

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending April 2, 2002.

#### BANKING INSTITUTIONS

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-2-02	Leesport Bank Leesport Berks County	4361 Perkiomen Ave. Reading Berks County	Approved
4-2-02	Jonestown Bank and Trust Company Jonestown Lebanon County	2 East Main Street Palmyra Lebanon County	Approved
4-2-02	Northwest Savings Bank Warren Warren County	355 Biddle Street Kane McKean County (Drive-Up Facility)	Approved

##### Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-27-02	Lebanon Valley Farmers Bank Lebanon Lebanon County	<i>Into:</i> 555 Willow Street Lebanon Lebanon County  <i>From:</i> 250 North 8th Street Lebanon Lebanon County and 9th and Cumberland Sts. Lebanon Lebanon County	Filed
4-2-02	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	<i>Into:</i> 2A Route 413 and Doubletree Road Langhorne Bucks County  <i>From:</i> Clemens Market Route 413 and Doubletree Road Langhorne Bucks County	Approved

##### Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-22-02	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	77 West Street Suite 210 Annapolis Anne Arundel County Maryland	Effective
3-26-02	Community Banks Millersburg Dauphin County	300 Hobart Street Gordon Schuylkill County	Filed Approved 4-2-02
3-26-02	Community Banks Millersburg Dauphin County	339 Main Street Lavelle Schuylkill County	Filed Approved 4-2-02

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

JAMES B. KAUFFMAN, Jr.,  
Secretary

[Pa.B. Doc. No. 02-578. Filed for public inspection April 12, 2002, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council Meeting

A meeting of the Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources will be held on Wednesday, April 24, 2002, at 10a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Claire Guisewite directly at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN C. OLIVER,  
Secretary

[Pa.B. Doc. No. 02-579. Filed for public inspection April 12, 2002, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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### APPLICATIONS

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

### NPDES APPLICATIONS

### PART I PERMITS

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

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

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

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

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

### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0050458	Little Washington Wastewater Company 762 W. Lancaster Avenue Bryn Mawr, PA 19010	Chester County East Brandywine Township	Culbertson Run	Y
PA0056821	Malvern School at Glen Mills 20 Creek Rd. Glen Mills, PA 19342	Delaware County Thornbury Township	Chester Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0021709 Amendment 02-1	Birdsboro Borough 113 East Main St. Birdsboro, PA 19508	Berks County Birdsboro Borough	Hay Creek/3C	Y
PA00043541	The Pfaltzgraff Company Thomasville Complex Bowman Rd., P. O. Box 244 Thomasville, PA 17364	York County Jackson Township	Honey Run/7H	Yes

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

**PA0033146**, Sewage, **Countryside Convalescent Home LP**, 8221 Lamor Rd., Mercer, PA 16137. This proposed facility is located in East Lackawannock Township, **Mercer County**.

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

The receiving stream, unnamed tributary to Neshannock Creek, is in watershed 20-A and classified for: TSF, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>—NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Beaver River and Beaver Falls Municipal Authority located at River Mile 3.76, 44.9 miles below point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.02 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> —N			
(5-1 to 10-31)	2		4
(11-1 to 4-30)	6		12
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		3,100/100 ml as a geometric average	
Total Residual Chlorine	0.4		1.0
Dissolved Oxygen		minimum of 4 mg/l at all times	
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

**PA0034061**, Sewage, **Goddard Park Vacationland Campground**, 867 Georgetown Rd., Sandy Lake, PA 16145. This proposed facility is located in Deer Creek Township, **Mercer County**.

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

The receiving stream, unnamed tributary to Schofield Run, is in watershed 16-G and classified for: WWF, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>—NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Emlenton Water Company on the Allegheny River located at River Mile 90.0 and is located 51.2 miles below point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.06 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)	
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily
CBOD <sub>5</sub>	25			50
Total Suspended Solids	30			60
NH <sub>3</sub> -N	4			8
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)			200/100 ml as a geometric average 2,000/100 ml as a geometric average	
Total Residual Chlorine	1.4			3.3
pH			6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

**PA0221775**, Industrial Waste, **HRI, Inc., Plant 109**, R. D. 1 Box 395, Brookville, PA 15825. This proposed facility is located in Pinecreek Township, **Jefferson County**.

Description of Proposed Activity: discharge of treated industrial waste and Group 1 stormwater is in watershed 17C and classified for: CWF, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Hawthorn Water Company on Redbank Creek located in Hawthorn Borough, approximately 21 miles below point of discharge.

The proposed effluent limits for Outfall 101 are based on a design flow of 0.00015 MGD.

Parameter	Mass (lb/day)		Concentration (mg/l)	
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily
Flow	XX			
Oil and Grease			15	
Total Suspended Solids			15	
pH			Within limits of 6.0 to 9.0 standard units at all times.	

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

Parameter	Mass (lb/day)		Concentration (mg/l)	
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily
Flow	XX			
Total Suspended Solids			XX	
Oil and Grease			XX	
pH			XX	

XX—Monitor and report.

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

The EPA Waiver is in effect.

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

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

**No. PA0054755**, Industrial Waste, **Trans-Materials, Inc.**, 831 Lincoln Avenue, P. O. Box 2427, West Chester, PA 19380. This application is for Renewal of an NPDES permit to discharge stormwater from the facility in Kennett Township, **Chester County**. This is existing discharge to East Branch of Red Clay Creek.

The receiving stream is classified for the following uses: TSF, aquatic life, water supply and recreation.

The proposed effluent limits for Stormwater Outfalls 001—003 are as follows:

Parameter	Mass (lb/day)		Concentration (mg/l)	
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily
CBOD <sub>5</sub>				Report
COD				Report
Oil and Grease				Report
pH				Report
Total Suspended Solid				Report
Total Kjeldahl Nitrogen				Report
Total Phosphorous				Report
Iron (Dissolved)				Report

The EPA Waiver is in effect.

**No. PA0052525**, Industrial Waste, **Ambler Borough Water Department**, 122 East Butler Avenue, Ambler, PA 19002-4476. This application is for renewal of an NPDES permit to discharge treated groundwater from a water supply well in Whitemarsh Township, **Montgomery County**. This is an existing discharge to Wissahickon Creek.

The receiving stream is classified for the following uses: TSF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfalls 001, 002 and 003, based on an average flows of 16,800 GPD, 72,000 GPD and 17,000 GPD are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Iron	2.0	4.0	5.0
Suspended Solids	30	60	75
Total Aluminum	4.0	8.0	10.0
Total Manganese	1.0	2.0	2.5
pH	Within limits of 6.0—9.0 Standard Units at all times		
Gasoline Range Organics	Monitor/Report		
Diesel Range Organics	Monitor/Report		
Total Residual Chlorine	0.5		1.2
<i>Outfall 002</i>			
Suspended Solids	Monitor/Report		
Gasoline Range Organics	Monitor/Report		
Diesel Range Organics	Monitor/Report		
pH			
<i>Outfall 003</i>			
Suspended Solids	Monitor/Report		
Gasoline Range Organics	Monitor/Report		
Diesel Range Organics	Monitor/Report		
pH			

The EPA Waiver is in effect.

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

**PA0064181**, Sewage, **C. H. Klinger, Inc.**, 400 Pinebrook Place, Orwigsburg, PA 17961. This proposed facility is located in Pine Grove Township, **Schuylkill County**.

Description of Proposed Activity: The receiving stream, Swatara Creek, is in the State Water Plan watershed #7D and is classified for: CWF. The nearest downstream public water supply intake for Hershey Water Company is located on Swatara Creek is 25 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0154 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD <sub>5</sub>	25.0	37.0	50.0
Total Suspended Solids	30.0	45.0	60.0
NH <sub>3</sub> -N	13.0	20.0	26.0
Dissolved Oxygen	A minimum of 3.0 mg/l at all times.		
Fecal Coliform	A minimum of 3.0 mg/l at all times.		
(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.		

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

1. Proposed disinfection technique is UV light. If effluent disinfection is by chlorination, a TRC limit of 1.2 mg/l average monthly will apply.

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

**Application No. PA 0246646**, Sewage, **Roy Feller (Copart Auto Auction STP)**, Eight Park Drive, Grantville, PA 17028. This facility is located in East Hanover Township, **Lebanon County**.

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

The receiving stream, unnamed tributary of Swatara Creek, is in Watershed 7-D and classified for WWF, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Pennsylvania American Water is located on Swatara Creek, approximately 17 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0017 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	—	50
Total Suspended Solids	30	—	60
Total Residual Chlorine	0.5	—	1.63
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform	200/100 ml as a geometric average		
(5-1 to 9-30)	29,000/100 ml as a geometric average		
(10-1 to 4-30)			

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

The EPA waiver is in effect.

**Application No. PA 0026051**, Sewage, **Borough of Chambersburg**, 100 South Second St., Chambersburg, PA 17201. This facility is located in Chambersburg Borough, **Franklin County**.

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

The receiving stream, Conococheague Creek, is in Watershed 13-C and classified for WWF, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Hagerstown, MD is located on Potomac River, approximately 43 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 6.8 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	15	22	30
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	3.5	—	7
(11-1 to 4-30)	10	—	20
Total Phosphorus	Monitor and Report	—	Monitor and Report
Total N	Monitor and Report	—	Monitor and Report
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform	200/100 ml as a geometric average		
(5-1 to 9-30)	4,500/100 ml as a geometric average		
(10-1 to 4-30)	Less than 2.8 TU <sub>c</sub>		
Whole Effluent Toxicity			

Part C contains whole effluent toxicity test requirements and schedule.

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

The EPA waiver is not in effect.

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

**PA0097390**, Sewage, **Marion Township**, 485 Hartzell School Rd., Fombell, PA 16123. This application is for renewal of an NPDES permit to discharge treated sewage from Vekaplast STP in Marion Township, **Beaver County**.

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

*Outfall 001*: existing discharge, design flow of 0.028 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Oil and Grease	15			30
Phosphorus				
(4-1 to 10-31)	2			4

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Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	5,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0216241**, Sewage, **J. V. Rigging, Inc.**, Box 4097, 740 Greensburg Rd., New Kensington, PA 15068. This application is for renewal of an NPDES permit to discharge treated sewage from J. V. Rigging, Inc. STP in Plum Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Pucketa Creek, which are classified as a TSF 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 Oakmont Borough Municipal Authority on the Allegheny River.

*Outfall 001*: proposed discharge, design flow of 0.0004 mgd.

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

The EPA waiver is in effect.

**PA0217654**, Sewage, **Seward—St. Clair Township Sanitary Authority**, P. O. Box 494, Seward, PA 15954. This application is for renewal of an NPDES permit to discharge treated sewage from Sugar Run Sewage Treatment Plant in St. Clair Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Conemaugh River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Waterworks.

*Outfall 001*: existing discharge, design flow of 0.161 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25		37.5	60
Suspended Solids	30		45	60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	100,000/100 ml as a geometric mean			
Total Residual Chlorine	0.5			1.6
pH	not less than 0 mg/l not less than 6.0 nor greater than 9.0			

Other Conditions: The following effluent limitations will apply if/when the treatment plant is expanded to a flow of 0.22 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25		37.5	50
Suspended Solids	30		45	60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	100,000/100 ml as a geometric mean			
Total Residual Chlorine	0.5			1.6
pH	not less than 0 mg/l not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

**PA0238732**, Sewage, **Rodney Dinsmore**, South Michael Rd., St. Marys, PA 15857. This proposed facility is located in St. Marys Township, **Elk County**.

Description of Proposed Activity: a new NPDES permit for an existing discharge.

The receiving stream, unnamed tributary to Hellfire Run, is in watershed 17A and classified for: CWF, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>—NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is Keystone Water Company on the West Branch Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0004 pgd.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	10		20
Total Suspended Solids	20		40
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.

## WATER QUALITY MANAGEMENT PERMITS

### CONTROLLED INDUSTRIAL WASTE AND SEWAGE WASTEWATER

#### APPLICATIONS UNDER THE CLEAN STREAMS LAW

##### PART II PERMITS

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

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

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

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

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

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

**WQM Permit No. 4802404**, Lower Saucon Authority, 3706 Old Philadelphia Pike, Bethlehem, PA 18015-

5426. This proposed facility is located in Lower Saucon Township and Hellertown Borough, **Northampton County**.

Description of Proposed Action/Activity: This project consists of constructing a pump station and approximately 1,000 feet of force main connecting Creekside Marketplace to an existing gravity sewer at the intersection of Main Street and McAdoo Avenue in the Borough of Hellertown.

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

**WQM Permit No. 5002402**, Sewerage, **Sonshine Ministries, Inc.**, 1481 Riegle Rd., Harrisburg, PA 17112. This proposed facility is located in Northeast Madison Township, **Perry County**.

Description of Proposed Action/Activity: Construction of a sewage treatment plant.

**WQM Permit No. 3802401**, Sewerage, **City of Lebanon Authority**, 400 South Eighth St., Lebanon, PA 17042. This proposed facility is located in Lebanon City, **Lebanon County**.

Description of Proposed Action/Activity: Authorization for the replacement of the Hazeldyke Interceptor and Sixth and Yarrow Street Pump Station.

**WQM Permit No. 3602401**, Sewerage, **Earl Township Sewer Authority**, 517 N. Railroad Avenue, New Holland, PA 17557. This proposed facility is located in Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction of a sewer extension and pump station to serve the New Design Industrial Park.

**WQM Permit No. 2102403**, Sewage, **South Middleton Township Authority**, P. O. Box 8, Boiling Springs, PA 17007-0008. This proposed facility is located in South Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction of sanitary sewer gravity and force main to relocate pump station no. 1 to Race Street in Boiling Springs.

**WQM Permit No. 2102404**, Sewage, **South Middleton Township Authority**, P. O. Box 8, Boiling Springs, PA 17007-0008. This proposed facility is located in South Middleton Township, **Cumberland County**.



Description of Proposed Action/Activity: Construction of raw sewage pumping station #9 to redirect gravity line.

**WQM Permit No. 6785418 Amendment 02-1**, Sewage, **York City Sewer Authority**, 17 East Market St., York, PA 17401. This proposed facility is located in Manchester Township, **York County**.

Description of Proposed Action/Activity: Construction of emergency disinfection system for existing treatment plant.

**WQM Permit No. 0102403**, Sewage, **Gettysburg Municipal Authority**, 601 East Middle St., Gettysburg, PA 17325-3307. This proposed facility is located in Straban Township, **Adams County**.

Description of Proposed Action/Activity: Authorization for the upgrade of existing sewerage facilities to accommodate the Adams Commerce Center.

**WQM Permit No. 0602201**, Industrial Waste, **Calpine Construction Finance Company, LP**, The Pilot House, 2nd Floor, Boston, MA 02110. This proposed facility is located in Ontelaunee Township, **Berks County**.

Description of Proposed Action/Activity: Construction of dechlorination system.

**WQM Permit No. 0602202**, Industrial Waste, **Cambridge Lee Industries, Inc., Reading Tube Division**, P. O. Box 14026, Reading, PA 19612-4026. This proposed facility is located in Ontelaunee Township, **Berks County**.

Description of Proposed Action/Activity: Construction of vegetated wetland swale treatment system at Plant #4.

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

**WQM Permit No 4202403**, Sewerage, **Northwest Savings Bank**, 33 Main St., Bradford, PA 16701. This proposed facility is located in Foster Township, **McKean County**.

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

**NPDES Stormwater Individual Permit**

The following parties have applied for an NPDES permit to discharge stormwater associated with a construction activity into waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary

review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices which restrict the rate and quantity of sediment discharged.

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

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

Following the 30-day comment period, the appropriate Regional Office Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity, are on file and may be inspected at the office identified in this notice. Persons with a disability 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.*

*Lackawanna County Conservation District: 1300 Old Plank Rd., Mayfield, PA 18433, (570) 281-9495.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10N035	Roswell S. McMullen Philadelphia Suburban Water Company 255 Belmont St. Waymart, PA 18472	Lackawanna County Jefferson Township	Unnamed tributary to West Branch of Wallenpaupack Creek

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

*Centre County Conservation District: 414 Holmes Ave., Suite 4, Bellefonte, PA 16823, (814) 355-6817.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10F106	Pennsylvania State University Office of Physical Plant Physical Plant Bldg. University Park, PA 16802	Centre County College Township	Big Hollow 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).

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

##### Permit No. 2802501, Public Water Supply.

Applicant	<b>Guilford Water Authority</b>
Municipality	Greene Township
County	<b>Franklin</b>
Responsible Official	John Helman, Chairperson 115 Spring Valley Rd. Chambersburg, PA 17201
Type of Facility	PWS
Consulting Engineer	Diana Young, P.E. Buchart-Horn, Inc. P. O. Box 15040 York, PA 17405-7040
Application Received Date	March 20, 2002
Description of Action	Construction Permit for Hosack Run Well No. 5. The well will be pumped at a rate of 0.06 MGD. Treatment will be provided at existing, previously permitted facilities.

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

##### Permit No. 0202501, Public Water Supply.

Applicant	<b>Pennsylvania American Water Company</b> 410 Cooke Lane Pittsburgh, PA 15234
Township	South Fayette Township
Responsible Official	William Kelvington, Vice President—Operations Pennsylvania American Water Company 410 Cooke Lane Pittsburgh, PA 15234
Type of Facility	Booster pumping station
Application Received Date	March 28, 2002
Description of Action	Installation of a water booster station to increase pressure in the areas of South Fayette Township.

### MINOR AMENDMENT

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

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

##### Application No. Minor Amendment.

Applicant	<b>Borough of Knoxville</b> 149 East Main St. P. O. Box 191 Knoxville, PA 16928
Township	Deerfield Township <b>Tioga County</b>
Responsible Official	Grant Gehman, Water Committee Chairperson 149 East Main St. P. O. Box 191 Knoxville, PA 16928
Type of Facility	PWS
Consulting Engineer	Alfred Benesch & Company 400 One Norwegian Plaza P. O. Box 1090 Pottsville, PA 17901
Application Received Date	April 2, 2002
Description of Action	Replacement of existing finished water reservoir cover with aluminum dome and switch from gas chlorine to sodium hypochlorite.

##### Application No. Minor Amendment.

Applicant	<b>Galeton Borough Authority</b> 2 Sherman St. P. O. Box 222 Galeton, PA 16922
Township	West Branch Township <b>Potter County</b>

Responsible Official Mike Messino  
Galeton Borough Authority  
2 Sherman St.  
P. O. Box 222  
Galeton, PA 16922

Type of Facility PWS

Consulting Engineer Larson Design Group, Inc.  
1000 Commerce Park Drive  
P. O. Box 487  
Williamsport, PA 17703-0487

Application Received Date March 28, 2002

Description of Action Replacement of existing transmission main.

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

**Application No. 5602501**, Minor Amendment.

Applicant **Somerset Township Municipal Authority**  
2209 North Center Avenue  
Somerset, PA 15501

Township Somerset Township

Responsible Official Nancy Aultz, Manager  
Somerset Township Municipal Authority  
2209 North Center Avenue  
Somerset, PA 15501

Type of Facility Water storage tank

Consulting Engineer Crouse & Company  
332 South Lynn Avenue  
Somerset, PA 15501

Application Received Date March 27, 2002

Description of Action Listie Tank #2

**Application No. 5692501-A2**, Minor Amendment.

Applicant **Municipal Authority of the Borough of Boswell**  
300 Stoneycreek St.  
Boswell, PA 15531

Township or Borough Boswell Borough

Responsible Official Joseph DeBlase, Executive Chairperson  
Municipal Authority of the Borough of Boswell  
300 Stoneycreek St.  
Boswell, PA 15531

Type of Facility Water storage tank

Consulting Engineer The EADS Group, Inc.  
450 Aberdeen Drive  
Somerset, PA 15501

Application Received Date March 29, 2002

Description of Action Repainting of the Main Street water storage tank.

## 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 this Commonwealth.

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

**WA2-711B**, Water Allocations, **Richland Township Municipal Authority**, 2012 Kramer Rd., Gibsonia, PA 15044, **Allegheny County**. The applicant is requesting the right to increase their subsidiary allocation, from the Borough of West View Municipal Authority, from 900,000 gpd to 1.3 million gpd.

**WA32-142B**, Water Allocations, **Blairsville Municipal Authority**, 203 East Market St., Blairsville, PA 15717, **Indiana County**. The applicant is requesting the right to withdraw 682,000 gpd from Trout Run and 576,000 gpd from the Conemaugh River (a total of 682,000 gpd between both sources).

