creek.

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

NPDES Permit No. PA0051829, Sewage, **Schuylkill Valley School District**, Administration Center, 929 Lakeshore Drive, Leesport, PA 19533-8631. This proposed facility is located in Ontelaunee Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Maiden Creek in Watershed 3-B.

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

NPDES Permit No. 4301422, Sewage, **Timothy P. Yesko**, 565 Fredonia Road, Greenville, PA 16125. This proposed facility is located in Perry Township, **Mercer County**.

Description of Proposed Action/Activity: This project is to discharge to tributary to Otter Creek.

NPDES STORMWATER INDIVIDUAL PERMITS—(PAS)

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

These actions of the Department of Environmental Protection (Department) may be appealed to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483, by any aggrieved person under 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). Appeals must be filed with the Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10N031	U. S. Army Corps of Engineers Baltimore District P. O. Box 1715 Baltimore, MD 21203-1715	Lackawanna	Dickson City and Olyphant Borough	Lackawanna River HQ-CWF
PAS10U156	Silvercrest Development Corp. 824 8th Ave. Bethlehem, PA 18018	Northampton	Upper Nazareth Township	Monocacy Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS102806	Pennsylvania Department of Transportation 1620 North Juniata Street Hollidaysburg, PA 16648	Fulton	Brush Creek Township Licking Creek Township	West Fork Roaring Run (HQ-CWF) UNT to Sindeldecker Branch (CWF)

APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS

The following parties have submitted: (1) Notices of Intent (NOIs) 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 Pennsylvania; (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 & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Luzerne County Hazleton City	PAR10R238	Tri Area Joint Recreation Authority P. O. Box 2153 Hazleton, PA 18201	Beaver Creek, CWF Black Creek, CWF	Luzerne County Conservation District (570) 674-7991
Northampton County Easton	PAR10U168	Shiloh Baptist Church 201 Thomas Bright Ave. Easton, PA 18042	Lehigh River, WWF	Northampton County Conservation District (610) 746-1971
Berwick Township Adams County	PAR 100140	JAB Partnership 6115 York Road New Oxford, PA 17350	UNT to Pine Run WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Jefferson Township Berks County	PAR10C393	Roy Hetrick 69 Hetrick Road Bernville, PA 19506	UNT to Mill Creek CWF	Berks County Conservation District P. O. Box 520 1238 County Welfare Road Leesport, PA 19533 (610) 372-4657
East Hanover Township Lebanon County	PAR10P166	USPFO for Pennsylvania Department of Military and Veteran Affairs Purchasing and Contracting Room 242 Bldg. S-O-47 Indiantown Gap Annville, PA 17003-5003	Trout Run TSF	Lebanon County Conservation District 2120 Cornwall Rd. Suite 5 Lebanon, PA 17042 (717) 272-3908 Ext. 3
Lebanon County	PAR10P170	Harry Bowman Woodlea Dev. Corp. 152 W. Main Avenue Myerstown, PA 17067-1095	Quittapahilla Creek TSF	Lebanon County Conservation District 2120 Cornwall Rd. Suite 5 Lebanon, PA 17042 (717) 272-3908 Ext. 3
Dover Township York County	PAR10Y567	Tower Drive Subdivision Harry Fox 15 Montego Court Dillsburg, PA 17019	UNT to Fox Run TSF	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
North Codorus Township York County	PAR10Y556	Grace Fellowship Church R. D. 10 Box 311 York, PA 17404	UNT to South Branch Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430

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

<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>
Beaver County Raccoon Township	PAR100291	James Quinn Green Haven Estates 154 Pleasant Drive Aliquippa, PA 15001	UNT Raccoon Creek/ WWF	Beaver County Conservation District (724) 774-7090
Cambria County Carrolltown Borough	PAR101080	Carrolltown Borough P. O. Box 307 Carrolltown, PA 15722	Little Chest Creek CWF	Cambria County Conservation District (814) 472-2120
Butler County Adams Township	PAR10E168	Kenneth Brennan Brennan Builders 120 Brennan Lane Evans City, PA 16033	UNT to Brush Creek	Butler Conservation District (724) 284-5270
Lawrence County Neshannock Township	PAR103723-1	Gale Measel Northgate GEM Opportunities Inc. 3009 Wilmington Road New Castle, PA 16105	UNT to Shenango River (WWF)	Lawrence Conservation District (724) 652-4512
Venango County Barkeyville Borough	PAR10015	Venango Economic Development Corporation National Transit Building P. O. Box 128 Oil City, PA 16301-0128	UNT to Wolf Creek and UNT to North Branch Slippery Rock Creek (CWF)	Venango Conservation District (814) 676-2832

General Permit Type—PAG-3

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Lancaster County East Hempfield Township	PAR123514	Purina Mills, LLC 3029 Hempland Road Lancaster, PA 17601	West Branch Little Conestoga	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Adams County Tyronne Township	PAR123534	Zeigler Brothers, Inc. 400 Gardners Station Rd. Gardners, PA 17324-0095	UNT Opossum Creek/TSF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Adams County East Berlin Township	PAR123535	Zeigler Brothers, Inc. 400 Gardners Station Rd. Gardners, PA 17324-0095	W. Conewago Creek/WWF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County East Hempfield Township	PAR323506	Bird In Hand Woodworks Inc. 3031 Industry Dr. Lancaster, PA 17603	Brubaker Run/WWF	DEP SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Cumru Township	PAR603502	James R. Strunk Strunk & Strunk Used Auto Parts 475 Poplar Neck Rd. Birdsboro, PA 19508	Schuylkill River/WWF	DEP SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Cumberland County Camp Hill Borough	PAR213510	Atlas Roofing Corp. Camp Hill Facility 802 Highway 19 North Suite 190 Meridian, MS 39307	Cedar Run/CWF	DEP SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Cumberland County Middlesex Township	PAR803556	ABF Freight System Inc. (Carlisle) P. O. Box 10048 Fort Smith, AR 72917-0048	Hogestown Run/CWF	DEP SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
York County Springettsbury Township	PAR803561	Overnight Transport Co. (York) 1000 Semmes Ave. Richmond, VA 23224	Mill Creek/WWF	DEP SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Lancaster County East Lampeter Township	PAR203530	Schmitt's Aluminum Foundry P. O. Box 276 Smoketown, PA 17576	Mill Creek/WWF	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Lancaster County Elizabethtown Borough	PAR223506	Fleetwood Homes of PA Inc. P. O. Box 350 Elizabethtown, PA 17022-9425	Conewago Creek/TSF	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Lebanon County Lebanon City	PAR233516	Lebanon Chemical Corp. 1600 E. Cumberland St. Lebanon, PA 17042	Quittapahilla Creek/TSF	DEP SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Franklin County Southampton Township	PAR123551	Wengers Feed Mill Inc. 101 W. Harrisburg Ave. Rheems, PA 17570	UNT Conodoquinet Creek/WWF	DEP SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Lancaster County Elizabethtown Borough	PAR803531	Newcomer Oil Co. Elizabethtown Bulk Storage Facility 101 E. Cherry St. Elizabethtown, PA 17022	UNT Conoy Creek/TSF	DEP SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Lancaster County Denver Borough	PAR123526	Gehman Feed Mill Inc. 44 N. 3rd St. Denver, PA 17517	Cocalico and Little Cocalico Creek/WWF and TSF	DEP SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
City of Pittsburgh Allegheny County	PAR606139	Keystone Iron & Metal 4903 E. Carson St. Pittsburgh, PA 15207	Monongahela River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Somerset Township Somerset County	PAR216101	New Enterprise Stone & Lime Co. Inc. P. O. Box 77 New Enterprise, PA 16664	Coxes Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Somerset Township Somerset County	PAR806135	New Enterprise Stone & Lime Co. Inc. P. O. Box 77 New Enterprise, PA 16664	Coxes Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Cambria Township Cambria County	PAR326103	New Enterprise Stone & Lime Co. Inc. P. O. Box 77 New Enterprise, PA 16664	Howells Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Adams Township Butler County	PAR238327	James Austin Company P. O. Box 827 Mars, PA 16046-0827	Breakneck Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Jackson Township Butler County	PAR238302	Advanced Polymer Technology Corporation 109 Conica Lane Harmony, PA 16037	Unnamed tributary to Connoquenessing Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Cranberry Township Butler County	PAR208354	Allegheny Metalworking Corp. 17 Leonburg Road Cranberry Township, PA 16066	Unnamed tributary to Brush Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-4</i>				
<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Amwell Township Washington County	PAG046102	Elisabeth Morris 559 Waynesburg Road Washington, PA 15301	Channel to Little Tenmile Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
East Huntingdon Township Westmoreland County	PAG046117	Samuel C. Davis Route 819 R. D. 2 Box 137A Scottdale, PA 15683	Jacobs Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
West Deer Township Allegheny County	PAG046237	Joseph A. Norbutt 147 Donaldson Road Gibsonia, PA 15044	Little Deer Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Pine Township Allegheny County	PAG046238	Lloyd Mason 3299 Jackson Road Gibsonia, PA 15044	Tributary of Irwin Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Indiana Township Allegheny County	PAG046239	Michael P. Ferraro R. D. 5 Box 369 Mill Dam Road Cheswick, PA 15024	UNT of Cunningham Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
West Deer Township Allegheny County	PAG046240	Kathleen Kenney 1245 Logan Road Gibsonia, PA 15044	UNT of Dawson Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Lincoln Borough Allegheny County	PAG046241	Dennis J. Southern 4538 Liberty Way Elizabeth, PA 15037	UNT of Wylie Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Pine Grove Township Warren County	PAG048421	Leah R. Bacchetti 139 Stony Road Lancaster, NY 14086	Wiltsie Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Glade Township Warren County	PAG048763	Edward J. and Bonnie A. Abplanalp 108 Chapman Road Warren, PA 16365	Glade Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Perry Township Mercer County	PAG048765	Timothy P. Yesko 565 Fredonia Road Greenville, PA 16125	Tributary to Otter Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Harborcreek Borough Erie County	PAG048433	James L. Hedlund 5410 Frederick Drive Erie, PA 16501-4806	Unnamed tributary of Six Mile Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

PUBLIC WATER SUPPLY PERMITS

The Department of Environmental Protection (Department) 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 this 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 Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days from the date of issue of 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 of 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 decisional law.

SAFE DRINKING WATER

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

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

Operations Permit issued to: **Mark Terrace Water Company, Inc., t/a Lynn Water Co.**, 6500 Chapmans Road, Allentown, PA 18106, Lynn Township, **Lehigh County** on November 20, 2001.

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

Permit No. 0601507, Public Water Supply.

Applicant	Philadelphia Suburban Water Company
Municipality	Cumru
County	Berks
Type of Facility	Green Hills Manor water supply well (300 gpm) with disinfection.
Consulting Engineer	Douglas E. Berg, P.E. Entech Engineering Inc. 4 South 4th Street Reading, PA 19603
Permit to Construct Issued:	November 27, 2001

Permit No. 0701502, Public Water Supply.

Applicant	Bellemead Townhouses
Municipality	Antis
County	Blair
Type of Facility	Installation of a direct pressure filtration system and a tank for contact time.
Consulting Engineer	Randolph S. Bailey, P.E. Goodkind & O'Dea Inc. 101 Noble Boulevard Carlisle, PA 17013
Permit to Construct Issued:	November 19, 2001

Permit No. 0601502, Public Water Supply.

Applicant	Borough of Leesport
Municipality	Borough of Leesport
County	Berks
Type of Facility	New well 5 at 200 gpm with disinfection.

Consulting Engineer	David Bright, P.E. Spotts, Stevens & McCoy, Inc. 345 N. Wyomissing Blvd. Reading, PA 19610
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Permit to Construct Issued:	November 27, 2001
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Permit No. 6701506, Public Water Supply.

Applicant	Asbury Pointe LTD
Municipality	East Manchester Township
County	York
Type of Facility	An Operation Permit for Well No. 9 and treatment facilities. The well will be pumped at a maximum rate of 60 gpm. Treatment will include iron and manganese removal by greensand filtration followed by disinfection using sodium hypochlorite.

Consulting Engineer	Jerry T. Stahlman, P.E. Stahlman & Stahlman, Inc. 139 E. Market Street York, PA 17401
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Permit to Operate Issued:	November 16, 2001
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Permit No. 2801509, Public Water Supply.

Applicant	DCNR Bureau of State Parks Caledonia
Municipality	Green Township
County	Franklin
Type of Facility	Installation of lead and copper corrosion control facilities. Revised facilities will include equipment to add soda ash and zinc orthophosphate.

Consulting Engineer	David J. Brenneman, P.E. DCNR Bureau of Facility Design and Construction P. O. Box 8451 Harrisburg, PA 17105-8451
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Permit to Construct Issued:	November 13, 2001
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Permit No. 0601513, Public Water Supply.

Applicant	Specialty Design & Manufacturing Co., Inc.
Municipality	Alsace Township
County	Berks
Type of Facility	Construction of a carbon absorption treatment system for volatile organic compounds on an existing public water supply.

Consulting Engineer	Stephen B. Fulton, P.E. ARM Group Inc. 1129 West Governor Road P. O. Box 797 Hershey, PA 17033-0797
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Permit to Operate Issued:	November 20, 2001
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Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit No. 5601503, Public Water Supply.

Applicant **Somerset Township Municipal Authority**, 2209 North Center Avenue, Somerset, PA 15501-7443
 [Borough or Township] Somerset Township
 County **Somerset**
 Type of Facility Friedens system
 Consulting Engineer Crouse & Company
 Permit to Construct November 26, 2001
 Issued

Operations Permit issued to **Indian Lake Borough**, 1301 Causeway Drive, Central City, PA 15926, Indian Lake Borough, **Somerset County** on November 27, 2001.

Permit No. 0201502, Minor Amendment. Public Water Supply.

Applicant **Harrison Township Water Authority**, 1705 Rear, Freeport Road, Natrona Heights, PA 15065
 [Borough or Township] Harrison Township
 County **Allegheny**
 Type of Facility Mt. Airy storage tank
 Consulting Engineer NIRA Consulting Engineers, Inc.
 Permit to Construct November 27, 2001
 Issued

STORMWATER MANAGEMENT

Action on plans submitted under the Stormwater Management Act (32 P. S. § 680.9).

Bureau of Watershed Management, P. O. Box 8555, Harrisburg, PA 17105-8555.

Plan No. SWMP 321:06, Tulpehocken Creek Stormwater Management Plan, as submitted by **Lebanon County**, was approved on November 30, 2001.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Halifax Township	P. O. Box 405 Halifax, PA 17032	Dauphin

Plan Description: The approved plan revision provides for a new private sewage treatment plant with a treated discharge of 34,475 gpd to an unnamed tributary of the Susquehanna River. The proposed facility will serve the Lenker Estates Subdivision consisting of 105 new single family residential lots and 24 townhouse units. The Department's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

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

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Dawson Borough	Mary Jane Winterhalter Secretary P. O. Box A Dawson, PA 15428	Fayette
Dunbar Township	Ron Kellar, Secretary 128 Township Drive Dunbar, PA 15431	Fayette
Franklin Township	George P. Bozek, Secretary Franklin Township 353 Town and Country Road Vanderbilt, PA 15486	Fayette
Lower Tyrone Township	Linda Hiles, Secretary 456 Banning Road Dawson, PA 15428	Fayette
Vanderbilt Borough	Mary Jane Winterhalter, Secretary Vanderbilt Borough P. O. Box 475 Vanderbilt, PA 15468	Fayette

Plan Description: The approved plan provides for a new sewage treatment facility with a discharge to the Youghiogheny River. This project proposes to collect and convey sewage flows from the Boroughs of Dawson and Vanderbilt along with the adjacent portions of Dunbar, Franklin and Lower Tyrone Townships to be treated at a newly constructed sewage treatment plant. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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>
Breakneck Creek Regional Authority	P. O. Box 1180 Mars, PA 16046-1180	Butler

Plan Description: The approved plan provides for construction of modifications to the sewage treatment plant enabling it to handle an additional 1.0 mgd average daily flow basis.

The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

**HAZARDOUS SITES CLEANUP ACT
 UNDER THE ACT OF OCTOBER 18,
 1988**

**NOTICE OF PROMPT INTERIM RESPONSE
 Yorktowne Special Products, Red Lion Borough,
 York County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305),

has initiated a prompt interim response at the Yorktowne Special Products site (Yorktowne) at 101 Cherry Street, Red Lion, PA. This response has been undertaken under sections 501(a) and 505(b) of HSCA (35 P. S. §§ 6020.501(a) and 6020.505(b)). The site is located at Red Lion Borough, York County, PA.

Yorktowne was a small metal plating business operated on a 0.5 acre property with two buildings. One building contains the plating tanks, rinse baths and drums containing various solutions used in nickel, tin and zinc plating. There are approximately 40 drums inside this building with labels designating the contents as nickel, zinc, acids and/or other electroplating wastes. There are also about 15 vats that were utilized for electroplating. Many of these vats have sludge on the bottom. The second building is used as a storage and treatment facility. There are four cement in-ground settling tanks used for the treatment of wastewater generated from the plating operation. There are approximately 15 drums in the second building containing various wastes including brass activators and caustic materials. There are eight 25-gallon drums labeled muriatic acid between the buildings onsite. The land adjacent to the buildings has large areas that are devoid of plant life.

The Department's Waste Management Program issued an Administrative Order on January 2, 1997. The order required that Yorktowne cease dumping or permitting the dumping of solid waste onto the surface of the ground; conduct hazardous waste determinations on accumulated sludge; if the hazardous waste determination indicate that the sludge is hazardous, apply for a hazardous waste generator identification number; and remove and dispose of all solid waste. Yorktowne has not complied with this order. During a recent inspection of the facility Department personnel collected samples from two of the settling tanks and from two open drums. Results from these samples indicate that the sludge and drums contain elevated levels of cyanide, cadmium, chromium, lead, nickel and zinc.

The Department has considered two alternatives for the remediation of the site. The following are brief descriptions of these alternatives.

1. Institutional Controls—This alternative involves placing controls on the facility to limit the direct contact with the waste there. These controls would include repairing the broken-out windows, repairing the fence around the site and alerting the borough police and requesting additional patrols around the facility. All wastes would remain at the site.

2. Waste Removal—This alternative involves the removal and disposal of the wastes at the site. Under this alternative, waste currently stored at the site would be characterized and sent offsite for proper disposal. This would include the waste in the drums, in the plating and rinse baths and in the cement settling tanks. Further investigation of site soils will be conducted to determine if there has been any soil contamination. Any soils containing site related contaminants in excess of Nonresidential Statewide Health Standards would be removed and disposed.

The Department has implemented Alternative 2. This alternative complies with applicable, relevant and appropriate requirements and will eliminate the threat of potential exposure to the wastes. This alternative is protective of human health and the environment by eliminating the risk from further release of hazardous substances at the site.

This notice is provided under section 506(b) of HSCA (35 P. S. § 6020.506(b)) and publication of this notice starts the administrative record period under HSCA. The administrative record which contains information about this site and which supports the Department's decision to perform this action is available for public review and comment at the Department's Southcentral Regional Office at 909 Elmerton Avenue, Harrisburg, PA 17110, by contacting Ruth Bishop at (717) 705-4833. A copy of the administrative record is also available at the Red Lion Borough Office at Center Square, Red Lion, PA.

The administrative record will be open for comment from the date of publication of this notice in the *Pennsylvania Bulletin* and will remain open for 90 days. Persons wishing to submit written comments regarding this action may do so by sending them to Ruth Bishop at the previous address. The public will have an opportunity to present oral comments regarding the action at the public hearing. The hearing has been scheduled for January 24, 2002, at 7 p.m. at the Red Lion Borough Office. Persons wishing to present formal oral comments at that hearing should register by 4 p.m. on January 18, 2002, by calling Charlotte Bonafair at (717) 705-4703.

Persons with a disability, who wish to attend the hearing and require auxiliary aid, service or other accommodation to participate in the proceedings, should contact Charlotte Bonafair at the previous number or through the Pennsylvania Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

SETTLEMENT UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT AND THE HAZARDOUS SITES CLEANUP ACT

**Gettysburg Foundry Specialties Company
Cumberland Township, Adams 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—9675), has entered into a proposed de minimis settlement with: Alcan Cable, Division of Alcan Aluminum Corporation (Alcan) and Hanover Wire Cloth, a Division of CCX, Inc. (Hanover) regarding response costs incurred and to be incurred, by the Department at the Gettysburg Foundry Specialties Co. Site (Site) located in Cumberland Township, Adams County.

Prompt interim response actions were conducted by the Department to secure the facility by repairing the fence and moving piles of dross waste that were exposed to the elements into a large room in the Foundry Building. Later, wastes stored in the Foundry and Ball Mill Buildings were disposed. The Department has determined that further response actions are necessary to abate the release and threatened release of hazardous substances and contaminants at the Site. The Department will initiate a Remedial response action at the site that includes the excavation and offsite disposal of the waste, point source treatment systems to treat affected residential wells and excavation and offsite disposal of contaminated sediments and soils from the wetlands and potentially from the streambeds. This response is necessary to eliminate direct contact threats, ingestion threats and environmental threats.

The Department and Alcan and Hanover entered into a proposed consent order and agreement. Under terms of

the proposed settlement, Alcan and Hanover will pay the Department \$150,000 as reimbursement for response costs.

This notice is provided under section 1113 of HSCA (35 P. S. § 6020.1113). This section provides that the settlement will become final upon the filing of the Department's response to any significant written comments. The proposed consent order and agreement that contains the specific terms of the settlement is available for public review and comment. The proposed consent order and agreement can be examined from 8 a.m. to 4 p.m. at the Department's office at 909 Elmerton Avenue, Harrisburg, PA 17110, by contacting Ruth Bishop at (717) 705-4705. A public comment period on the proposed consent order and agreement will extend for 60 days from today's date. Persons may submit written comments regarding the proposed consent order and agreement to the Department by February 13, 2002, by submitting them to Ruth Bishop at the previous address.

SETTLEMENT UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT AND THE HAZARDOUS SITES CLEANUP ACT

**Douglasville Disposal Site
Berk County, PA**

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 (CERCLA) (42 U.S.C.A. §§ 9601—9675), has entered into a proposed settlement with 137 De Minimis Responsible Parties (Settling Defendants).