## 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 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.*

**Precision Finishing, Inc.**, Sellersville Borough, **Bucks County**. Hudson S. Green, Jr., Earth Data Northeast, Inc., 924 Springdale Dr., Exton, PA 19341, on behalf of Precision Finishing, Inc., 708 Lawn Ave., Sellersville, PA 18960, has submitted a Notice of Intent to Remediate soil and groundwater 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 the *Bucks County Courier Times* in January 2002.

**WXIII/PHL Real Estate Limited Partnership (RELP)**, City of Philadelphia, **Philadelphia County**. Randall T. Geis, Sovereign Consulting Inc., 111-A N. Gold Dr., Robbinsville, NJ 08691, on behalf of WXIII/PHL RELP, 600 E. Las Colinas Blvd., Irving, TX 75039, has submitted a Notice of Intent to Remediate soil contaminated with BTEX, polycyclic aromatic hydrocarbons and solvents. 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 *Philadelphia Daily News* on January 18, 2002.

**Liberty Homes Philadelphia, Inc.**, City of Philadelphia, **Philadelphia County**. Rodd W. Bender, Manko, Gold & Katcher, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Liberty Homes Philadelphia, Inc., One Reed St., Philadelphia, PA 19147, has submitted a Notice of Intent to Remediate soil contaminated with lead, heavy metals, BTEX, polycyclic aromatic hydrocarbons, MTBE and pentachlorophenol; and groundwater contaminated with lead, heavy metals and solvents. The applicant proposes to remediate the site to meet Special Industrial Area Requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on February 22, 2002.

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

**Everglade Scrap Site**, Hempfield Township, **Westmoreland County**. David R. Perry, American Geosciences, Inc., 3925 Reed Blvd., Suite 400, Murrysville, PA 15668 (on behalf of Richard Liebman, 668 Lee St., Greensburg, PA 15601) has submitted a Notice of Intent to Remediate soil contaminated with PCBs, Heavy Metals and Dioxin. The applicant proposes to remediate the site to meet the Site Specific Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Tribune Review* on February 20, 2002.

**Coen Oil Company (Former Andy Brothers Tire Shop)**, City of Washington, **Washington County**. Letterle & Associates, LLC, Kenneth W. Dudash, P.E., 3 Smiths Lane, West Mifflin, PA 15122 (on behalf of Coen Oil Company, 1100 W. Chester St., Washington, PA 15301 and Letterle & Associates, LLC, 1021 Arborwood Drive, Gibsonia, PA, 15044 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with BTEX and PHCs. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Valley Independent* on February 22, 2002.

**Malitovsky Drum Company (Former)**, City of Pittsburgh, **Allegheny County**. Keith Welks (on behalf of Phoenix Land Recycling, 105 North Front St., Suite 105, Harrisburg, PA 17101) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with lead and solvents. The applicant proposes to remediate the site to meet the special industrial area requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Pittsburgh Post Gazette* on March 21, 2002.

**Levin Family Partnership**, Borough of Monroeville, **Allegheny County**. Richard D. Dworek, Kirkpatrick & Lockhart, LLP, Henry W. Oliver Building, 535 Smithfield St., Pittsburgh, PA 15222-2312 (on behalf of Levin Family Partnership, 301 Fitz Henry Rd., Smithton, PA 15479) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with Lead, BTEX and PAHs. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Pittsburgh Post Gazette* on March 23, 2002.

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

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

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

**Permit Application No. 101509. New Morgan Landfill Company, Inc.**, P. O. Box 128, Morgantown, PA 19543-0128, New Morgan Borough, **Berks County**. The application is for a major permit modification for leachate recirculation for Conestoga Landfill. The application was determined to be administratively complete by the Southcentral Regional Office on March 26, 2002.

**Permit Application No. 101636. L&W Demolition Co., Inc.**, 17 Twin Hills Rd., Dillsburg, PA 17019, Franklin Township, **York County**. The application is for the Radiation Protection Plan for the Municipal Waste Pro-

cessing Facility. The application was determined to be administratively complete by the Southcentral Regional Office on March 21, 2002.

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

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

**Permit Application No. 100944. Chester County Solid Waste Authority, P. O. Box 476, Honey Brook, PA 19344-0476, Caernarvon Township, Lancaster County.** The permit application is for a major permit modification for Area D Expansion, Lanchester Landfill. The application was determined to be administratively complete by the Southcentral Regional Office on April 2, 2002.

Comments concerning the applications should be directed to Robert Benvin, Acting Program Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Persons interested in obtaining more information about the general permit application may contact the Waste Management Program, (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

**RESIDUAL WASTE GENERAL PERMITS**

**Permit Proposed under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market St., Harrisburg, PA 17105-8472.*

**General Permit No. WMGR081.** In accordance with 25 Pa. Code § 287.625, the Department is proposing to issue a Department initiated general permit for the recycling of electronics equipment. The proposed permit is for the sorting, disassembling and mechanical processing (by sizing, shaping, separating and volume reduction only), of various uncontaminated and source-separated electronic equipment and components. This general permit is being proposed by the Division of Municipal and Residual Waste.

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

**AIR QUALITY**

**NOTICE OF PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS**

**NEW SOURCES AND MODIFICATIONS**

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

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

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

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

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

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

**PLAN APPROVALS**

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

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

**40-399-049: Fairchild Semiconductor Corp.** (125 Crestwood Rd., Mountaintop, PA 18707) for a Plant-wide Applicability Limit (PAL Permit) in Wright Township, Luzerne County.

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

**32-00238A: Weimer's Iron and Scrap Metal** (5639 Tunnelton Rd., Saltsburg, PA 15681) for installation of an AK 7500 Aluminum Melting Furnace in Conemaugh Township, **Indiana County**.

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

**02050: United States Navy** (5001 South Broad St., Code 027, Philadelphia, PA 19112) for reactivating four marine boilers in the City of Philadelphia, **Philadelphia County**.

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

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

**09-0123A: Better Materials Corp.** (P. O. Box 196, Penns Park, PA 18943) for modification of a batch asphalt plant in Nockamixon Township, **Bucks County**. This modification allows the asphalt plant to use "on-specification" waste derived liquid fuel (WDLF) with an asphalt production limitation of 549,120 tons per year. Emissions of oxides of nitrogen (NOx) will be limited to 22.0 tons per year while emissions of VOCs will be limited to 24.9 tons per year. The Plan Approval will require the company to perform stack tests within 180 days of using WDLF. Every shipment of WDLF will be analyzed and it must meet the "on-specification" requirement.

**46-0115C: Knoll, Inc.** (1235 Water St., East Greenville, PA 18041) for modification of operations to a No. 2 diesel fuel-fired emergency generator rated at 500 kW in Upper Hanover Township, **Montgomery County**. This generator was originally approved for installation under Plan Approval No. 46-0115B. This facility is a Title V facility for VOCs. The modification being made to the emergency generator is an increase in operation from 20 hours per year to 50 hours per year. The emergency generator is used to provide power to the corporate computer system and emergency lighting in the event of a power outage at the facility. The emergency generator is equipped with turbocharger and aftercooler for reductions in NOx. NOx emissions from the emergency generator, along with VOCs and all other criteria pollutants, will be less than 1 ton per 12-month rolling sum. This increase in VOCs does not trigger New Source Review regulations, as the annual increases in VOCs for the last 5 calendar years does not exceed 1 ton per. The Plan Approval and Operating Permit will contain recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**09-00056: BetzDearborn, Inc.** (Trevose, PA 19053) for operation of a boiler and research and development laboratories in Trevose, **Bucks County**. This facility is a non-Title V (State Only) facility. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**09-00116: BetzDearborn, Inc.** (Langhorne, PA 19047) for operation of two boilers and miscellaneous chemical blending and storage tanks in Langhorne, **Bucks County**. This facility is a non-Title V (State Only) facility. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**06-05063B: Boyertown Foundry Co.** (P. O. Box 443, New Berlinville, PA 19545-0443) for modification of the existing gray iron foundry sand molding operation, pouring line and shakeout line to be controlled by two existing fabric collectors in Boyertown Borough, **Berks County**. The facility is subject to Title V. The modified sources will have the potential to emit 28.9 tons per year of PM and 53 tons per year of VOCs. The plan approval will include monitoring, record keeping and reporting requirements designed to keep the source operating within all applicable air quality requirements. The plan approval will be incorporated into the Title V operating permit in accordance with 25 Pa. Code § 127.450.

**36-05088A: Haines and Kibblehouse, Inc.** (P. O. Box 198, Skippack, PA 19474) for installation of a fabric collector on an existing recycled asphalt pavement system of a batch asphalt plant at the Silver Hill Quarry in Brecknock Township, **Lancaster County**. The installation of the fabric collector will not increase emissions. The facility is a non-Title V (State only) facility. The plan approval will include conditions designed to keep the source operating within all applicable air quality requirements.

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

**08-310-001F: Dalrymple Gravel and Contracting Co., Inc.** (2105 South Broadway, Pine City, NY 14871) for construction of various new pieces of sand and gravel crushing, screening and conveying equipment at their existing facility in Athens Township, **Bradford County**. Fugitive dust emissions from the additional equipment are expected to be minimal due to the wet nature of the material to be processed and the amount of water that will be applied throughout the operation.

The Department has determined that the proposed additional equipment will comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12 and the requirements of Subpart OOO of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.670—60.676. The Department consequently intends to issue plan approval for the construction of the respective equipment.

The Department intends to place conditions in the plan approval to be issued to assure compliance with all applicable air quality regulatory requirements. The following is a summary of these conditions:

1. If at any time it is determined that the air contaminant emissions from the crushing, screening and conveying equipment are in excess of any applicable air contaminant emission limitation, the company shall install additional water spray dust suppression nozzles and/or take other control measures as are necessary to reduce the air contaminant emissions to within the applicable limitations.

2. The air contaminant emissions from the equipment shall comply with the applicable requirements specified in Subpart 000 of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.670—60.676.

3. This plan approval does not authorize the construction of any engines or generators.

4. The company shall have onsite an operable water truck equipped with a pressurized spray bar to be used, as needed, for the prevention and control of fugitive air contaminant emissions from roadways, stock piles, truck loading activities, and so on.

**55-00002A: Department of Public Welfare** (P. O. Box 2675, Harrisburg, PA 17105) for the installation of an air cleaning device, a core separator, on three existing bituminous coal-fired boilers at the Selinsgrove Center in Penn Township, **Snyder County**. The application also requests approval to install an air cleaning device, a fabric collector, on an existing ash silo.

Selinsgrove Center is a major facility for which a Title V operating permit (#55-00002) has been issued. The two 60 million Btu per hour and one 50.4 million Btu per hour boilers have been operating in noncompliance of the particulate matter emission limitations of 25 Pa. Code § 123.11. The installation of the core separator is expected to significantly reduce the particulate matter emissions from the boilers and allow them to comply with the applicable particulate matter emission limitations. The new fabric collector will replace a fabric collector which is currently controlling the particulate matter emissions from the silo.

The Department's review of the information contained in the application indicates that the proposed installations will meet all applicable air quality requirements including the particulate matter emission limitations of 25 Pa. Code §§ 123.11 and 123.13. Based on this finding, the Department intends to approve the application and issue a plan approval to install the proposed air cleaning devices on the respective sources.

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

1. Within 120 days of the completion of installation of the core separator, particulate matter stack testing shall be performed while the boilers are operating at the maximum capacity at which they will ever be operated to demonstrate compliance with the particulate matter limitations of 25 Pa. Code § 123.11.

2. Once installation of the core separator is completed, none of the boilers shall operate without the simultaneous operation of the core separator.

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

**04-00446D: AES Beaver Valley, Inc.** (394 Frankfort Rd., Monaca, PA 15061) for installation of a Low NOx Firing System at the Beaver Valley Station in Potter Township, **Beaver County**.

*Special Conditions for Plan Approval 04-00446D*

1. This Plan Approval is for the modification of Unit #5 Low NOx Burners with Low NOx Secondary Air Swirlers, Low NOx Coal Nozzles and Coal Flow distributors at the AES-Beaver Valley facility located in Monaca Borough, Beaver County (25 Pa. Code § 127.12b).

2. The applicant shall perform stack testing on Units #5 no later than 90 days after completing the installation of the low-NOx burner system to determine the emission rate of carbon monoxide (CO) and particulate matter (PM-10) (25 Pa. Code § 127.12b).

3. Stack testing shall be performed in accordance with the Department's Source Testing Manual (25 Pa. Code Chapter 139).

4. Two copies of a pretest protocol shall be submitted to the Department for review at least 60 days prior to the performance of the stack test (25 Pa. Code Chapter 139).

5. The Department shall be notified at least 2 weeks prior to the stack test of the date and time of the test so that an observer may be present (25 Pa. Code Chapter 139).

6. Two copies of the stack test results shall be supplied to the Department for review within 60 days of completion of the testing (25 Pa. Code Chapter 139).

7. The NOx emission rate from Unit #5 shall be determined based on emission data obtained from a certified CEM installed, maintained and operated in accordance with 25 Pa. Code Chapters 123 and 139.

8. This Plan Approval authorizes temporary operation of the sources covered by this Plan Approval provided the following conditions are met (25 Pa. Code § 127.12b).

a) The Department must receive written notice from the Owner/Operator of the completion of construction and the operator's intent to commence operation at least 5 working days prior to the completion of construction. The notice should state when construction will be completed and when operator expects to commence operation.

b) Operation is authorized only to facilitate the start-up and shake-down of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit or to permit the evaluation of the sources for compliance with all applicable regulations and requirements.

c) This condition authorizes temporary operation of the sources for a period of 180 days from the date of commencement of operation, provided the Department receives notice from the Owner/Operator under subpart (a).

d) The Owner/Operator may request an extension if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of this period of temporary operation and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance and the reasons compliance has not been established.

e) The notice submitted by the Owner/Operator under subpart (a), prior to the expiration of this Plan Approval, shall modify the plan approval expiration date. The new plan approval expiration date shall be 180 days from the date of the written notice.

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

**02001: Active Realty Associates** (10175 Northeast Boulevard, Philadelphia, PA 19115) for operation of two 125 HP No. 4 oil fired boilers in the City of Philadelphia, **Philadelphia County**. The nitrogen oxide emission from the boilers will be 0.7 ton per year. The plan approval will

contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

**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.*

**48-328-002: Green Knight Economic Development Corp.** (P. O. Box 4, Pen Argyl, PA 18072) for operation of an electric power generation plant (three landfill gas fired turbines) in Plainfield Township, **Northampton County**.

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

**36-05023: F and M Hat Co.** (103 Walnut St., Denver, PA 17517) for operation of its hat manufacturing facility in Denver Borough, **Lancaster County**. The facility has the potential to emit 100 tons of SO<sub>x</sub> per year. The synthetic minor operating permit will include emission limits, monitoring, record keeping and reporting requirements to ensure the facility operates in compliance with the applicable air quality requirements.

**67-03107: Hoover Manufacturing Co., Inc.** (P. O. Box 146, Glen Rock, PA 17327) for operation of its wood/plywood products and product components manufacturing facility in Springfield Township, **York County**. The facility has the potential to emit 25 tons of VOC per year. The Natural Minor operating permit will include testing, monitoring, record keeping and reporting requirements, emission restrictions and work practice standards 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.*

**65-00783: Alon Surface Technologies, Inc.** (100 Alon Way, Leechburg, PA 15656) for operation of a metal coating system at the Leechburg Plant in Allegheny Township, **Westmoreland County**.

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

**01-004: Pomco Graphic Arts** (4411-27 Whitaker Avenue, Philadelphia, PA 19120) for commercial printing in the City of Philadelphia, **Philadelphia County**. The natural minor facility's air emission sources include six nonheatset sheetfed offset lithographic printing presses and a natural gas-fired boiler rated at 5 mmBtu/hr.

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

### Coal Applications Received

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

**03980108 and NPDES Permit No. PA0202371. Stitt Coal Co., Inc.** (R. D. 1, Box 197A, Ford City, PA 16226). Revision application for a coal/noncoal bituminous surface mine to delete acres located in Kittanning Township, **Armstrong County**, affecting 189.8 acres. Receiving streams: unnamed tributaries and Garrets Run, classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is Kittanning Township Elementary School. Revision application received March 25, 2002.

**03010106 and NPDES Permit No. PA0250031. Seven Sisters Mining Co., Inc.** (200 US Rte. 22, P. O.



Box 300, Delmont, PA 15626). Application for commencement, operation and reclamation of a bituminous surface mine located in South Bend Township, **Armstrong County**, affecting 34.3 acres. Receiving streams: unnamed tributaries and Crooked Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received March 18, 2002.

**65020102 and NPDES Permit No. PA0250112. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Application for commencement, operation and reclamation of a bituminous surface mine located in East Huntingdon Township, **Westmoreland County**, affecting 144.4 acres. Receiving streams: unnamed tributary to Sherrick Run to Jacobs Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received March 22, 2002.

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

**11020201 and NPDES Permit No. PA0249181. Alverda Enterprises, Inc.**, P. O. Box 87, Alverda, PA 15710, commencement, operation and restoration of a bituminous coal refuse reprocessing surface mine and for discharge of treated mine drainage in Elder Township, **Cambria County**, affecting 16.9 acres. Receiving streams: Brubaker Run classified for the following uses: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 20, 2002.

**32970201 and NPDES Permit No. PA0234443. Britt Energies, Inc.**, 2450 Philadelphia St., Indiana, PA 15701, permit renewal for reclamation only for continued restoration of a bituminous surface (coal refuse reprocessing) mine in Center Township, **Indiana County**, affecting 4.6 acres. Receiving streams: unnamed tributary to Two Lick Creek classified for the following uses: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 20, 2002.

**11970101 and NPDES Permit No. PA0234389. E. P. Bender Coal Company, Inc.**, P. O. Box 594, Carrolltown, PA 15722, permit revision to add auguring to the bituminous surface mine in Reade Township, **Cambria County**, affecting 93.0 acres. Receiving streams: Powell Run classified for the following uses: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 22, 2002.

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

**03851601. NPDES Permit #PA0214540, TJS Mining, Inc.** (R. D. 1, Box 260D, Shelocta, PA 15774), to renew the permit for the Dutch Run Prep Plant in Plumcreek Township, **Armstrong County** to renew the permit, 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 January 22, 2002.

**32961302. NPDES Permit #PA0214949, Senate Coal Mines, Inc.** (One Energy Place, Suite 5100, Latrobe, PA 15650), to revise the permit for the Ondo Mine in Brush Valley Township, **Indiana County** to add a haul road at portal #1 and a parking lot at portal #2, Surface Acres Proposed 20.9, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A,

CRDP Refuse Disposal Acres Proposed N/A, Ferrier Run, classified for the following uses: WWF. The first downstream potable water supply intake from the point of discharge is Central Indiana County Water Authority. Application received February 8, 2002.

**03871302. NPDES Permit #PA0215414, DLR Mining, Inc.** (3065 Airport Rd., Indiana, PA 15701), to revise the permit for the Triple K #1 Mine in Burrell Township, **Armstrong County** to add permit and subsidence control plan acres, Surface Acres Proposed N/A, Underground Acres Proposed 257, SCP Acres Proposed 257, 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 February 8, 2002.

**56971301. NPDES Permit #PA0214973, GM & S Coal Corp.** (P. O. Box 233, Jennerstown, PA 15547), to renew the permit for the Geronimo Mine in Jenner Township, **Somerset County**, renewal, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Application received February 15, 2002.

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

**33920109 and NPDES Permit No. PA 0211427. Sky Haven Coal, Inc.** (R. D. 1, Box 280, Penfield, PA 15849). Revision to an existing bituminous surface strip and auger operation in Winslow Township, **Jefferson County** affecting 318.7 acres. Receiving streams: unnamed streams to Trout Run, McCreight Run and Soldier Run, classified for the following uses: Statewide water uses: CWF. The first downstream potable water supply intake from the point of discharge is Reynoldsville Water Authority. Revision to change acreage from 315.0 acres to 318.7 acres. Application received March 25, 2002.

#### *Noncoal Applications Received*

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

**03010407 and NPDES Permit No. PA0250040. Stitt Coal Co., Inc.** (R. D. 1, Box 197A, Ford City, PA 16226). Revision application to add acres for a noncoal surface mine located in Kittanning Township, **Armstrong County**, affecting 252.5 acres. Receiving streams: Garretts Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Revision application received March 25, 2002.