The proposed settlement resolves claims of the Department with the Settling Defendants under HSCA and under CERCLA for response costs expended by the Department at the Douglassville Disposal Superfund Site (Site) located in Union Township, Berks County, PA.

All evidence indicates that each of the participating Settling Defendants sent 1% or less of the hazardous substances that were found at the Site. The Department believes that the amount of hazardous substances, as well as their toxic or other hazardous effects, is minimal comparative to that of other hazardous substances contributed to the Site by all known and financially viable persons. The Decree obligates the Settling Defendants, collectively, to reimburse to the Department \$224,024.74 of approximately \$1,635,433 in Department-expended costs and accrued interest.

The Department believes that the Consent Decree is fair, reasonable, practicable, in the public interest and in furtherance of the statutory goals of HSCA and CERCLA.

For a period of 60 days beginning with the December 15, 2001, publication date of this Notice, the public is invited to review the Consent Decree, 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 at (717) 705-6645. The Consent Decree can also be reviewed at the Department's Reading District Office, located at 1005 Crossroads Boulevard, Reading, PA 19605, from 8 a.m. to 4 p.m., by contacting Donna Good at (610) 916-0100.

After review, the public may submit written comments on the Consent Decree, before February 15, 2002, by mailing them to Crystal Snook at the Department's Harrisburg Office at the address previously noted. A

person adversely affected by the settlement may also file an appeal from the Consent Decree to the Environmental Hearing Board.

Any questions concerning this Notice should be directed to Crystal Snook at the telephone number and address previously noted.

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

The Department has received the following final reports:

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

Blue Rock Subdivision Property, Elverson Borough, **Chester County**. John Jacobs, Blue Rock Subdivision Property, 119 S. Chestnut St., Elverson, PA 19520, has submitted a Final Report concerning remediation of site groundwater contaminated with BTEX. The report is intended to document remediation of the site to meet Background Standards.

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

Penn Fuel Gas Inc. Shippensburg, Shippensburg Borough, **Cumberland County**. Key Environmental, Inc., 1200 Arch Street, Suite 200, Carnegie, PA 15106 (on behalf of PFG Gas, Inc., a subsidiary of PPL Gas Utilities, Two North Ninth Street, Allentown, PA 18101) submitted a baseline risk assessment concerning remediation of site soils and groundwater contaminated with lead, BTEX, PAHs and phenolic compounds.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

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

The Department has received the following final reports:

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

Schutte & Koerting Facility, Bensalem Township, **Bucks County**. Bruce Middlemann, Jacques Whitford, Inc., 450 S. Graver Rd., Suite 105, Plymouth Meeting, PA 19462, on behalf of Schutte & Koerting, 2215 State Rd., Bensalem, PA 19020, has submitted a Final Report concerning the remediation of site soil contaminated with lead, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons and site groundwater contaminated with lead and BTEX. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 3, 2001.

Smith Residence, West Chester Borough, **Chester County**. James P. Gallagher, P.G., Marshall Miller & Associates, 3913 Hartzdale Dr., Suite 1306, Camp Hill, PA 17011, on behalf of Chris Smith, 107 Garfield Ave., West Chester, PA 19380, has submitted a Final Report concerning the remediation of site soil contaminated with BTEX and polycyclic aromatic hydrocarbons. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 9, 2001.

PECO Avondale MGP Site, Avondale Borough, **Chester County**. Allan Fernandes, P.G., PECO Energy Co., 300 Front St., Bldg. #1, Conshohocken, PA 19428, on behalf of PECO Energy Co., 2301 Market St., Philadelphia, PA 19101, has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with heavy metals, BTEX and polycyclic aromatic hydrocarbons. The Final report demonstrated attainment of Site-Specific Standards and was approved by the Department on October 31, 2001.

1100 East Mermaid Lane Property, Springfield Township, **Montgomery County**. Darryl D. Borrelli, Manko, Gold & Katcher, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of General Atronics Realty Corp., 1200 E. Mermaid Lane, Wyndmoor, PA 19038, has submitted a Final Report concerning the remediation of site soil contaminated with asbestos and site groundwater contaminated with solvents and MTBE. The Final report demonstrated attainment of Statewide Health and Site-Specific Standards and was approved by the Department on October 24, 2001.

1200 East Mermaid Lane Property, Springfield Township, **Montgomery County**. Darryl D. Borrelli, Manko, Gold & Katcher, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of General Atronics Realty Corp., 1200 E. Mermaid Lane, Wyndmoor, PA 19038, has submitted a Final Report concerning the remediation of site soil contaminated with lead, heavy metals, BTEX, solvents and asbestos and site groundwater contaminated with BTEX, solvents and MTBE. The Final report demonstrated attainment of Statewide Health and Site-Specific Standards and was approved by the Department on October 24, 2001.

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

PPL Utilities—Former Penn Fuel Gas Manufactured Gas Plant (Ashland site), Ashland Borough, **Schuylkill County**. KEY Environmental Incorporated, Rosslyn Farms Industrial Park, 1200 Arch Street, Suite 200, Carnegie, PA 15106 submitted a Remedial Investigation Report (on behalf of their client, PPL Utilities, 2 North Ninth Street, Allentown, PA, 18101) concerning the characterization and assessment of site soils and groundwater and adjacent surface water, found or suspected to have been contaminated with metals, phenolic compounds, cyanide, polycyclic aromatic hydrocarbons and BTEX (benzene, toluene, ethylbenzene and xylene) compounds. The report was submitted in partial fulfillment of a combination of the Statewide health and site-specific standards and was approved on November 28, 2001.

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

Harrisburg International Airport/Middletown Airfield, Lower Swatara Township and Middletown Borough, **Dauphin County**. Susquehanna Area Regional Airport Authority, 513 Airport Drive, Middletown, PA 17057

submitted a combined remedial investigation, risk assessment and cleanup plan concerning the remediation of site soils and groundwater contaminated with PCBs, heavy metals, solvents and PAHs. The combined report was approved by the Department on November 28, 2001

Schneider National Terminal, Bedford Township, **Bedford County**. Environmental Products & Services, Inc., P. O. Box 501, Carnegie, PA 15106 (on behalf of Schneider National Terminal, 5906 Business Route 220, Bedford, PA 15522) submitted a final report concerning the remediation of site soils contaminated with PHCs. The final report demonstrated attainment of the State-wide Health standard and was approved by the Department on December 4, 2001.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

HAZARDOUS WASTE TRANSPORTER LICENSE RENEWED

Environmental Services Inc., 22153 Country R. D. 5, R. R. 3, Tilbury, ON N0P 2L0. License No. **PA-AH 0643**. Effective November 30, 2001.

The Environmental Service Group (NY), Inc., P. O. Box 242, Tonawanda, NY 14151-0242. License No. **PA-AH S144**. Effective November 28, 2001.

Ryan Environmental, Inc., Rt. 4 Box 260, Bridgeport, WV 26330. License No. **PA-AH 0646**. Effective November 28, 2001.

Hazardous Waste Transporter License, actions taken under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

HAZARDOUS WASTE TRANSPORTER LICENSE EXPIRED

TransCom Logistics Corporation, P. O. Box 101178, Irondale, AL 35210. License No. **PA-AH 0635**. Effective November 30, 2001.

Liquid Transporter, Inc., P. O. Box 3500, Calgary, AB T2P 2P9. License No. **PA-AH 0478**. Effective November 30, 2001.

S & C Transport, Inc., 31478 Industrial Road, Suite #100, Livonia, MI 48150. License No. **PA-AH 0446**. Effective November 30, 2001.

Taplin Environmental Contracting Corporation, 5100 W. Michigan Avenue, Kalamazoo, MI 49006. License No. **PA-AH 0637**. Effective November 30, 2001.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—

6019.6) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE RENEWED

University of Pittsburgh of the Commonwealth System of Higher Education, 3700 O'Hara Street, B-50 Benedum Hall, Pittsburgh, PA 15261. License No. **PA-HC 0183**. Effective December 3, 2001.

Infectious and Chemotherapeutic Waste Transporter License, actions taken under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE EXPIRED

Carlos' Express, P. O. Box 741, Pine Brook, NJ 07058. License No. **PA-HC 0211**. Effective November 30, 2001.

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.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.

GP-26-00483C: Great Lakes Energy Partners (P. O. Box 235, Yatesboro, PA 16236) permit (GP-5) on November 15, 2001, for construction and operation of one CE Natco, Model No. 250, Natural Gas Glycol Dehydrator, rated at 250 mmBtu/hr at the Rumbaugh Compressor Station in Lower Tyrone, **Fayette County**.

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

GP-10-00011: Castle Rubber (Railroad Street, Butler, PA 16003) on November 30, 2001, for operation of a burn off oven in East Butler Borough, **Butler County**.

GP-10-00011: Castle Rubber (Railroad Street, Butler, PA 16003) on November 30, 2001, for operation of three natural gas fired boilers in East Butler Borough, **Butler County**.

GP-25-00058: VA Medical Center—Erie (135 East 38th Street, Erie, PA 16504) on November 30, 2001, for operation of three natural gas fired boilers in Erie, **Erie County**.

GP-10-00239: Mine Safety Appliances (1000 Cranberry Woods Drive, Cranberry Township, PA 16066) on November 30, 2001, for operation of two natural gas fired boilers in Cranberry Township, **Butler 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.

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.

15-0014D: Saint Gobian Performance Plastics Corp. (57 Morehall Road, Malvern, PA 19355) on November 28, 2001, for operation of a medical device manufacturing process in East Whiteland Township, **Chester County**.

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

45-318-030A: Custom Design and Manufacturing Co., Inc. (P. O. Box 216, Pocono Summit, PA 18346) on November 27, 2001, for construction of wood working and paint application systems with associated air cleaning devices in Tobyhanna Township, **Monroe County**.

54-399-016C: World Resources Co. (170 Walnut Lane, Pottsville, PA 17901-8559) on November 27, 2001, for modification of a metals reclamation process and associated air cleaning device in Norwegian Township, **Schuylkill County**.

48-302-103: Newstech PA LP (formerly Northampton Pulp LLC, 6 Horwith Drive, Northampton, PA 18067) on November 28, 2001, for reactivation of a natural gas fired boiler in Northampton Borough, **Northampton County**.

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

ER-21-05024: Scranton-Altoona Terminals Corp. (P. O. Box 2621, Harrisburg, PA 17105) on November 28, 2001, for emission reduction credits for loading rack and storage tanks at Mechanicsburg South Terminal in Monroe Township, **Cumberland County**.

38-03035: V and S Lebanon Galvanizing, LLC (1000 Buckeye Park Road, Columbus, OH 43207) on November 26, 2001, for construction of a hot dip galvanizing operation at its Northport Industrial Park facility in Union Township, **Lebanon County**.

67-03107: Hoover Manufacturing Co., Inc. (P. O. Box 146, Glen Rock, PA 17327) on November 27, 2001, for construction of three spray paint booths controlled by dry panel filters at its Commerce Park facility in Springfield Township, **York County**.

67-03109: Bickel's Snack Foods, Inc. (1120 Zinns Quarry Road, York, PA 17405) on November 26, 2001, for installation of a potato fryer controlled by a mist eliminator at its Plant 3 in Manchester Township, **York County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.

03-00227A: Rosebud Mining Co. (R. D. 39 Box 379A, Kittanning, PA 16201) on November 6, 2001, for construction of portable coal crusher with screen at Gastown Surface Mine in Plumcreek Township, **Armstrong County**.

04-446C: AES BV Partners (394 Frankfort Road, Monaca, PA 15061) on November 21, 2001, for construction of a CFB Boiler at the Beaver Valley Cogeneration Plant in Potter Township, **Beaver County**.

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

10-001F: AK Steel—Butler Works (Route 8 South, P. O. Box 832, Butler, PA 16003) on November 20, 2001, for conversion of the #4 Pickle Line in Butler, **Butler County**.

37-023C: Orion Power Midwest—New Castle Plant (State Route 168 South, West Pittsburgh, PA 16160-0325) on November 14, 2001, for installation of Selective Non-Catalytic Reduction (SCNR) on Boilers Nos. 3, 4 and 5 in Taylor Township, **Lawrence County**.

43-040A: AK Steel—Sawhill Tubular Division (200 Clark Street, Sharon, PA 16146) on November 14, 2001, for replacement of dry zinc dust collectors in Sharon, **Mercer County**.

20-175A: Cardinal Home Products, Tel-O-Post Div. (205 North Pymatuning Street, Linesville, PA 16424) on November 27, 2001, to operate a surface coating operation in Linesville Borough, **Crawford County**.

42-195A: Ram Forest Products (Route 44, Ceres Road, Shinglehouse, PA 16748) on November 21, 2001, for construction of a wood fired boiler in Ceres Township, **McKean 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.

15-0051: Allan A. Myers, Inc./dba Independence Conconstruction Materials (4042 State Road, Devault, PA 19432) on November 26, 2001, for operation of a Rock Crushing Plant in Charlestown Township, **Chester County**.

46-0198C: Blommer Chocolate Company (1101 Blommer Drive, East Greenville, PA 18041) on November 26, 2001, for operation of a W400 Winnower and Baghouse in Upper Hanover Township, **Montgomery County**.

46-0198B: Blommer Chocolate Company (1101 Blommer Drive, East Greenville, PA 18041) on November 26, 2001, for operation of a Jetzone Grinding Unit Mist Eliminator in Upper Hanover Township, **Montgomery County**.

46-0198A: Blommer Chocolate Company (1101 Blommer Drive, East Greenville, PA 18041) on November 26, 2001, for operation of a Cocoa Bean Deshelling Operation in Upper Hanover Township, **Montgomery County**.

46-0198: Blommer Chocolate Company (1101 Blommer Drive, East Greenville, PA 18041) on November 26, 2001, for operation of a Alkalization Reactor in Upper Hanover Township, **Montgomery County**.

23-0001K: Sunoco, Inc. (Delaware Avenue and Green Streets, Marcus Hook, PA 19061) amended November 27, 2001, for organic chemical production in Marcus Hook Borough, **Delaware County**.

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

67-317-033D: Starbucks Coffee Co. (3000 Espresso Way, York, PA 17402) on November 27, 2001, for installation of Coffee Roasters 3A and 3B each controlled by a cyclone (Probat) and a catalytic afterburner (Probat) at its York Roasting Plant in East Manchester Township, **York County**. 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.

55-302-005B: Wood-Mode, Inc. (One Second Street, Kreamer, PA 17833) on November 21, 2001, to extend the authorization to operate a 10.2 million Btu per hour woodwaste-fired boiler (Boiler 1) and associated air cleaning devices (two multiclones in series) on a temporary basis until March 21, 2002, in Middlecreek Township, **Snyder County**.

55-302-005C: Wood-Mode, Inc. (One Second Street, Kreamer, PA 17833) on November 21, 2001, to extend the authorization to operate a 32 million Btu per hour woodwaste-fired boiler (Boiler 3) and associated air cleaning devices (two multiclones in series) on a temporary basis until March 21, 2002, in Middlecreek Township, **Snyder County**.

19-304-006D: Benton Foundry, Inc. (5297 SR 487, Benton, PA 17814-7641) on November 21, 2001, to extend the authorization to operate various pieces of foundry equipment (induction furnaces, scrap dryer, casting shakeout, and the like) and associated air cleaning devices (three fabric collectors) on a temporary basis until March 21, 2002, in Sugarloaf Township, **Columbia County**.

08-399-031A: OSRAM SYLVANIA Products, Inc. (Hawes Street, Towanda, PA 18848-0504) on November 27, 2001, to correct an erroneous metal powders maximum spray dryer inlet air temperature limit from 425°F to 425°C in North Towanda Township, **Bradford County**.

18-00006A: Dominion Transmission Corp. (625 Liberty Avenue, Pittsburgh, PA 15222-3199) on November 26, 2001, to extend the authorization to operate five natural gas-fired 2000 horsepower reciprocating internal combustion compressor engines (Engines 1, 2, 3, 7 and 8) on a temporary basis until March 26, 2002, at the Leidy Compressor Station in Leidy Township, **Clinton County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.

03-026A: Eljer Plumbingware, Inc. (1301 Eljer Way, Ford City, PA 16226) on November 8, 2001, for construction of Tunnel Kiln No. 1 at the Ford City Plant in Burrell Township, **Armstrong County**. This plan approval was extended.

03-207A: Hanson Aggregates PMA, Inc. (400 Industrial Boulevard, New Kensington, PA 15068) on November 8, 2001, for operation of diesel engine, generator, tanks at Allegheny II Dredge Plant in Gilpin Township, **Armstrong County**. This plan approval was extended.

03-225A: Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) on November 26, 2001, for operation of portable coal crusher at Jud Surface Mine in Valley Township, **Armstrong County**. This plan approval was extended.

65-302-071: Koppers Industries, Inc. (436 Seventh Avenue, Pittsburgh, PA 15219) on November 12, 2001, for construction of two boilers at Monessen Coke Plant in Monessen Township, **Westmoreland County**. This plan approval was extended.

63-014D: Orion Power Midwest, L.P. (2000 Cliff Mine Road, Suite 200, Pittsburgh, PA 15275) on November 28, 2001, for installation of SNRC on Units 1-3 at Elrama Plant in Union Township, **Washington County**. This plan approval was extended.

65-788L: Sony Electronics, Inc. (1001 Technology Drive, Mt. Pleasant, PA 15666) on November 28, 2001, for increase in emission limitations at Sony Technology Center in East Huntingdon Township, **Westmoreland County**. This plan approval was extended.

65-00891B: Firestone Building Products Company (525 Congressional Boulevard, Carmel, IN 46032) on November 28, 2001, for installation of RTO, the pentane bulk storage tank at Youngwood Plant in Youngwood Borough, **Westmoreland County**. This plan approval was extended.

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

10-021F: Indspec Chemical Corp. (133 Main Street, P. O. Box 307, Petrolia, PA 16050) on November 30, 2001, for the No. 3 and No. 4 Kiln in Petrolia, **Butler County**.

25-035A: Molded Fiber Glass Co. (55 Fourth Avenue, Union City, PA 16438) on November 30, 2001, for a surface coating operation in Union City, **Erie County**.

33-002B: Owens-Brockway Glass Container (Route 219 North, Crenshaw Plant #19, Brockway, PA 15824) on November 30, 2001, for a glass melting furnace in Snyder Township, **Jefferson County**.

42-399-015A: Temple Inland Forest Products Corp.—Mt. Jewett (R. D. 2, Hutchins Road, Mt. Jewett, PA 16740) on November 30, 2001, for three wood particle dryers and oil heater in Sergeant Township, **McKean County**.

42-176E: Temple Inland Forest Products Corp.—Mt. Jewett (R. D. 2, Hutchins Road, Mt. Jewett, PA 16740) on November 30, 2001, for a wood chip refiner start up cyclone in Sergeant Township, **McKean County**.

37-307A: Hobel Brothers Co./Slippery Rock Salvage (214 Gardner Avenue, New Castle, PA 16107) on September 30, 2001, for an enclosed steel ingot cutting operation in New Castle, **Lawrence 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.

09-00015: Rohm and Haas Company (100 PA Route 413, Bristol, PA 19007) on November 29, 2001, for operation of a Facility Title V Operating Permit in Bristol Township, **Bucks County**.

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

30-00099: Allegheny Energy Supply Company, LLC (4350 Northern Pike, Monroeville, PA 15146-2841) on

November 29, 2001, for operation of an electric power generation facility at Hatfield's Ferry Power Station in Cumberland Township, **Greene County**.

30-00072: CONSOL Pennsylvania Coal Co. (1800 Washington Road, Pittsburgh, PA 15241) on November 28, 2001, for operation of their Bailey coal preparation Plant and thermal drying facility in Richhill Township, **Greene County**.

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.

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

35-00020: Master Halco (1275 North Keyser Avenue, Scranton, PA 18504) for operation of a galvanizing furnace and galvanizing line and its associated cleaning devices in the City of Scranton, **Lackawanna County**.

35-00034: Humane Society of Lackawanna County (967 Griffin Pond Road, Clarks Summit, PA 18411) for operation of the Crematory Incinerator and its associated air cleaning devices in South Abington Township, **Lackawanna County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Leif Ericson, Program Manager, (717) 705-4702.

22-03010: East Harrisburg Cemetery, Co. (2260 Herr Street, Harrisburg, PA 17109) on November 26, 2001, for operation of a human crematorium in Susquehanna Township, **Dauphin County**.

36-03038: Evans Eagle Burial Vaults, Inc. (15 Graybill Road, Leola, PA 17540) on November 27, 2001, for operation of a cremation chamber in Upper Leacock Township, **Lancaster County**.

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

33-00168: Miller Welding and Machine Co. (1000 Miller Drive, Brookville, PA 15825) on November 14, 2001, for a Natural Minor Operating Permit to operate a surface coating facility in Rose Township, **Jefferson County**.

37-00234: Praxair Surface Technologies, Inc. (3225 Honeybee Lane, New Castle, PA 16105) on November 27, 2001, for a Natural Minor Operating Permit for surface coating deposition processes in addition to laser welding and cladding services in Wilmington Township, **Lawrence County**.

25-00961: Loger Industries Inc., Erie Plant (10015 Railroad Street, Lake City, PA 16423) on November 28, 2001, for a Synthetic Minor Operating Permit in Lake City Borough, **Erie 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.

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

62-00012: Reliant Energy Mid-Atlantic Power Holdings, LLC—Warren Generating Station (1001 Broad Street, Johnstown, PA 15907) in Conewango Township, **Warren County**, will be Administratively Amending their Title V permit issued May 4, 2000 and amended on November 21, 2001, to incorporate the name change from Site Pennsylvania Holdings, LLC.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); 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

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

30010101 and NPDES Permit PA0202975. Patriot Mining Co., Inc. (P. O. Box 4360, Star City, WV 26504). Permit issued for commencement, operation and reclamation of a bituminous surface mine located in Perry and Dunkard Townships, **Greene County**, affecting 336 acres. Receiving streams: Dooley Run to Dunkard Creek to the Monongahela River. Application received: June 6, 2001. Permit issued: November 26, 2001.