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

**31020301 and NPDES Permit No. PA0249190. U. S. Silica Company**, R. D. 1, Box 1885, Mapleton Depot, PA 17052, commencement, operation and restoration of a noncoal surface mine in Brady Township, **Huntingdon County**, affecting 92.3 acres. Receiving streams: Mill Creek to Juniata River classified for the following uses: TSF. There are no potable water supply intakes within 10 miles downstream. Application received March 21, 2002.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications and requests for Environmental Assessment approval and requests for Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)), requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Initial requests for 401 Water Quality Certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before the application.

Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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**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)).**

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### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E40-594. Luzerne County Board of Commissioners**, Luzerne County Courthouse, 200 North River St., Wilkes-Barre, PA 18711-1001, in Sugarloaf Township, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To repair and maintain an existing single-span steel truss bridge, having a span of 105.0 feet and an underclearance of 12.5 feet, across Nescopeck Creek (CWF), with work including plating the deficient lower chord and encasing the deteriorated floor beam and concrete. The structure known as County Bridge #57305, is located along T-336 (Mill Hill Rd.), approximately 0.1

mile east of the intersection of T-336 and T-429 (Seibertsville, PA Quadrangle N: 1.4 inches; W: 14.0 inches).

**E40-593. Luzerne County Board of Commissioners**, Luzerne County Courthouse, 200 North River St., Wilkes-Barre, PA 18711-1001, in Huntington Township, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To repair and maintain an existing single-span steel pony truss bridge, having a span of 71.2 feet and underclearance of 13.0 feet across Huntington Creek (CWF), with work including removal and replacement of a deteriorated stringer and placement of additional stringers. The structure, known as County Bridge #46016, is located along T-451 (Hubbards Flats), immediately east of the intersection of T-451 and S.R. 4006 (Shickshinny, PA Quadrangle N: 8.9 inches; W: 13.5 inches).

**E40-592. Luzerne County Board of Commissioners**, Luzerne County Courthouse, 200 North River St., Wilkes-Barre, PA 18711-1001, in Hollenback Township, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To repair and maintain an existing single-span steel pony truss bridge, having a span of 82.1 feet and an underclearance of 13.0 feet, across Wapwallopen Creek (HQ-CWF) with work including placement of new steel stringers to replace deteriorated beams and repair of a stone masonry backwall and bridge seep. The structure, known as County Bridge #45802, is located along T-375 (Bridge Rd.), approximately 0.5 mile east of the S.R. 3012 crossing of Wapwallopen Creek (Seibertsville, PA Quadrangle N: 10.6 inches; W: 11.3 inches).

**E66-128. Northmoreland Township**, 143 Creamery Rd., Tunkhannock, PA 18657, in Northmoreland Township, **Wyoming County**, U. S. Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain an open-bottom, aluminum arch culvert having a span of 22.25 feet and underclearance of 6.6 feet in Whitelock Creek (CWF). The project is located along Township Road T326 (Schoonover Road), approximately 0.6 mile northeast of the intersection of S.R. 2003 and S.R. 2005 (Centermoreland, PA Quadrangle N: 6.4 inches; W: 5.2 inches).

**E52-177. The Forest Lake Club**, R. R. 1, Box 333, Hawley, PA 18428-9718, in Lackawaxen Township, **Pike County**, U. S. Army Corps of Engineers, Philadelphia District.

To remove the existing structures and to construct and maintain: (1) a 26-foot by 20-foot boathouse, extending approximately 20 feet lakeward from the shoreline, in Wolf Lake; and (2) a 25-foot by 60-foot boathouse, extending approximately 19 feet lakeward from the shoreline, in Corilla Lake (HQ-CWF). The boathouses will be supported by concrete pads along the shoreline and pressure-treated piers in the water. The projects are located along the eastern shoreline of Wolf Lake (HQ-CWF) (Narrowsburg, NY-PA Quadrangle N: 5.8 inches; W: 13.5 inches) and the northwestern shoreline of Corilla Lake (Narrowsburg, NY-PA Quadrangle N: 5.2 inches; W: 11.9 inches).

**E40-595. Luzerne County Board of Commissioners**, Luzerne County Courthouse, 200 North River St., Wilkes-Barre, PA 18711-1001, in Sugarloaf Township, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To repair and to maintain an existing single-span multiple steel girder bridge, having a span of 26.3 feet and an underclearance of 6.4 feet, across Little Nescopeck Creek (HQ-CWF), with work including removal of the existing superstructure and replacement with prestressed concrete adjacent box beams and repair of existing concrete abutments and wingwalls. The structure, known as County Bridge No. 57313, is located along T-338 (Center Hill Road), approximately 0.2 mile south of the intersection of T-338 and T-422 (Conyngham, PA Quadrangle N: 22 inches; W: 6.1 inches).

**E40-590. Luzerne County Board of Commissioners**, Luzerne County Courthouse, 200 North River St., Wilkes-Barre, PA 18711-1001, in Hanover Township, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To repair and maintain an existing single-span steel girder bridge, having a span of approximately 30 feet and an underclearance of approximately 5.7 feet, across Solomon Creek (CWF). Work will include repairing the concrete bearing seat under the upstream fascia beam and restoring the rotated beam to its original position. The structure, known as County Bridge #24001, is located along Breaker Road (T-860), approximately 0.5 mile downstream of the S.R. 2002 crossing of Solomon Creek (Wilkes-Barre West, PA Quadrangle N: 18.4 inches; W: 8.4 inches).

**E40-596. Development Options Inc. c/o CBL & Associates Properties Inc.**, Watermill Center, 800 South St., Suite 395, Waltham, MA 02453, in Wilkes-Barre Township, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To regrade a 40-acre lot for the construction of a commercial retail shopping center, thereby eliminating 0.45 acre of wetlands. The applicant proposes to participate in the Pennsylvania Wetland Replacement Project in lieu of replacing wetlands onsite. The project, known as Wilkes-Barre Market Place, is located on the north side of Highland Park Boulevard (Wilkes-Barre East, PA Quadrangle N: 20.5 inches; W: 14.9 inches).

**E40-591. Luzerne County Board of Commissioners**, Luzerne County Courthouse, 200 North River St., Wilkes-Barre, PA 18711-1001, in New Columbus Borough, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To repair and maintain an existing single-span steel pony truss bridge having a span of 53.3 feet and an underclearance of 8.0 feet, across Pine Creek (CWF) with work including repair of a deteriorated floor beam and stone masonry bearing seeps and abutments. The structure, known as County Bridge #42504, is located along Pine Creek Road (Stillwater, PA Quadrangle N: 5.8 inches; W: 4.6 inches).

**E39-410. North Whitehall Township Board of Supervisors**, 3256 Levans Rd., Coplay, PA 18037, in North Whitehall Township, **Lehigh County**, U. S. Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain a road crossing, consisting of an open-bottom, precast concrete arch culvert, having a span of 32 feet and an underclearance of 5 feet and twin 36-inch diameter reinforced concrete culverts across Coplay Creek (CWF); to construct and maintain bank stabilization consisting of log and stone deflectors, erosion control matting, native plantings and riprap having a length of approximately 200 feet along Coplay Creek; to construct and maintain an outfall structure consisting of a 15-inch

diameter pipe and concrete endwall in the floodway of Coplay Creek; and to place fill in a de minimis area of wetlands less than or equal to 0.05 acre. The project is located at the intersection of Excelsior Road (T-665) and Coplay Creek Road (Cementon, PA Quadrangle N: 20.1 inches; W: 13.7 inches).

**E40-589. Keystone Operating Partnership L.P., c/o Keystone Property Trust**, 200 Four Falls Corporate Center, West Conshohocken, PA 19428, in Hazle Township, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To place fill in 3.78 acres of wetlands within the watershed of Stoney Creek (HQ-CWF) for the purpose of constructing a warehouse/manufacturing and distribution facility on a 50.4-acre site. The project is located on Lot #1A, along the south side of S.R. 0924, approximately 0.75 mile west of S.R. 0924/S.R. 0081 interchange (Conyngham, PA Quadrangle N: 11.1 inches; W: 5.5 inches).

**E64-231. Department of Transportation, Engineering District 4-0**, P. O. Box 111, Scranton, PA 18501, in Honesdale Borough, **Wayne County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a two-span spreadbox beam bridge (Church Street Bridge), having a total span length of approximately 40 meters (131 feet) and an underclearance of approximately 4.5 meters (14.8 feet), across West Branch Lackawaxen River (HQ-CWF); and to modify and maintain an existing three-span spreadbox beam bridge (4th Street Bridge), having a total span length of approximately 50.9 meters (167 feet) and an underclearance of approximately 6.1 meters (20.0 feet), across the Lackawaxen River (HQ-TSF, MS), with work consisting of widening the structure to accommodate four lanes of traffic. The total length of channel section impacted by temporary road causeways is approximately 190 meters (630 feet). The project is located along S.R. 0006, Section 673 (Honesdale, PA Quadrangle N: 12.5 inches; W: 0.3 inch).

**E39-411. Lehigh County**, 17 South Seventh St., Allentown, PA 18101-2400, in Borough of Coplay, **Lehigh County**, U. S. Army Corps of Engineers, Philadelphia District.

To repair and maintain the Lehigh County portion of the Chestnut Street Bridge across the Lehigh River (WWF) with repairs consisting of concrete and riprap scour protection along Pier No. 4. The project is located in the Borough of Coplay, Lehigh County S.R. 0924, approximately 0.75 mile west of S.R. 0924/S.R. 0081 interchange (Catasauqua, PA Quadrangle N: 9.2 inches; W: 15.9 inches).

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

**E38-132. Robin Getz, North Cornwall Township**, 320 South 18th St., Lebanon, PA 17042 in North Cornwall Township and Cleona Borough, **Lebanon County**, ACOE Baltimore District.

To remove the existing twin arch bridge and to construct and maintain a 28-foot by 5-foot concrete box culvert with an 85 degrees skew at the channel of Quittapahilla Creek (TSF) on T-414 (Dairy Road) located about 1.4 miles west of the City of Lebanon (Lebanon, PA Quadrangle N: 15.78 inches; W: 12.7 inches) in North Cornwall Township and Cleona Borough, Lebanon County.

**E44-115. Margaret Stewart, Derry Township**, P. O. Box M, Yeagertown, PA 17099 in Derry Township and Burham Borough, **Mifflin County**, ACOE Baltimore District.

To remove the existing Vermont Avenue bridge and to construct and maintain a concrete bridge having a clear span of 46.5 feet on an 80 degree skew with a minimum underclearance of 11.33 feet across Buck Run (TSF) located 1,200 feet upstream of T-782 bridge (Vermont Avenue) (Burnham, PA Quadrangle N: 0.7 inch; W: 10.1 inches) in Derry Township and Burham Borough, Mifflin County.

**E44-116. Randall Knobe**, 17 Ort Valley Rd., Lewisstown, PA 17044 in Derry Township, **Mifflin County**, ACOE Baltimore District.

To construct and maintain a bridge having a span of 23.67 feet and an underclearance of 5 feet across the channel of Hungry Run (TSF) at a point at the Village of Vira (Burnham, PA Quadrangle N: 5.2 inches; W: 4.5 inches) in Derry Township, Mifflin County.

**E67-717. Randy Odachowski**, 3833 Salem Rd., York, PA 17404 in North Codorus Township, **York County**, ACOE Baltimore District.

To excavate a 35.8-foot by 32.6-foot at the channel of an unnamed tributary to Codorus Creek (WWF) to construct a nonjurisdictional pond having a brick embankment of 20 feet by 3 feet high located about 1,700 feet southwest of New Salem School (West York, PA Quadrangle N: 4.03 inches; W: 7.2 inches) in North Codorus Township, York County.

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

**E41-503. Lewis Township**, P. O. Box 11B, Trout Run, PA 17771. Culvert Crossing in Lewis Township, **Lycoming County**, ACOE Baltimore District (Trout Run, PA Quadrangle N: 5.8 inches; W: 5.4 inches).

The project proposes to maintain a 15-inch culvert pipe on an unnamed tributary to Lycoming Creek. This culvert was installed without a permit and according to the hydraulic calculations is sufficient to pass the 25-year storm event. This permit will also authorize a stone headwall on the inlet of the culvert and riprap outlet protection/bank protection. This project will impact less than 30 linear feet of stream and does not impact any wetlands.

**E49-259. Department of Transportation, Engineering District 3-0**, P. O. Box 218, Montoursville, PA 17754-0218. Fiddler Run bridge replacement in Jordan Township, **Northumberland County**, ACOE Susquehanna River Basin District (Pillow, PA Quadrangle N: 10.1 inches; W: 10.8 inches).

To remove an existing structure and construct and maintain a 25-foot long by 6-foot high by 28-foot wide reinforced concrete box culvert in Fiddlers Run (WWF). The project is located along SR 3016 approximately 100 feet east of SR 0225 and SR 3016 intersection in Jordan Township, Northumberland County. The bridge replacement will not impact any jurisdictional wetlands while permanently impacting 40-feet of waterway.

**E49-260. Department of Transportation, Engineering District 3-0**, P. O. Box 218, Montoursville, PA 17754-0218. Shamokin Creek SR 0054 bridge replacement, in Mount Carmel Township, **Northumberland County**,

ACOE Susquehanna River Basin District (Mount Carmel, PA Quadrangle N: 6.2 inches; W: 9.0 inches).

To remove an existing structure and construct and maintain a four span prestressed concrete I-beam bridge on a 70° skew measuring 430-foot by 30-foot over Shamokin Creek (WWF) and the defunct Lehigh Valley Railroad. The project is located along SR 0054 in the northern extent of the Borough of Mount Carmel, Mount Carmel Township, Northumberland County. The bridge replacement will not impact any jurisdictional wetlands or waterway.

**E53-360. Robert Gibson**, 2108 SR 0049W, Ulysses, PA 16948. Gibson Minor Road Crossing unnamed tributary to Ludington Run, in Ulysses Township, **Potter County**, ACOE Pittsburgh District (Ulysses, PA Quadrangle N: 1.25 inches; W: 8.5 inches).

To construct, operate and maintain a minor road crossing an unnamed tributary to Ludington Run (HQ-CWF) to provide access to a private, single residence. The road crossing shall be constructed with single corrugate metal culvert pipe, depressed into the streambed 1-foot and clean rock fill. The metal culvert pipe will have a minimum diameter of 7 feet. Construction of the road crossing shall be complete during stream low flow conditions and dry work conditions by fluming or dams and pumping stream flow around the work areas. The project will permanently impact 0.03-acre of wetland and 35-feet of waterway. The project is located along the western right-of-way of SR 1009 approximately 600-feet north of SR 0049 and SR 1009 intersection.

**E59-423. Emery Barnes**, 3780 Lambs Creek Rd., Mansfield, PA 16933. Culvert Crossing in Richmond Township, **Tioga County**, ACOE Baltimore District (Mansfield, PA Quadrangle N: 15.5 inches; W: 16.25 inches).

The permit application proposes to construct a 6-foot circular steel culvert pipe for a private driveway crossing. The permit application also proposes to construct headwalls at the inlet and outlet of the culvert pipe. There is a proposed 2-feet of fill cover over the culvert pipe to facilitate a driving surface. This project is located on Seeley Hollow and proposes to impact 30 linear feet of stream.

**E59-424. Department of Conservation and Natural Resources, Bureau of Forestry**, 1 Nessmuk Lane, Wellsboro, PA 16901. Bridge crossing Long Run in Liberty Township, **Tioga County**, ACOE Baltimore District (Nauvoo, PA Quadrangle N: 19.4 inches; W: 9.65 inches).

The applicant is proposing a bridge crossing with a span of 24 feet and a 6-foot depth from the bottom cord to the bed of the stream. This crossing will be utilized by the Department of Conservation and Natural Resources and during logging operations. This project will impact 30 linear feet of Long Run and will not impact any wetlands.

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

**E04-283. Beaver County Corporation for Economic Development**, 250 Insurance St., Suite 300, Beaver, PA 15009. Hopewell Township, **Beaver County**, ACOE Pittsburgh District.

To place and maintain fill in 0.393 acre of wetlands associated with unnamed tributaries to Boggs Run (WWF) for the purpose of expanding the Hopewell Business and Industrial Park. The project is located approximately 2,400 feet south from the intersection of Industrial Boulevard and Clinton-Gringo Road. The applicant pro-

poses to pay into the Pennsylvania Wetland Replacement Fund (Aliquippa, PA Quadrangle N: 11.0 inches; W: 3.25 inches).

**E26-152-A1. Fugozzotto Enterprises Inc.**, 413 West Church Avenue, Masontown, PA 15461. Masontown Borough, **Fayette County**, ACOE Pittsburgh District.

To reissue Permit No. E26-152 to construct and maintain a boat docking facility along the right bank of the Monongahela River (WWF) and to include the construction and maintenance of a 20.0-foot x 25.0-foot launching ramp along the right bank of the Monongahela River at the same location (Masontown, PA Quadrangle N: 18.3 inches; W: 17.5 inches).

**E65-798. Wayne Vargo**, 2621 Patrice Lane, Murrysville, PA 15668. Municipality of Murrysville, **Westmoreland County**, ACOE Pittsburgh District.

To place and maintain fill in 0.23 acre of wetland along Turtle Creek (TSF) for the purpose of construction of a car dealership and future commercial sites. The project is located on the south side of S.R. 22 at the intersection of S.R. 22 and Cline Hollow Road (Murrysville, PA Quadrangle N: 8.5 inches; W: 5.0 inches).

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

**E42-290. Department of Transportation, District 2-0**, 1924-30 Daisy St., P. O. Box 342, Clearfield, PA 16830. S.R. 4005, Segment 0112, Across Kendall Creek, in City of Bradford, **McKean County**, ACOE Pittsburgh District (Pittsburgh, PA Quadrangle N: 16.7 inches; W: 16.8 inches).

To remove the existing structure and to construct and maintain a single span prestressed concrete bridge having a clear span of 56.1 feet and an underclearance of 6.76 feet on a 90 degree skew across Kendall Creek on S.R. 4005.

#### WATER QUALITY CERTIFICATION REQUEST

**Erie Western Pennsylvania Port Authority**, Raymond P. Schreckengost, Executive Director, 17 West Dobbins Landing, Erie, PA 16507-1424. Discharge of dredged material from the Coal Ore Dock Slip on the City of Erie Bayfront (Erie North, PA N: 2.7 inches; W: 11.3 inches) (42d 08m 23s N; 80d 05m 00s W) into the Lake Erie Harbor Confined Disposal Facility, in Erie City, **Erie County**, ACOE Pittsburgh District, Erie North, PA, Quadrangle N: 4.7 inches; W: 10.3 inches) (42d 09m 04s N; 80d 04m 34s W).

*Project description.* The Erie-Western Pennsylvania Port Authority has requested a State certification under section 401 (a) of the Federal Clean Water Act (33 U.S.C.A. § 1341(a)) that the discharge of dredged material from the Coal Ore Dock Slip on the City of Erie Bayfront into the Lake Erie Harbor Confined Disposal Facility (CDF) will comply with the applicable provisions of sections 301—303, 306 and 307 of Federal Clean Water Act.

This request was necessitated by conditions imposed by the Department's Water Obstruction and Encroachment Permits E25-404A and E25-581 issued to the Erie-Western Pennsylvania Port Authority requiring Federal Water Act section 401 certification for the disposal of dredged material into the CDF prior to each dredging and disposal event. The Erie-Western Pennsylvania Port Authority has sampled and tested the sediments in accordance with Attachment A "Sample Collection and Testing Protocol" of both Water Obstruction and Encroachments

Permits E25-404A and E25-581. Laboratory testing was conducted in accordance with the US Army Corps of Engineer's Inland Testing Manual and the document "Ecological Evaluation of Proposed Discharge of Dredged or Fill Material in Navigable Waters." Based upon this sampling and laboratory testing, the Erie-Western Pennsylvania Port Authority indicates that the approximately 4,300 cubic yards of basin sediments from the Coal Ore Dock Slip on the City of Erie Bayfront (Erie North, PA N: 2.7 inches; W: 11.3 inches) (42d 08m 23s N; 80d 05m 00s W) discharged into the Lake Erie Harbor Confined Disposal Facility (Erie North, PA N: 4.7 inches; W: 10.3 inches) (42d 09m 04s N; 80d 04m 34s W) will have a relatively insignificant impact on the water quality of Lake Erie. This 401 Water Quality Certification is for this single activity. Any subsequent dredging of the Coal Ore Dock Slip on the City of Erie Bayfront and use of the CDF will require separate 401 Water Quality Certification.