63010101 and NPDES Permit PA0202959. Kerry Coal Company (R. D. 2, Box 2139, Wampum, PA 16157). Permit issued for commencement, operation and reclamation of a bituminous surface mine located in Hanover Township, **Washington County**, affecting 78.6 acres. Receiving streams: unnamed tributaries to Kings Creek to Kings Creek to the Ohio River. Application received: April 12, 2001. Permit issued: November 27, 2001.

26-01-03. Joseph Rostosky Coal Company (2578 Country Lane, Monongahela, PA 15063). Government Financed Construction Contract issued for reclamation of approximately 6.5 acres of abandoned mine lands located in Franklin Township, **Fayette County**. Receiving stream: unnamed tributary to Bolden Run. Application received: July 30, 2001. Contract issued: November 27, 2001.

26000103 and NPDES Permit PA0202878. J. Construction Co. (R. R. 2, Box 626, Farmington, PA 15437). Permit issued for commencement, operation and reclamation of a bituminous surface mine located in Fairchance Borough and Georges Township, **Fayette County**, affecting 7.0 acres. Receiving stream: Muddy Run. Application received: November 13, 2000. Permit issued: November 29, 2001.

03970102 and NPDES Permit PA0201855. Seven Sisters Mining Co., Inc. (200 U. S. Route 22, Delmont,

PA 15626). Permit renewal issued for continued reclamation only of a bituminous surface mine located in South Bend Township, **Armstrong County**, affecting 31.3 acres. Receiving streams: unnamed tributary to Fagley Run. Application received: October 11, 2001. Renewal permit issued: December 3, 2001.

30940102 and NPDES Permit PA0200930. Shafer Brothers Construction, Inc. (668 Lower Hildebrand Road, Morgantown, WV 26501). Permit renewal issued for continued reclamation only of a bituminous surface mine located in Greene Township, **Greene County**, affecting 25.5 acres. Receiving streams: unnamed tributary to Whitley Creek. Application received: September 11, 2001. Renewal permit issued: December 3, 2001.

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

56960107 and NPDES Permit No. PA0234231. PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541. Permit renewal for continued operation of a bituminous surface and auger mine and for existing discharge of treated mine drainage in Jenner Township, **Somerset County**, affecting 129.9 acres. Receiving streams: unnamed tributaries to/and Quemahoning Creek classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is Somerset/Cambria Water Authority Quemahoning Dam. Application received: September 20, 2001. Permit issued: November 29, 2001.

32990107 and NPDES Permit No. PA0235121. Amerikohl Mining, Inc., 202 Sunset Drive, Butler, PA 16001. Permit revision to add coal ash placement and for existing discharge of a treated mine drainage in Rayne and Washington Townships, **Indiana County**, affecting 90.0 acres. Receiving streams: McKee Run classified for the following uses: Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received July 18, 2001. Permit issued: November 30, 2001.

Noncoal Permits Actions

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

08990301 and NPDES Permit No. PA0242721. Calvin C. Cole, Inc., 809 N. Elmira Street, Sayre, PA 18840. Commencement, operation and restoration of a Large Industrial Minerals (Gravel) permit in Athens Township, **Bradford County** affecting 20.08 acres. Receiving streams: None. Application received: September 13, 1999. Permit issued: November 15, 2001.

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

37950303. Cemex, Inc. (1200 Smith St., Suite 2400, Houston, TX 77002) Renewal of NPDES# PA0227129, Shenango and Taylor Townships, **Lawrence County**. Receiving streams: unnamed tributaries to McKee Run and McKee Run. Application received: September 25, 2001. NPDES Renewal Permit Issued: November 15, 2001.

3075SM14. James J. Hornyak, d/b/a West Ridge Gravel Co. (3251 Fairplain Road, P. O. Box 181, Girard, PA 16417-0181) Transfer of an existing sand and gravel operation from Joseph Arendash in Girard Township, **Erie County** affecting 257.8 acres. Receiving streams: unnamed tributary to Godfrey Run. Application received: February 13, 2001. Permit Issued: November 19, 2001.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)).

Except as otherwise noted, the Department certifies that the construction and operation herein described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State Water Quality Standards.

Any person aggrieved by this 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, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of 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 of 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 decisional law.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (*Note:* Water Obstruction and Encroachment Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description).

Permits Issued and Actions on 401 Certifications:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E51-189. City of Philadelphia, Streets Department, 1401 John F. Kennedy Boulevard, Room 830, MSB, Philadelphia, PA 19102-1617, City of Philadelphia, **County of Philadelphia,** ACOE Philadelphia District.

To remove an existing simple span steel truss bridge superstructure and to construct and maintain, in its place, a single span steel truss bridge superstructure across Manayunk Canal (WWF-MF). The proposed structure will have a clear span of 80 feet and an underclearance of 14.9 feet. The existing pier and north abutment substructure units will be reused during this project. This project is associated with the bridge superstructure replacement and roadway improvements for Fountain Street and will serve as a secondary access to Venice Island. The site is located approximately 400 feet south-

west of the intersection of Umbria Street and Fountain Street (Germantown, PA-NJ USGS Quadrangle N: 5.6 inches; W: 15.1 inches).

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

E48-307. Conectiv Bethlehem, Inc., P. O. Box 6066, Newark, DE 19714-6066. Lower Saucon Township and the City of Bethlehem, **Northampton County**, Army Corps of Engineers Philadelphia District.

To place fill in a de minimis area of wetlands equal to 0.02 acre for the purpose of constructing an electrical substation for a combined cycle electric generating facility and to construct and maintain various utility line stream crossings of a tributary to East Branch Saucon Creek and Saucon Creek and an intake and outfall structure in the Lehigh River. The project is located within the Bethlehem Commerce Center, on the south side of S.R. 2012 (Applebutter Road) with utility line work extending to the confluence of Saucon Creek and the Lehigh River (Hellertown, PA Quadrangle N: 21.6 inches; W: 8.0 inches).

E48-313. Brian M. Skurski, 6795 Hanover Street, Bethlehem, PA 18017. East Allen Township, **Northampton County**, Army Corps of Engineers Philadelphia District.

To place fill in the floodway of a tributary to Catasauqua Creek for the purpose of expanding the backyard of an existing residential dwelling. The project is located on the west side of Township Road T424 (Hanover Street), approximately 0.1 mile north of Colony Drive (Catasauqua, PA Quadrangle N: 11.0 inches; W: 7.4 inches).

E54-289. Frank J. Krammes, P. O. Box 130, Spring Glen, PA 17978. Eldred Township, **Schuylkill County**, Army Corps of Engineers Baltimore District.

To construct and maintain a single-span bridge, having a clear span of approximately 21 feet and an underclearance of 6.25 feet, across Mahantango Creek. The project is located on the south side of Township Road T-505 (Taylorsville Mountain Road), approximately 1.0 mile east of Creek Road (Tremont, PA Quadrangle N: 16.0 inches; W: 13.7 inches).

E40-474A. TFP Limited, 1140 Route 315, Wilkes-Barre, PA 18711. Wilkes-Barre Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To modify and maintain an existing stream enclosure of Coal Brook, constructed under the authorization of Permit No. E40-474, with work consisting of extending the 66-inch aluminized steel pipe enclosure by approximately 160 linear feet. This permit authorizes an alternative wetland mitigation site, located in Dorrance Township, Luzerne County, versus onsite wetland mitigation as originally permitted. The permittee is required to provide 2.05 acres of replacement wetlands. The project is located at the Arena Hub shopping center, south of Mundy Street and north of Interstate 81 (Wilkes-Barre East, PA Quadrangle N: 21.1 inches; W: 12.5 inches).

E64-226. Pennsylvania Department of Transportation, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501, in Lake Township, **Wayne County**, U.S. Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain a road crossing of a tributary to Ariel Creek (HQ-CWF), consisting of a 91-inch by 58-inch reinforced concrete elliptical culvert. The project is located along S.R. 3011, Segment 0130, Offset 1600, approximately 1.0

mile upstream of Roaming Wood Lake. (Lakeville, PA, Quadrangle N: 11.5 inches; W: 15.9 inches).

E40-577. Luzerne County Board of Commissioners, Luzerne County Courthouse, 200 North River Street, Wilkes-Barre, PA 18711-1001. Ross Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To remove the existing structure and to construct and maintain a road crossing of Huntington Creek, consisting of a single-span concrete bridge, having a clear span of approximately 18 feet and an underclearance of approximately 4.2 feet. The structure is known as County Culvert #17007. The project is located along Township Road T-672, approximately 500 feet south of the intersection of T-672 and S.R. 4028 (Sweet Valley, PA Quadrangle N: 13.5 inches; W: 2.0 inches).

E40-579. Luzerne County Flood Protection Authority, Luzerne County Courthouse, 200 N. River Street, Wilkes-Barre, PA 18711-1001, in Wilkes-Barre Township and Wilkes-Barre City, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To remove/modify existing structures and to construct and maintain a stream enclosure of Coal Brook (CWF), consisting of approximately 7,000 linear feet of sections of 84-inch and 90-inch corrugated aluminum steel pipe and 10-foot by 6-foot box culvert. The enclosure will tie into existing enclosed sections and will include numerous stormwater outfall structures along its lengths. Approximately 2,000 linear feet of the existing watercourse (downstream of Spring Street), which consists of enclosed and open channel sections, will remain in place. The upstream portion will be diverted along a new alignment, transitioning to the existing downstream channel along Wilkes-Barre Boulevard via a riprap channel and energy dissipation basin. Approximately 0.1 acre of PEM wetlands will be impacted by the construction of the basis. The project is located between the Arena Hub Plaza and Wilkes-Barre Boulevard. (Wilkes-Barre East, PA, Quadrangle N: 21.7 inches; W: 14.4 inches).

E64-225. Pennsylvania Department of Transportation, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501, in Lake Township, **Wayne County**, U.S. Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain a road crossing of a tributary to Purdy Creek (HQ-CWF), consisting of an 8.0-foot by 6.0-foot reinforced concrete box culvert with its invert depressed 1.0-foot below stream bed elevation. The project is located along S.R. 3040, Segment 0080, Offset 3170, approximately 0.9 mile downstream of Butler Pond. (Lakeville, PA, Quadrangle N: 12.4 inches; W: 8.0 inches).

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

E21-318. Willis Brubacker, 1815 W. Lisburn Road, Carlisle, PA 17013, in Monroe Township, **Cumberland County**, ACOE Baltimore District.

To re-construct and maintain about 2,400 linear feet of grass lined channel in an unnamed tributary to Hogestown Run (CWF) for the purpose of controlling soil erosion on the Brubacker farm located on the east side of Township Road T-588 about 0.2 mile north of its intersection with LR 21013 (Mechanicsburg, PA Quadrangle N: 10.75 inches; W: 13.70 inches) in Monroe Township, Cumberland County.

E21-329. Southampton Township, 200 Airport Road, Shippensburg, PA 17257 in Southampton Township, **Cumberland County**, ACOE Baltimore District.

To construct and maintain about 100 feet of Reno mattress and gabion wall for channel and bank protection in Thompson Creek (CWF) for the purpose of protecting an existing concrete retaining wall and to prevent scouring of the bed of the stream channel located in the vicinity of a single span bridge at the intersection of Gilbert Road (SR 3002) and Whitmer Road (T-314) (Walnut Bottom, PA Quadrangle N: 8.6 inches; W: 11.3 inches) in Southampton Township, Cumberland County.

E22-425. Wayne Township, P. O. Box E, Halifax, PA 17032, in Wayne Township, **Dauphin County**, ACOE Baltimore District.

To replace a failed 26.0-foot wide single span bridge by constructing and maintaining a twin cell reinforced concrete box culvert having a clear span of 18.0 feet and an underclearance of 8.0 feet in Powell Creek (TSF), to be constructed about 25 feet downstream of the existing bridge and to place R-6 size rock riprap in the channel and on the stream banks both upstream and downstream of the bridge to prevent channel scour and bank erosion located on Union Church Road (T-536) about 0.2 mile south of Union Church Cemetery (Enders, PA Quadrangle N: 16.25; W: 16.25 inches) in Wayne Township, **Dauphin County**.

E50-206. Perry County Commissioners, P. O. Box 37, New Bloomfield, PA 17068 in Marysville Borough, **Perry County**, ACOE Baltimore District.

To authorize operation and maintenance which includes the placement of R-8 size rock riprap along the north abutment of the existing Perry County Bridge No. 15 having a clear span of 54.4 feet and an underclearance of 8.4 feet across Fishing Creek (CWF) to prevent scouring at the north abutment located on Kings Highway about 0.75 mile west of its intersection with Route 11 and 15 (Harrisburg, PA Quadrangle N: 15.6 inches; W: 8.4 inches) in Marysville Borough, Perry County.

E67-704. Izaak Walton League of America, York County Chapter 97, 7131 Ironstone Hill Road, Dallastown, PA 17313 in New Hopewell and Springfield Townships, **York County**, ACOE Baltimore District.

To construct and maintain initial phases of a watershed wide stream restoration project in and along the East Branch Codorus Creek (HQ-CWF). The project's purpose is to stabilize severely eroded banks, improve water quality and improve fisheries habitat. The watershed projects will implement a natural stream channel design approach and construction activities will include rock

vanes, log vanes, cross rock vanes, root wads, bank grading, minor floodway fills and excavation, riprap protection, low flow channels, debris jam removal, agricultural crossing and minor stream relocations.

The first restoration site of this multi-phase project is located on Henry and Janice Brown's property. The site involves 1,400 linear feet of channel restoration and an agricultural crossing (Glen Rock, PA Quadrangle N: 19.8 inches; W: 4.8 inches) in New Hopewell and Springfield Townships, York County.

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

E32-431. Indiana University of Pennsylvania, Robertshaw Complex, 650 South 13th Street, Indiana, PA 15705. White Township, **Indiana County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a bridge having a clear span of 56 feet and an underclearance of 12 feet across Stoney Run (CWF) located on a proposed bike trail at a point approximately 600 feet west of S.R. 119 and approximately 2,830 feet north of Indiana Springs Road (Indiana, PA Quadrangle N: 18.6 inches; W: 5.67 inches).

E32-433. Green Township Supervisors, 4192 Route 240 Highway, Commodore, PA 15749. Green Township, **Indiana County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a con/span bridge (with scour protection), having a clear span of 10.97 m and an underclearance of 2 m on T-678 (Leroy Street) across Dixon Run (CWF). The project includes construction and maintenance of a low flow channel. The project is located approximately 90 feet east of S.R. 0403 (Clymer, PA Quadrangle N: 16.6 inches; W: 0.97 inch).

SPECIAL NOTICES

Notice of Suspension of Certification to Perform Radon-Related Activities this Commonwealth

In the month of March 2001, the Department of Environmental Protection, under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code § 240.203(b), suspended the certification of the following person or persons to perform radon-related activities in Pennsylvania.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
James Andrews	353 Loveville Road Warriors Mark, PA 16877	Mitigation
Alan Aulson The Aulson Company, Inc.	49 Danton Drive Methuen, MA 01844	Testing
Willis Bortmas Keystone Building Inspectors	370 Red Dog Road Butler, PA 16001	Mitigation
Jeffrey Calta	106 Vensel Lane Chicora, PA 16025	Mitigation
Keith Carpenter	117 Stoneybrook Road Johnstown, PA 15904	Mitigation
Scott Hagan	78 Hamilton Drive Abbottstown, PA 17301	Testing

George Hart	21 Deerfield Drive Pequea, PA 17565	<i>Type of Testing</i>
James Hetrick	766 Magaro Road Enola, PA 17025	Mitigation
Robert Hoffman	218-D West Main Street Leola, PA 17540	Mitigation
John Jenkins, Jr.	37 North Washington Road Wilkes-Barre, PA 18701	Testing
Ludwig Kubli, Jr.	1090 Aerie Drive North Huntingdon, PA 15642	Testing
Thomas Laurito	6006 Forest Drive Monaca, PA 15061	Testing
George Loudon, Jr.	4694 Lower Cherry Valley Road Stroudsburg, PA 18360	Testing
Tuan Nguyen American Radon Solutions	125 Brindle Road Mechanicsburg, PA 17055	Mitigation
Michael Nowicki	414 Manordale Road Pittsburgh, PA 15241	Mitigation
Frederick Reash, Jr.	505 North Broad Street Grove City, PA 16127	Testing
Keith Rutherford	5701 Cricket Lane Harrisburg, PA 17112	Testing
Scott Shenk	3024 Gloucester Street Lancaster, PA 17601	Testing
Chris Willig	675 Estelle Drive Lancaster, PA 17601	Testing

[Pa.B. Doc. No. 01-2233. Filed for public inspection December 14, 2001, 9:00 a.m.]

Alternative Analysis Required for Proposed Major New or Modified Facilities

The Department of Environmental Protection (Department) is hereby providing notice of the availability of the draft technical guidance on the Alternative Analysis Required for Proposed Major New or Modified Facility (Alternative Analysis) for review and comment. An owner or operator of a proposed major new or modified stationary air contamination source subject to 25 Pa. Code Chapter 127, Subchapter E (relating to new source review) must demonstrate compliance with special permitting requirements. These requirements include offsetting the proposed increase in emissions, complying with the lowest achievable emissions rate and conducting an analysis of alternative sites, sizes, production processes and environmental control techniques for the proposed facility. The analysis required under 25 Pa. Code § 127.205(5) (relating to special permit requirements) must demonstrate that the benefits of the proposed facility significantly outweigh the environmental and social costs imposed within this Commonwealth as a result of the location, construction or modification of the project.

A complete copy of the proposed policy pertaining to the Alternative Analysis may be obtained by contacting Kimberly Maneval, Division of Permits, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. TDD users may telephone the Department through the AT&T Relay Service, (800) 654-5984. Internet users can access a copy of the guidance document at <http://www.dep.state.pa.us>.

Interested persons may submit written comments to John F. Slade, Chief, Division of Permits, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468. Written comments on the proposed policy must be submitted to the Department within 30 days of the date of publication of this notice in the *Pennsylvania Bulletin*. Comments received by facsimile will not be accepted.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 01-2234. Filed for public inspection December 14, 2001, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on DEP's website (www.dep.state.pa.us) at the Public Participation Center page. The "December 2001 Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will continue to revise its nonregulatory documents, as necessary, throughout 2001.

Ordering Paper Copies of DEP Technical Guidance

DEP encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory

or an unbound paper copy of any of the final documents listed on the inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Joe Sieber at (717) 783-8727.

Final Technical Guidance

DEP ID: 150-0200-001 Title: DEP Policy on Professional Work Assignments and Duties Conducted by Licensed Professional Engineers, Professional Land Surveyors and Professional Geologists Description: This policy will provide direction to DEP staff concerning the practice of engineering, land surveying and geology in their work responsibilities. The policy will also assure compliance with the Engineering, Land Surveyor and Geologist Registration Law in DEP's programs, activities and actions. Effective Date: December 15, 2001 Contact: Ken Giffhorn at (717) 787-7116 or e-mail to: kgiffhorn@state.pa.us.

DEP ID: 550-0300-001 Title: Oil and Gas Operators Manual Description: This manual serves as a handbook for oil and gas operators, service companies and landowners which provides an overview of the statutes and regulations of DEP and other agencies, DEP guidance and procedures, and recommended practices for drilling wells and producing crude oil and natural gas in this Commonwealth Pennsylvania Effective Date: December 15, 2001 Contact: Ron Gilius at (717) 772-2199.

Draft Technical Guidance

DEP ID: 275-2101-007 Title: Alternative Analysis Required for Proposed Major New or Modified Facilities Description: This document will establish the criteria that will be considered by DEP during the technical review of the Alternative Analysis submitted for proposed new or modified facilities subject to the new source review special permitting requirements for air quality. The purpose of this document is to provide guidance to DEP staff to ensure Statewide consistency in the implementation of the Alternative Analysis requirement. The policy describes the evaluation process that the DEP will consider during the technical review of Alternative Analysis submitted by the applicant. Anticipated Effective Date: March 2, 2002 Comment Period Ends: January 15, 2001 Contact: John Slade at (717) 787-4325 or e-mail to: jslade@state.pa.us.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 01-2235. Filed for public inspection December 14, 2001, 9:00 a.m.]

DEPARTMENT OF HEALTH

Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.18(e) (relating to management):

Transitional Care Unit (Bon Secours)
2500 Seventh Avenue
Altoona, PA 16602-2099

The Franciscan Skilled Care Center
687 North Church Street
Hazelton, PA 18201-3198

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Garvey Manor
128 Logan Boulevard
Hollidaysburg, PA 16648

Presbyterian Health Center
400 East Marshall Street
West Chester, PA 19380

Asbury Health Center
700 Bower Hill Road
Pittsburgh, PA 15243-2040

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.38(a) and (b) (relating to toilet facilities):

St. Luke's Transitional Care Unit
801 Ostrum Street
Bethlehem, PA 18015

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax: (717) 772-2163, e-mail address: PAEXCEPT@HEALTH.STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 01-2236. Filed for public inspection December 14, 2001, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Valentine's Day Gift Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Valentine's Day Gift.

2. *Price:* The price of a Pennsylvania Valentine's Day Gift instant lottery game ticket is \$5.00.

3. *Play Symbols:*

(a) Each Pennsylvania Valentine's Day Gift instant lottery game ticket will contain three play areas known as "Game 1," "Game 2" and "Game 3" respectively. Each game has a different game play method and is played separately. Each Pennsylvania Valentine's Day Gift instant lottery game ticket will also contain a "Fast Cash Bonus" area.

(b) The play symbols and their captions located in the play area for "Game 1" are: \$5⁰⁰ (FIV DOL), \$7⁰⁰ (SVN DOL), \$10⁰⁰ (TEN DOL), \$14\$ (FORTN), \$21\$ (TWY ONE), \$28\$ (TWY EGT), \$42\$ (FRY TWO), \$70\$ (SEVENTY), \$140 (ONEHUNFRY) and \$140,000 (HUNFRYTHO).

(c) The play symbols and their captions located in the play area for "Game 2" are: X Symbol (XXX) and O Symbol (OOO).

(d) The play area for "Game 3" will contain a "Your Numbers" area and a "Winning Number" area. The play symbols and their captions located in the "Your Numbers" area and the "Winning Number" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN) and 12 (TWLV).