#### DAM SAFETY

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

**D11-047A. West Carroll Water and Sewer Authority**, P. O. Box 328, Elmora, PA 15737-0374. To modify, operate and maintain Bakerton Dam across West Branch Susquehanna River (CWF), impacting approximately 2.7 acres of the reservoir by dredging to increase storage volume and approximately 200 feet of stream channel for the purpose of water supply (Carrolltown, PA Quadrangle N: 16.5 inches; W: 14.5 inches) West Carroll Township, **Cambria County**.

**D53-066. Department of Conservation and Natural Resources**, P. O. Box 8451, Harrisburg, PA 17105-8451. To construct, operate and maintain Lyman Run Dam across Lyman Run (HQ-CWF), directly and indirectly impacting approximately 200 feet of stream for the purpose of recreation (Cherry Springs), PA Quadrangle (N: 17.7 inches; W: 1.6 inches) West Branch Township, **Potter County**.

#### ACTIONS

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

#### INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

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

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

ent time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

**I. Municipal and Industrial Permit Actions under The Clean Streams Law Act (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. PA0011444**, Industrial Waste, **Congoleum Corporation**, 4401 Ridge Rd., Trainer, PA 19061. This proposed facility is located in Trainer Borough, **Delaware County**.

Description of Proposed Action/Activity: Renewal to discharge into Marcus Hook Creek.

**NPDES Permit No. PA0013021**, Industrial Waste, **PQ Corporation**, 1201 West Front St., Chester, PA 19013. This proposed facility is located in City of Chester, **Delaware County**.

Description of Proposed Action/Activity: Renewal to discharge into Delaware River, Zone 4-3J.

**NPDES Permit No. PA0026131**, Sewage, **Upper Merion Municipal Utility Authority**, 175 West Valley Forge Rd., King of Prussia, PA 19406. This proposed facility is located in Upper Merion Township, **Montgomery County**.

Description of Proposed Action/Activity: Renewal to discharge into the Schuylkill River.

**NPDES Permit No. PA0058408**, Sewage, **Lejeune Properties, Inc.**, 4070 Butler Pike, Suite 800, Plymouth Meeting, PA 19426. This proposed facility is located in Upper Merion Township, **Montgomery County**.

Description of Proposed Action/Activity: Issuance of NPDES Permit to discharge into an unnamed tributary to Schuylkill River (001) and Doe Run (002)-3D and 3E.

**NPDES Permit No. PA0051365**, Industrial Waste, **Philadelphia Suburban Water Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. This proposed facility is located in East Bradford Township, **Chester County**.

Description of Proposed Action/Activity: Renewal to discharge into East Branch of Brandywine Creek-3H.

**NPDES Permit No. PA0057011**, Sewage, **Thornbury Township**, 8 Township Rd., Cheyney, PA 19319. This proposed facility is located in Thornbury Township, **Chester County**.

Description of Proposed Action/Activity: Renewal to discharge from Bridlewood Farm STP into Radley Run-3H.

**NPDES Permit No. PA0058441**, Sewage, **Christian and Melanie Derstine**, 2700 Old Bethlehem Rd., Sellersville, PA 18960. This proposed facility is located in West Rockhill Township, **Bucks County**.

Description of Proposed Action/Activity: Discharge into an unnamed tributary to Tohickon Creek-2D.

**NPDES Permit No. PA0056979**, Sewage, **Jonathan Kimmel**, 46 Tanguy Rd., Glen Mills, PA 19342. This proposed facility is located in Thornbury Township, **Delaware County**.

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

**NPDES Permit No. PA0056308**, Sewage, **Mark Crawford**, 912 Green St., Perkasio, PA 18944. This proposed facility is located in Hilltown Township, **Bucks County**.

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

**WQM Permit No. 1501419**, Sewerage, **East Whiteland Township**, 209 Conestoga Rd., Frazer, PA 19355. This proposed facility is located in East Whiteland Township, **East Whiteland County**.

Description of Proposed Action/Activity: Construction and operation of a new gravity sewer and pump station.

**WQM Permit No. 4601410**, Sewerage, **Lejeune Properties, Inc.**, 4070 Butler Pike, Suite 800, Plymouth Meeting, PA 19426. This proposed facility is located in Upper Providence Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of a sewage treatment plant to serve the River Crest Subdivision.

**WQM Permit No. 4601411**, Sewerage, **Lejeune Properties, Inc.**, 4070 Butler Pike, Suite 800, Plymouth Meeting, PA 19426. This proposed facility is located in Upper Providence Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of four sewage-pumping stations and its related force mains to serve the proposed River Crest Subdivision.

**WQM Permit No. 0902401**, Sewerage, **Bucks County Water and Sewer Authority**, 1275 Almshouse Rd., Warrington, PA 18976. This proposed facility is located in Richland Township, **Bucks County**.

Description of Proposed Action/Activity: Construction and operation of sewage pump station to serve Brayton Gardens II a residential development.

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

**NPDES Permit No. PA-0044270**, Sewage, **Keystone Mobile Home Park**, P. O. Box 295, Birdsboro, PA 19508. This proposed facility is located in North Whitehall Township, **Lehigh County** and discharge to Lehigh River.

Description of Proposed Action/Activity: Issuance/renewal of NPDES Permit.

**NPDES Permit No. PA-0028576**, Sewage, **Clarks Summit—S. Abington Joint Sewer Authority**, P. O. Box 199, Chinchilla, PA 18410. This proposed facility is located in S. Abington Township, **Lackawanna County**.

Description of Proposed Action/Activity: Renewal of NPDES Permit to discharge treated sewage into Leggett's Creek.

**NPDES Permit No. PA-0027081**, Sewage, **Lackawanna River Basin Sewer Authority**, P. O. Box 9068, Dickson City, PA 18515. This proposed facility is located in Clinton Township, **Wayne County**.

Description of Proposed Action/Activity: Applicant request renewal of NPDES Permit to discharge treated sewage to Lackawanna River.

**WQM Permit No. 4802402**, Sewerage, **Lawrence Higgins**, 4325 Hamilton Boulevard, Allentown, PA 18103. This proposed facility is located in Allen Township, **Northampton County**.

Description of Proposed Action/Activity: Construction of a small sewage treatment system for a single family residence.

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

**NPDES Permit No. PA0031861**, Sewage, **Zerbe Sisters Nursing Facility, Inc.**, 2499 Zerbe Rd., Narvon, PA 17555. This proposed facility is located in Caernarvon Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary of the Conestoga River in Watershed 7-J.

**NPDES Permit No. PA0007641**, Sewage, **Vulcan Construction Materials, Inc., Hanover Quarry**, P. O. Box 29756, Richmond, VA 23242. This proposed facility is located in Oxford Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary of South Branch Conewago Creek in Watershed 7-F.

**WQM Permit No. 0602402**, Sewerage, **Donald J. Pilon**, 1475 Elverson Rd., Elverson, PA 19520. This proposed facility is located in Caernarvon Township, **Berks County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of sewage treatment facilities.

**WQM Permit No. 3801403 Amendment 02-1**, Sewerage, **Mount Gretna Authority**, 101 Chautauqua Drive, P. O. Box 322, Mount Gretna, PA 17064. This proposed facility is located in South Londonderry Township, **Lebanon County**.

Description of Proposed Action/Activity: Authorization for the modifications to the construction/operation for UV disinfection.

**NPDES Permit No. PA0082066**, Industrial Waste, **Valley Proteins, Inc.**, P. O. Box 3588, Winchester, VA 22604. This proposed facility is located in East Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to Muddy Creek in Watershed 7-J.

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

**WQM Permit No. 4101404-T1**, Sewerage SIC 4952, **John Buehler, Jr.**, 565 Quaker State Rd., Montoursville, PA 17754. This proposed facility is located in Fairfield Township, **Lycoming County**.

Description of Proposed Action/Activity: Transfer of water quality management permit for single residence.

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

**NPDES Permit No. PA0096792**, Industrial Waste, **Metaltech, Inc.**, 2400 Second Avenue, Pittsburgh, PA 15219 is authorized to discharge from a facility located at Pittsburgh, City of Pittsburgh, **Allegheny County** to receiving waters named the Monongahela River.

**NPDES Permit No. PA0204897**, Industrial Waste, **Port Authority of Allegheny County**, 345 Sixth Avenue, 3rd Floor, Pittsburgh, PA 15222-2527 is authorized to discharge from a facility located at the Collier Garage, Collier Township, **Allegheny County** to receiving waters named Chartiers Creek.

**NPDES Permit No. PA0000914**, Sewage, **United States Department of Energy**, Pittsburgh Naval Reactors Office, 814 Pittsburgh-McKeesport Rd., West Mifflin, PA 15122-0109 is authorized to discharge from a facility located at Bettis Atomic Power Laboratory, West Mifflin, **Allegheny County** to receiving waters named Bull Run, Northeast Stream, Thompson Run.

**NPDES Permit No. PA0027219**, Sewage, **Greater Uniontown Joint Sewage Plant Authority**, 90 Romeo Lane, Uniontown, PA 15401 is authorized to discharge from a facility located at Uniontown STP, North Union Township, **Fayette County** to receiving waters named Redstone Creek.

**NPDES Permit No. PA0092363**, Sewage, **Fayette County Housing Authority**, 624 Pittsburgh Rd., Uniontown, PA 15401 is authorized to discharge from a facility located at Marion Villa STP, Washington Township, **Fayette County** to receiving waters named unnamed tributary of Downers Run.

**NPDES Permit No. PA0093882**, Sewage, **Port Authority of Allegheny County**, West Mifflin Garage, 1011 Lebanon Rd., West Mifflin, PA 15122 is authorized to discharge from a facility located at West Mifflin Garage, West Mifflin Borough, **Allegheny County** to receiving waters named Thompson Run tributary (Outfall 001) and tributary to Monongahela River (Outfall 002).

**Permit No. 0202403**, Sewerage, **Timothy Cook**, 1208 Highman St., 2nd Floor, Pittsburgh, PA 15205. Construction of Single Residence Sewage Treatment Plant located in Findlay Township, **Allegheny County** to serve Cook Residence.

**Permit No. 3201402**, Sewerage, **Burrell Township Sewer Authority**, 4345 Park Drive, Black Lick, PA 15716. Construction of Sanitary Sewers, Pump Station and Force Main located in Burrell Township, **Indiana County** to serve Palmerton Area, Phase II.

**Permit No. 5601405**, Sewerage, **Seven Springs Municipal Authority**, 290 Lagoon Lane, Champion, PA 15622. Construction of Sewer Extension and Pump Station located in Middlecreek Township, **Somerset County** to serve the Pheasant Run Subdivision.

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

**NPDES Permit No. PA0006351**, Industrial Waste, **AK Steel—Sawhill Tubular Division—Wheatland Plant**, 200 Clark St., P. O. Box 11, Sharon, PA 16146-2473. This proposed facility is located in Wheatland Borough, **Mercer County**.



Description of Proposed Action/Activity: This facility is authorized to discharge to the Shenango River.

**NPDES Permit No. PA0091189**, Sewerage, **Slippery Rock Campground Association**, 1150 West Park Rd., Slippery Rock, PA 16507. This proposed facility is located in Worth Township, **Butler County**.

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

**NPDES Permit No. PA0027227-A1**, Sewerage Amendment, **City of Farrell**, 500 Roemer Boulevard, Farrell, PA 16121. This proposed facility is located in City of Farrell, **Mercer County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to the Shenango River.

**NPDES Permit No. PA0222208**, Sewerage, **Frank Fiamella Subdivision**, 3949 Knoyle Rd., Erie, PA 16510. This proposed facility is located in Greene Township, **Erie County**.

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

**NPDES Permit No. PA0210102**, Sewerage, **Brett C. Gassner**, 300 Gilkey Rd., West Middlesex, PA 16159. This proposed facility is located in Shenango Township, **Mercer County**.

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

**NPDES Permit No. PA0238716**, Sewerage, **Brett M. and Tricia M. Peterson**, 11432 Scotland Avenue, North East, PA 16428. This proposed facility is located in North East Township, **Erie County**.

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

**WQM Permit No. 6102401**, Sewerage, **Borough of Rouseville**, 8 Main St., Box 317, Rouseville, PA 16344-0317. This proposed facility is located in Cornplanter Township, **Venango County**.

Description of Proposed Action/Activity: This project is for the replacement of the existing ejector station with a submersible triplex pump station.

**WQM Permit No. 2501425**, Sewerage, **Brett M. and Tricia M. Peterson**, 11432 Scotland Avenue, North East, PA 16428. This proposed facility is located in North East Township, **Erie County**.

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

**WQM Permit No. 1002405**, Sewerage, **Ralph J. and Terri N. Sterzinger**, 201 Gudekunst Rd., Zelienople, PA 16063. This proposed facility is located in Jackson Township, **Butler County**.

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

**WQM Permit No. 6202402**, Sewerage, **James Sturdevant**, 2056 Conewango Avenue, Warren, PA 16365. This proposed facility is located in Glade Township, **Warren County**.

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

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

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

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10G482	Cornith Holdings, Inc. 2504 Rochelle Drive Fallston, MD 21417	Chester	Elk Township	Big Elk Creek (HQ, TSF, MF)
PAS10G493	Romeo and Rosalia Coscia 1464 Harkaway Lane Chester Spring, PA 19425	Chester	Warwick Township	South Branch French Creek (EV)
PAS10G507	Omega Partnership 104 Wooden Lane Villanova, PA 19085	Chester	East Goshen Township	West Branch Ridley Creek (HQ)
PAS10T099	Lejeune Properties, Inc. 4070 Butler Pike Plymouth Meeting, PA 19462	Montgomery	Upper Providence Township	Schuylkill River (HQ, TSF, WF)



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

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

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

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

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

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

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

#### General Permit Type—PAG-2

Facility Location & Municipality	Permit No.	Applicant Name & Address	Receiving Water/Use	Contact Office & Telephone No.
Valley Township Chester County	PAR10G232	Calders Properties 400 West Germantown Pike Plymouth Meeting, PA 19462	Rock Run (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
East Vincent Township Chester County	PAR10G470	East Vincent Recreation 211 Carter Drive West Chester, PA 19382	Tributary to French Creek (TSF, MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
City of Coatesville Chester County	PAR10G469	Coatesville Home 26 North 2nd Avenue Coatesville, PA 19320	West Branch Brandywine Creek (WWF, MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Oxford Township Chester County	PAR10G460	Anthony Dambros 737 Northbrook Rd. Kennett Square, PA 19348	Leech Run/ Muddy Run (TSF, MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

## NOTICES

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Caln Township Chester County	PAR10G471	Chester County Intermediate Unit Educational Service Center 535 James Manor Court Exton, PA 19341-2547	UNT to East Branch Brandywine Creek (TSF, MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Tredyffrin Township Chester County	PAR10G459	Devon Square Shopping Center 259 Radnor-Chester Rd. Radnor, PA 19087	Little Darby Creek (CWF, MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
West Goshen Township Chester County	PAR10G473	Fern Hill Medical Campus 915 Old Fern Hill Rd. West Chester, PA 19380	Taylor Run (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Pennsbury Township Chester County	PAR10G462	Chadds Ford Elementary School 740 Unionville Rd. Kennett Square, PA 19348	Ring Run (WWF, MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Pennsbury Township Chester County	PAR10G452	Crosslands Community Route 1, Box 100 Kennett Square, PA 19348	Bennett's Run (WWF, MF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Concord Township Delaware County	PAR10J231	Milrow Development Company 533 Glendale Rd. Havertown, PA 19083	Webb Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Trappe Borough Montgomery County	PAR10T768	Uniform Tubes, Inc. 200 West Seventh Avenue Collegeville, PA 19426	Tributary to Perkiomen Creek (TSF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Plymouth Township Montgomery County	PAR10T770	Kilduff Limited Partnership 550 Township Line Rd. Suite 500 Blue Bell, PA 19422	UNT to Plymouth Creek (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Whitemarsh Township Montgomery County	PAR10T743	Parec Homes 731 Skippack Pike Blue Bell, PA 19422	Plymouth Creek (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
City of Philadelphia Philadelphia County	PAR105341	Delaware Avenue Enterprises Christopher Columbus Boulevard and Bigler St. Philadelphia, PA 19101	Delaware River (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
City of Philadelphia Philadelphia County	PAR105343	Lebanon Pad, LP 444 Park Avenue South Suite 302 New York, NY 10016	Poquessing Creek (WWF)	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Carbon County Mahoning Township	PAR101333	Mahoning Municipal Authority 2685 Mahoning Drive East Lehighton, PA 18235	Mahoning Creek CWF Lehigh River CWF	Carbon County Conservation District (610) 377-4894
Lehigh County Upper Milford Township	PAR10Q165	Byron Ashbrook 2910 Lindberg Ave. Allentown, PA 18103	Perkiomen Creek CWF	Lehigh County Conservation District (610) 391-9583

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Lehigh County Lynn Township	PAR10Q146-1	Glen Smith P. O. Box 222 New Tripoli, PA 18066	Ontelaunee Creek CWF	Lehigh County Conservation District (610) 391-9583
Monroe County Smithfield Township	PAR10S031	Fox Chapel Subdivision Percudani House L.P. HC1, Box 1049 Tannersville, PA 1837	Sambo Creek CWF, MF	Monroe County Conservation District (570) 629-3060
Bradford County Towanda Borough Towanda Township	PAR100829	Towanda Area School District North Fourth St. Towanda, PA 18848	Susquehanna River WWF	Bradford County Conservation District R. R. 5, Box 5030C Stoll Natural Resource Center Towanda, PA 18848 (570) 265-5539
Centre County Burnside and Snow Shoe Townships	PAR10F157	Gulf USA Tract c/o Mid East Oil Co. 255 Airport Rd. Indiana, PA 15701	Little Sandy Run CWF	Centre County Conservation District 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817
Spring Township Centre County	PAR10F158	Stonehenge Subdivision V R. R. 2, Box 362 Bellefonte, PA 16823	UNT Logan Branch CWF	Centre County Conservation District 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817
Centre County College Township	PAR10F159	Pine Castle at Brookline Village 1940 Cliffside Dr. State College, PA 16801	Tributary to Slab Cabin Run CWF	Centre County Conservation District 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817
Columbia County Town of Bloomsburg	PAR102152	Keystone Opportunity Zone Town of Bloomsburg 301 East 2nd St. Bloomsburg, PA 17815	Susquehanna River Basin CWF	Columbia County Conservation District 702 Sawmill Rd. Suite 105 Bloomsburg, PA 17815 (570) 784-1310
Erie County Harborcreek Township	PAR10K192	William Witkowski Troupe Rd. Warehousing 909 Troupe Rd. Harborcreek, PA 16421	Tributary to Six Mile Creek (CWF; MF)	Erie County Conservation District (814) 796-6700

*General Permit Type—PAG-3*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Lancaster County East Hempfield Township	PAR233533	Air Products and Chemicals, Inc. 7201 Hamilton Blvd. Allentown, PA 18195	UNT of West Branch of the Little Conestoga Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Franklin County Waynesboro Borough	PAR113543	York International York Refrigeration (Frick) 631 South Richland Avenue York, PA 17405-1592	Antietam Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County East Hempfield Township	PAR203596	Fabral Inc. P. O. Box 4608 3449 Hempland Rd. Lancaster, PA 17601	Conestoga Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

## NOTICES

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Bald Eagle Township Clinton County	PAR604835	Martin Motor Company 2512 Eagle Valley Rd. Mill Hall, PA 17751	UNT to Bald Eagle Creek CWF	Northcentral Regional Office Water Management Program 208 West Third St. Suite 101 Williamsport, PA 17701 (570) 327-3666
Marshall Township Allegheny County	PAR116123	Mitsubishi Electric Power Products Inc. 512 Keystone Drive Warrendale, PA 15086	Storm Retention to Brush Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000
Findlay Township Allegheny County	PAR206124	Precision Kidd Steel Co. One Quality Way Aliquippa, PA 15001	Tributary to Montour Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000
<i>General Permit Type—PAG-4</i>				
<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Bedford County Broad Top Township	PAG043689	Broad Top Township Shuke Residence 187 Municipal Rd. P. O. Box 57 Defiance, PA 16633-0057	Shermans Valley Run/ CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Fairfield Township Lycoming County	PAG045120	John Buehler, Jr. 565 Quaker State Rd. Montoursville, PA 17754	UNT to Mill Creek (TSF)	Northcentral Regional Office Water Management Program 208 West Third St., Suite 101 Williamsport, PA 17701 (570) 327-3666
North Centre Township Columbia County	PAG044969	Albert E. Strausser 278 Eckroth Rd. Bloomsburg, PA 17815	Cabin Run CWF	Northcentral Regional Office Water Management Program 208 West Third St., Suite 101 Williamsport, PA 17701 (570) 327-3666
Findlay Township Allegheny County	PAG046249	Timothy Cook 1208 Highman St., 2nd Fl. Pittsburgh, PA 15205	Tributary to Potato Garden Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000
Jackson Township Butler County	PAG048800	Ralph J. and Terri N. Sterzinger 201 Gudekunst Rd. Zelienople, PA 16063	Unnamed tributary to Glade Run	DEP—NWRO Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942



**Permit No. 5401505**, Public Water Supply.

Applicant **Hegins Township Water Authority**

Township Hegins and Hubley Townships

County **Schuylkill County**

Type of Facility PWS

Consulting Engineer Alfred Benesch & Company  
400 One Norwegian Plaza  
P. O. Box 1090  
Pottsville, PA 17901

Permit to Construct February 12, 2002  
Issued

**Operations Permit** issued to **Greenwaltz Water Company**, 2521 Delabole Rd., Bangor, PA 18013, PWS #3486479, Washington Township, **Northampton County**, on March 21, 2002, for the operation of facilities approved under Construction Permit #4801502.