4. *Prize Play Symbols:*

(a) The prize play symbols and their captions located in the "Prize" area for "Game 2" are: \$5⁰⁰ (FIV DOL), \$7⁰⁰ (SVN DOL), \$10⁰⁰ (TEN DOL), \$14\$ (FORTN), \$21\$ (TWY ONE), \$28\$ (TWY EGT), \$42\$ (FRY TWO), \$70\$ (SEVENTY) and \$140 (ONEHUNFRY).

(b) The prize play symbols and their captions located in the "Your Numbers" area for "Game 3" are: \$5⁰⁰ (FIV DOL), \$7⁰⁰ (SVN DOL), \$14\$ (FORTN), \$21\$ (TWY ONE), \$28\$ (TWY EGT), \$42\$ (FRY TWO), \$70\$ (SEVENTY), \$140 (ONEHUNFRY) and \$140,000 (HUNFRYTHO).

(c) The prize play symbols and their captions located in the "Fast Cash Bonus" area are: \$14\$ (FORTN) and NO BONUS (TRY AGAIN).

5. *Prizes:* The prizes that can be won in "Game 1" are \$5, \$7, \$10, \$14, \$21, \$28, \$42, \$70, \$140 and \$140,000. The prizes that can be won in "Game 2" are \$5, \$7, \$10, \$14, \$21, \$28, \$42, \$70 and \$140. The prizes that can be won in "Game 3" are \$5, \$7, \$14, \$21, \$28, \$42, \$70, \$140 and \$140,000. The prize that can be won in the "Fast Cash Bonus" area is \$14. The player can win up to seven times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 1,440,000 tickets will be printed for the Pennsylvania Valentine's Day Gift instant lottery game.

7. *Determination of Prize Winners:*

(a) Determination of prize winners for "Game 1" are:

(1) Holders of tickets with three matching play symbols of \$140,000 (HUNFRYTHO) in the play area, on a single ticket, shall be entitled to a prize of \$140,000.

(2) Holders of tickets with three matching play symbols of \$140 (ONEHUNFRY) in the play area, on a single ticket, shall be entitled to a prize of \$140.

(3) Holders of tickets with three matching play symbols of \$70\$ (SEVENTY) in the play area, on a single ticket, shall be entitled to a prize of \$70.

(4) Holders of tickets with three matching play symbols of \$42\$ (FRY TWO) in the play area, on a single ticket, shall be entitled to a prize of \$42.

(5) Holders of tickets with three matching play symbols of \$28\$ (TWY EGT) in the play area, on a single ticket, shall be entitled to a prize of \$28.

(6) Holders of tickets with three matching play symbols of \$21\$ (TWY ONE) in the play area, on a single ticket, shall be entitled to a prize of \$21.

(7) Holders of tickets with three matching play symbols of \$14\$ (FORTN) in the play area, on a single ticket, shall be entitled to a prize of \$14.

(8) Holders of tickets with three matching play symbols of \$10⁰⁰ (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(9) Holders of tickets with three matching play symbols of \$7⁰⁰ (SVN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$7.

(10) Holders of tickets with three matching play symbols of \$5⁰⁰ (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(b) Determination of prize winners for "Game 2" are:

(1) Holders of tickets with three matching X Symbol (XXX) play symbols in the same row, column or diagonal, and a prize play symbol of \$140 (ONEHUNFRY) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$140.

(2) Holders of tickets with three matching X Symbol (XXX) play symbols in the same row, column or diagonal, and a prize play symbol of \$70\$ (SEVENTY) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$70.

(3) Holders of tickets with three matching X Symbol (XXX) play symbols in the same row, column or diagonal, and a prize play symbol of \$42\$ (FRY TWO) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$42.

(4) Holders of tickets with three matching X Symbol (XXX) play symbols in the same row, column or diagonal, and a prize play symbol of \$28\$ (TWY EGT) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$28.

(5) Holders of tickets with three matching X Symbol (XXX) play symbols in the same row, column or diagonal, and a prize play symbol of \$21\$ (TWY ONE) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$21.

(6) Holders of tickets with three matching X Symbol (XXX) play symbols in the same row, column or diagonal, and a prize play symbol of \$14\$ (FORTN) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$14.

(7) Holders of tickets with three matching X Symbol (XXX) play symbols in the same row, column or diagonal, and a prize play symbol of \$10⁰⁰ (TEN DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$10.

(8) Holders of tickets with three matching X Symbol (XXX) play symbols in the same row, column or diagonal,

and a prize play symbol of \$7⁰⁰ (SVN DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$7.

(9) Holders of tickets with three matching X Symbol (XXX) play symbols in the same row, column or diagonal, and a prize play symbol of \$5⁰⁰ (FIV DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$5.

(c) Determination of prize winners for "Game 3" are:

(1) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Winning Number" play symbol and a prize play symbol of \$140,000 (HUNFRYTHO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$140,000.

(2) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Winning Number" play symbol and a prize play symbol of \$140 (ONEHUNFRY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$140.

(3) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Winning Number" play symbol and a prize play symbol of \$70\$ (SEVENTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$70.

(4) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Winning Number" play symbol and a prize play symbol of \$42\$ (FRY TWO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$42.

(5) Holders of tickets where any one of the "Your

Numbers" play symbols matches the "Winning Number" play symbol and a prize play symbol of \$28\$ (TWY EGT) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$28.

(6) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Winning Number" play symbol and a prize play symbol of \$21\$ (TWY ONE) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$21.

(7) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Winning Number" play symbol and a prize play symbol of \$14\$ (FORTN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$14.

(8) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Winning Number" play symbol and a prize play symbol of \$7⁰⁰ (SVN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$7.

(9) Holders of tickets where any one of the "Your Numbers" play symbols matches the "Winning Number" play symbol and a prize play symbol of \$5⁰⁰ (FIV DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(d) Holders of tickets with a prize play symbol of \$14\$ (FORTN) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$14.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Fast \$ Bonus</i>	<i>Match 3 Amt's Game 1</i>	<i>Tic-Tac-Toe Game 2</i>	<i>Key # Match Game 3</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 1,440,000 Tickets</i>
	\$5			\$5	1:21.43	67,200
		\$5		\$5	1:21.43	67,200
			\$5	\$5	1:21.43	67,200
	\$7			\$7	1:100	14,400
		\$7		\$7	1:200	7,200
			\$7	\$7	1:200	7,200
			\$5 x 2	\$10	1:37.50	38,400
	\$10			\$10	1:300	4,800
		\$10		\$10	1:300	4,800
	\$7		\$7	\$14	1:100	14,400
	\$7	\$7		\$14	1:100	14,400
		\$7	\$7	\$14	1:100	14,400
\$14				\$14	1:13.04	110,400
	\$7	\$7	\$7	\$21	1:600	2,400
			\$7 x 3	\$21	1:600	2,400
\$14	\$7			\$21	1:600	2,400
\$14		\$7		\$21	1:300	4,800
\$14			\$7	\$21	1:300	4,800
	\$21			\$21	1:600	2,400
		\$21		\$21	1:600	2,400
			\$21	\$21	1:600	2,400
\$14	\$14			\$28	1:6,000	240
\$14		\$14		\$28	1:6,000	240
\$14			\$14	\$28	1:6,000	240
\$14			\$7 x 2	\$28	1:6,000	240
			\$7 x 4	\$28	1:6,000	240
	\$28			\$28	1:20,000	72

<i>Fast \$ Bonus</i>	<i>Match 3 Amts Game 1</i>	<i>Tic-Tac-Toe Game 2</i>	<i>Key # Match Game 3</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 1,440,000 Tickets</i>
		\$28		\$28	1:20,000	72
			\$28	\$28	1:30,000	48
\$14			\$14 x 2	\$42	1:60,000	24
\$14			\$7 x 4	\$42	1:60,000	24
\$14	\$14	\$14		\$42	1:60,000	24
\$14		\$14	\$14	\$42	1:60,000	24
\$14	\$14		\$14	\$42	1:60,000	24
			\$21 x 2	\$42	1:120,000	12
			\$7 x 6	\$42	1:120,000	12
	\$42			\$42	1:120,000	12
		\$42		\$42	1:120,000	12
			\$42	\$42	1:120,000	12
\$14			\$14 x 4	\$70	1:120,000	12
\$14	\$14	\$14	\$7 x 4	\$70	1:120,000	12
	\$70			\$70	1:120,000	12
		\$70		\$70	1:120,000	12
			\$70	\$70	1:120,000	12
			\$70 x 2	\$140	1:72,000	20
	\$140			\$140	1:360,000	4
		\$140		\$140	1:360,000	4
			\$140	\$140	1:360,000	4
	\$140,000			\$140,000	1:1,440,000	1
			\$140,000	\$140,000	1:1,440,000	1

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Valentine's Day Gift instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Valentine's Day Gift, prize money from winning Pennsylvania Valentine's Day Gift instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Valentine's Day Gift instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Valentine's Day Gift or through normal communications methods.

LARRY P. WILLIAMS,
Secretary

[Pa.B. Doc. No. 01-2237. Filed for public inspection December 14, 2001, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Cancellation of December and January Meetings

The December 18, 2001, and January 15, 2002, Environmental Quality Board (Board) meetings have been canceled. The next meeting of the Board is scheduled for Tuesday, February 19, 2002, at 9 a.m. in Room 105, Rachel Carson State Office Building, Harrisburg. Note the time change for Board meetings to 9 a.m.

DAVID E. HESS,
Chairperson

[Pa.B. Doc. No. 01-2238. Filed for public inspection December 14, 2001, 9:00 a.m.]

HUMAN RELATIONS COMMISSION

Public Hearing Opinion

The Human Relations Commission, under section 7(o) of the Pennsylvania Human Relations Act (43 P. S. § 957(o)) (act) hereby announces the publication of the Findings of Fact, Conclusions of Law, Opinion and Final Order made after a public hearing under section 9(e)—(g) of the act, in the following cases:

Raymond Maturo v. Assets Protection, Inc.; Doc. No. E93153H; (Pennsylvania Human Relations Commission, November 19, 2001) • Disability-based demotion and refusal to assign Ruling for Complainant, 7-0 decision; 26 pages.

Charles Jusinski v. Borough of Shenandoah; Doc. No. H7235; (Pennsylvania Human Relations Commission, No-

vember 20, 2001) • Refusal to accommodate a disability with regard to a parking space; Ruling for Complainant, 7-0 decision; 25 pages.

The final orders in the previously-listed cases are subject to appeal to Commonwealth Court, and if appealed is subject to being affirmed, reversed or modified, in whole or part.

A copy of the opinions listed in this notice may be obtained by mailing a request indicating the opinion desired, accompanied by a check or money order in the amount of 15¢ per page (the number of pages in the opinion is set forth at the end of the case listing), to Laura J. Treaster, Communications Director, Human Relations Commission, 301 Chestnut Street, Suite 300, Harrisburg, PA 17101-2702. The check or money order should be made payable to the "Commonwealth of Pennsylvania."

HOMER C. FLOYD,
Executive Director

[Pa.B. Doc. No. 01-2239. Filed for public inspection December 14, 2001, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

[Correction]

Notice of Filing of Final Rulemakings

An error occurred in the notice which was published at 31 Pa.B. 6755 (December 8, 2001). A final regulation number was reflected incorrectly. The correct version appears as follows with ellipses referring to the existing text of the notice:

<i>Final Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
3-40	Department of Banking Mortgage Bankers and Brokers; Continuing Education	11/20/01
	* * * * *	

[Pa.B. Doc. No. 01-01-2199. Filed for public inspection December 7, 2001, 9:00 a.m.]

INSURANCE DEPARTMENT

AF&L Insurance Company; Rate Filing

AF&L Insurance Company is requesting approval to increase its premium 15% for the Long Term Care Policy Forms LTC-4/5, LTC-7 and the associated riders. The average LTC-4/5 premium will increase from \$1,987 to \$2,285 and will affect 1,303 Pennsylvania policyholders. The average LTC-7 premium will increase from \$2,133 to \$2,453 and will affect 404 Pennsylvania policyholders. The requested effective date of the increase is January 1, 2002.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional offices in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-2240. Filed for public inspection December 14, 2001, 9:00 a.m.]

Alleged Violation of Insurance Laws; Angel M. Martinez; Doc. No. SC01-08-026

Notice is hereby given of the Order to Show Cause issued on November 30, 2001, by the Deputy Insurance Commissioner of the Commonwealth of Pennsylvania in the previously-referenced matter. Violation of the following is alleged: sections 604 and 639 of the Insurance Department Act of 1921 (40 P. S. §§ 234 and 279); and 31 Pa. Code §§ 37.46, 37.47 and 37.48.

Respondent shall file a written answer to the Order to Show Cause within 20 days of the date of issue. If Respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); Special Rules of Administrative Practice and Procedure, 31 Pa. Code §§ 56.1—56.3 and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Docket Clerk, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously-referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency ADA Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-2241. Filed for public inspection December 14, 2001, 9:00 a.m.]

American Independent Insurance Company; Private Passenger Auto Rate Filing

On November 27, 2001, the Insurance Department (Department) received from American Independent Insurance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 7.8% increase amounting to \$4.933 million annually, to be effective January 1, 2002.

Unless formal administrative action is taken prior to January 26, 2002, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120 (e-mail at mburkett@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-2242. Filed for public inspection December 14, 2001, 9:00 a.m.]

**Highmark Inc. d/b/a Pennsylvania Blue Shield;
Addendum to Hospital Facility Agreement—
Traditional Products; Filing No. 200154**

Highmark Inc. d/b/a Pennsylvania Blue Shield submitted a Special Care addendum to the Hospital Facility Agreement-Traditional Products. This addendum is submitted for use with the approved Hospital Facility Agreement under Filing No. 200151.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-2243. Filed for public inspection December 14, 2001, 9:00 a.m.]

**United Services Automobile Association; Home-
owners Rate/Rule Revision**

On November 28, 2001, the Insurance Department (Department) received from United Services Automobile Association a filing for a rate level change for homeowners insurance.

The association requests an overall 15.0% increase amounting to \$2.903 million annually, to be effective May 1, 2002.

Unless formal administrative action is taken prior to January 27, 2002, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120 (e-mail at mburkett@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-2244. Filed for public inspection December 14, 2001, 9:00 a.m.]

Harvey Werling; Hearing

Appeal of Harvey Werling under The Motor Vehicle Financial Responsibility Law Catastrophic Loss Benefits Continuation Fund; Doc. No. CF01-11-038

A telephone prehearing conference initiated by this office shall be conducted on January 10, 2002, at 10 a.m. A hearing shall occur on January 24, 2002, at 1:30 p.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. If an attorney or representative for a party attending the conference does not have complete settlement authority relative to this matter, the party or persons with full settlement authority shall be available by telephone during the conference. At the prehearing conference/telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

On or before December 27, 2001, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. A report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office.

Except as established at the prehearing conference, both parties shall appear at the scheduled hearing prepared to offer all relevant testimony or other evidence. Each party must bring documents, photographs, drawings, claims, files, witnesses and the like, necessary to support the party's case. A party intending to offer documents for photographs into evidence shall bring enough copies for the record and for each opposing party.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before January 11, 2002, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene shall be filed on or before January 18, 2002.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 01-2245. Filed for public inspection December 14, 2001, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no such documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Executive Board

Resolution #CB-01-311, Dated, November 26, 2001. This resolution authorized the Collective Bargaining Agreement between the Commonwealth and the Pennsylvania State Corrections Officers Association. The agreement provides for the establishment of rates of pay, hours of work and other conditions of employment for the period July 1, 2001, through June 30, 2004. The approximate costs of the economic provisions of the agreement are as follows:

July 1, 2001 through June 30, 2002: \$18,200,000
 July 1, 2002 through June 30, 2003: \$14,300,000
 July 1, 2003 through June 30, 2004: \$16,200,000

These costs include the increased costs associated with salary sensitive benefits.

Governor's Office

Management Directive No. 530.23—State Employee Combined Appeal, Amended November 2, 2001.

Administrative Circular No. 01-32—Christmas Trees and Decorations, Dated October 26, 2001.

Administrative Circular No. 01.33—Relocation—Office of Inspector General's Harrisburg Office, Dated October 31, 2001.

GARY R. HOFFMAN,
Director
Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 01-2246. Filed for public inspection December 14, 2001, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Default Order

Public Meeting held
 November 30, 2001

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

Law Bureau Prosecutory Staff v. Easy Cellular, Inc.;
C-20016047; A-310592, F0002

Default Order

By the Commission:

On February 11, 1999, the Commission entered an Order approving the application of Easy Cellular at A-310592, F0002, for authority to offer telecommunications services as a competitive local exchange carrier (CLEC) within Pennsylvania. On February 22, 2001, Law Bureau Prosecutory Staff mailed a letter to Easy Cellular stating that its CLEC authority may be rescinded if the Commission did not receive Easy Cellular's initial tariff within 60 days from the date of the letter. Having not received a tariff from Easy Cellular within the 60-day time limit, on August 24, 2001, Law Bureau Prosecutory Staff filed a complaint against Easy Cellular. The Complaint charged that Easy Cellular, Inc. violated section 1302 of the Public Utility Code, 66 Pa.C.S. § 1302, relating to the filing of tariffs, by not filing an initial tariff within the prescribed time. Section 1302 provides in pertinent part:

Under such regulations as the commission may prescribe, every public utility shall file with the commission, within such time and in such form as the commission may designate, tariffs showing all rates established by it and collected or enforced, or to be collected or enforced, within the jurisdiction of the commission.

According to the post office receipt, service of the complaint was perfected on August 24, 2001. To date, more than 20 days later, no answer has been filed to the complaint and no tariff has been filed; *Therefore,*

It Is Ordered That:

1. The allegations in Law Bureau Prosecutory Staff's complaint are deemed admitted and the complaint is thereby sustained.

2. Easy Cellular, Inc. immediately cease providing service to any new local exchange customers and, within 10 days of the entry date of this order, provide a written notice to any of its existing local exchange customers directing each to select an alternative local exchange carrier service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's provisional authority absent adverse public comment within the 20-day time constraint established.

3. Absent the filing of adverse comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, Easy Cellular, Inc.'s provisional authority at A-310592, F0002 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Audits.

4. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-2247. Filed for public inspection December 14, 2001, 9:00 a.m.]

Default Order

Public Meeting held
November 30, 2001

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

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. PT-1 Communications, Inc.
(2001.0150); Doc. No. C-20016201; A-310443*

Default Order

By the Commission:

On October 2, 2001, the Law Bureau Prosecutory Staff instituted a complaint against PT-1 Communications, Inc. (Respondent), an interexchange (IXC) reseller certificated at A-310443. The Respondent is in the prepaid debit card business, and on February 2, 2001, it transferred its debit card assets to IDT Corporation. After that date, the Respondent ceased to have debit card activity and became an inactive company. On March 9, 2001, the Respondent filed for Chapter 11 bankruptcy protection; and beginning in May 2001, it failed to pay its monthly Universal Service Fund assessment.¹

In the complaint, Prosecutory Staff alleged that the Commission sent by certified mail a notice to the Respondent that its monthly Universal Service Fund assessments were overdue by 3 or more months. The complaint charged that the Respondent's failure to pay these assessments violates 52 Pa. Code §§ 63.161—63.171 and 66 Pa.C.S. §§ 3001—3009.

The complaint sought an order from the Commission canceling the Respondent's certificate of public convenience for failure to pay its assessment and accrued late charges. The complaint was mailed by the Secretary's Bureau on October 3, 2001, and according to the postal return receipt, service was perfected on October 5, 2001. To date, more than 20 days later, no answer has been filed to the complaint and the assessments have still not been paid; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's complaint are deemed admitted and the complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon all jurisdictional telecommunication carriers, the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by PT-1 Communications, Inc. at Docket No. A-310443 shall be canceled, and the company's name stricken from all active utility lists maintained

¹Neither section 362 (automatic stay provision) nor section 525 (prohibiting governmental units from revoking licenses) of the Federal Bankruptcy Code are applicable here because the debt in question is clearly post-petition having arisen after the filing of the bankruptcy petition. 11 U.S.C.A. §§ 362 and 525. The debt, therefore, is not dischargeable under the bankruptcy laws. The instant matter is clearly distinguishable from *Nextwave Personal Communications, Inc. v. F.C.C.*, 254 F.3d 130 (D.C. Cir. 2001), which held that the Federal Communications Commission could not cancel its broadband personal communications service licenses issued to the debtor for failure to make its pre-petition installment payments for the licenses. In so holding, the court relied on section 525 of the Bankruptcy Code, finding that the missed payments were dischargeable debts under the bankruptcy law.

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. 01-2248. Filed for public inspection December 14, 2001, 9:00 a.m.]

Investigation Order

Public Meeting held
November 30, 2001

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

*Investigation Upon the Commission's Own Motion with
Regard to PJM Installed Capacity Credit Markets;
I-00010090*

Investigation Order

By the Commission:

At the beginning of January 2001, PJM installed capacity credit clearing prices (Installed Capacity Credits or ICAP) reported in PJM daily auction markets rose steeply and cleared at levels at or above the PJM Capacity Deficiency rate of \$177.30 for nearly three months. Load serving entities serving load within the control area of PJM Interconnection, L.L.C.¹, including electric generation suppliers serving Pennsylvania retail electric generation markets are required to have sufficient qualified capacity or credits to cover their daily obligation pursuant to the PJM Reliability Agreement § 7.4 or pay the prescribed capacity deficiency rate imposed by PJM Reliability Agreement, Schedule 11. The cost of securing capacity or capacity credits is in addition to the cost of securing or self-generating energy for eventual resale. In order to participate in the wholesale market, each load serving entity must obtain both capacity and energy, plus incur additional costs related to ancillary transmission services, required reserves and related miscellaneous costs of wholesale operations.