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

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

Applicant **Wellsboro Municipal Authority**  
28 Crafton St.  
Wellsboro, PA 16901

Township Duncan Township

County **Tioga**

PWSID# 2590042

Type of Facility PWS—permit approving operation of Rock Run intake and metering pit.

Permit to Operate March 27, 2002  
Issued

## WATER ALLOCATIONS

**Actions taken on 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 this Commonwealth.**

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

**WA65-212C**, Water Allocations, **Latrobe Municipal Authority**, P. O. Box 88, Latrobe, PA 15650, Latrobe Borough, **Westmoreland County**. Grants the right to withdraw up to 7.0 million gallons per day (MGD), as a daily maximum, from the H.A. Stewart Reservoir on Trout Run and up to 4.0 MGD, as a daily maximum, from the Kingston Dam on Loyalhanna Creek, with a total combined withdrawal of up to 9.0 MGD, as a daily maximum, from the H. A. Stewart Reservoir (Trout Run) and Kingston Dam (Loyalhanna Creek).

## SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Butler Township	415 West Butler Drive Drums, PA 18222	Luzerne

Plan Description: The Plan Update Revision's selected wastewater disposal alternative calls for the implementation of "Alternatives" 2, 7, 8, 13 and 14 as described in Chapter 5 of the Plan Update Revision.

The Plan Update Revision calls for the upgrade and expansion of the Butler Township Authority's (Authority) Drums Wastewater Treatment Facility from a permitted capacity of 0.4 MGD to 0.465250 MGD (Design Annual Average Flow) or 1.0 MGD (Design Maximum Monthly Flow). The Plan Update Revision also calls for the upgrade and expansion of the Authority's St. Johns Wastewater Treatment Facility from a permitted capacity of 0.6 MGD to 0.714100 MGD (Design Annual Average Flow) or 1.2 MGD (Design Maximum Monthly Flow). Both facilities will be converted to a Sequencing Batch Reactor configuration for treatment of the wastewater that they receive.

The Plan Update Revision's selected wastewater disposal alternative also calls for the installation of new sanitary wastewater collection systems to serve the following areas of Butler Township: Hashagen Manor (Area 1), Terrace Manor Estates (Area 2), Village of Upper Lehigh (Area 3), Walnut St. and Terrace Road Areas (Area 4) and the Macieunas Property (Area 9). Wastewater from the collection systems proposed for Areas 1, 2 and 9 will be conveyed to the Drums Wastewater Treatment Facility for treatment and discharge. Wastewater from the collection systems proposed for Areas 3 and 4 will be conveyed through existing and proposed portions of the Foster Township and Freeland Municipal Authority's Wastewater Collection Systems. Wastewater from these two areas will be conveyed ultimately to the Freeland Municipal Authority's Wastewater Treatment Facility for treatment and discharge.

The Plan Update Revision's selected wastewater disposal alternative also calls for all areas not currently served or those proposed to be served by centralized wastewater collection, conveyance and treatment systems in the Plan Update Revision, to continue to use onlot wastewater disposal systems as their approved method of wastewater disposal. These areas will also be governed by the requirements of the Sewage Management Program as proposed in Appendix P of the Plan Update Revision.

Implementation of the selected wastewater disposal alternative and operation of the existing and proposed facilities will be performed by the Authority with the cooperation of Butler Township, the Borough of Freeland, Foster Township and the Freeland Municipal Authority.

Financing of the proposed wastewater collection, conveyance and treatment systems is to be provided by the Pennsylvania Infrastructure Investment Authority.

Implementation of the selected wastewater disposal alternative will require NPDES Permits for the proposed increases in treated effluent discharge from the Drums and St. Johns Wastewater Treatment Facilities. These permit applications must be submitted in the name of the Authority. The proposed projects will also require a Water Management Part II Permit for the construction and operation of the proposed sewage facilities. This permit application must also be submitted in the name of the Authority. The Department's review has also not identified any significant environmental impacts resulting from this proposal.

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

### Notice of Interim Response

#### Algonquin Chemical Company Site Hamburg Borough and Windsor Township, Berks County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.102—6020.1303) is initiating an interim response at the Algonquin Chemical Company Site (Site) located in Hamburg Borough and Windsor Township, Berks County, PA.

The Site is located in the southern section of Hamburg Borough and partially in Windsor Township, Berks County, PA. The Site address is P. O. Box 288, Hamburg, PA 19526. The Site property is approximately 1-3/4 miles south of the intersection of Routes 78 and 61 and is situated approximately 100 yards west of Route 61 South.

The Algonquin Chemical Company (ACC) was incorporated in 1953 and began operations at this site in the early 1970s. The facility manufactured solvents, degreasers, lubricants, oils and soaps from bulk materials. The manufactured materials were sold for agricultural, industrial, commercial and consumer uses. The bulk materials were shipped to the site in either 55-gallon drums or by tank truck. ACC ceased operations in February 1991.

Site characterization studies by the Department identified soil contamination in distinct areas throughout the Site property and under the former building foundation. These studies also detected groundwater contamination beneath the Site. Site soils contain VOCs and metals above regulatory standards and Site groundwater contains VOCs above regulatory standards. VOC and metal contamination above regulatory standards include tetrachloroethylene, trichloroethylene, 1,1-dichloroethylene, 1,2-dichloroethylene, vinyl chloride, 1,1,1-trichloroethane, 1,2-dichloroethane, dichloromethane (methylene chloride), lead, arsenic and selenium.

The present concentrations of VOCs and metals in soil and groundwater create a substantial threat to the public health and safety via an ingestion, inhalation and direct contact pathways. The soil-VOCs also provide a direct area for continued contamination of the groundwater.

The Department has considered three alternatives for a Site response. The following are brief descriptions of these alternatives.

1. *Contaminated Soil Removal and Disposal*—This alternative involves excavating contaminated soil, providing for proper characterization of excavated soil for disposal and or treatment, replacing excavated areas with uncontaminated off-Site soil to grade and vegetation of new soil where appropriate.

2. *In situ Treatment of Site Groundwater*—This alternative provides for the injection of compounds into Site wells and additional Site injection points. The injection program will reduce existing VOC groundwater contamination to below regulatory standards.

3. *Groundwater Extraction and Treatment*—This alternative provides for the removal of groundwater, treatment of groundwater VOC constituents by forcing air into the extracted groundwater, capturing the VOCs and discharging the treated water to an existing surface waterway.

The Department has chosen to implement Alternatives 1 and 2. Both comply with applicable, relevant and appropriate requirements, will reduce hazardous constituent concentrations below regulatory standards and are cost effective. These alternatives are protective of human health and the environment by eliminating the risk from further release of hazardous substances at the Site.

The Department is providing this notice under sections 505(b) and 506(b) of HSCA (35 P. S. §§ 6020.505(b) and 6020.506(b)) and the 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 at the site is available for public review and comment. The Administrative Record can be examined from 8 a.m. to 4 p.m. at the Department's Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110, by contacting Crystal Snook at (717) 705-6645. The Administrative Record can also be reviewed at the Department's Reading District Office, 1005 Crossroads Boulevard, Reading, PA 19605 from 8 a.m. to 4 p.m. by contacting Donna Good at (610) 916-0100.

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 may submit written comments regarding this action to the Department before July 13, 2002, by mailing them to Crystal Snook at the previous address.

The public will have an opportunity to present oral comments regarding the proposed action at a public hearing. The hearing has been scheduled for May 21, 2002, at 7 p.m. at the Hamburg Middle School, Windsor Street, Hamburg, PA. Persons wishing to present formal oral comment at the hearing should register before 4 p.m., May 16, 2002, by calling Sandra Roderick at (717) 705-4931.

If no person registers to present oral comments by May 16, 2002, the hearing will not be held, but will be replaced with an informational meeting. Persons interested in finding out if the hearing will be held should also contact Sandra Roderick.

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

#### Notice of Prompt Interim Response Bear Creek Area Chemical Site Fairview and Parker Townships, Butler County Perry Township, Armstrong County

The 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 Bear Creek Area Chemical Site (site). This response has been initiated under sections 501(a) and 505(b) of the HSCA (35 P. S. §§ 6020.501(a) and 6020.505(b)). The site includes, among other things, at least 14 areas where the Department knows or has evidence to suggest that industrial wastes were historically disposed and the surface water, groundwater, soils and sediments that have been contaminated from hazardous substances and contaminants that have migrated from the disposal areas. The individual disposal areas are located in Concord, Fairview and Parker Townships, Butler County and Perry Township, Armstrong County. A more detailed description of

the location for each of the 14 individual disposal areas is located in the administrative record compiled for this response.

The following hazardous substances have been found at one or more disposal areas at the site: resorcinol, xylene, benzene, acetone, phenols, formaldehyde, chloromethane, bromomethane, methyl ethyl ketone, carbon disulfide, trichloroethane, ethyl benzene, nickel, lead, chromium, copper, aluminum sulfate and arsenic.

Additionally, the following contaminants have been detected in waste and environmental media at most of the disposal areas: meta-benzene disulfonic acid, benzene sulfonic acid (BSA), para-phenol sulfonic acid and calcium petronate/KSS.

The Department has observed that when one or more of the previous contaminants have been detected in ground-water or surface water (such as a spring), then resorcinol and occasionally one or more of the other previously-listed hazardous substances, have been detected as well (either at a later time in the same well or spring or in samples collected from nearby wells or springs). Thus, where a release of contaminants has been confirmed but no release of resorcinol or the other previously-listed hazardous substances has yet been established, a threat of release of hazardous substances exists.

Approximately 45% of the more than 280 private residential, institutional and business water supply wells that have been sampled within the site have been found to contain resorcinol or one or more of the contaminants. Resorcinol and the contaminants have been detected in the groundwater, surface water and springs over a wide geographical area.

To date, no peer-reviewed, health or environmental agency-approved health-based advisory levels or maximum contaminant levels exist for resorcinol and the previously-mentioned site-related contaminants for water or soils. Accordingly, the risks associated with the presence of these compounds in drinking water are not known. Further, the Department can not conclude that the presence of these substances does not threaten human health and the environment. As a result, the Department has decided that a response action is appropriate to protect public health and safety. For this prompt interim response, the Department considered two alternatives for the site:

*Alternative 1*—No action with ongoing monitoring.

*Alternative 2*—Provide alternative, potable water to residences, institutions and businesses whose water supplies have been impacted or are at risk of being impacted by site-related hazardous substances and associated contaminants.

Each alternative was evaluated with respect to three comparison criteria: 1) effectiveness; 2) implementability; and 3) cost. Furthermore, this comparative analysis evaluated the relative performance of each alternative in relation to each specific comparison criterion. The comparative analysis identified advantages and disadvantages of each alternative, so that tradeoffs between the alternatives could be determined.

Based on the comparative analysis the Department chose to implement *Alternative 2*—the provision of potable water to residences, institutions and businesses whose water supplies have been impacted or are at risk of being impacted by site-related hazardous substances and associated contaminants. This alternative was selected

because it protects, in the most cost-effective manner, the public from ingesting site-related hazardous substances.

This notice is being provided under section 506(b) of HSCA. The administrative record, which contains the information that forms the basis and documents the selection of this response, is available for public review and comment. The administrative record is located at the Department's Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335 and is available for review Monday through Friday from 8 a.m. to 4 p.m. For an appointment, telephone the office at (814) 332-6648.

The administrative record will be open for comment from April 13, 2002, until July 12, 2002. Persons may submit written comments into the record, during this time only, by sending them to Chuck Tordella, Project Manager, Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335 or by delivering them to the office in person. In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing and informational meeting scheduled for 6 p.m. on May 22, 2002, at the Petrolia Fire Department Social Hall, 200 Argyle St., Petrolia, PA 16050. Persons wishing to present comments can either register with Freda Tarbell at the Department's Northwest Regional Office, (814) 332-6945, in writing or sign in at the meeting to offer formal comments. Persons with a disability who wish to attend the meeting and require auxiliary aid, service or other accommodations to participate in the proceedings, should call Freda Tarbell or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

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

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

The Department has received the following final reports:



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

**Precision Finishing, Inc.**, Sellersville Borough, **Montgomery County**. Hudson S. Green, Jr., Earth Data Northeast, Inc., 924 Springdale Dr., Exton, PA 19341, on behalf of Precision Finishing, Inc., 708 Lawn Ave., Sellersville, PA 18960, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead and heavy metals. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**WXIII/PHL Read Estate Limited Partnership (RELP)**, City of Philadelphia, **Philadelphia County**. Randall T. Geis, Sovereign Consulting, Inc., 111-A N. Gold Dr., Robbinsville, NJ 08691, on behalf of WXIII/PHL RELP, 600 E. Las Colinas Blvd., Irving, TX 75039, has submitted a Final Report concerning remediation of site soil contaminated with BTEX, polycyclic aromatic hydrocarbons and solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Sunoco, Inc. (R&M), Philadelphia Refinery—Girard Point Processing Area**, City of Philadelphia, **Philadelphia County**. Sharon H. Roberts, URS Corp., 2325 Maryland Rd., 2nd Floor, Willow Grove, PA 19090, on behalf of Sunoco, Inc. (R&M), 3144 Passyunk Ave., Philadelphia, PA 19145, has submitted a combined Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning remediation of site soil contaminated with PCBs, lead, heavy metals, BTEX, petroleum hydrocarbons, polycyclic aromatic hydrocarbons, solvents, pesticides and MTBE; and site groundwater contaminated with lead, heavy metals, BTEX, petroleum hydrocarbons, polycyclic aromatic hydrocarbons and MTBE.

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

**Crown America—Wyoming Valley Mall**, Wilkes-Barre Township and Wilkes-Barre City, **Luzerne County**. Jo Hinish, P.G., Chief Hydrogeologist, Mountain Research, Inc., 825 25th St., Altoona, PA 16601 has submitted a Final Report (on behalf of Crown America Properties, L.P., Pasquerilla Plaza, Johnstown, PA 15907) concerning the remediation of soils and groundwater found or suspected to have been contaminated with lead and other metals, solvents, benzene and other VOCs and polycyclic aromatic hydrocarbons. The report was submitted to demonstrate attainment of the Statewide health standard.

**Dyno Nobel Inc. (former IRECO Inc. site)**, Pittston Township, **Luzerne County**. Glenn Randall, Senior Project Manager, URS Corporation, 1400 Union Meeting Rd., Suite 202, Blue Bell, PA 19422 has submitted a Remedial Investigation Report (on behalf of Dyno Nobel, 50 S. Main St., Salt Lake City, UT 84144) concerning the characterization of site soils and groundwater found or suspected to have been contaminated with lead and soils found or suspected to have been contaminated with sulfate, ethylene glycol dinitrate and other metals. The report was submitted in partial fulfillment of a combination of both the Statewide health and site-specific standards.

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

**Dominion (formerly CNG) Transmission—Harrison**, Harrison Township, **Potter County**. Dominion

Resource Services, Inc., 625 Liberty Avenue, Pittsburgh, PA 15222 has submitted a Final Report concerning remediation of site soil contaminated with lead, heavy metals and PHCs. The Final Report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**LTV Southside—FBI Office (soil only)**, City of Pittsburgh, **Allegheny County**. Martin Knuth, Civil & Environmental Consultants, Inc., 333 Baldwin Rd., Pittsburgh, PA 15205 (on behalf of Urban Redevelopment Authority, 200 Ross St., Pittsburgh, PA 15219 and Oxford Development Company, One Oxford Centre, Suite 4500, Pittsburgh, PA 15219) has submitted a Final Report concerning remediation of site soil contaminated with PCBs, heavy metals, PHCs and PAHs. The report is intended to document remediation of the site to meet the Site Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

For further information concerning the plans and reports, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative

form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

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

**South Brunswick Industrial Properties, L.P. and WFP Pennland Co., L.P.**, Upper Dublin Township, **Montgomery County**. Gerald Ahnell, Hydro-Geo Services, Inc., 1542 Bridge St., New Cumberland, PA on behalf of South Brunswick Industrial Properties, L.P. and WFP Pennland Co., L.P., 455 Pennsylvania Ave., Suite 125, Ft. Washington, PA 19034, has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with solvents. The Final report demonstrated attainment of Statewide Health and Background Standards and was approved by the Department on March 4, 2002.

**Former MGP, PECO Energy Company Oreland**, Springfield Township, **Montgomery County**. Allan Fernandes, P.G., Environmental Affairs Dept., PECO Energy Co., 2301 Market St., S21-2, P. O. Box 8699, Philadelphia, PA 19101-8699, has submitted combined Remedial Investigation/Risk Assessment/Cleanup Plan concerning the remediation of site soil and groundwater contaminated with lead, heavy metals, BTEX and polycyclic aromatic hydrocarbons. The combined report was approved by the Department on March 5, 2002.

**Lehigh Valley Dairies, Inc.**, Upper Gwynedd and Towamencin Townships, **Montgomery County**. David Kile, Applied Engineering & Science, Inc., 2261 Perimeter Park Dr., Atlanta, GA 30341, on behalf of Tuscan/Lehigh Dairies, LP, Union, NJ 07083, has submitted a Final Report concerning the remediation of site groundwater contaminated with BTEX, polycyclic aromatic hydrocarbons and MTBE. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 11, 2002.

**Kellers Creamery**, Franconia Township, **Montgomery County**. Peter A. Malik, III, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of Sodiaal North American Corp., E. King St., Strasburg, VA 22657, has submitted a Final Report concerning remediation of site groundwater contaminated with lead, BTEX and solvents. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 11, 2002.

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

**Luzerne County Transportation Authority—Lead Remediation Project**, Kingston Borough, **Luzerne County**. Martin Gilgallon, P.G., Project Hydrogeologist, PA Tectonics, Inc., 333 Enterprise St., Dickson City, PA 18519 submitted a Final Report (on behalf of Luzerne County Transportation Authority, 315 Northampton St., Kingston, PA 18704) concerning the remediation of soils found or suspected to have been contaminated with lead. The report demonstrated attainment of the Statewide health standard and was approved on March 20, 2002.

**Larry Greenburg Property**, North Whitehall Township, **Lehigh County**. LMS Engineers, LLP, The Sovereign Building, 609 Hamilton Mall, Allentown, PA 18101 submitted a Final Report (on behalf of Larry Greenburg, Paradise Rd., Slatington, PA) concerning the remediation of soils contaminated with no. 2 home heating oil constituents. The report demonstrated attainment of the Statewide health standard and was approved on March 25, 2002.

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

**DuBois Bulk Plant (Petrolec)**, City of DuBois, **Clearfield County**. Environmental Remediation & Recovery, Inc. (ER&R), on behalf of Russell Real Estate, R. D. 1, Box 179, Curwensville, PA 16833, has submitted a Baseline Environmental Report concerning site soil and groundwater contaminated with BTEX and PAHs. The Baseline Environmental Report was approved by the Department on March 19, 2002.