On April 12, 2001, the Pennsylvania Public Utility Commission (Commission), by letter to the PJM Interconnection, L.L.C.'s Market Monitoring Unit (PJM MMU), requested PJM to provide this Commission with a report on the ICAP market, in accordance with the MMU's responsibilities prescribed by the Federal Energy Regulatory Commission². On November 14, 2001, the Commission received a 17 page report from the PJM MMU entitled "Report to the Pennsylvania Public Utility Commission—Capacity Market Questions—November 2001" (Report) which concludes:

[That an unnamed entity called "Entity 1" in the report] "did successfully raise the market price in the daily capacity credit market above the competitive level for a portion of the period from January 1 to April 30, 2001. The rules of the capacity market

¹PJM is a regional transmission organization which operates transmission facilities and supervises wholesale generation transactions subject to the jurisdiction of the Federal Energy Regulatory Commission. See *Pennsylvania—New Jersey—Maryland Interconnection*, 81 F.E.R.C. ¶ 61,257 (1997), order on clarification, 82 F.E.R.C. ¶ 61,068 (1998), order on reh'g, 92 F.E.R.C. ¶ 61,782 (2000), appealed sub nom *Baltimore Gas and Electric Co. v. F.E.R.C.*, Case No. 00-1460 (CA District of Columbia) and *Public Service Electric and Gas Company v. F.E.R.C.*, Case No. 00-1457 (CA District of Columbia).

²See *PJM Interconnection, L.L.C.*, 86 F.E.R.C. ¶ 61,247, rehearing denied, 88 F.E.R.C. ¶ 61,274 (1999)

stated in the RAA did not explicitly prohibit this conduct. Nonetheless, the behavior constituted the exercise of undue market power and was inconsistent with the intended consequences of the rules . . . In the absence of those actions, the prices in the daily capacity market would have been lower.

The Report also concludes that an increase in excess capacity within PJM as well as several subsequent changes to the PJM Reliability Agreement approved by FERC in response to filings made by the PJM Reliability Assurance Committee and PJM itself have acted to eliminate the ability of "Entity 1" to exercise market power and to correct the particular set of design flaws which permitted the exercise of market power identified in the Report during the January-April 2001 period. The report notes that the changes in market rules and underlying market conditions have caused prices to decline in daily, monthly and multimonthly ICAP markets, and that the capacity market "continues to be the focus of significant attention by PJM and its members," but does not recommend any changes to the authority or resources of the MMU.

The Commission views this report with the utmost seriousness and hereby initiates an investigation into the allegations contained in the report. The operation of this region's competitive wholesale markets is the bedrock upon which our competitive retail market is founded. It should be noted that to the extent that there has been an exercise of undue market power in the PJM ICAP market, there has likely been a corresponding injury to the PJM retail market both in Pennsylvania and throughout the region.

We believe that it is necessary in the course of this investigation for the public to have an opportunity to review and comment on the PJM MMU report in order to comment on its findings and conclusions, and to supply any additional information that has a bearing on this matter. In addition, we solicit the views of the public on possible remedies for the reported conduct as well as comments whether there ought to be any modifications of our regulations at 52 Pa. Code §§ 54.121–54.122 (Competitive Safeguards). We therefore initiate and direct the Commission Law Bureau to conduct an investigation pursuant to 66 Pa.C.S. §§ 313, 314, 331, 501, 504 and 2811 into the PJM ICAP market and the allegations contained in the PJM MMU report. *Therefore,*

It Is Ordered That:

1. The Law Bureau is hereby directed to conduct an investigation into the PJM ICAP market and the allegations contained in the PJM MMU report

2. The PJM MMU report shall be made available to the public for inspection and on the Commission's website at <http://puc.paonline.com>.

3. The public is invited to comment on the PJM ICAP market and upon the matters discussed in the PJM MMU report, pursuant to the provisions of 52 Pa. Code §§ 1.4 and 1.37. An original and three copies of comments should be filed with the Commission on or before January 15, 2002. The contact person for this investigation is John A. Levin, Assistant Counsel, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, (717) 787-5978, e-mail: levin@puc.state.pa.us.

4. Filed comments which contain material representations of fact shall be accompanied by oath, affirmation or affidavit attesting to the truth of the matters asserted.

5. Filing of comments shall not cause the commentor to become a party to this investigation.

6. The Secretary shall serve a copy of this order upon the Consumer Advocate of Pennsylvania, the Office of Small Business Advocate. In addition the Secretary shall cause a copy of this order to be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-2249. Filed for public inspection December 14, 2001, 9:00 a.m.]

Telecommunications

A-311154F7000. Verizon Pennsylvania Inc. and Teleconex, Inc. Joint Petition of Verizon Pennsylvania Inc. and Teleconex, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Teleconex, Inc. filed on November 27, 2001, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Teleconex, Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-2250. Filed for public inspection December 14, 2001, 9:00 a.m.]

Telecommunications

A-310935F7000. Verizon Pennsylvania Inc. and Verizon Advanced Data Inc. Joint Petition of Verizon Pennsylvania Inc. and Verizon Advanced Data Inc. for approval of adoption of a replacement interconnection agreement and amendment no. 1 under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Verizon Advanced Data Inc. filed on November 27, 2001, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of a Replacement Interconnection Agreement and Amendment under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Verizon Advanced Data Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 01-2251. Filed for public inspection December 14, 2001, 9:00 a.m.]

Tentative Order

Public Meeting held
November 30, 2001

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

*Interim Guidelines Establishing Customer Information
for Jurisdictional Telecommunications Companies; Doc.
No. M-00011582F0002*

Tentative Order

By the Commission:

The Commission first promulgated Chapter 64, "Standards and Billing Practices for Residential Telephone Service," 52 Pa. Code §§ 64.1—64.213, on November 30, 1984¹ and has amended it several times. Since 1984, there has been a marked increase in the number of competitors in the Pennsylvania telecommunications market, and in the number and variety of the telecommunications service packages being offered. As a result, the consumer's telephone bill has become more complex and in many instances, more confusing, making consumers vulnerable to slamming² and cramming³ by unscrupulous service providers. Accordingly, the Commission proposes to revise Chapter 64 for the following purposes:

1. To provide residential and small business customers with information in disclosure statements, bills, notices and marketing materials in order to assist customers in making educated choices about local telecommunications service.

2. To provide customers with disclosure statements that convey, in clear and concise plain language, the terms and conditions of their local telecommunications services.

3. To provide customers with bills for local telecommunication services in a clear, concise and understandable format.

4. To reduce slamming and other telecommunications fraud by setting standards for customer information materials.

By this Tentative Order, the Commission proposes to adopt interim guidelines that are consistent with the Truth in Billing Principles recently adopted by the Federal Communications Commission. These Interim Guidelines will remain in place until a final rulemaking on this subject matter has been completed.

Discussion

On May 11, 1999, the Federal Communications Commission (FCC) released its First Report and Order and Further Notice of Proposed Rulemaking on Truth-In-Billing and Billing Format.⁴ In this order, the FCC adopted the Truth-in-Billing Principles that are to insure that customers receive thorough, accurate and understandable bills from their telecommunications carrier.

The FCC's Truth-in-Billing Principles and guidelines have three core principles that must be followed by service providers. First, telephone bills must be clearly organized and must highlight new service provider infor-

mation.⁵ Second, bills should contain full and non-misleading descriptions of the service charges contained therein.⁶ Third, bills should contain clear and conspicuous disclosure of any information the consumer may need to make inquiries about, or to contest charges on the bill.⁷ These are broad binding principles that, according to the FCC, offer a flexible approach, but are meant to be "obligations to provide customers with accurate and meaningful information contemplated by these principles" and are to be "enforceable to the same degree as other rules."⁸ In adopting these principles and guidelines, the FCC expressed its intent to work together with the states towards the common objective of Truth-In-Billing.⁹ In fact, the FCC stated that it looked on its Order adopting the Truth in Billing Principles as another phase of its "partnership with the states to promote competition and combat telecommunications-related fraud." To those ends, the FCC expressly stated that, "[n]otwithstanding the requirement of our 1998 Slamming Order and Further Notice, the states must accept the same verification procedures as prescribed by the [FCC], states will be free to continue to enact and enforce additional regulation consistent with the general guidelines and principles set forth in this Order, including rules that are more specific than the general [Truth-in-Billing] guidelines"¹⁰

The FCC's establishment of the Truth-In-Billing Principles provides the opportunity to revise the Commission's corresponding provisions in Chapter 64 to make them consistent with these principles and to update them to reflect changes in the telecommunications market.

Accordingly, we have drafted for public comment proposed interim guidelines that address the provision of customer information relating to service identification, service charges, bill format, and notices of change of service or service provider. Because these proposed guidelines are intended to eventually replace Section 64.14 in part, they include much the same subject matter as that regulation.

We especially seek comments on the terms and definitions proposed for use in the proposed interim guidelines. Note that different terms for concepts than are currently used in Chapter 64 are proposed. For example, the proposed interim guidelines define and use the term "local service provider" instead of "local exchange company" or "LEC," the terms used in Chapter 64.

Also, the Commission previously has established a regulatory definition of "small business customer" for electric and natural gas service. However, the Commission has not yet incorporated in its regulations a definition of "small business customer" for telecommunication service. See 52 Pa. Code §§ 54.2 and 54.152 (electric generation service) and §§ 62.32 and 62.72 (natural gas service). To correct this omission, a definition for "small business customer" for the purpose of the provision of telecommunications services is proposed herein and is defined as "a customer with three or fewer access lines not used for residential service."

These changes are proposed to reflect the reality of the current competitive market, and it is the Commission's intention to replace current Chapter 64 definitions with these updated terms. Again, comments are especially requested on these proposed changes.

¹ 15 Pa. B. 4354.

² Slamming occurs when a company changes a customer's telecommunications carrier without that customer's knowledge or authorization.

³ Cramming is the practice of causing unauthorized, misleading or deceptive charges to be placed on the consumer's telephone bill.

⁴ *Truth-In-Billing and Billing Format, First Report and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 98-170, 14 FCC Rcd 7492 (released May 11, 1999)(*Truth-In-Billing Order*).

⁵ *Truth-In-Billing Order*, ¶ 5.

⁶ *Truth-In-Billing Order*, ¶ 5.

⁷ *Truth-In-Billing Order*, ¶ 5.

⁸ *Truth-In-Billing Order*, ¶ 9.

⁹ *Truth-In-Billing Order*, ¶ 26.

¹⁰ *Truth-In-Billing Order*, ¶ 26.

Conclusion

We are hereby proposing by this Tentative Order Interim Guidelines to be in effect pending the promulgation of final regulations at a separate docket. These guidelines, when finalized after receipt of public comment, are intended to provide guidance to local service providers and underlying carriers in regard to the provision to customers of accurate and understandable information in disclosure statements, bills, customer notices and marketing materials.

To accommodate public comment on these tentative interim guidelines, we will direct that this order be published in the *Pennsylvania Bulletin* and will establish a ten-day comment period from the date of publication. We urge that all interested persons file comments as soon as possible. Note that reply comments will not be permitted. Accordingly, comments should address all relevant issues including the identification of the additional costs, if any, that are anticipated to be incurred by the industry to comply with these interim guidelines. Additional costs are those that are in excess of the current costs to comply with similar existing State and Federal requirements; *Therefore,*

It Is Ordered That:

1. The Interim Guidelines following this Tentative Order are hereby proposed to provide customers with accurate and understandable information in disclosure statements, bills, notices and marketing materials. These guidelines, once finalized, are intended to remain in place pending the conclusion of a formal rulemaking to promulgate mandatory regulations.

2. This Tentative Order, including Annex A, be published in the *Pennsylvania Bulletin* and that a comment period ending 10 days after the Tentative Order's published date is hereby established.

3. Written comments, an original and 15 copies, shall be submitted to the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. A copy of these comments should be submitted at that same address to the technical and legal contact persons listed below, and to Sherri DelBiondo, Regulatory Coordinator. No reply comments will be permitted. A diskette containing the comments in electronic format must also be submitted. Comments should specifically reference the docket number of this Tentative Order.

4. A copy of this order and any accompanying statements of the Commissioners be served upon all jurisdictional local exchange carriers, the Pennsylvania Telephone Association, the Pennsylvania Cable and Telecommunication Association, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff, posted on the Commission's website at <http://puc.paonline.com> and shall be made available to all other interested parties.

5. The contact persons for this matter are Wayne Williams, Consumer Services, (717) 787-7137 and Patricia Krise Burket, Law Bureau, (717) 787-3464.

6. A final order shall be issued subsequent to the receipt and evaluation of any comments filed in accordance with this Tentative Order.

JAMES J. MCNULTY,
Secretary

Annex A**Customer Information****I. Statement of Purpose, Application and Effect.**

A. *Purpose.* The purpose of these guidelines is as follows:

(1) To provide residential and small business customers with information in disclosure statements, bills, notices and marketing materials in order to assist customers in making educated choices about local telecommunications service.

(2) To provide customers with disclosure statements that convey in clear and concise plain language, the terms and conditions of their local telecommunications services.

(3) To provide customers with bills for local telecommunication services in a clear, concise and understandable format.

(4) To reduce slamming and other telecommunications fraud by setting standards for customer information materials.

B. *Application.* These guidelines apply to residential and small business customers.

C. *Effect of guidelines.* The requirements contained in these guidelines are intended to be consistent with and to augment the Truth-in-Billing Requirements adopted by the FCC in 47 CFR 64.2400—64.2401 and 52 Pa. Code § 64.191 (relating to Public Information).

II. Definitions.

The following words and terms, when used in these guidelines, as well as companion guidelines concerning quality of service, abandonment of service and changing local service providers, have the following meanings, unless the context clearly indicates otherwise:

Basic service charges—These charges include the customer's local calling plan, dial tone line, touch-tone, directory assistance, Federal line cost charge, PA Relay Surcharge, Federal Universal Service Fund, local number portability and 9-1-1 emergency service.

Billed account—An account assigned a unique identification number by the billing agent or local service provider for tracking purposes.

Billing agent—An entity that bills customers for products or services offered by regulated service providers.

Federal Communications Commission or FCC—United States government agency that regulates interstate telecommunications services.

Local service—Calling capacity between points within the community in which a customer lives. Local service includes the customer's local calling plan, dial tone line, touch-tone, directory assistance, Federal line cost charge, PA Relay Surcharge, Federal Universal Service Fund, local number portability, and 9-1-1 emergency service.

Local service provider—A company, such as a local exchange carrier, that provides local service and may also provide other telecommunications services.

Optional service—A service that customers can choose that may or may not be part of their bundled package. These can be billed either by a flat monthly rate or per call. Basic service cannot be suspended if the customer does not pay the charges for optional service(s).

Service provider—An entity, other than the billing agent, that offers a product or service to a customer, the charge for which appears on the bill of the billing agent.

Small business customer—A customer with three or fewer access lines not used for residential service.

Telephone bill—The invoice for telecommunications products or services rendered whether rendered by the local service provider or its billing agent.

III. Customer Bills, Format and Organization.

A. *Bill frequency.* The local service provider has the responsibility to render a monthly bill to customers.

B. *Billing information.* In addition to the requirements established in Section 64.14(a)—(d) and Plain Language Guidelines at Section 69.251, a bill should comply with the following:

(1) The customer's name, address and telephone number should appear on the first page of the bill.

(2) The outstanding balance for each billed account as of the beginning of the current billing cycle, should be designated using a term such as "past due amount."

(3) A toll-free telephone number, mailing address and, if available, a web site address for each service provider should be listed. The bill should contain a specific message to encourage customers to contact a service provider with questions or complaints about the bill prior to the due date of the bill.

(4) Charges that must be paid to retain basic service should be clearly identified and immediately thereafter, a statement "that failure to pay these charges will result in the loss of basic service" should be present.

(5) All line items that reflect an addition of a service, a change in rates or a change in rate plans should be clearly identified as either "new," "rate increase," "rate decrease," or "change in rate plan" as applicable.

(6) A statement about the availability of the programs for low-income customers and customers with disabilities should be included. The bill should also include a telephone number for the customer to contact the company regarding these programs.

(7) The definition section of the bill should be distinctly separate. Definitions are to be brief, clear, non-misleading and in plain language. The definitions should include billed items on the bill that are not commonly understood such as abbreviations, symbols or acronyms. Use standardized terms on bills whenever possible when referring to charges relating to regulatory requirements. Definitions of the following charges and terms should be on a customer's monthly bill:

- (a) Federal Line Cost Charge
- (b) Federal Tax
- (c) Federal Universal Service Fund Surcharge
- (d) Interstate Access Surcharge
- (e) Basic Service
- (f) Number Portability Surcharge
- (g) PA Relay Surcharge
- (h) Pre-subscribed Interexchange Carrier Charge
- (i) Public Safety Emergency Telephone 911
- (j) State Tax

(8) Where the basic service package has a call allowance, the number of calls should be located next to the plan name.

C. *Foreign language requirements.* Where a company has a significant number of Spanish speaking persons in

its service territory, the local service provider should inform Spanish speaking applicants and customers how they can obtain their bills in Spanish. A sentence in English and Spanish indicating that the information is available in Spanish upon request satisfies this requirement. Local service providers whose service territories include other non-English speaking persons should consider providing information in their native languages.

D. *Bill organization.* Telephone bills should be clearly organized by type of service and should comply with the following:

(1) Charges should be grouped by service provider. The name of each service provider should be clearly identified with its associated charges on the telephone bill. If the service provider has more than one name, the name appearing on the bill should be the name used to market the service. Where charges from two or more service providers appear on the same telephone bill, the charges and totals for each provider should be stated separately.

(2) Charges for local basic service should be listed separately and appear before other monthly charges. Required monthly fees or surcharges, including the 911-service fee, the Federal Communications Commission's subscriber-line charge and the number portability charges should be included in the amount for basic service.

(3) The telephone bill should clearly show the amount to be paid to avoid suspension of basic service. This amount should appear on the front page of the bill where the amount to be paid is shown.

(4) The telephone bill should clearly list per call charges. This listing should include charges for local, local toll and long distance charges with the rate shown in dollars or cents per minute.

(5) Monthly flat rate charges should be itemized monthly and appear separately from other charges.

(6) Per use charges should be listed separately by the type of service. Each type of service billed should show the number of times used, the per-use charge and the total amount charged.

(7) The telephone bill should clearly identify a new service provider that did not bill for service charges in the previous billing cycle. This requirement is not applicable to service providers that bill on a per transaction basis.

IV. Disclosure Statement of Terms and Conditions of Service.

The local service provider should provide a disclosure statement of the terms and conditions of service to new customers.

A. The disclosure statement should be:

(1) Provided in writing, using plain, non-technical language.

(2) Sent to a new customer free of charge by the end of the next business day after receiving the customer's order.

(3) Provided whenever there is a change in the terms of service.

(4) Provided upon request to customers at least annually, at no cost to the customer.

B. Each disclosure statement should contain the requirements under § 64.191(g) and the following information:

(1) Name, service address and telephone number of customer.

(2) Date of customer authorization and verification method.

(3) The length of the agreement, including:

(a) The effective date of service.

(b) The expiration date, if applicable.

(4) Activation fees or charges, including applicable construction charges to install a new service or transfer an existing service to a new location.

(5) Information regarding whether charges and fees are refundable and when they would be refunded.

(6) A change in the applicant's telephone number and related fee, if applicable.

(7) An explanation of sign-up bonuses, add-ons, limited time offers, other sales promotions and exclusions, if applicable.

(8) An explanation of penalties, fees and exceptions that may be imposed on the customer including charges for late payments and returned checks. Penalties, fees and exceptions should be printed in bold font that is the same size used for the majority of the text in the disclosure.

(9) A full explanation of the product or service as shown below to which the customer has subscribed:

(a) Basic Service.

(b) Optional monthly flat rate services ordered and the price per month for each service unless covered in a package. These services can include Call Forwarding, Call Waiting and Caller I.D.

(c) Optional services ordered and the price per use. These services can include Repeat Dialing, Speed Dialing and Three-Way Calling.

(d) Non-recurrent charges with a description and price. These can include inside wiring or jack repair charges, telephone number charge and voluntary toll restriction.

(e) Calling card charges. The customer should be directed to contact the local service provider for a description of the calling card rates.

(10) The local service provider's cancellation policy and fees for early cancellation, where applicable.

(11) The customer contact information that includes the name of the service provider, the provider's address, telephone number and, if available, the web site address.

(12) Information that clearly notifies the customer if the company bills for local basic services one month in advance.

(13) The statements required by section IV, D(1) of these guidelines relating to Customer Notices.

C. *Prices.* The agreed upon prices in the disclosure statement should reflect the marketed and billed prices.

(Note: The provisions of this section will supercede those of § 64.191(f)(1)–(4)).

D. *Right of Cancellation.*

Customers should be provided with information about the provisions of a 3-day right of rescission period following receipt of the disclosure statement from the billing entity. See section 7 of the Unfair Trade Practices and Consumer Protection Law (73 P.S. § 201-7). The following information should be included in the disclosure statement:

(1) The 3-day right of rescission is three business days.

(2) The 3-day right of rescission begins when the customer receives the disclosure statement from the billing entity.

(3) The customer may cancel by contacting the billing entity in writing, verbally or, if available, electronically.

E. *Customer Notices About Changes in Terms.*

(1) A local service provider should provide customers written notice at 30 and 60 days in advance of a material change in the terms and conditions of service. The local service provider should give the customer the option to decline a material change in the terms and conditions of service and cancel service without penalty due to the changes. This paragraph does not apply to changes that are beneficial to the customer such as a price decrease.

(2) The local service provider should include in the customer's disclosure statement the following statements:

(a) "If we propose to change our terms of service in any type of agreement, we will send you two written notices in advance of the effective date of the change. We will send the first notice at or about 60 days before the effective date and the second notice at or about 30 days before the effective date of the change."

(b) "If you have a fixed term agreement, we will send you advance written notice at or about 60 days and at or about 30 days before the expiration date of the agreement."

(c) "We will provide the notices about changes as a bill message, a bill insert, or in a separate mailing. We will explain your options to you in these two advance notices."

(3) A local service provider should provide customers written notification at least 30 days in advance of assigning the customer's contract to a different local service provider.

V. Marketing/Sales Activities.

Advertising, marketing and sales should not be fraudulent, misleading, deceptive, unlawful or anti-competitive as prohibited by federal and state law. Advertised prices should reflect prices in disclosure statements and billed by the local service providers.

VI. Review of Documents.

The local service provider should provide the Commission with disclosure statements, billing and other customer information resources for review as deemed necessary upon request.

[Pa.B. Doc. No. 01-2252. Filed for public inspection December 14, 2001, 9:00 a.m.]