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

**World Class Processing Corporation**, Borough of Ambridge, **Beaver County**. Rod Shaver, ALTECH Environmental Consulting Ltd., 12 Banigan Drive, Toronto, Ontario, Canada M4H 1E9 (on behalf of World Class Processing Corp., 21 Century Drive, Ambridge, PA 15003) has submitted a Final Report concerning the remediation of site soil contaminated with lead. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 27, 2002.

**Fourway Properties—Breezewood Development Area 1**, Moon Township, **Allegheny County**. John P. Englert, Kirkpatrick & Lockhart, LLP, 535 Smithfield St., Pittsburgh, PA 15222 (on behalf of Fourway Properties, L.P., 198 Mulberry St., Bridgewater, PA 15009) has submitted a Final Report concerning the remediation of site soil contaminated with solvents. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 27, 2002.

**Weiss Bothers Property (Former)**, City of McKeesport, **Allegheny County**. Charles Haefner, KU Resources, Inc., Business Innovation Center, Suite 207, One Library Place, Duquesne, PA 15110 (on behalf of GLS Development, Inc., 460 E. Pittsburgh-McKeesport Blvd., North Versailles, PA 15137) has submitted a Remedial Investigation Report, Baseline Risk Assessment and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with lead, heavy metals, BTEX, solvents, SVOCs and VOCs. The Remedial Investigation Report, Baseline Risk Assessment and Cleanup Plan was approved by the Department on February 26, 2002.

**6260 Broad Street**, City of Pittsburgh, **Allegheny County**. William G. Weir, Civil & Environmental Consultants, Inc., 333 Baldwin Rd., Pittsburgh, PA 15205 and Plumbers Equipment Company, 8150 North Lehigh St., Morton Grove, IL 60053 (on behalf of URA of Pittsburgh, 200 Ross St., Pittsburgh, PA 15219) has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with PAHs and solvents. The Remedial Investigation Report was approved by the Department on March 5, 2002.

**Fourway Properties—Breezewood Development Area 1**, Moon Township, **Allegheny County**. John P.

Englert, Kirkpatrick & Lockhart, LLP, 535 Smithfield St., Pittsburgh, PA 15222 (on behalf of Fourway Properties, L.P., 1198 Mulberry St., Bridgewater, PA 15009) has submitted a Final Report concerning the remediation of site soil contaminated with solvents. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 27, 2002.

**Shiffler Steel Site (Former)**, City of Pittsburgh, **Allegheny County**. William G. Weir, Civil & Environmental Consultants, Inc., 333 Baldwin Rd., Pittsburgh, PA 15220 (on behalf of The Rubinoff Company, 503 Martindale St., Pittsburgh, PA 15212 has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with lead, PHCs, PAHs and solvents. The Remedial Investigation Report was approved by the Department on January 14, 2002.

**Nine Mile Run Slag Disposal Site**, City of Pittsburgh, **Allegheny County**. Mulugetta Birru (on behalf of Urban Redevelopment Authority and the City of Pittsburgh, 200 Ross St., Pittsburgh, PA 15219) has submitted a Risk Assessment Report concerning the remediation of site slag and groundwater contaminated with lead, heavy metals and high pH. The Risk Assessment Report was approved by the Department on March 19, 2002.

**Pittsburgh Tube Company Facility (Former)**, City of Monaca, **Beaver County**. William G. Weir, Civil & Environmental Consultants, Inc., 333 Baldwin Rd., Pittsburgh, PA 15205 (on behalf of Beaver County Corporation for Economic Development, 250 Insurance St., Suite 300, Beaver, PA 15009 and Pittsburgh Tube Company, 600 Clubhouse Drive, Suite 200, Moon Township, PA 15108-3195) has submitted a Cleanup Plan concerning the remediation of site soil and groundwater contaminated with PCBs, lead, heavy metals, solvents, antimony, arsenic, copper and selenium. The Cleanup Plan was approved by the Department on March 22, 2002.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

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

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

*Hazardous Waste Transporter License Renewed*

**Dalmatian, Inc.**, P. O. Box 1147, Hebron, OH 43025. License No. **PA-AH 0653**. Effective March 28, 2002.

**Price Trucking Corp.**, P. O. Box 70, 67 Beacon St., Buffalo, NY 14220. License No. **PA-AH 0371**. Effective March 22, 2002.

**Safety-Kleen Services (Quebec) LTD.**, 6785 Rt. 132, St. Catherine, PQ J0L 1E0. License No. **PA-AH0403**. Effective March 21, 2002.

**Waste Management New England Environmental Transport, Inc.**, P. O. Box 144, Portland, CT 06480-0144. License No. **PA-AH 0664**. Effective March 19, 2002.

**Safety-Kleen Canada, Inc.**, 300 Woolwich Rd., Breslau, ON N0B 1M0. License No. **PA-AH 0517**. Effective March 19, 2002.

**Safety-Kleen LTD**, 4090 Telfer Rd., Corunna, ON N0N 1G0. License No. **PA-AH 0523**. Effective March 19, 2002.

#### HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

**Permit issued, suspended, expired, denied, revoked, reinstated or returned under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.**

*Northcentral Region: Regional Solid Waste Manager, 208 West Third St., Williamsport, PA 17701.*

**PAD003053758. Bethlehem Steel Corporation**, Williamsport, Lycoming County. Permit modification issued on March 27, 2002.

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

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

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

**Permit No. 300809** was reissued with a change of ownership from West Penn Power d/b/a Allegheny Power to **Allegheny Energy Supply Company, LLC** for the Mitchell Power Station Solid Waste Disposal Facility in Union Township, **Washington County**. This modification also modifies the Waste Acceptance Plan to allow acceptance of fly ash and bottom ash from Hatfield's Ferry Power Station, located in Monongahela Township, Greene County. Permit issued in the Regional Office on March 28, 2002.

**Permit No. 300370** was reissued with a change of ownership from West Penn Power d/b/a Allegheny Power to **Allegheny Energy Supply Company, LLC** for the Hatfield's Ferry Power Station Solid Waste Disposal Facility in Monongahela Township, **Greene County**. This modification also modifies the Waste Acceptance Plan to allow acceptance of fly ash and bottom ash from Mitchell Power Station, located in Union Township, Washington County. Permit issued in the Regional Office on March 28, 2002.

#### AIR QUALITY

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

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

**01104 and 01105: Mercy Hospital of Philadelphia** (501 South 54th St., Philadelphia, PA 19143) for installing low NOx burners on two boilers in the City of Philadelphia, **Philadelphia County**.

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

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

**09-0150: Rotoflex Tech, Inc.** (180 Penn Am Drive, Quakertown, PA 18951) on March 28, 2002, for operation of a chrome plating process in Richland Township, **Bucks County**.

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

**06-05087A: Haines and Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474) on March 27, 2002, for installation of a fabric collector to control the emissions from an asphalt plant in Colebrookdale Township, **Berks County**.

**21-05064B: Atlas Roofing Corp.** (802 Highway 19 North, Suite 190, Meridian, MS 39307) for installation of a regenerative thermal oxidizer to control VOC emissions from the foam laminator operation at its polyisocyanurate foam manufacturing facility in Camp Hill Borough, **Cumberland County**.

**38-03036A: Cargill, Inc.** (320 North 16th St., Lebanon, PA 17046) on March 26, 2002, for construction of a baghouse aspiration system for grain cleaning at its animal nutrition plant in the City of Lebanon, **Lebanon County**.

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

**00184: Sunoco, Inc. (R&M)** (3144 Passyunk Avenue, Philadelphia, PA 19145) to upgrade feed nozzles, install a vapor quench system and modify the recovery system of the 868 Fluid Catalytic Cracking Unit and increase throughput from 40,000 barrels to 47,500 barrels per day in Philadelphia, **Philadelphia County**.

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

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

**15-0067B: Herr Foods, Inc.** (273 Old Baltimore Pike, Nottingham, PA 19362) on March 26, 2002, for operation of potato chip line no. 3 in West Nottingham Township, **Chester County**.

**46-0081B: Markel Corp.** (416 School Lane, Norristown, PA 19404) on March 26, 2002, for operation of two horizontal extruders in Plymouth Township, **Montgomery County**.

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

**67-02004: P. H. Glatfelter Co.** (228 South Main St., Spring Grove, PA 17362) on March 15, 2002, for operation of three power boilers controlled by an electrostatic precipitator, a lime calciner controlled by a Venturi scrubber and a softwood fiber line and causticizing area controlled by a regenerative thermal oxidizer in Spring Grove Borough, **York County**. This plan approval was extended.

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

**03-00207A: Hanson Aggregates PMA, Inc.** (400 Industrial Boulevard, New Kensington, PA 15068) on March 26, 2002, for operation of diesel engines, generators and tanks in Gilpin Township, **Armstrong County**. This plan approval was extended.

**32-00297C: Creps United Publications** (1163 Water St., P. O. Box 746, Indiana, PA 15701) on March 25, 2002, for construction of a thermal oxidizer in White Township, **Indiana County**. This plan approval was extended.

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

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

**01-03010: Dal-Tile Corp.** (211 North Fourth St., Gettysburg, PA 17325-1694) on March 28, 2002, for operation of its ceramic floor and wall tile manufacturing facility in Gettysburg Borough, **Adams County**.

**01-03011: Dal-Tile Corp.** (211 North Fourth St., Gettysburg, PA 17325-1694) on March 28, 2002, for operation of its ceramic floor and wall tile manufacturing facility in Bendersville Borough, **Adams County**.

**36-05109: Amerimax Home Products, Inc.** (P. O. Box 4515, Lancaster, PA 17604) on March 28, 2002, for operation of its fabricated metal products facility in East Hempfield Township, **Lancaster County**.

**36-05115: MGS, Inc.** (178 Muddy Creek Church Rd., Denver, PA 17517) on March 28, 2002, for construction of a surface coating and curing system in East Cocalico Township, **Lancaster County**.

**38-05020: G and H Fortyniners, Inc. d/b/a Keystone Protein Co.** (P. O. Box 37, Fredericksburg, PA 17026) on March 27, 2002, for operation of the boilers and rendering system in Bethel Township, **Lebanon County**.

**50-03003: Newport School District** (P. O. Box 9, Newport, PA 17074) on March 25, 2002, for operation of two coal-fired boilers at Newport Elementary School in Newport Borough, **Perry County**.

**50-05003: Newport School District** (P. O. Box 9, Newport, PA 17074) on March 25, 2002, for operation of two coal-fired boilers at Newport High School in Newport Borough, **Perry County**.

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

**65-00219: Jeannette City School District** (Park Street, Jeannette, Westmoreland County) on March 28, 2002, a renewal for operation of a boiler in Jeannette City, **Westmoreland 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.**

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

**96-046: National Publishing Co.** (11311 Roosevelt Boulevard, Philadelphia, PA 19154) administratively amended on April 1, 2002, to remove a 10 mmBtu/hr boiler which has been dismantled and completely removed from the facility and to correct typographical errors including the renewal application fee from \$300 to \$375 and the amount of discharge of any organic material from any machine used for employing any photochemically reactive solvent per Air Management Regulation V. Sec. VI.B from 15 pounds per day to 40 pounds per day at their facility in the City of Philadelphia, **Philadelphia County**. The Natural Minor operating permit was originally issued on January 31, 2000.

**95-044: Kinder Morgan Liquids Terminals, LLC** (Allegheny Avenue and Delaware River, Philadelphia, PA 19134) administratively amended on March 27, 2002, to change the ownership of the facility from GATX Terminals Corporation and to change the responsible official for their plant in the City of Philadelphia, **Philadelphia County**. The Title V operating permit was originally issued on September 6, 2001.

**95-051: Sunoco Partners Marketing and Terminals L.P.—Belmont Terminal** (2700 Passyunk Avenue, Philadelphia, PA 19145) administratively amended on March 27, 2002, to change the ownership of the facility from Sunoco, Inc. (R&M) in the City of Philadelphia, **Philadelphia County**. The Title V operating permit was originally issued on December 14, 1999.

**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*

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

**49871601R2. Calvin V. Lenig Coal Prep & Sales, Inc.** (R. R. 1 Box 330, Shamokin, PA 17872), renewal of an anthracite coal preparation operation in Little Mahanoy Township, **Northumberland County** affecting

3.2 acres, receiving stream: none. Application received March 27, 2001. Renewal issued March 27, 2002.

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

**30980101. Coresco, Inc.** (P. O. Box 1209, Morgantown, WV 26507). Permit revised to add 48.4 acres to the permit area at a bituminous surface mine located in Dunkard Township, **Greene County**, now affecting 148.4 acres. Receiving streams: unnamed tributary of Dunkard Creek and Crooked Run. Application received October 30, 2001. Revised permit issued March 28, 2002.

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

**10900109 and NPDES Permit No. PA0208141. Rosebud Mining Company** (R. D. 9, Box 379A, Kittanning, PA 16201) Renewal of an existing bituminous strip and auger operation in Fairview Township, **Butler County** affecting 120.3 acres. This renewal is issued for reclamation only. Receiving streams: Two unnamed tributaries to South Branch Bear Creek. Application received December 31, 2001. Permit issued March 20, 2002.

**10010107 and NPDES Permit No. PA0241920. Ben Hal Mining Company** (389 Irishtown Rd., Grove City, PA 16127) Commencement, operation and restoration of a bituminous strip operation in Washington Township, **Butler County** affecting 20.5 acres. Receiving streams: unnamed tributary No. 2 to South Branch Slippery Rock Creek. Application received July 10, 2001. Permit issued March 22, 2002.

*Noncoal Permits Actions*

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

**5176SM6C3 and NPDES Permit #PA0593761. American Asphalt Paving Co.** (500 Chase Rd., Shavertown, PA 18708), renewal of NPDES Permit in Falls Township, **Wyoming County**, receiving stream: unnamed creek to Susquehanna River. Application received February 28, 2002. Renewal issued March 25, 2002.

**58010855. Thomas J. Reilly and Joseph Panzitta** (222 Wyoming Avenue, West Pittston, PA 18643), commencement, operation and restoration of a quarry operation in Oakland Township, **Susquehanna County**, affecting 5.0 acres. Receiving stream: none. Application received December 31, 2001. Permit issued March 25, 2002.

**4875SM1A1C3 and NPDES Permit #PA0612227. Glen-Gery Corporation** (P. O. Box 7001, Wyomissing, PA 19610-6001), renewal of NPDES Permit in York Township, **York County**, receiving stream: unnamed tributary to Mill Creek. Application received February 11, 2002. Renewal issued March 26, 2002.

**40020801. Dallas Nursery** (R. R. 5 Box 120, Dallas, PA 18612-9160), commencement, operation and restoration of a quarry operation in the City of Nanticoke, **Luzerne County** affecting 5.0 acres, receiving stream: none. Application received January 28, 2002. Permit issued March 29, 2002.

**64022801. Tompkins Bluestone Co., Inc.** (P. O. Box 776, Hancock, NY 13783), commencement, operation and restoration of a quarry operation in Buckingham Township, **Wayne County** affecting 4.0 acres, receiving stream: none. Application received January 31, 2002. Permit issued March 29, 2002.

**ACTIONS ON BLASTING ACTIVITY  
APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 P. S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

*Blasting Permits Actions*

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

**06024007. Schlouch, Inc.** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting in Amity Township, **Berks County** with an expiration date of October 7, 2002. Permit issued March 26, 2002.

**06024008. Schlouch, Inc.** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting in Exeter Township, **Berks County** with an expiration date of October 8, 2002. Permit issued March 26, 2002.

**06024009. Schlouch, Inc.** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting in Exeter Township, **Berks County** with an expiration date of December 31, 2002. Permit issued March 26, 2002.

**06024010. Schlouch, Inc.** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting in Amity Township, **Berks County** with an expiration date of December 12, 2002. Permit issued March 26, 2002.

**21024018. Brubacher Excavating, Inc.** (825 Reading Rd., Bowmansville, PA 17507), construction blasting in Middlesex Township, **Cumberland County** with an expiration date of June 30, 2002. Permit issued March 26, 2002.

**28024009. R & M Excavating** (403 Hilltop Rd., Newburg, PA 17240), construction blasting in Greene Township, **Franklin County** with an expiration date of December 31, 2007. Permit issued March 26, 2002.

**36024019. Gerlach's Drilling & Blasting, Inc.** (172 Bender Mill Rd., Lancaster, PA 17603), construction blasting in Manor Township, **Lancaster County** with an expiration date of January 30, 2003. Permit issued March 26, 2002.

**36024020. Gerlach's Drilling & Blasting, Inc.** (172 Bender Mill Rd., Lancaster, PA 17603), construction blasting in West Hempfield Township, **Lancaster County** with an expiration date of January 30, 2003. Permit issued March 26, 2002.

**36024021. ABEL Construction Co., Inc.** (3925 Columbia Avenue, Mountville, PA 17554), construction blasting in Rapho Township, **Lancaster County** with an expiration date of September 30, 2002. Permit issued March 26, 2002.

**36024022. Keystone Blasting Service** (381 Reifsnyder Rd., Lititz, PA 17543), construction blasting in Clay Township, **Lancaster County** with an expiration date of August 15, 2002. Permit issued March 26, 2002.

**36024023. Keystone Blasting Service** (381 Reifsnyder Rd., Lititz, PA 17543), construction blasting in Manheim Township, **Lancaster County** with an expiration date of April 30, 2007. Permit issued March 26, 2002.

**36024024. BR Kreider & Son, Inc.** (63 Kreider Lane, Manheim, PA 17545), construction blasting in Rapho

Township, **Lancaster County** with an expiration date of September 30, 2002. Permit issued March 26, 2002.

**36024025. BR Kreider & Son, Inc.** (63 Kreider Lane, Manheim, PA 17545), construction blasting in Mt. Joy Township, **Lancaster County** with an expiration date of September 30, 2002. Permit issued March 26, 2002.

**36024026. BR Kreider & Son, Inc.** (63 Kreider Lane, Manheim, PA 17545), construction blasting in Mt. Joy Township, **Lancaster County** with an expiration date of September 30, 2002. Permit issued March 26, 2002.

**36024027. Keystone Blasting Service** (381 Reifsnyder Rd., Lititz, PA 17543), construction blasting in Salisbury Township, **Lancaster County** with an expiration date of July 15, 2002. Permit issued March 26, 2002.

**36024028. ABEL Construction Co., Inc.** (3925 Columbia Avenue, Mountville, PA 17554), construction blasting in East Lampeter Township, **Lancaster County** with an expiration date of January 31, 2003. Permit issued March 26, 2002.

**38024005. Keystone Blasting Service** (381 Reifsnyder Rd., Lititz, PA 17543), construction blasting in Jackson Township, **Lebanon County** with an expiration date of June 30, 2002. Permit issued March 26, 2002.

**38024006. Keystone Blasting Service** (381 Reifsnyder Rd., Lititz, PA 17543), construction blasting in Heidelberg Township, **Lebanon County** with an expiration date of October 31, 2002. Permit issued March 27, 2002.

**38024007. Keystone Blasting Service** (381 Reifsnyder Rd., Lititz, PA 17543), construction blasting in Jackson Township, **Lebanon County** with an expiration date of October 31, 2002. Permit issued March 27, 2002.

**40024003. Raymond Orchard Construction** (1002 Newton Rd., Clarks Summit, PA 18411), construction blasting in Kingston Township, **Luzerne County** with an expiration date of July 31, 2002. Permit issued March 27, 2002.

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

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

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

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

*Permits Issued and Actions on 401 Certifications:*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E46-889. Lejeune Properties, Inc.**, 4070 Butler Pike, Suite 800, Plymouth Meeting, PA 19462, Upper Providence Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following activities associated with the proposed construction of the River Crest Residential/Golf Club Development, located at the corner of Collegetown Road (S.R. 0029) and Black Rock Road (S.R. 4003) (Collegetown, PA Quadrangle North: 5.5 inches, West: 15.35 inches).

1. To construct and maintain a road crossing and associated utilities in 0.39 acre of wetlands (PEM) at the headwaters of an unnamed tributary to the Schuylkill River (WWF).

2. To construct and maintain three 80 feet by 10 feet golf cart bridges located across an unnamed tributary to the Schuylkill River.

3. To remove a 48-inch pipe and replace it with a 28 linear feet, twin, 48-inch RCP Culvert Road crossing located in and along an unnamed tributary to the Schuylkill River for the purpose of emergency access.

4. To construct and maintain an 80 linear feet, 48-inch RCP culvert road crossing located in and along an unnamed tributary to the Schuylkill.

5. To place fill in 90 linear feet of the headwaters an unnamed tributary associated with the construction of fairway one of the proposed golf course.

6. The project also proposes a 45-foot extension to an existing 45-foot long 30-inch CMP Culvert Road crossing in and along an unnamed tributary to the Schuylkill River under Collegetown Road (S.R. 29), which is owned and operated by the Department of Transportation.

**E46-876. The Philadelphia Cricket Club**, 415 West Willow Grove Avenue, Philadelphia, PA 19118, White-marsh Township, **Montgomery County**, ACOE Philadelphia District.

To amend permit No. E46-876, which authorized various activities associated with the construction of the Philadelphia Cricket Club Golf Course for the following water obstruction and encroachment activities, which impacted a total of 898 linear feet of Lorraine Run (TSF), unnamed tributaries will impact 0.36 acre of adjacent wetland (PRO) associated with the construction of the Philadelphia Cricket Club Golf Course:

1. To maintain 13 stormwater outfalls.

2. To maintain eight golf cart bridges.

3. To eliminate the construction of a golf course pond along the bank and within the floodway of Lorraine Run associated with Hole No. 13.

4. To maintain fill within approximately 570 linear feet of an unnamed tributary to Lorraine Run associated with the construction of a new settling pond in accordance with Mining Permit No. 8074SM2T2 and to maintain 260 linear feet of constructed channel originating at the mining discharge point.

5. To include the placement of approximately 0.2 acre of fill within wetlands (PEM) associated with modification to the fairway for Hole No. 18.

The site is bounded by Joshua Road and Fort Washington State Park to the north, West Valley Green Road to the south and Stenton Avenue to the west (Germantown, PA Quadrangle N: 20.05 inches; W: 15.0 inches). The permittee proposed to provide 1.0 acre of replacement wetlands.

**E51-195. John Bartram Associates and Fairmount Park Commission**, 54th St. and Lindbergh Boulevard, Philadelphia, PA 19030, City and County of Philadelphia, ACOE Philadelphia District.



To perform the following activities associated with the construction of the proposed berthing facility at the existing Bartram's Garden along the Schuylkill River (WWF-MF) (Philadelphia, PA Quadrangle N: 10.5 inches, W: 11.8 inches).

1. To maintain the existing facility at Bartram's Gardens including floating boat launch platforms, a low deck structure, retaining walls, dolphins, dike, rip rap shore protection, boardwalks, trails, walkways, a pedestrian bridge, outlet structure, drainage systems and other associated facilities within the floodplain of the Schuylkill River and along approximately 2,857 feet of shoreline between 51st and 56th Streets.

2. To construct and maintain 12 bents with associated piles, to strengthen and rehabilitate the existing seawall.

3. To install and maintain an "L" shaped 125-foot by 8-foot and 50-foot by 8-foot floating dock with associated piles. This work also includes installation of handrails and lights on the floating dock.

4. To install and maintain a 30-foot by 5-foot floating dock with associated piles downstream from the existing seawall. This work also includes installation of handrails and lights on the floating dock.

5. To install one loading platform and gangway with associated piles.

6. To install and maintain two mooring dolphins with associated piles.

7. To install and maintain a 120-foot long fender system with associated piles.

8. To modify and maintain the existing facility by installing fences, lighting fixtures, ADA wheelchair complaint hoist, benches, trash receptacles and electrical utilities. This work also includes resurfacing of the existing 660-foot long roadway and rehabilitation of the existing retaining wall with supporting bents.

Proposed work will impact a total length of approximately 400 feet along the Schuylkill River. Various sizes and types of piles with an approximate total area of 107 square feet will be utilized for the construction of this facility.

**E51-139. Delaware Avenue Enterprises, Inc.,** P. O. Box 1800, Philadelphia, PA 19101, City and County of Philadelphia, ACOE Philadelphia District.

Permit No. E51-139 is amended for the second time, for the construction and maintenance of a multipurpose terminal facility situated in and along the Delaware River (WWF, MF). The amendment will allow for the construction of a modified bulkhead design, which eliminates the need to demolish the existing piers and requires an extension of the previously approved bulkhead line approximately 8 feet riverward. This facility is located immediately upstream of the Walt Whitman Bridge and encompasses Piers 103 through 108 (Philadelphia, PA NJ Quadrangle N: 5.9 inches; W: 2.5 inches).

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

**E54-274. West Brunswick Township,** R. R. 1, Box 1363, Orwigsburg, PA 17961-9745. West Brunswick Township, **Schuylkill County,** Army Corps of Engineers Philadelphia District.

To maintain an existing stone masonry arch bridge across Pine Creek having a span of 23 feet and a

maximum underclearance of 10.2 feet by repointing the joints of the stone masonry and paving the deck of the bridge. The project is located along Township Road T729 (Frisbie Road), approximately 200 feet west of the intersection with T726 (Orwigsburg, PA Quadrangle N: 4.5 inches; W: 3.7 inches).

**E45-411. Jerry Perry,** R. R. 1, Box 1416, Stroudsburg, PA 18360. Hamilton Township, **Monroe County,** Army Corps of Engineers Philadelphia District.

To construct and maintain a building addition to the existing Pocono Valley Personal Care Facility that has a 30-foot x 5-foot portion located in the floodway of a tributary to Cherry Creek. The project also includes a stormwater outfall channel to said tributary and is located south of S.R. 2003 (Kemmerstown Road), approximately 0.15 mile west of S.R. 2002 (Stroudsburg, PA-NJ Quadrangle N: 10.8 inches; W: 16.8 inches).

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

**E50-207. Michael Dubaich,** P. O. Box 201, Liverpool, PA 17045 in Tuscarora Township, **Perry County,** ACOE Baltimore District.

To construct and maintain a crossing consisting of two 8.15-foot by 5.78-foot corrugated metal arch culverts in the channel of Raccoon Creek (CWF) at a point approximately 7,000 feet downstream of Route 17 for the purpose of constructing a driveway (Mexico, PA Quadrangle N: 1.3 inches; W: 1.75 inches) in Tuscarora Township, Perry County.

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

**E08-387. Department of Transportation, District 3-0,** P. O. Box 218, Montoursville, PA 17754-0218. Bridge Replacement, in Canton Township, **Bradford County,** ACOE Baltimore District (Canton, PA Quadrangle N: 16.4 inches; W: 14.4 inches).

To remove the existing reinforced concrete I-beam bridge which has a normal opening of 20 feet and an underclearance of 10 feet and a curb-to-curb width of 27.9 feet; and to construct and maintain a precast reinforced concrete box culvert with a hydraulic opening of approximately 221 square feet and a 30 foot wide roadway over the culvert with 5 foot wide sidewalks over Mill Creek on S.R. 14, Section 065 in Canton Borough, Bradford County.

**E18-329. Department of Conservation and Natural Resources,** P. O. Box 8451, Harrisburg, PA 17105-8451. Bridge 7-0054 Replacement, in Green Township, **Clinton County,** ACOE Baltimore District (Loganton, PA Quadrangle N: 11.2 inches; W: 14.3 inches).

To: 1) remove an existing bridge; 2) construct and maintain a concrete single span prestressed spread box beam bridge with a 22.75-foot normal opening, 7.5-foot underclearance and associated R-4 choked R-7 riprap to cross Long Run located 1,200 feet south on Rainsares Road from SR 477. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E41-500. Department of Transportation, Engineering District 3-0,** P. O. Box 218, Montoursville, PA 17754-0218. SR 2071 Bryan Mill bridge replacement, in Wolf Township, **Lycoming County,** ACOE Susquehanna River Basin District (Picture Rocks, PA Quadrangle N: 2.5 inches; W: 12.9 inches).



To remove an existing structure and construct and maintain a two span adjacent box beam bridge having a span of 150.0 feet and a minimum underclearance of 14.25 feet with a skew of 83° in Muncy Creek (TSF). The project is located along SR 2017 approximately 0.2 mile west of SR 220 and SR 2017 intersection in Wolf Township, Lycoming County. The constructed bridge will have a minimal impact on wetlands while impacting 150-feet of waterway.

**E49-257. Shamokin Township Supervisors**, R. R. 1, Box 459, Paxinos, PA 17860. Water Obstruction and Encroachment Joint Permit Application, in Shamokin Township, **Northumberland County**, ACOE Susquehanna River Basin District (Trevorton, PA Quadrangle N: 16.6 inches; W: 2.3 inches).

To remove an existing metal pipe culvert and construct and maintain a corrugated metal arch culvert measuring 44-feet long by 7.25-feet wide by 5.25-feet high as well as R-4 riprap protection in an unnamed tributary to Shamokin Creek along T-485 in Shamokin Township, Northumberland County. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E11-291. East Carroll Township**, 3350 Brick Rd., Carrolltown, PA 15722. East Carroll, Cambria and Allegheny Townships, **Cambria County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a corrugated metal box culvert having a normal

span of 13.8 feet and an underclearance of 5.4 feet in Chest Creek (HQ-CWF) for the purpose of improving transportation safety and roadway standards. The project will reportedly affect a de minimis amount of wetland (0.02 acre). The project is located on Township Road T-481, approximately 2.75 miles east of U. S. Route 219 (Carrolltown, PA Quadrangle N: 6.65 inches; W: 7.4 inches).

**E56-307. Seven Springs Farm, Inc.**, 777 Waterwheel Drive, Champion, PA 15622. Jefferson Township, **Somerset County**, ACOE Pittsburgh District.

To construct and maintain a 6-inch depressed 87-inch x 63-inch corrugated metal pipe arch culvert in an unnamed tributary to Jones Mill Run (EV) for the purpose of providing access to proposed dwellings associated with the Pheasant Run Subdivision. This permit also authorizes the installation and maintenance of two 8-inch PVC sewer lines and a 6-inch PVC water line across an unnamed tributary to Jones Mill Run (EV). The project is located on Grouse Point Drive (Seven Springs, PA Quadrangle N: 6.35 inches; W: 3.9 inches).

**E65-795. Humane Society of Westmoreland County**, P. O. Box 1552, Greensburg, PA 15601. Hempfield Township, **Westmoreland County**, ACOE Pittsburgh District.

To operate and maintain a single span bridge having a normal span of 24.0 feet and an underclearance of 5.5 feet across Jacks Run (WWF) authorized for construction under Emergency Permit No. EP6501201. The bridge is located off of S.R. 119 (Greensburg, PA Quadrangle N: 11.0 inches; W: 4.0 inches).

## SPECIAL NOTICES

### Notice of Certification to Perform Radon-Related Activities in this Commonwealth

In the month of March 2002, 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 Chapter 240, has certified the following persons to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Terry Amsley	74 Derbyshire Drive Carlisle, PA 17013	Testing
Tom Berardelli	483 North Main St. Moscow, PA 18444	Testing
Fran Buechele	1401 Sentry Lane Norrstown, PA 19403	Testing and Mitigation
Mavis Cheatham URS Corporation	2325 Maryland Rd. Willow Grove, PA 19090	Testing
David DeMar Accurate Radon Control	P. O. Box 296 Green Lane, PA 18054	Mitigation
Heber Dreher, III	7 Edward Circle Lewisburg, PA 17837	Testing
Vilas Godbole	307 Dogwood Lane Wallingford, PA 19086	Mitigation
Robert Hannabery	P. O. Box 98 Coopersburg, PA 18036	Testing
Nick Hindley	1132 R. R. 1 Honesdale, PA 18431	Testing
David Morgan	44 Crestview Rd. Phoenixville, PA 19460	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Michael Myers AccuStar Labs—Midwest	3334 Commercial Avenue Northbrook, IL 60062	Laboratory
Michael Stabinski	219 West Grove St. Clarks Summit, PA 18411	Testing
Richard Stump, II Suburban Water Testing Labs, Inc.	4600 Kutztown Rd. Temple, PA 19560	Testing
Barbara Sykes	88 Cherry Lane Doylestown, PA 18901	Testing
John Sykes	88 Cherry Lane Doylestown, PA 18901	Testing and Mitigation
Tracy Tobiczky	41 Indian Rocks Lake Ariel, PA 18436	Testing
Stanley Watras S. J. Watras, Inc.	32 Indian Lane Boyertown, PA 19512	Testing and Mitigation
John Wilson	107 Lockerbie Lane West Chester, PA 19382	Testing
Ronald Zimmerman	99 Kohler Rd. Kutztown, PA 19530	Testing

### **Bureau of Deep Mine Safety Request for Variance**

The Department of Environmental Protection (Department), Bureau of Deep Mine Safety (Bureau), has received a request for variance from Dunkard Mining, Inc. The following notification contains a summary of this request. A complete copy of the variance request may be obtained from Allison Gaida by calling (724) 439-7469 or from the Bureau website at <http://www.dep.state.pa.us/dep/deputate/minres/dms/dms.htm>.

The Department is publishing a summary of the request to solicit comments from affected parties on the proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance request. Comments will be accepted for 30 days following the publication of this notice. Comments should be addressed to Richard E. Stickler, Director, Bureau of Deep Mine Safety, Fayette County Health Center, 100 New Salem Rd., Room 167, Uniontown, PA 15401.

Section 702 of the Bituminous Coal Mine Act (52 P. S. § 702) provides a mechanism for operators to obtain variances from specific requirements of the act to accommodate the adoption of new machinery, equipment, tools, supplies, methods or processes.

Section 224(b) of the Pennsylvania Bituminous Coal Mine Act (act) (52 P. S. § 701-224(b)) states that whenever any working place in a mine approaches within 50 feet of abandoned workings certified by an engineer or within 200 feet of any abandoned workings which cannot be inspected or within 200 feet of any other abandoned workings, boreholes shall be drilled at least 20 feet in advance of the face of the working place. Boreholes shall be drilled sufficiently close to each other to insure that the advancing face will not accidentally hole through into the workings. Boreholes shall also be drilled not more than 8 feet apart in the rib of the working place to a distance of at least 20 feet at an angle of 45 degrees. Rib holes shall be drilled in one or both ribs of the working place as may be necessary for adequate protection of persons working in a place.

*Summary of the Request:* Dunkard Mining, Inc. requested a variance from section 224(b) of the act to drill a

horizontal borehole to the west of the Rosedale #8 Mine to protect miners against accidentally mining into the abandoned mine.

[Pa.B. Doc. No. 02-580. Filed for public inspection April 12, 2002, 9:00 a.m.]

### **Availability of Technical Guidance**

Technical guidance documents are on the Department of Environmental Protection's (Department) website ([www.dep.state.pa.us](http://www.dep.state.pa.us)) at the Public Participation Center page. The "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 Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2002.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling the Department at (717) 783-8727.

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

#### *Changes to Technical Guidance Documents*

The 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.

#### *Draft Technical Guidance*

DEP ID: 255-5400-001. Title: Outdoor Shooting Range Guidance. Description: This guidance is intended to be

used by operators of outdoor shooting ranges and by Department staff to prevent, eliminate or mitigate hazards to human health or the environment resulting from the use of lead shot. Anticipated Effective Date: June 28, 2002. Comment Period Ends: May 13, 2002. Contact: Ken Beard at (717) 783-9475 or e-mail: kbeard@state.pa.us.

DEP ID: 013-0830-007. Title: Formats for Required Electronic Deliverable GIS Attachments. Description: The Department is in the process of implementing web-based applications and reporting tools to be used by applicants for permits and reporting required by permits or other regulatory requirements. This policy establishes the standards, requirements and acceptable formats for external and internal electronic GIS attachments. This document identifies the standards that should be followed to ensure that a GIS-related item submitted to the Department will be in an acceptable format. Anticipated Effective Date: July 13, 2002. Comment Period Ends: May 13, 2002. Contact: Rick Bennett at (717) 705-3870 or e-mail: ribennett@state.pa.us.

DEP ID: 363-2134-013. Title: Permit Guidelines For Phased NPDES Stormwater Construction Permits, Erosion and Sediment Control Permits, and Waterway Restoration. Project Permits Description: The Department's approach to permit phased construction and waterway restoration activities uses existing authority to promote the development of comprehensive project plans, provide for a single and complete project review, ensure impacts from construction and waterway restoration activities are minimized, allow for more efficient use of grant money, provide implementation flexibility for long range planning and minimize delays in project implementation. It is the policy of the Department to ensure projects requiring its permits are reviewed as single and complete projects and meet all public health, safety and environmental requirements. The Department is also committed to the implementation of an effective, efficient and flexible permit application and review process that eliminates redundant processing procedures and ensures public notice, while meeting its commitment to the public interest and the environment. Anticipated Effective Date: July 2002. Comment Period Ends: May 13, 2002. Contact: Ken Reisinger at (717) 787-6827 or e-mail: kereisinge@state.pa.us.

DAVID E. HESS,  
*Secretary*

[Pa.B. Doc. No. 02-581. Filed for public inspection April 12, 2002, 9:00 a.m.]

### Environmental Justice Advisory Board Meeting

The meeting of the Environmental Justice Advisory Board will be held on April 29, 2002, from 8:30 a.m. to 5 p.m. in Room 105, Rachel Carson State Office Building, Harrisburg, PA.

Questions concerning this meeting can be directed to Lorraine Wagner at (717) 783-1566 or e-mailed to lowagner@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for the Americans With Disabilities Act of 1990 should contact Lorraine Wagner at (717) 783-1566 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to

discuss how the Department may accommodate their needs.

DAVID E. HESS,  
*Secretary*

[Pa.B. Doc. No. 02-582. Filed for public inspection April 12, 2002, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Hamot Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hamot Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.7.B2 (relating to PACUs in surgical suites) and 7.3.A3 (relating to patient space in critical care units).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aide, service or other accommodation to do so, should contact, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 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. 02-583. Filed for public inspection April 12, 2002, 9:00 a.m.]

### Application of Kane Community Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Kane Community Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 7.2.B10 (relating to examination/treatment rooms in service areas).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: DDITLOW@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 at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aide, service or other accommodation to do so, should contact, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 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. 02-584. Filed for public inspection April 12, 2002, 9:00 a.m.]

### Requests for Exception; Long-Term Care Nursing Facilities

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

Morrison's Cove Home  
429 South Market Street  
Martinsburg, PA 16662

Countryside Convalescent Home Limited Partnership  
8221 Lamor Road  
Mercer, PA 16137

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.10(c) (relating to doors):

Jewish Home of Greater Harrisburg  
4000 Linglestown Road  
Harrisburg, PA 17112

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the 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 listed previously.

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact V/TT: (717) 783-6154 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. 02-585. Filed for public inspection April 12, 2002, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Payments to Nursing Facilities; April 1, 2002 Proposed Rates

The notice announces the proposed changes in nursing facility per diem payment rates reflecting case-mix index (CMI) adjustments only, for nursing facility services provided on or after April 1, 2002, and to identify the methodology and justification for these proposed rates. Under 42 U.S.C.A. § 1902(a)(13)(A), as amended by section 4711 of the Balanced Budget Act of 1997 (Pub. L. No. 105-33), a state must use a public process when it proposes to make changes in payment rates or payment methodologies for nursing facility services under its approved Title XIX State Plan.

The Department of Public Welfare (Department) has submitted a State Plan Amendment which will, if approved by the Centers for Medicare and Medicaid Services (CMS), change the methods and standards for setting payment rates for nursing facility services relating to movable property. These proposed rates are contingent upon approval of the State Plan Amendment by CMS.

#### *Rates*

The proposed rates are available through the local County Assistance Offices throughout this Commonwealth, on the Office of Medical Assistance Programs' website at [www.dpw.state.pa.us/omap](http://www.dpw.state.pa.us/omap) or by contacting Tom Jayson, Policy Section, Bureau of Long Term Care Programs at (717) 705-3705.

#### *Methodology*

The methodology that the Department used to set the proposed rates based on CMI adjustments is contained in 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting), in a final-omitted rulemaking published at 32 Pa.B. 734 (February 9, 2002) and in the Commonwealth's pending Title XIX State Plan which was submitted to CMS on September 21, 2001.

#### *Justification*

The rate-setting methodology requires that per diem rates be adjusted for the 2nd, 3rd and 4th quarters of each rate year.

The estimated increase in annual aggregate expenditures for Medical Assistance nursing facility services for FY 2001-2002 is \$4.907 million (\$2.238 million in Commonwealth funds).