Tentative Order

Public Meeting held
November 30, 2001

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

Interim Guidelines Establishing Local Service Provider Abandonment Process for Jurisdictional Telecommunication Companies; Doc. No. M-00011582F0004

Tentative Order

By the Commission:

On November 30, 1984¹, the Commission first promulgated Chapter 64, "Standards and Billing Practices for Residential Telephone Service." 52 Pa. Code §§ 64.1—64.213. These regulations have been amended several times and since 1984 there has been a significant increase in the number of competitors in the Pennsylvania telecommunications market. In 1993, competition in the local telecommunications markets in Pennsylvania was initiated through the enactment of Chapter 30 of the Public Utility Code, 66 Pa.C.S. §§ 3001—3009. Moreover, the Telecommunications Act of 1996 mandated the opening of local telephone service competition on a national level.²

To comply with certain aspects of the TA-96, the Commission has implemented a streamlined application process to modify traditional entry procedures applicable to telecommunication carriers. This was accomplished by Commission Order adopted at the Public Meeting of May 23, 1996 (Docket No. M-00960799, Order entered June 3, 1996). These entry procedures apply to all interexchange carriers and local exchange carriers, whether they are facilities-based, interconnected or reseller competitive local exchange carriers (CLECs). Specifically, the Commission's telecommunication procedures allow new entrants to commence service upon filing and service of the application, which must contain an interim tariff. Although the applicant must swear and affirm its ability and commitment to provide service in full compliance with all provisions of Pennsylvania law (fitness affidavit), the new carrier is not required to post a bond. Given the changing landscape, new problems have developed with the new players in the telecommunications industry. In particular, with the minimal entry requirements for carriers, the Commission has experienced problems with non facilities-based carriers who neglect to comply with our regulatory provisions including the abandonment process.

CLECs who are not facilities-based and rely either completely or partially for their underlying service on the incumbent local exchange carrier (ILEC) are considered resellers. If the CLEC fails to pay the underlying ILEC for the service it resells to its end-use customers, the CLEC's wholesale telephone service will be terminated; this results in the termination of dial tone service to the end-use customer—effectively a defacto abandonment of service by the CLEC. The Commission's rules under Chapter 64 do not cover abandonment of utility services nor do they address the notification of the end-use customers. However, a utility's obligations under the Public Utility Code with regard to abandoning service are very clear.

A Pennsylvania public utility company cannot lawfully abandon service to the public without first obtaining a Commission-issued certificate of public convenience authorizing the abandonment of utility service. *Re Megargel's Golf, Inc.*, 59 Pa. P.U.C. 517 (1985); *Application of Citizens Mutual Water Co.*, 37 Pa. P.U.C. 387 (1959). Section 1102(a)(2) of the Public Utility Code, 66 Pa.C.S. § 1102(a)(2), specifically enumerates this act of abandoning service as requiring prior approval evidenced by a certificate. See also, 52 Pa. Code §§ 1.43 and 3.551 (Commission's regulations on application filings). The Commission has established the following precedent with respect to this legal obligation:

A public utility seeking permission to abandon service must satisfy the same statutory burden of proof as the applicant for initial service rights; namely, that the issuance of the certificate is 'necessary, or proper for the service, accommodation, convenience, or safety of the public.' Section 203 of the Public Utility Law, 66 P. S. § 1123. The 'public' referred to in § 203 is the actual and potential users of a particular public utility service. . . .

Re Ridgeville Water Co., 51 Pa. P.U.C. 58, 59 (1977)³; *Re Estate of A. R. Burkett*, 55 P.U.C. 162 (1981). In conformity with Section 1103 of the Public Utility Code, 66 Pa.C.S. § 1103, the Commission may impose just and reasonable conditions on a public utility's abandonment of service. *Re Bald Eagle Water Co.*, 76 Pa. P.U.C. 556 (1992) (as a condition of being authorized to abandon service, a public utility paid customer \$3,500 to dig a well on customer's property as an alternative to utility's residential water service). Furthermore, the Commission will consider, inter alia, the availability and adequacy of alternative service in determining whether to authorize a utility's abandonment of service. *Megargel's*, 59 Pa. P.U.C. at 522; *Re Valley View Water Co.*, 55 Pa. P.U.C. 466 (1982).

Practically speaking, some of these considerations are not relevant to the problem of CLEC terminations—if the ILEC intends on terminating wholesale service to the CLEC, our resolution of an abandonment application on the merits is essentially a perfunctory exercise. As we have already discussed, the problem we experience as regulators is making sure that customers are notified of the impending termination of their residential telephone service and have an opportunity to apply for service with another service provider.

In contemplation of this situation, the Commission is proposing to adopt interim guidelines pending the promulgation of formal regulations to provide for an orderly process of customer notification and call center support when a local service provider of local telephone service abandons the provisions of service to residential and small business customers. A copy of the Interim Guidelines is attached as Annex A and by way of this Tentative Order we hereby seek comments by interested parties.

Specifically, we seek comment on the sufficiency of the contents of the embargo notice and the termination notice from the underlying carrier to the local service reseller, and the contents of the customer abandonment notices. We also seek comment on the time periods we propose for the local service provider obligations for abandonment. We are particularly interested in the deposit posting requirements of a surety bond or letter of credit with respect to the amounts and whether the requirements will ensure compliance with the process for customer notification and call center access when abandoning service. Furthermore, we are concerned that the application of preferred carrier freezes might inhibit customers from switching to a new carrier. Therefore, we seek comment as to whether we need provisions to have preferred carrier freezes routinely removed once the abandonment notices to customers are sent so that customers can quickly migrate to a new carrier.

Finally, we seek comments on the terms and definitions proposed for use in the proposed Interim Guidelines. For example, the proposed Interim Guidelines define and use

¹ 15 Pa.B. 4354

² Pub. L. No. 104-104, 110 Stat. 56, codified at 47 U.S.C.A. § 151 et seq. (TA-96).

³ Substantially the same language which appeared in section 203 of the Public Utility Law, Act of May 28, 1937, P. L. 1053 as amended, 66 P. S. § 1123, now appears at section 1103 of the Public Utility Code, 66 Pa.C.S. § 1103.

the term "local service provider" instead of "local exchange company" or "LEC," the terms used in Chapter 64.

Also, the Commission previously has established a regulatory definition of "small business customers" for electric and natural gas service. However, the Commission has not yet incorporated in its regulations a definition of "small business customer" for telecommunication service. See 52 Pa. Code §§ 54.2 and 54.152 (electric generation service) and §§ 62.32 and 62.72 (natural gas service). To correct this omission, a definition for "small business customer" for the purpose of the provision of telecommunications services is proposed herein and is defined as "a customer with three or fewer access lines not used for residential service."

These changes are proposed to reflect the reality of the current competitive market, and it is the Commission's intention to replace current Chapter 64 definitions with these updated terms. Again, comments are especially requested on these proposed changes.

Conclusion

We are hereby proposing by this Tentative Order Interim Guidelines to be in effect pending the promulgation of final regulations at a separate docket. These guidelines, when finalized after the receipt of public comment, are intended to provide guidance to local service providers and underlying carriers when addressing the abandonment process.

To accommodate public comment on these tentative interim guidelines, we will direct that this order be published in the *Pennsylvania Bulletin* and will establish a 10-day comment period from the date of publication. We urge that all interested persons file comments as soon as possible. Note that reply comments will not be permitted. Accordingly, comments should address all relevant issues including the identification of the additional costs, if any, that are anticipated to be incurred by the industry to comply with these interim guidelines. Additional costs are those that are in excess of the current costs to comply with similar existing State and Federal requirements; *Therefore,*

It Is Ordered That:

1. Voluntary Interim Guidelines following this Tentative Order are hereby proposed to provide for an orderly process of customer notification and call center support when a local service provider of local telephone service abandons the provisions of service to residential and small business customers. These guidelines, once finalized, are intended to remain in place pending the conclusion of a formal rulemaking to promulgate mandatory regulations.

2. This Tentative Order, including Annex A, be published in the *Pennsylvania Bulletin* and that a comment period ending 10 days after the Tentative Order's published date is hereby established.

3. Written comments, an original and 15 copies, shall be submitted to the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. A copy of these comments should be submitted at that same address to the technical and legal contact persons listed below, and to Sherri DelBiondo, Regulatory Coordinator. No reply comments will be permitted. A diskette containing the comments in electronic format must also be submitted. Comments should specifically reference the docket number of this Tentative Order.

4. A copy of this order and any accompanying statements of the Commissioners be served upon all jurisdic-

tional local exchange carriers, the Pennsylvania Telephone Association, the Pennsylvania Cable and Telecommunication Association, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff, posted on the Commission's website at puc.paonline.com and shall be made available to all other interested parties.

5. The contact persons for this matter are Wayne Williams, Consumer Services, (717) 787-7137 and Terrence J. Buda, Law Bureau, (717) 787-5755.

6. A final order shall be issued subsequent to the receipt and evaluation of any comments filed in accordance with this Tentative Order.

JAMES J. MCNULTY,
Secretary

Annex A

Local Service Provider Abandonment Process

I. Statement of Purpose.

A. Purpose. The purpose of these guidelines is as follows:

(1) To provide for an orderly process of customer notification and call center support when a local service provider of local telephone service abandons the provision of service to residential and small business customers under the following circumstances:

(a) The underlying carrier that provides part or all of the services necessary to provide local exchange carrier service is terminating the local service provider's service agreement.

(b) The Public Utility Commission issues an order to revoke the local service provider's certificate of public convenience.

(c) The local service provider seeks a certificate of public convenience to voluntarily abandon the provision of local exchange carrier service.

(2) To ensure that local service providers give adequate customer notice of the impending termination of local exchange carrier service to enable their customers to obtain service from another provider before the existing local service provider abandons service.

(3) To provide for a minimal notification deposit requirement to be paid by local service providers prior to the initiation of services to customers to ensure that there is sufficient incentives for local service providers to provide adequate customer notification and call center access when abandoning service to customers. If the local service provider fails to provide proper notice and customer support, the deposit will be used to pay the cost of customer notices about the abandonment of services and to maintain call center access for customers who have questions.

(4) To provide for an embargo process that precedes the termination of a local service provider's service agreement with an underlying carrier.

B. Application.

(1) These rules apply to any local service provider that is providing local exchange service to residential or small business customers in Pennsylvania.

(2) These rules apply to any underlying carrier that provides wholesale telephone service to a local service provider and intends to embargo or terminate the local service provider's service.

II. Definitions.

The following words and terms in these guidelines, as well as companion guidelines concerning Quality of Service, Changing Local Service Providers, and Customer Information, have the following meaning unless the context clearly indicates otherwise:

End-use customer—A customer who has his or her telephone service provided by a local service reseller.

Embargo—The refusal by an underlying carrier to process local service change requests or to initiate new local service requests, because the local service provider that is reselling its services is delinquent in the payment of those services.

Local service—Calling capacity between points within the community in which a customer lives. Local service includes the customer's local calling plan, dial tone line, touch-tone, directory assistance, Federal line cost charge, PA Relay Surcharge, Federal Universal Service Fund, local number portability, and 9-1-1 emergency service.

Local service provider—A company, such as a local exchange carrier, that provides local service and may also provide other telecommunications services.

Local service reseller—A local service provider that resells part or all of another company's wholesale telephone services to provide local service to consumers.

Small business customer—A customer with three or fewer access lines not used for residential service.

Underlying carrier—A company that owns or has access to transport and/or switching and/or other facilities and sells access to such services to a local service provider such that the local service provider can provide local service. The underlying carrier may also be a local service provider.

III. Pretermination Embargo Process.

A. Purpose.

An embargo is a pretermination process that is intended to limit the potential financial loss of the underlying carrier when a local service provider who is a local service reseller becomes delinquent in the payment for those services.

B. Authorized Reasons for an Underlying Carrier to Embargo Service.

(1) Failure to pay an undisputed delinquent amount for services necessary to provide the end-users with basic service when that amount remains unpaid for 30 days or more after the bill is rendered.

(2) Failure to abide by the terms and conditions of an interconnection agreement approved by the Public Utility Commission.

(3) Failure to comply with the terms of a payment agreement.

(4) Failure to comply with a Public Utility Commission order.

C. Unauthorized Reasons for an Underlying Carrier to Embargo Service.

(1) Nonpayment of charges unrelated to the provisions of local service. An example of a charge that if not paid cannot form the basis of an embargo is directory advertising.

(2) Nonpayment of charges not previously billed prior to the due date of the current bill.

(3) Noncompliance with a payment agreement prior to the date of payment that forms the basis of the agreement.

(4) Nonpayment of charges under complaint before the Public Utility Commission unless specifically authorized to do so by the Public Utility Commission.

(5) Nonpayment of charges where there is an open complaint about the accuracy or correctness of these charges. However, a reseller of that local exchange service is obligated to pay all amounts not legitimately under complaint.

D. Embargo Notification Process.

(1) Ten (10) days prior to the initiation of the embargo, the underlying carrier must issue a written notice of embargo to the local service reseller using the following procedures:

(a) The embargo notice is to be sent by first class mail.

(b) The notice to the reseller is to be addressed to the person designated to receive such notices.

(c) A copy of the 10-day notice of embargo is to be sent to the Secretary of the Public Utility Commission and the Public Utility Commission's Bureau of Consumer Services.

(2) Content of an embargo notice to a local service reseller shall include the following:

(a) Date that the embargo will start. The starting date given for the embargo cannot be less than ten days from the date the notice is mailed.

(b) Amount owed which forms the grounds for the embargo.

(c) Contact information for the company issuing the embargo notice where the reseller should call to make arrangements to pay the bill.

(d) A statement that if the bill is not paid on the date identified or other acceptable arrangements are not made that a termination notice will be issued.

IV. Underlying Carrier Termination Process for Local Service Resellers.

A. Termination Process Initiation. An underlying carrier is permitted to initiate the termination process of any local service reseller if by the expiration date of the embargo notice the reseller has not either made payment in full or entered into a mutually acceptable agreement for payment of the outstanding debt. An underlying carrier is not permitted to initiate termination when an account is under complaint. If at any time during the termination process a properly filed complaint is entered, the underlying carrier must suspend the termination process.

B. Contents of Termination Notice.

(1) A termination notice from the underlying carrier to the local service reseller must include the following:

(a) The date of the notification.

(b) The date services will be terminated unless payment is received or there is a mutually acceptable payment arrangement.

(c) The amount owed.

(d) A contact number for the underlying carrier.

(e) A copy of the notice must be provided to the Public Utility Commission's Secretary's Office, Bureau of Consumer Services and the Law Bureau.

V. Initiation of Abandonment.

The abandonment of a local service provider may be initiated by an underlying carrier, by an order of the Public Utility Commission which revokes the local service provider's certificate of public convenience, or by the local service provider itself upon proper application to the Public Utility Commission.

A. Underlying Carrier Initiation.

(1) An underlying carrier that intends to terminate the service of a local service reseller that serves residential and/or small business customers shall provide prior notice of termination to the local service provider and the PUC electronically and by first class mail 40 business days in advance of the scheduled termination.

(2) If the local service reseller fails to timely notify its end-use customers of the impending abandonment of service within 5 days after receiving the underlying carrier termination notice, the underlying carrier will extend the local service reseller's termination date until such time as the end-use customers can be properly notified.

(3) The extension should give end-use customers time to implement a change of local service provider so that their local service is continued in an uninterrupted manner.

B. Public Utility Commission Initiation.

The Public Utility Commission may initiate the abandonment of a local service provider's service through the issuance of a Commission order that revokes the local service provider's certificate of public convenience.

C. *Local Service Provider Initiation.* A local service provider may initiate the voluntary abandonment of its local service provision by filing with the Public Utility Commission an application to abandon service.

D. *Local Service Provider Obligations for Abandonment.*

(1) Upon receiving the prior electronic notice of termination from the underlying carrier, or upon the date the Public Utility Commission's order revoking the local service provider's certificate of public convenience becomes final, or upon the date the local service provider is issued a certificate of public convenience to voluntarily abandon its service provision, the local service provider shall have the following obligations:

(a) Within three business days prepare a written customer abandonment notice consistent with this order to be sent to all the local service provider's customers.

(b) Within three business days prepare a mailing list containing the names and addresses of current customers who are to receive the abandonment notice.

(c) Within four business days send by U.S. first class mail all its residential and small business customers the notice of abandonment.

(d) Within five business days send the Secretary of the Public Utility Commission and the Public Utility Commission's Bureau of Consumer Services the following via electronic mail:

(i) A copy of the abandonment notice that was sent to customers.

(ii) A confirmation letter that all residential and small business customers have been sent an abandonment notice.

(e) Within 6-business days send the Secretary of the PUC and the PUC's Bureau of Consumer Services the following via U.S. first-class mail:

(i) A copy of the abandonment notice that was sent to customers.

(ii) A confirmation letter that all residential and small business customers have been sent an abandonment notice.

(iii) A copy of the mailing list of customers that were mailed the notice.

(f) The local service provider is required to maintain call center access for customers who have questions for 35 business days after the date the notices have been sent to customers.

(g) The local service provider is required to maintain the provision of local service to residential and small business customers for 35 business days after the date the notices have been sent to customers.

VI. Content of Customer Abandonment Notices from Local Service Providers.

A. Customer Notice Requirements.

(1) The notice to customers about the pending abandonment of service to residential and small business customers should contain the following information and statements:

(a) A title on the envelope and the notice containing the words "Important Notice, Loss of Local Telephone Service" printed in bold letters with a font size of at least 14 points, conspicuously displayed so as to attract the attention of the reader.

(b) A statement: "At this time, (local service provider name) provides you with local telephone service."

(c) A statement: "As of (date thirty-five business days from date of notice), (local service provider name) will no longer provide your local telephone service and you must take action."

(d) A statement: "To prevent the loss of your local telephone service, you must select another local telephone service provider on or before (date 25 days from date notice is sent to customer). If you act by this date there will be enough time for the new service provider you choose to start your new service before your current service ends."

(e) A statement: "Please remember that local telephone service is competitive. You may select any company that is offering service in your area."

(f) A statement: "This is the only notice (the words only notice in bold and underlined) you will receive about the loss of your local telephone service. If you have any questions or need more information, contact (local service provider contact information including a toll-free telephone number)."

VII. Local Service Provider Deposit Requirements and Disposition.

A. Deposit Posting Requirements.

(1) Local service providers are required to post a surety bond or letter of credit with the PUC to assure compliance with the customer notification and call center access guidelines when abandoning service.

(2) A local service provider will post a surety bond or letter of credit in the amount of \$2,000 with the PUC at the time of application.

(3) At such time as the local service provider serves 2,500 or more access lines, the local service provider will file a surety bond or letter of credit with the PUC in the amount of \$5,000.

(4) At such time as the local service provider serves 5,000 or more access lines, the local service provider will file a surety bond or letter of credit with the PUC in the amount of \$10,000.

(5) At such time as the local service provider serves 10,000 access lines, the local service provider will file a surety bond or letter of credit with the PUC in the amount of \$20,000.

(6) For each additional 10,000 access lines served by the local service provider over the initial 10,000 lines, the local service provider will post a surety bond or letter of credit with a value of an additional \$10,000 over the prior deposit. For example, if the local service provider serves 20,000 lines, the total bond or credit requirement would be \$30,000. However, the total bond or credit held will not exceed \$50,000, regardless of the number of access lines served by the local service provider.

B. Deposit Disposition.

(1) Once the local service provider has abandoned service in an orderly fashion by providing customer notice and call center access as contained in these guidelines, the Commission will return the surety bond or letter of credit to the local service provider.

(2) In the event the local service provider does not provide customer notice and call center access in accordance with these guidelines, the PUC may use the proceeds of the surety bond or letter of credit to pay for the cost of providing the affected customers with notice and call center service.

Appendix A

Overall Abandonment Timeframe

<i>Business Day</i>	<i>Activity</i>
1	Local service reseller receives termination notice from underlying carrier; or date of PUC final order revoking local service provider's certificate of public convenience; or the local service provider receives a certificate of public convenience to abandon service.
3	Local service provider prepares abandonment notice for customers and prepares customer mailing list.
4	Local service provider sends notice to customers.
5	Local service provider provides an electronic copy of notice to PUC along with a confirmation letter that all affected customers have been sent an abandonment notice.
6	Local service provider sends PUC written notice, confirmation letter, and customer contact list.
5-9	Customers receive notice of abandonment.
10-25	Customers shop for new local service provider and make a selection. (15 days)
26-35	Time allotted for customer migration. (10 days)
35	Customer is provisioned to new local service provider.

Business Day

Activity

36	Underlying carrier terminates reseller's service. (If applicable).
36	Local service provider ceases provision of local exchange service and call center support.

[Pa.B. Doc. No. 01-2253. Filed for public inspection December 14, 2001, 9:00 a.m.]

Tentative Order

Public Meeting held
November 30, 2001

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

Interim Guidelines Establishing Procedures for Changing Local Service Providers for Jurisdictional Telecommunications Companies; Doc. No. M-00011582

Tentative Order¹

By the Commission:

The Commission first promulgated Chapter 64, Standards and Billing Practices for Residential Telephone Service, 52 Pa. Code §§ 64.1—64.213, on November 30, 1984, and has amended it several times. Since 1984, there has been a marked increase in the number of competitors in the Pennsylvania telecommunications market. Consumers are moving back and forth among the various local (and toll) service providers. As a result, consumers have encountered confusion, delay, and/or interruption of local service during the migrations between local service providers (LSPs). Further, Verizon Pennsylvania, Inc., has recently received authority from the Federal Communications Commission (FCC) and this Commission to commence offering in-region long distance service within Pennsylvania. These additional options may result in even more migration of consumers. Accordingly, the Commission proposes to adopt interim guidelines as set forth in Annex A for the following purposes:

1. To ensure that consumers can change LSPs without unnecessary confusion, delay, or interruption to their basic service.

2. To ensure that the migration from one LSP to another LSP is seamless from the customer's perspective.

3. To minimize overlap in billing during the transition from one LSP to another LSP.

By this Tentative Order, the Commission proposes to adopt interim guidelines that will remain in place until a final rulemaking on this subject matter has been completed.

¹ This Tentative Order is one of several we are adopting this day addressing: Changing LSPs (base folder); Customer Information (F0002); Quality of Service (F0003); and Abandonment by Local Service Provider (F0004). While there may be overlap among all the orders, there is perhaps more so between F0001 and F0003. The focus of this Tentative Order and interim guidelines is generally looking at the issues from the perspective of the customer, whereas the focus of the base folder is generally from the LSPs' perspective.

Discussion²

In 1993, competition in the local telecommunications markets in Pennsylvania was initiated through the enactment of Chapter 30 of the Public Utility Code, 66 Pa.C.S. §§ 3001—3009. Moreover, the Telecommunications Act of 1996 (TA-96), as codified in 47 U.C.S.A. § 201, et seq., mandated the opening of local-telephone service competition on a national level. Both the state and federal actions were designed to create customer choice of provider and service. In 1995, this Commission granted the first four Pennsylvania certificates of public convenience for competitive local exchange carrier (CLEC) authority to provide local service. Today, we have approximately 240 active and inactive CLECs, serving approximately 900,000 access lines. These numbers are growing. Consequently, the churn in the local market is increasing daily.

Along with the growth in CLECs, the industry has experienced a divergence in the type and form of services being provided. The growth and divergence have added to the need for updates in our regulations.

These interim guidelines are to address issues relating to migration of customers among LSPs, slamming, customer information, and billing. Our discussion of migration slamming, E911, and directory listings/white pages applies to all customers. Our discussion of customer information and billing applies to all customers. All other Commission regulations contained in Chapter 64, Residential Telephone Service, are applicable to LSPs. It is the responsibility of each LSP to know these requirements and to ensure that it operates in compliance with the regulations. Further, it is not acceptable for a LSP to attempt to transfer to the customer the LSP's responsibility to deal with the underlying carrier when there is a problem with the quality of service being provided.

Migration.³

Changes in a customer's LSP should be executed in accordance with the regulations of the FCC that relate to verification of service orders, letters of agency, and preferred carrier freezes, as such regulations may be changed from time to time. Additionally, Chapter 64 imposes certain obligations upon LSPs. The interim guidelines are designed to provide further guidance.

The new LSP should determine if there is a LSPF on the account. A change in service cannot be processed if an

² The proposed interim guidelines define and use terms not found in 52 Pa. Code Chapter 64. The following terms, when used in this tentative order, shall have the following meanings unless the context clearly indicates otherwise. These definitions are more fully explained in the interim guidelines.

Freeze—Designation elected by a customer that requires the customer with the freeze to advise his/her old preferred carrier of his/her intention to change preferred carriers.

Local service—Calling capacity between points within the community in which a customer lives. Local service includes the customer's local calling plan, dial tone line, touch-tone, directory assistance, Federal line cost charge, PA Relay Surcharge, Federal Universal Service Fund, local number portability, and 9-1-1 emergency service.

Local Service Provider (LSP)—A company, such as a local exchange carrier (LEC), that provides local service and may also provide other telecommunications services.

Local service provider freeze (LSPF)—The procedure which prevents a change in a customer's local service provider without the customer notifying the local service provider to lift the freeze.

Migration—A transfer of service from one carrier to another. For the purpose of these interim guidelines, the focus is on the movement of a customer from one local service provider to another local service provider.

Preferred carrier (PC)—The service provider chosen by a customer to provide particular telecommunications services. A customer's existing provider is his/her preferred carrier until such time as the customer makes a verified choice of a new preferred carrier.

Porting—The process of moving a customer's telephone number from one local service provider to another local service provider.

³ It is noted that a Collaborative has commenced at Docket No. C-00015149 F0002 to address local service provider freeze (LSPF) issues including processes and procedures available for LECs to migrate lines currently subject to LSPF. The issue of whether LSPF is appropriate or necessary is being addressed as a litigated matter presently before ALJ Chestnut at Docket No. C-00015149. To the extent that the interim guidelines proposed herein are inconsistent with the resolutions reached in either Docket No. C-00015149 or C-00015149 F0002, the resolutions reached in those dockets shall control until final regulations are adopted or those dockets are otherwise modified.

existing LSPF is not removed by the customer. Applicants for service with LSPFs must be advised that they need to contact their current (old) LSP to remove the LSPF before an order to migrate the service may be taken.⁴

To process a migration, the new LSP must provide the old LSP with notification of a change within 24 hours. The time to change from a customer's old LSP to a new LSP should not exceed 10 business days. The new LSP should advise applicants of a service start date.⁵ When applicable, the new LSP should inform applicants that they could keep (that is, port) their same telephone numbers.

If the migration of local service request is processed in accordance with state and federal requirements, the old LSP may not refuse to execute a customer's request to change basic service or refuse to port a customer's phone number. This applies so long as the customer's account is or was not terminated for the customer's failure to pay a delinquent bill, even if the account has been suspended or for the customer's failure to keep the terms of a contract. If an account has been terminated for non-payment of billing for local service, the old LSP may refuse to port the telephone number until the bill is paid or otherwise resolved. The old LSP may not, however, refuse to release the local loop or other facilities required to provide service to the premises where service was previously terminated on the basis of the unpaid billing.

Slamming.

Slamming is the unauthorized changing of a customer's telecommunications service provider. On March 23, 2001, we issued a Secretarial Letter in *LEC Obligations for Addressing Customer Complaints about LEC Slamming and LEC Adherence to the FCC Slamming Liability Rules*, Docket No. M-00991322. Slamming continues to be an issue in the market place. This order and the interim guidelines will not change or reduce the provisions of the Secretarial Letter but rather clarify and expand upon it.

Accordingly, the interim guidelines are to be applied in conjunction with and as an enlargement upon the Secretarial Letter based upon further market experience as competition has evolved.

Customer Information.

Customer information is crucial to the operation of a competitive marketplace. Markets do not work at their optimum when there is a pattern of asymmetrical dissemination of information.

Accordingly, the new LSP should inform applicants that it will send a written disclosure statement of the terms and conditions of service within 1 business day of its acceptance of the customer's migration order. The new LSP should provide applicants with information in accordance to 52 Pa. Code Chapter 64. The new LSP should also inquire whether applicants want information that may assist customers with disabilities or explain universal service programs.

Billing.

The failure to properly remove a migrated customer from the automatic billing systems may result in duplicate bills and overlapping bills. This exacerbates the potential for improper billing. Improper billing may go unnoticed by a customer.

⁴ If the new LSP is also seeking to provide services (e.g., inter-exchange, intraLATA, interLATA, interstate, or international toll) covered by a PC freeze, the authorization to lift the freezes may be done in the same process, but the customer must expressly lift each particular freeze.

⁵ For any LSP subject to state or federal carrier-to-carrier guidelines, if the carrier-to-carrier guidelines provide a more explicit or a narrower window for performance, the carrier-to-carrier guidelines shall control for that LSP.

Accordingly, upon notification from the new LSP, the customer's old LSP should, within 42 days, issue the customer a final bill for services rendered. Once charges are paid for those services rendered prior to the change of the customer's LSP, the old LSP should remove the customer from its billing system and discontinue billing.

Finally, the interim guidelines are not designed to affect or constrict a customer's debtor/consumer rights or an LSP's creditor's remedies otherwise permitted by law. Additionally, customers who believe that service has not been rendered consistent with the interim guidelines may file informal complaints with the Commission's Bureau of Consumer Services.

E911 and Directory Listings/White Pages.

Access to accurate information is essential to the operation of emergency response systems. Listings with directory assistance and in the white pages are of major significance to most customers.

Accordingly, any migration will require specific and timely coordination of records to ensure that the data bases are accurate and accessible.

Conclusion

We are hereby proposing by this Tentative Order Interim Guidelines to be in effect pending the promulgation of final regulations at a separate docket. These guidelines, when finalized after the receipt of public comment, are intended to provide guidance to LSPs and underlying carriers when addressing the process of changing LSPs.

To accommodate public comment on these tentative interim guidelines, we will direct that this order be published in the *Pennsylvania Bulletin* and will establish a 10-day comment period from the date of publication. We urge that all interested persons file comments as soon as possible. Note that reply comments will not be permitted. Accordingly, comments should address all relevant issues including the identification of the additional costs, if any, that are anticipated to be incurred by the industry to comply with these interim guidelines. Additional costs are those that are in excess of the current costs to comply with similar existing State and Federal requirements; *Therefore, It Is Ordered That:*

1. Voluntary Interim Guidelines re Procedures for Changing Local Service Providers, following this Tentative Order as Annex A, are hereby proposed, inter alia, to ensure that consumers can change LSPs without unnecessary confusion, delay, or interruption to their basic service, to ensure that the migration from one LSP to another LSP is seamless from the customer's perspective, and to minimize overlap in billing during the transition from one LSP to another LSP. These guidelines, once finalized, are intended to remain in place pending the conclusion of a formal rulemaking to promulgate mandatory regulations.

2. This Tentative Order, including Annex A, be published in the *Pennsylvania Bulletin* and that a comment period ending 10 days after the date of publication of the Tentative Order is hereby established.

3. Written comments, an original and 15 copies, shall be submitted to the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. A copy of these comments should be submitted at that same address to the technical and legal contact persons listed below, and to Sherri DelBiondo, Regulatory Coordinator. A diskette containing the comments in electronic format (in Word or a compatible program) must also be

submitted. Comments should specifically reference the docket number and folder number of this Tentative Order. No reply comments will be permitted.

4. A copy of this order and any accompanying statements of the Commissioners be served upon all jurisdictional local exchange carriers, the Pennsylvania Telephone Association, the Pennsylvania Cable and Telecommunication Association, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff; be posted on the Commission's web site at puc.paonline.com; and be made available to all other interested parties.

5. The contact persons for this matter are David Lewis, Consumer Services, (717) 783-5187, and Louise Fink Smith, Law Bureau, (717) 787-8866.

6. A final order shall be issued subsequent to the receipt and evaluation of any comments filed in accordance with this Tentative Order.

JAMES J. MCNULTY,
Secretary

Annex A

Interim Guidelines for Changing Local Service Providers

I. Statement of Purpose, Application, and Effect.

A. *Purpose.* The purpose of these interim guidelines is as follows:

(1) To ensure that consumers can change their local service provider (LSP) without unnecessary confusion, delay, or interruption to their basic service.

(2) To ensure that the migration from one LSP to another LSP should be seamless to the customer.

(3) To minimize overlap in billing during the transition from one LSP to another LSP.

B. *Application.* With the exception of E911 and Directory Listings/White Pages, which apply to all customers, these interim guidelines apply to all residential customers except those customers who want to discontinue service. Residential customers who discontinue service are required to provide their LSP with notice in accordance with 52 Pa. Code § 64.53, Discontinuance of service, as such regulations may be changed from time to time.

C. *Effect of Interim Guidelines.* The requirements contained in these interim guidelines are intended to be consistent with the FCC's regulations at 47 CFR Subpart K, Changing Long Distance Service, which is also applicable to local service, and with 52 Pa. Code § 64.2, Definitions; and 52 Pa. Code § 64.191, Public Information.

II. Definitions.

The following words and terms in these guidelines, as well as companion guidelines concerning Quality of Service, Abandonment of Service, and Customer Information, have the following meaning unless the context clearly indicates otherwise:

Freeze—Designation elected by a customer that requires the customer with the freeze, including a local service provider freeze, to advise his/her old preferred carrier of his/her intention to change preferred carriers. For customers without freezes, the new preferred carrier may relay the information to the old preferred carrier that the customer has made a verified decision to change preferred carriers.

Local service—Calling capacity between points within the community in which a customer lives. Local service includes the customer's local calling plan, dial tone line, touch-tone, directory assistance, Federal line cost charge, PA Relay Surcharge, Federal Universal Service Fund, local number portability, and 9-1-1 emergency service.

Local Service Provider (LSP)—A company, such as a local exchange carrier, that provides local service and may also provide other telecommunications services.

Local service request—The method used to inform a customer's current local service provider that the customer wants to change local service providers.

Local service provider freeze (LSPF)—The procedure which prevents a change in a customer's local service provider without the customer notifying the local service provider to lift the freeze.

Migration—A transfer of service from one carrier to another. For the purpose of these interim guidelines, the focus is on the movement of a customer from one local service provider to another local service provider.

Preferred carrier (PC)—The service provider chosen by a customer to provide particular telecommunications services. A customer's existing provider is his/her preferred carrier until such time as the customer makes a verified choice of a new preferred carrier.

Porting—The process that allows customers to keep their telephone numbers when migrating from one local service provider to another local service provider.

Telephone bill—The invoice for telecommunications products or services rendered whether rendered by the local service provider or its billing agent.

III. Migration of Local Service.

A. *Execution of Changes in Local Service Provider.* Changes in a customer's LSP should be executed in accordance with the regulations of the FCC that relate to verification of service orders, letters of agency, and preferred carrier freezes, as such regulations may be changed from time to time.

B. *Additional Obligations.* In addition to existing obligations in 52 Pa. Code Chapter 64, the following requirements apply:

- (1) The new LSP must provide the old LSP with notification of a change within 24 hours.
- (2) The time to change from a customer's old LSP to a new LSP should not exceed 10 business days.
- (3) The new LSP should advise applicants of a service start date.
- (4) When applicable, the new LSP should inform all applicants for service that they could keep their same telephone numbers.
- (5) For any LSP subject to state or federal carrier-to-carrier guidelines, if the carrier-to-carrier guidelines provide a more explicit or a narrower window for performance, the carrier-to-carrier guidelines shall control for that LSP.

C. *Removal of Local Service Provider Freeze (LSPF).* The new LSP cannot process a change in service if an existing LSPF is not removed by the customer. The new LSP should do the following:

(1) Ask applicants if they have a LSPF on their basic service accounts.

(2) Inform applicants for service that the new LSP cannot authorize the removal of a customer's LSPF.

(3) Inform applicants for service with LSPFs that arrangements must be made to have the freeze lifted before an order to migrate the service may be processed.

(4) If the new LSP is also seeking to provide services (e.g., inter-exchange, intraLATA, interLATA, interstate, or international toll) covered by a PC freeze, the authorization to lift the freezes may be done in the same process, but the customer must expressly lift each particular freeze.

D. *Unauthorized Refusal to Migrate Service.* If the migration of local service request is processed in accordance with state and federal requirements, the old LSP may not refuse to execute a customer's request to change LSP's or refuse to port a customer's phone number even under the following circumstances so long as the customer's account is not terminated:

- (1) For a customer's failure to pay a delinquent bill, even if the account has been suspended.
- (2) For a customer's failure to keep the terms of a contract.
- (3) Exception to prohibition: If an account has been terminated for non-payment of billing for local service, the old LSP may refuse to port the telephone number until the bill is paid or otherwise resolved.
- (4) Limitation on exception to prohibition: The old LSP may not, however, refuse to release the local loop or other facilities required to provide service to the premises where service was previously terminated on the basis of the unpaid billing.

IV. Customer Information.

A. *Disclosures.* The new LSP should inform applicants for service that it will send a written disclosure statement of the terms and conditions of service within one (1) business day.

B. *Inquiries.* The new LSP should provide applicants with information in accordance to 52 Pa. Code Chapter 64. The new LSP should also do the following:

- (1) Inquire whether applicants want information that may assist customers with disabilities.
- (2) Inquire whether applicants want information about low income assistance.

V. Discontinuance of Billing.

A. *Final Bills.* Upon notification from the new LSP, the customer's old LSP should, within 42 days, issue the customer a final bill for services rendered.

B. *Final Payments.* Once charges are paid for those services rendered prior to the change of the customer's LSP, the old LSP should remove the customer from its billing system and discontinue billing.

VI. Debtor's Rights and Creditor's Remedies.

These interim guidelines do not affect the customer's debtor/consumer rights or the LSP's creditor's remedies otherwise permitted by law. Additionally, customers who believe that service has not been rendered consistent with these interim guidelines may file informal complaints with the Commission's Bureau of Consumer Services.

VII. E911 and Directory Listings/White Pages.

Any migration will require specific and timely coordination of records between the carriers to ensure that the data bases are accurate and accessible.

[Pa.B. Doc. No. 01-2254. Filed for public inspection December 14, 2001, 9:00 a.m.]

Tentative Order

Public Meeting held
November 30, 2001

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

Interim Guidelines Establishing Quality of Service Procedures for Jurisdictional Telecommunications Companies;
Doc. No. M-00011582F0003

Tentative Order¹

By the Commission:

The Commission first promulgated Chapter 63, Telephone Service, 52 Pa. Code §§ 63.1—63.137, on March 25, 1946, and Chapter 64, Standards and Billing Practices for Residential Telephone Service, 52 Pa. Code §§ 64.1—64.213, on November 30, 1984, and has amended both chapters several times thereafter. Since 1984, there has been a marked increase in the number of competitors in the Pennsylvania telecommunications market. Consumers are moving back and forth among the various local (and toll) service providers. As a result, consumers have encountered confusion, delay, and/or interruption of local service in dealing with multiple local service providers (LSPs). Further, Verizon Pennsylvania, Inc., has recently received authority from the Federal Communications Commission (FCC) and this Commission to commence offering in-region long distance service within Pennsylvania. These additional options may result in even more interaction between a customer and multiple LSPs. Accordingly, the Commission proposes to adopt interim guidelines as set forth in Appendix A for the following purposes:

1. To establish uniform procedures for all LSPs to use when handling interfering station conditions.
2. To establish uniform procedures for all LSPs that will allow residential and business customers to retain their telephone lines and numbers when they change LSPs.
3. To address coordination of repair problems when there is an underlying carrier.

By this Tentative Order, the Commission proposes to adopt interim guidelines that will remain in place until a final rulemaking on this subject matter has been completed.

*Discussion*²

¹ This Tentative Order is one of several we are adopting this day addressing: Changing LSPs (base folder); Customer Information (F0002); Quality of Service (F0003); and Abandonment by Local Service Provider (F0004). While there may be overlap among all the orders, there is perhaps more so between F0001 and F0003. The focus of this Tentative Order and interim guidelines is generally looking at the issues from the perspectives of the LSPs, whereas the focus of the base folder is generally from the customer's perspective.

² The proposed interim guidelines define and use terms not found in our regulations. The following terms, when used in this tentative order, shall have the following meanings unless the context clearly indicates otherwise. These definitions are more fully explained in the interim guidelines.

Discontinuance of service—The temporary or permanent cessation of service on customer request.

In 1993, competition in the local telecommunications markets in Pennsylvania was initiated through the enactment of Chapter 30 of the Public Utility Code, 66 Pa.C.S. §§ 3001—3009. Moreover, the Telecommunications Act of 1996 (TA-96), as codified in 47 U.C.S.A. § 201, et seq., mandated the opening of local-telephone service competition on a national level. Both the state and federal actions were designed to create customer choice of provider and service. In 1995, this Commission granted the first four Pennsylvania certificates of public convenience for competitive local exchange carrier (CLEC) authority to provide local service. Today, we have approximately 240 active and inactive CLECs, serving approximately 900,000 access lines. These numbers are growing. Consequently, the churn in the local market is increasing daily.

Along with the growth in CLECs, the industry has experienced a divergence in the type and form of services being provided. The growth and divergence have added to the need for updates in our regulations.

These interim guidelines are to address issues relating to interfering stations in conjunction with migration of customers among LSPs, porting, coordination of repair problems when there is an underlying carrier, transfers of customer base among LSPs, and carrier-to-carrier guidelines.³ Our discussion of these issues relates to residential and business customers. All other Commission regulations contained in Chapter 55, Non-Carrier Rates and Practices, Chapter 63, Telephone Service, and Chapter 64, Residential Telephone Service, are applicable to LSPs. It is the responsibility of each LSP to know these requirements and to ensure that it operates in compliance with the regulations. Further, it is not acceptable for a LSP to attempt to transfer to the customer the LSP's responsibility to deal with the underlying carrier when there is a problem with the quality of service being provided.

Interfering Stations.

LSPs and individual customers have complained that pre-existing service prevents the reuse of the existing telephone facilities by a new LSP to serve a new customer at a location where the prior customer abandoned the premises without notifying the old LSP to terminate the telephone service. We find that this practice unfairly causes new customers unnecessary delays and/or expense in obtaining service.

Accordingly, when a LSP (old LSP) receives notice from a new LSP that an interfering station condition exists and the old LSP's prior or present use of the line is the cause of the condition, the old LSP should send a 7-day notice of termination to its listed customer of record at the customer's last known address. The notice must state that there has been a request for new service in the name of a different customer at the location specified in the notice and that, unless notified otherwise, the old LSP will discontinue service in the name of the customer of

Interfering station—Pre-existing service that prevents the reuse of the existing telephone facilities by a new local service provider to serve a new customer at a location where the prior customer abandoned the premises without notifying the old LSP to disconnect the telephone service.

Local service provider (LSP)—A company, such as a local exchange carrier (LEC), that provides local service and may also provide other telecommunications services.

Local service reseller—A local service provider that provides local service to its customers by reselling the services of an underlying carrier.

Migration—For the purposes of the interim guidelines, the movement of a customer from one local service provider to another local service provider.

Porting—The process of moving a customer's telephone number from one local service provider to another local service provider.

Underlying carrier—A company that owns or has access to transport and/or switching and/or other facilities and sells access to such services to a local service provider such that the local service provider can provide local service. The underlying carrier may also be a local service provider.

³ See the *Performance Metrics Order* proceeding, Docket No. M-00991435 (PMO), and the *Metrics and Remedies* proceeding, Recommended Decision of October 2, 2001, at Docket No. M-00011468. Exceptions pending.

record 7 days from the date of the notice in order to allow for installation of new local service at the service address. At the end of the 7-day period, if the old LSP has not received any response from the previous customer of record, the old LSP should terminate service to the service address. If the old LSP is not the underlying carrier, the old LSP must arrange to have the service terminated at the end of the 7-day period. The service must be terminated within 24 hours of the end of the 7-day period. Within 24 hours of the termination, the old LSP should notify the new local service provider that the service has been terminated.

The new LSP should complete the installation of the service for the customer consistent with existing regulations and guidelines for primary service orders. Further, as with repair and maintenance issues, the new LSP shall not require the customer to deal with the underlying carrier when there is a problem with the quality of service being provided. The old LSP and the new LSP may be the same carrier, for example, if a customer vacates a premises and the new customer chooses the same LSP as served the prior customer.

Porting.

The FCC has spoken rather clearly on number porting, holding that LECs do not have a proprietary interest in numbers assigned to their customers and, more significantly, that number portability is absolutely critical to the opening of local telecommunications markets to competition. *In the Matter of Telephone Number Portability, Old Report and Order and Further Notice of Proposed Rule-making*, CC Docket No. 95-1165, RM 8535, 11 FCC Rcd 8352; 1996 LEXIS 3430, ¶113.

This Commission agrees with the FCC's position. Looking at the energy markets for a parallel, the Commission does not permit a distribution entity to hold an end-user's service line hostage to ensure payment of outstanding bills. While this example corresponds more closely to a LEC refusing to release a local loop for resale or as an UNE than it does to a refusal to port the number, it must, nevertheless, be recognized that LECs do not have a proprietary interest in the telephone numbers assigned to customer users.

Accordingly, this Commission believes that it is appropriate to establish in the interim guidelines that LSPs may not refuse to port a telephone number for customers whose service is suspended or still in service. If, however, the service has been terminated for non-payment, the old LSP may refuse to port the telephone number until the bill is paid or otherwise resolved. Furthermore, in conjunction with the refusal to port the telephone number, a LSP may not refuse to release the local loop or other facilities required to provide service to the premises where service was previously terminated on the basis of the unpaid billing.

Coordination of Repair Problems.

Often times, it is initially unclear where a service problem (or incomplete installation problem) arises and who is responsible for fixing it. Regardless of the cause and effect of the various problems one can encounter in installation, maintenance, and repair of telecommunications services, we feel that it is in the best interest of the customer for the customer to have a single point of contact and to be able to rely on the LSP, rather than having to navigate between the LSP and an underlying carrier, to resolve such problems.

Accordingly, we shall provide that the new LSP shall not require the customer to assume the LSP's responsibil-

ity to deal with the underlying carrier when there is a problem with the quality of service being provided.

Transfers of Customer Base.

LSPs on occasion transfer customers among themselves. Transfers of customers between LSPs typically do not require a certificate of public convenience if both carriers are certificated and will remain in operation after the transfer of customers. For any such LSP-initiated transfer, the Commission requires appropriate and timely notice to the affected customers and notice to the Commission prior to the transfer. If such transfers occur because a LSP is ceasing to do business in the Commonwealth, the old LSP must additionally obtain Commission authority to abandon service. In most cases, the affected customers agree to transfer (affirmatively or by inaction) or make alternative arrangements with another LSP. On occasion, a customer with a LSPF may fail to lift the LSPF to allow the transfer to take place. This creates the risk that customers may lose dial tone when the old LSP ceases to service them.

Accordingly, we shall provide that when two LSPs agree to a transfer of customers, the transferring LSP should request that the Commission lift the LSPFs for all customers who have not timely responded to the LSP's notice of intent to transfer. The transferring LSP will provide notice to the affected customers of the request to have the LSPF lifted. If the transfer is necessitated by the abandonment of service by the old LSP, there should be a rebuttable presumption that the LSPF will be lifted upon request. If the transfer is predicated upon other grounds, the burden will be on the old LSP to prove that lifting the LSPF is appropriate. The LSP may satisfy this burden by competent evidence or by stipulation to the necessity of lifting the freeze from the Bureau of Consumer Services and the Office of Consumer Advocate and/or the Office of Small Business Advocate (depending upon customer base). Upon approval of the lifting of the LSPF by the Commission, the old LSP and the new LSP may complete the migration. Upon completion of the migration, the new LSP should reinstate a LSPF unless the customer requests otherwise.

Carrier-to-Carrier Guidelines.

At least one LSP (Verizon Pennsylvania, Inc.) is subject to both State and Federal carrier-to-carrier guidelines. There have been numerous suggestions that all LSPs should be subject to carrier-to-carrier guidelines to manage the transactions between carriers. Such an endeavor is beyond the scope of this order and may be considered by this Commission at some future date.

Accordingly, while recognizing that one LSP is subject to carrier-to-carrier guidelines, we shall not establish additional carrier-to-carrier guidelines at this time but shall require that if any carrier-to-carrier guidelines established by this Commission or the FCC provide a more explicit or a narrower window for performance, then such carrier-to-carrier guidelines will control for LSPs subject to them.

Conclusion

We are hereby proposing by this Tentative Order Interim Guidelines to be in effect pending the promulgation of final regulations at a separate docket. These guidelines, when finalized after the receipt of public comment, are intended to provide guidance to LSPs and underlying carriers when addressing quality of service issues.

To accommodate public comment on these tentative interim guidelines, we will direct that this order be

published in the *Pennsylvania Bulletin* and will establish a 10-day comment period from the date of publication. We urge that all interested persons file comments as soon as possible. Note that reply comments will not be permitted. Accordingly, comments should address all relevant issues including the identification of the additional costs, if any, that are anticipated to be incurred by the industry to comply with these interim guidelines. Additional costs are those that are in excess of the current costs to comply with similar existing State and Federal requirements; *Therefore,*

It Is Ordered That:

1. Voluntary Interim Guidelines re Quality of Service, Annex A to this Tentative Order, are hereby proposed to establish uniform procedures for all LSPs to use when handling interfering station conditions, to establish uniform procedures for all LSPs that will allow residential and business customers to retain their telephone lines and numbers when they change LSPs, and to address coordination of service problems when there is an underlying carrier. These guidelines, once finalized, are intended to remain in place pending the conclusion of a formal rulemaking to promulgate mandatory regulations.

2. This Tentative Order, including Annex A, be published in the *Pennsylvania Bulletin* and that a comment period ending 10 days after the date of publication is hereby established.

3. Written comments, an original and 15 copies, shall be submitted to the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. A copy of these comments should be submitted at that same address to the technical and legal contact persons listed below, and to Sherri DelBiondo, Regulatory Coordinator. A diskette containing the comments in electronic format (Word or compatible program) must also be submitted. Comments should specifically reference the docket number and folder number of this Tentative Order. No reply comments will be permitted.

4. A copy of this order and any accompanying statements of the Commissioners be served upon all jurisdictional local exchange carriers, the Pennsylvania Telephone Association, the Pennsylvania Cable and Telecommunication Association, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff; be posted on the Commission's web site at puc.paonline.com; and be made available to all other interested parties.

5. The contact persons for this matter are David Lewis, Consumer Services, (717) 783-5187, and Louise Fink Smith, Law Bureau, (717) 787-8866.

6. A final order shall be issued subsequent to the receipt and evaluation of any comments filed in accordance with this Tentative Order.

JAMES J. MCNULTY,
Secretary

Annex A

Interim Guidelines For Quality of Service

I. Statement of Purpose, Application, and Effect.

A. *Purpose.* The purpose of these interim guidelines is to ensure that residential and business customers of all local service providers (LSPs) receive quality telephone service. Specifically, these interim guidelines address the following:

(1) To establish uniform procedures for all LSPs to use when handling interfering station conditions.

(2) To establish uniform procedures for all LSPs that will allow residential and business customers to retain their telephone lines and numbers when they change LSPs.

(3) To address coordination of repair problems when there is an underlying carrier.

B. *Application.* These guidelines apply to all LSPs.

C. *Effect of guidelines.* The requirements contained in these interim guidelines are intended to be consistent with and to augment 52 Pa. Code, Chapters 55, 63, and 64, Non-Carrier Rates and Practices, Telephone Service, and Standards and Billing Practices for Residential Telephone Service, respectively.

II. Definitions.

The following words and terms in these guidelines, as well as companion guidelines concerning Abandonment of Service, Changing Local Service Providers, and Customer Information, have the following meanings unless the content clearly indicates otherwise:

Discontinuance of service—The temporary or permanent cessation of service upon the request of a customer.

Interfering station—Pre-existing service that prevents the reuse of the existing telephone facilities by a new local service provider to serve a new customer at a location where the prior customer abandoned the premises without notifying the old local service provider to disconnect the telephone service. The old local service provider and the new local service provider may be the same company.

Local service—Calling capacity between points within the community in which a customer lives. Local service includes the customer's local calling plan, dial tone line, touch-tone, directory assistance, Federal line cost charge, PA Relay Surcharge, Federal Universal Service Fund, local number portability, and 9-1-1 emergency service.

Local service provider (LSP)—A company, such as a local exchange carrier, that provides local service and may also provide other telecommunications services.

Local service reseller—A local service provider that resells part or all of another company's wholesale telephone services to provide local service to consumers.

Migration—The movement of an end-user customer from one local service provider to another local service provider.

Porting—The process of moving a customer's telephone number from one local service provider to another local service provider.

Underlying carrier—A company that owns or has access to transport and/or switching and/or other facilities and sells access to such services to a local service provider such that the local service provider can provide local service. The underlying carrier may also be a local service provider.

III. Migration of Local Service.

Ninety-five percent of all primary service orders requesting the migration of local service from one LSP to another LSP should be completed within 10 working days of receipt of the request for service by the new LSP.

IV. Interfering Station Termination Procedures.*A. Notice Provisions.*

(1) When an old LSP receives notice from a new LSP that an interfering station condition exists and the old LSP's prior or present use of the line is the cause of the condition, the old LSP should send a 7-day notice of termination to its listed customer of record at the customer's last known address.

(2) The notice must state that there has been a request for new service in the name of a different customer at the location specified in the notice.

(3) The notice must state that, unless notified otherwise, the LSP that sent the notice (i.e., the old LSP) will terminate service in the name of the customer of record 7 days from the date of the notice in order to allow for installation of new local service at the service address.

B. Duty of the old LSP.

(1) At the end of the 7-day period, if the old LSP has received no response from the previous customer of record, the old LSP should terminate service to the service address.

(2) If the old LSP is not the underlying carrier, the old LSP must arrange to have the service terminated at the end of the 7-day period.

(3) The service must be terminated within 24 hours of the end of the 7-day period.

(4) Within 24 hours of the termination, the old LSP should notify the new LSP that the service has been terminated.

C. Duty of the new LSP.

(1) The new LSP should complete the installation of the service for the customer consistent with existing regulations and guidelines for primary service orders.

(2) The new LSP shall not require the customer to assume the LSP's responsibility to deal with the underlying carrier when there is a problem with the quality of service being provided.

V. Number Porting.*A. Responsibility of the Old LSP.*

(1) Upon notification by a new local service provider that the customer has applied for service from the new LSP, the old LSP should release the customer's telephone line and number to the new LSP.

(2) If the request for migration of local service is processed in accordance with state and federal requirements, the old LSP may not refuse to execute a customer's request to change basic service or refuse to port a customer's phone number even under the following circumstances so long as the customer's account is not terminated:

- (a) For a customer's failure to pay a delinquent bill.
- (b) For a customer's failure to keep the terms of a contract.

(c) Exception to prohibition: If an account has been terminated for non-payment of billing for local service, the old LSP may refuse to port the telephone number until the bill is paid or otherwise resolved.

(d) Limitation on exception to prohibition: The old LSP may not, however, refuse to release the local loop or other facilities required to provide service to the premises where service was previously terminated on the basis of the unpaid billing.

VI. Repair Problems.

The new LSP shall not require the customer to assume the LSP's responsibility to deal with the underlying carrier when there is a problem with the quality of service being provided.

VII. Transfer of Customer Base (Involuntary Migration).

A. See the interim guidelines on Local Service Provider Abandonment Process for details on the abandonment process.

B. These interim guidelines address the transfer of customers between LSPs. For any such LSP-initiated transfer, the Commission does require appropriate and timely notice to the affected customers and notice to the Commission prior to the transfer. If such transfers occur because a LSP is ceasing to do business in the Commonwealth, the old LSP must additionally obtain Commission authority to abandon service.

(1) In most cases, the affected customers agree to transfer (affirmatively or by inaction) or make alternative arrangements with another LSP. On occasion, a customer with a LSPF may fail to lift the LSPF to allow the transfer to take place. When two LSPs agree to a transfer of customers, the transferring LSP may request that the Commission lift the LSPFs for all customers who have not timely responded to the LSP's notice of intent to transfer. The transferring LSP will provide notice to the affected customers of the request to have the LSPF lifted.

(2) If the transfer is necessitated by the abandonment of service by the old LSP, there should be a rebuttable presumption that the LSPF will be lifted upon request. If the transfer is predicated upon other grounds, the burden will be on the old LSP to prove that lifting the LSPF is appropriate. The LSP may satisfy this burden by competent evidence or by stipulation to the necessity of lifting the freeze from the BCS and the OCA and/or OSBA (depending upon customer base). Upon approval of the lifting of the LSPF by the Commission, the old LSP and the new LSP may complete the migration.

VIII. Carrier-to Carrier Guidelines.

For any LSP subject to State or Federal carrier-to-carrier guidelines, if the carrier-to-carrier guidelines provide a more explicit or a narrower window for performance, the carrier-to-carrier guidelines shall control for that LSP.

[Pa.B. Doc. No. 01-2255. Filed for public inspection December 14, 2001, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #0168.1, Pile Load Test at Packer Ave. Marine Terminal until 2 p.m. on Thursday, December 27, 2001. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available December 18, 2001. 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.

Mandatory prebid job site meeting will be held December 20, 2001, 10 a.m. at Packer Avenue Marine Terminal, Packer Ave. and Columbus Blvd., Philadelphia, PA.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 01-2256. Filed for public inspection December 14, 2001, 9:00 a.m.]

PORT OF PITTSBURGH COMMISSION

Independent Auditors' Report

Board of Directors
Port of Pittsburgh Commission
Pittsburgh, Pennsylvania

We have audited, in accordance with generally accepted auditing standards, the balance sheet of Port of Pittsburgh Commission Special Revenue Fund (Commission), a component unit of the Commonwealth of Pennsylvania, as of June 30, 2001, and the related statement of revenues, expenditures and changes in fund balance for the year ended (not presented herein); and, in our report dated September 14, 2001, we express an unqualified opinion on those financial statements.

As described, the accompanying summary financial information of the Commission as of and for the year ended June 30, 2001, is not a presentation in conformity with generally accepted accounting principles. In our opinion, however, the accompanying summary financial information is fairly stated, in all material respects, in relation to the financial statements from which it has been derived.

Terry & Stephenson, P.C.
429 Forbes Avenue, Suite 1600
Pittsburgh, PA 15219

September 14, 2001
Pittsburgh, Pennsylvania

**Port of Pittsburgh Commission Special Revenue
Fund (A Component Unit of the Commonwealth of
Pennsylvania)
Balance Sheet
June 30, 2001**

Assets:	
Cash and investments	\$1,743,823
Other assets	51,454
Total Assets	<u>\$1,795,277</u>
Liabilities and Fund Balance:	
Liabilities	\$2,024,949
Fund balance (accumulated deficit)— reserved for economic development	<u>(229,672)</u>
Total Liabilities and Fund Balance	<u>\$1,795,277</u>

Statement of Revenues, Expenditures, and Changes in Fund Balance for the Year Ended June 30, 2001

Revenues and Other Financing Sources:	
Interest, rental, and other income	\$ 169,120
Intergovernmental transfers	929,750
	<u>1,098,870</u>
Expenditures:	
Operating	642,807
Capital	48,839
Other	79,091
	<u>770,737</u>
Excess of revenues and other financing sources over expenditures	<u>328,133</u>
Fund balance, beginning of year, as previously reported	(607,805)
Correction of error	<u>50,000</u>
Fund balance, beginning of year, as restated	<u>(557,805)</u>
Fund balance, end of year	<u><u>(\$ 229,672)</u></u>

The summary financial information shown differs from generally accepted accounting principles. Differences include amounts grouped; captions summarized; footnote disclosures are omitted.

JAMES R. MCCARVILLE,
Executive Director

[Pa.B. Doc. No. 01-2257. Filed for public inspection December 14, 2001, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearing will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

January 16, 2002 Dinh T. Duong 10 a.m.
(Transfer Retirement Contributions
from SERS to TIAA-CREF)

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.01 (relating to applicability of general rules), procedural matters will be in conformance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code, Part II unless specific exemption is granted.

JOHN BROSIUS,
Secretary

[Pa.B. Doc. No. 01-2258. Filed for public inspection December 14, 2001, 9:00 a.m.]

TURNPIKE COMMISSION

Retention of an Aerial Photogrammetric Mapping Firm Open End Contract

Systemwide

Reference No. 3-144

The Turnpike Commission (Commission) will retain an aerial photogrammetric mapping firm for an Open End Contract to provide analytical aerial triangulation, digital and conventional map compilation, cross section readout and conventional map drafting services. The work to be performed on each specific project may include any or all of the previous phases of work on various projects located throughout the entire length of the Turnpike System. The Commission will provide mapping control. The contract will be for a maximum cost of \$750,000 or for a period of 3 years, whichever occurs first.

The photogrammetric mapping work must be performed in accordance with the requirements of applicable sections of the "Specifications For Aerial Photography, Field Control Surveys, and Topographic Mapping" contained in Form 442, Department of Transportation (Department), Bureau of Design Specifications for Consultant Engineering Agreements and/or the "Surveying And Mapping Manual," Publication 122M, Bureau of Design of the Department as directed by the Commission. The services will encompass a wide range of design related mapping efforts with the possibility of several different types of projects being mapped under short completion schedules.

The firm may be required to: provide digital data in AutoCAD, DXF, ARC/INFO and Microstation formats; provide topographic mapping, GIS data, digital orthophoto mapping; provide low altitude photography for high accuracy aerial surveys; provide DTM and DEM collection; and Light Detection and Ranging (LIDAR) mapping.

The firm will provide analytically determined supplemental mapping control points meeting Commission specifications and a captured points file of existing roadway centerline in ASCII format. Map compilation may be in digital format with drafting by automated processes. Translation capability to other CADD systems will be required.

The following factors will be considered by the Commission during the evaluation of the firms submitting Letters of Interest for this project:

a. Specialized experience and technical competence of prime consultant and subconsultants. Firms should have prior experience in large-scale photogrammetric mapping, low altitude photography for high accuracy aerial surveys for highway design and LIDAR mapping.

b. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on similar projects. The consultant should identify similar projects that have been completed by that firm as the prime, the magnitude of the project and the client.

c. The specific experience and number of individuals who constitute the firm. Firms should have sufficient qualified permanent full-time personnel to complete mapping work assignments with short delivery schedules utilizing current state-of-the-art photogrammetric instruments, equipment and software.

d. Workload of the prime consultant and subconsultants for Department and Commission projects.

e. Other factors, if any, specific to the project.

Address these items and any necessary further details in a brief yet comprehensive manner in the letter of interest.

Questions and inquiries concerning this solicitation should be directed to Robert W. Long at (717) 939-9551, ext. 5760; or by e-mail to rlong@paturndpike.com. Contractual questions should be directed to George M. Hatalowich at (717) 986-8737; or by e-mail to ghatalow@paturndpike.com.

General Requirements and Information

Firms interested in providing the previous work and services are invited to submit a Statement of Interest with the required information. The Statements of Interest must include the following:

1. One page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. (If the firm has multiple offices, the location of the office performing the work must be identified).

2. A three-page statement of interest on the advertised project. Each firm should demonstrate their ability to perform the specific requirements indicated for each project and provide explanation of the technical approach.

3. An organization chart for the Project, identifying key personnel and any subconsultants and their roles. Deviation from the subconsultant's listed in the statement of interest will require written approval from the Commission.

4. Tabulation or listing of workload for the prime consultant and all subconsultants for Department and Commission projects. Do not graphically represent the firm's workload.

5. A Consultant Qualification Package similar to the one submitted to the Department for the current year or one that is best suited for this project. A copy of the Consultant Qualification Package printed directly from the Department's ECMS website is acceptable.

The Consultant Qualification Package should contain at a minimum the following information for the prime consultant and all subconsultants and attached to the back of the statement of interest (subs to follow primes):

- ECMS General Information and Project Experience Forms or Standard Form (SF) 254—Architect-Engineer and Related Services Questionnaire in its entirety, either not more than 1 year old as of the date of the advertisement.

- Resumes of key personnel expected to be involved in the project (limit to two 8 1/2 x 11 pages, per person). Only resumes of key personnel should be included.

- Copy of the firm's registration to do business in this Commonwealth as provided by the Department of State for firms with out-of-State headquarters or corporations not incorporated in this Commonwealth.

- A copy of the Department's DBE/WBE Certification, if applicable.

If a Joint Venture responds to a project advertisement, the Commission will not accept separate statements of interest from joint venture constituents. A firm will not be

permitted to submit a statement of interest on more than one joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. Multiple responses under any of the forgoing situations will cause the rejection of all responses of the firm or firms involved. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

Small firms, Disadvantaged Business Enterprise firms, and other firms who have not previously performed work for the Commission are encouraged to submit a statement of interest.

Firms interested in performing the previous services are invited to submit a statement of interest and required information to George M. Hatalowich, Engineering Contract Manager, at the Turnpike Commission Administration Building located at 700 South Eisenhower Boulevard, Middletown, PA 17057 (street address). The Commission mailing address is P. O. Box 67676, Harrisburg, PA 17106-7676.

The statement of interest and required information must be received by 12 p.m., Friday, January 4, 2002. Any statements of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable statements of interest received in response to these solicitations, one firm will be selected for this project. The order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Commission. Technical Proposals will not be requested prior to the establishment of the final ranking.

The Commission reserves the right to reject all statements of interest, to cancel solicitation requested under this notice and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Chairperson

[Pa.B. Doc. No. 01-2259. Filed for public inspection December 14, 2001, 9:00 a.m.]

PJM is a regional transmission organization which operates transmission facilities and supervises wholesale generation transactions subject to the jurisdiction of the Federal Energy Regulatory Commission. See *Pennsylvania—New Jersey—Maryland Interconnection*, 81 F.E.R.C. ¶ 61,257 (1997), order on clarification, 82 F.E.R.C. ¶ 61,068 (1998), order on reh'g, 92 F.E.R.C. ¶ 61,782 (2000), appealed sub nom *Baltimore Gas and Electric Co. v. F.E.R.C.*, Case No. 00-1460 (CA District of Columbia) and *Public Service Electric and Gas Company v. F.E.R.C.*, Case No. 00-1457 (CA District of Columbia).