Interested persons are invited to submit written comments only concerning CMI adjustments to the proposed rates to the Department within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Comments should be addressed to Department of Public Welfare, Attention: Suzanne Love, P. O. Box 2675, Harrisburg, PA

17105. Persons with a disability may use the AT&T Relay Services by calling (800) 654-5984 (TDD Users) or (800) 654-5988 (Voice Users).

FEATHER O. HOUSTOUN,  
*Secretary*

**Fiscal Note:** 14-NOT-319. (1) General Fund; (2) Implementing Year 2001-02 is \$2,238,000; (3) 1st Succeeding Year 2002-03 is \$5,371,000; 2nd Succeeding Year 2003-04 is \$5,371,000; 3rd Succeeding Year 2004-05 is \$5,371,000; 4th Succeeding Year 2005-06 is \$5,371,000; 5th Succeeding Year 2006-07 is \$5,371,000; (4) 2000-01 Program—\$722,565,000; 1999-00 Program—\$693,625,000; 1998-99—\$712,631,000; (7) Medical Assurance—Long Term Care; (8) recommends adoption. Funds are included in the budget for this purpose.

[Pa.B. Doc. No. 02-586. Filed for public inspection April 12, 2002, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Cigarette Tax Notice

Under section 227-A of the Fiscal Code (72 P. S. § 227-A) relating to administration powers and duties, the Department of Revenue (Department) announces the lowest cost of the stamping agent, wholesaler and retailer, respectively, effective April 1, 2002, as follows:

	<i>Premium Brands (a.k.a. Kings and Regulars)</i>	<i>Generic Brands</i>
Cost of the Stamping Agent (for sales to wholesalers)	\$30.74	\$28.04
Cost of the Wholesaler (for sales to retailers)	\$31.97	\$29.17
Cost of the Retailer (for sales to retail customers)	\$31.97	\$29.17

The Department considers these costs as presumptive minimum costs. Cigarette stamping agents, wholesalers and retailers are prohibited from selling cigarettes at a price lower than their respective presumptive minimum costs. These costs are listed on a per carton basis, 10 packs of cigarettes per carton, 20 cigarettes per pack. To determine the presumptive minimum price per pack of cigarettes, one should divide the costs listed in this notice by 10 and round to the nearest hundredth of a percent. For example, the presumptive minimum price of a pack of cigarettes sold by a retailer to a consumer is \$3.39 for premium brands (\$33.89/10), \$3.10 for generic brands (\$30.92/10).

Cigarette dealers who either sell cigarettes under a different packaging setup (that is, eight packs per carton) or sell cigarettes that do not qualify as premium or generic brands (that is, subgeneric, foreign or specialty cigarettes) as described in this notice are prohibited from selling cigarettes at a price lower than the cost of the stamping agent, cost of the wholesaler or cost of the retailer, respectively, as further defined and explained in the Department's cigarette tax regulations, 61 Pa. Code Part I, Subpart B, Article III (relating to cigarette and beverage taxes).

Cigarette dealers wishing to prove a cost different from the Department's presumptive costs as stated in this notice must follow the procedures listed under 61 Pa. Code Chapter 76 (relating to unfair sales of cigarettes).

LARRY P. WILLIAMS,  
*Secretary*

[Pa.B. Doc. No. 02-587. Filed for public inspection April 12, 2002, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Bloomsburg Municipal Authority v. DEP; EHB Doc. No. 2002-079-K

Bloomsburg Municipal Authority has appealed the issuance by the Department of Environmental Protection of an NPDES permit to same for a facility in the Town of Bloomsburg, Columbia County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 02-588. Filed for public inspection April 12, 2002, 9:00 a.m.]

### Borough of Highspire v. DEP; EHB Doc. No. 2002-078-C

Borough of Highspire Borough has the issuance by the Department of Environmental Protection of an NPDES permit to same for a facility in Highspire Borough, Dauphin County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 02-589. Filed for public inspection April 12, 2002, 9:00 a.m.]

## HUMAN RELATIONS COMMISSION

### Public Hearing Opinion

The Human Relations Commission, under section 7(o) of the Pennsylvania Human Relations Act (act) (43 P. S. § 957(o)) 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 (43 P. S. § 959(e)—(g)), in the following case:

*Stephanie Bedford, individually and o/b/o minor child, Jerome Nelson v. William F. Barrett*; Doc. No. H7353; (Human Relations Commission, March 25, 2002); Familial Status—and Retaliation-based refusal to renew a lease. Ruling for Respondent, 10-0 decision; 20 pages.

The final order in the previously-listed case is 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 opinion 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 to Laura J. Treaster, Communications Director, Human Relations Commission, 301 Chestnut Street, Suite 300, Harrisburg, PA 17101. The check or money order should be made payable to "Commonwealth of Pennsylvania."

HOMER C. FLOYD,  
*Executive Director*

[Pa.B. Doc. No. 02-590. Filed for public inspection April 12, 2002, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(d) of the Regulatory Review Act (71 P. S. § 745.5(d)) provides that the designated standing committees may issue comments within 20 days of the close of the public comment period, and the Independent Regulatory Review Commission (Commission) may issue comments within 10 days of the close of the Committees' comment period. The Commission's comments are based upon the criteria contained in section 5.1(h) and (i) of the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)).

The Commission issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted by the date indicated.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Issued</i>	<i>Final-Form Submission Deadline</i>
#14-474	Department of Public Welfare Redetermining Eligibility, General Eligibility Provisions and Income	3/28/02	2/25/04
(32 Pa.B. 431 (January 26, 2002))			

### Department of Public Welfare Regulation No. 14-474 Redetermining Eligibility, General Eligibility Provisions and Income March 28, 2002

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which have not been met. The Department of Public Welfare (Department) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by February 25, 2004, the regulation will be deemed withdrawn.

#### 1. Eligibility provisions for Extended TANF—Consistency with statute; Reasonableness; Clarity.

The eligibility provisions for Extended TANF are not clear. Sections 141.51 and 141.52 briefly outline the Maximizing Participation Project (MPP), Work Plus Program (WPP) and the related vocational assessment and Work Capacity Assessment. However, the regulation does not contain substantive provisions addressing the eligibility requirements for these programs or how they will be implemented. Additionally there is no description of what support services will be available to recipients in MPP and WPP, such as childcare and transportation, to enable them to meet work requirements.

The Public Welfare Code at 62 P. S. § 403(b) states,

In adopting regulations, orders, or standards of general application, the secretary shall strive for clarity of language which may be readily understood by those administering assistance and by those who apply for or receive assistance. . . .

The Department should include the requirements for these programs in the regulation.

#### 2. General.—Implementation procedures; Clarity.

In our comments on the rulemaking for the Temporary Assistance for Needy Families (TANF) program (#14-472) we stated:

The Department has stated that regulations dealing with the exceptions to the time limits will be promulgated in the near future. The Department should publish these proposed rulemakings as soon as possible. Then the Department should file a comprehensive final-form regulation containing all TANF-related provisions as a single final-form regulation.

In the Preamble of this rulemaking (#14-474), the Department indicates that the TANF rulemaking (#14-

472) will be finalized before this rulemaking (#14-474). Many questions regarding the overall TANF program will remain unanswered under this scenario.

Other contemporaneous actions the Department is taking also contribute to this confusion. The Department is developing a third TANF rulemaking to address domestic violence that probably won't be in place until after rulemakings #14-472 and #14-474 are final. In addition, the Department is implementing other policies and programs that will not be included in any of the TANF regulations. We reiterate that the full TANF program, with all applicable policies and programs, should be available for review as a single final-form regulation to allow comprehensive review of the program.

**3. Section 133.23. Requirements.—Reasonableness; Need; Clarity.**

The subtitle of Chapter 133 does not include Extended TANF. It should read, "REDETERMINING ELIGIBILITY PROVISION FOR TANF, EXTENDED TANF AND GA."

Also, subsection (a)(vi) requires a "complete redetermination" of eligibility for benefits when a budget group transfers from TANF to Extended TANF. It is unclear what a "complete redetermination" is. Also, does this apply to recipients who have recently gone through a redetermination for another reason?

**4. Section 141.41. Policy.—Need; Clarity.**

Subsection (f)(1) describes one circumstance when a TANF recipient would not be charged for assistance against their 60-month time limit. Commentators stated there are other circumstances when assistance would not be counted toward the 60-month time limit. They include nonassistance, time-out and other circumstances described in the Department's Cash Assistance Handbook. Circumstances that do not count toward the 60-month time limit should be included in subsection (f).

Finally, we also note that the amendments to § 141.41 in this rulemaking (#14-474) are identical to those already proposed in rulemaking #14-472. Will the amendments to this section remain consistent with #14-472?

**5. Section 141.51. Policy.—Protection of the public safety; Reasonableness; Clarity.**

*Subsection (a), Paragraph (1) Extended TANF for victims of domestic violence*

*Eligibility for Extended TANF due to domestic violence*

Subparagraph (i) requires verification of domestic violence to be eligible for Extended TANF. Subparagraphs (ii) and (iii) establish eligibility when there are pre-existing waivers related to domestic violence. These provisions only apply to families who have current or past waivers from certain TANF requirements due to domestic violence. Can a family experiencing domestic violence qualify for Extended TANF if domestic violence was not previously established under TANF? If so, the regulation should include a cross-reference to this process.

*Domestic violence plan*

Subparagraph (iv) requires compliance with a "domestic violence plan developed with a person trained in domestic violence services." We have two concerns.

First, the regulation does not provide detail regarding what constitutes a domestic violence plan. The regulation should specify or cross reference the requirements of a domestic violence plan.

Second, what specifically is "a person trained in domestic violence services"? What level of training is required to develop a domestic violence plan? Are these persons employed by the Department or under Department contract(s) for services?

*Six month review*

Subparagraph (v) under domestic violence waivers states, "Eligibility shall be reviewed at least every 6 months." There are two concerns. First, what process will the Department follow to rescind a waiver when eligibility is reviewed? Second, how can an applicant appeal a finding that would rescind eligibility? These processes should be included in the regulation or cross-referenced.

*Subsection (b) Compliance review and good cause*

Subsection (b) establishes conditions that would cause a family to be ineligible, including failure to comply with an MPP or WPP. However, there is no reference to provisions for compliance review and "good cause." Subsection (b) should reference these provisions.

**6. Section 141.52. Definitions.—Reasonableness; Clarity.**

*Structure of the regulation*

Definitions describe terms, but are not enforceable. As stated in our first comment, the requirements for the programs described in the definitions need to be in the body of the regulation.

*Placement of definitions*

The definitions section of a regulation is typically placed before the provisions of the regulation where the terms appear. The Department should place the definitions before the sections of the regulation that use the terms.

*Applicability of the definitions*

The scope of the definitions in this section is limited to "this section and § 141.51." These definitions should apply to all relevant chapters or sections.

*Adult*

This definition is confusing and should be rewritten. It may be clearer to break the definition into a subparagraph (i) for an individual 19 years of age or older, and a subparagraph (ii) for an individual 18 years of age who is not a full-time student in secondary school, vocational training or technical training.

*MPP—Maximizing Participation Project*

What are "functional limitations" and "good cause situations"?

*RESET—Road to Economic Self-Sufficiency Through Employment and Training*

The phrase "within the constraints of available funds" does not belong in this definition. Because funding availability directly impacts on eligibility requirements for the program and the services offered, it is a substantive provision. Substantive provisions in a definition are not enforceable. Therefore, the Department should remove this phrase and move it to a provision establishing the parameters of and requirements for RESET.

*WCA—Work Capacity Assessment*

This definition also contains substantive language. Therefore, subparagraphs (i)—(iv) should be moved to § 141.51.

Also, how does a physician or psychologist get Department approval?

**7. Section 183.13. Potential sources.—Clarity.**

Section 183.13(c)(3) excludes the applicant's family from eligibility until the applicant complies. The identical requirement in § 141.21(n)(1)(iii) excludes both the applicant and the applicant's family from eligibility. Should § 183.13(c)(3) also exclude the applicant from eligibility?

JOHN R. MCGINLEY, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-591. Filed for public inspection April 12, 2002, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulation on the date indicated. To obtain the date and time of the meeting at which the Commission will consider this regulation, contact the Commission at (717) 783-5417 or visit its website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). To obtain a copy of the regulation, contact the promulgating agency.

*Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
106-6	Environmental Hearing Board Practice and Procedure	4/2/02

JOHN R. MCGINLEY, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-592. Filed for public inspection April 12, 2002, 9:00 a.m.]

**INSURANCE DEPARTMENT**

**Alleged Violation of Insurance Laws; Matthew D. McGuckin; SC02-04-001**

Notice is given of the Order to Show Cause issued on April 2, 2002, by the Deputy Insurance Commissioner in the previously-referenced matter. Violation of the following is alleged: sections 602(a)(2), 604, 605, 633, 633.1 and 639 of the Insurance Department Act of 1921 (40 P. S. §§ 232(a)(2), 234, 235, 273, 273.1 and 279); 31 Pa. Code §§ 37.17, 37.46, 37.47 and 37.81; and sections 4, 5(a)(2) and (7)—(11) of the Unfair Insurance Practices Act (40 P. S. §§ 1171.4, 1171.5(a)(2) and 1171.7—1171.11).

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 the General Rules of Administrative Practice and Procedure); 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure); and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Docket Clerk,

Insurance Department, Administrative Hearings Office, 901 North Seventh 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,  
*Secretary*

[Pa.B. Doc. No. 02-593. Filed for public inspection April 12, 2002, 9:00 a.m.]

**Application for Approval to Acquire Control**

HealthAmerica Pennsylvania, Inc. has filed an application to acquire control of NewAlliance Health Plan, Inc., a Commonwealth domiciled health maintenance organization. The filing was made under the requirements set forth under the act of May 17, 1921 (P. L. 682, No. 284) (40 P. S. §§ 991.1401—991.1413). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, by fax to (717) 787-8557 or by e-mail to [rbrackbill@state.pa.us](mailto:rbrackbill@state.pa.us).

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-594. Filed for public inspection April 12, 2002, 9:00 a.m.]

**Application for Approval of a Proposed Merger**

HealthAmerica Pennsylvania, Inc., a for-profit health maintenance organization organized under the laws of the Commonwealth, has filed an application for approval to merge with NewAlliance Health Plan, Inc., also a for-profit health maintenance organization organized under the laws of the Commonwealth, with HealthAmerica Pennsylvania, Inc. surviving the merger. The filing was made under the requirements set forth under the act of May 17, 1921 (P. L. 682, No. 284) (40 P. S. §§ 991.1401—991.1413) and the GAA Amendments Act of 1990 (15 P. S. §§ 21205—21207). Persons wishing to comment on the merger are invited to submit a written statement to the Insurance Department (Department) within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA



17120; fax (717) 787-8557; or e-mail rbrackbill@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-595. Filed for public inspection April 12, 2002, 9:00 a.m.]

### Export List of Insurance Coverages; Request for Comments

The Commissioner published a notice at 32 Pa.B. 1013 (February 16, 2002) soliciting comments to the export list published at 31 Pa.B. 3373 (June 23, 2001). Consideration was given to all comments received. The Commissioner proposes to amend the June 23, 2001, list to add "medical malpractice liability with or without related general liability coverages" and to modify the nursing home liability by adding "with or without other affiliated elder care services." Additionally, the Commissioner proposes to amend the June 23, 2001, list to delete the following:

#### Amusements

- Golf courses and driving ranges
- Animal rides
- Guide, lodge or outfitters
- Horseback/pony riding establishments
- Hunting clubs
- Skating rinks (roller and ice) and skate board parks
- Boat rentals
- House movers
- Law enforcement liability
- Products recall coverage

Persons wishing to comment on the Commissioner's proposals are invited to submit a written statement within 15 days from the date of this publication. Each written statement must include sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Office of Regulation of Companies, Insurance Department, 1345 Strawberry Square, Harrisburg, PA, 17120, fax (717) 787-8557 or e-mail cbybee@state.pa.us. Formal notification of any changes will be published in the *Pennsylvania Bulletin* after the 15-day comment period, or a notice will be published stating that the June 23, 2001, list remains in effect.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-596. Filed for public inspection April 12, 2002, 9:00 a.m.]

### Med CAT Fund Stakeholders Meeting

On March 20, 2002, Governor Schweiker signed Act 13 of 2002 (Act 13). Act 13 confers immediate supervision of the Med CAT Fund (Fund) to the Insurance Department (Department) and transfers the Fund's operation to the Department on October 1, 2002. Act 13 further mandates that the Department utilize third-party administrator services to administer medical malpractice claims submitted to the Fund.

To facilitate a dialogue between the Department and interested parties, a public stakeholders meeting will be

held on Friday, April 19, 2002, at 9 a.m. in the Keystone Building, 125 North Suite, Room C, Harrisburg, PA. The purpose of this meeting is to receive comments about the current operations of the Fund, and in particular, to hear directly from stakeholders about the claims handling process of the Fund.

Because the Department is interested in hearing from a wide variety of stakeholders, written testimony will be accepted from those unable to attend the meeting. However, even if individuals wish to appear the meeting, the Department strongly urges submitting written comments, as oral presentations will be limited to 10 minutes. Written submissions can be faxed to (717) 772-1969, Attention: Timothy L. Knapp; e-mailed to tiknapp@state.pa.us; or sent to Timothy L. Knapp, Insurance Department, Office of Policy, Enforcement and Administration, 1326 Strawberry Square, Harrisburg, PA 17120.

Persons wishing to appear before the Commissioner on April 19, 2002, should direct their request to Timothy L. Knapp in writing by April 12, 2002. Questions or concerns regarding this event can be answered by Timothy L. Knapp at (717) 787-0636.

The meeting location is accessible to persons having disabilities. Persons having special needs or requiring special aides should contact Tracey Pontius at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-597. Filed for public inspection April 12, 2002, 9:00 a.m.]

### Provident Mutual Life Insurance Company; Notice of Public Informational Hearing; Plan of Conversion

The Insurance Department (Department) will hold a public informational hearing regarding the proposed Plan of Conversion (plan) submitted by Provident Mutual Life Insurance Company (Provident Mutual), a Pennsylvania domiciled mutual life insurance company. The proposed plan provides for conversion of Provident Mutual from a Pennsylvania mutual life insurance company to a Pennsylvania stock life insurance company and for merger of Provident Mutual with a newly formed subsidiary of Nationwide Financial Services, Inc. Upon consummation of the plan, Provident Mutual would operate as a wholly-owned subsidiary of Nationwide Financial Services, Inc. The plan was submitted for approval under the Insurance Company Mutual-to-Stock Conversion Act (40 P. S. §§ 911-A—929-A) and sections 1401—1413 of the act of May 17, 1921 (P. L. 682, No. 284) (40 P. S. §§ 991.1401—991.1413). Policyholders and interested persons are invited to attend and participate in the hearing.

1. *Date and Time:* May 23, 2002, beginning at 9 a.m.

2. *Location:* Valley Forge Scanticon Hotel and Conference Center, 1210 First Avenue, King of Prussia, PA 19406, (610) 265-1500.

3. *Nature of Hearing:* The public informational hearing will provide an opportunity for policyholders and interested persons to present comments relevant to the proposed plan. The proceeding will be recorded and a transcript may be purchased directly from the court reporter.

4. *Legal Authority:* The public informational hearing will be held under the provisions of the Insurance Company Mutual-to-Stock Conversion Act.

5. *ADA Notice:* A person requiring the assistance of auxiliary aids or services to participate in or attend this public informational hearing, should call Tracey Pontius, Director of the Bureau of Administration, (717) 787-4298. A person who is hearing impaired, should call the Department's TTY/TDD (717) 783-3898.

6. *Written Comments:* Persons unable to attend the public informational hearing or would prefer to submit written comments concerning Provident Mutual's proposed plan, may do so by mailing or delivering a copy of the comment to Robert E. Brackbill, Jr., Chief, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or by e-mail at rbrackbill@state.pa.us. Be advised that all comments received will be part of the public record regarding this filing.

TIMOTHY KNAPP,  
Deputy Commissioner

[Pa.B. Doc. No. 02-598. Filed for public inspection April 12, 2002, 9:00 a.m.]

### Dorothy A. Yackamovich; Hearing

#### Appeal of Dorothy A. Yackamovich under the Motor Vehicle Financial Responsibility Law; Catastrophic Loss Benefits Continuation Fund; Doc. No. CF01-10-008

A hearing is scheduled for May 9, 2002, at 10 a.m. in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

On or before April 25, 2002, the parties must file joint stipulations with the Administrative Hearings Office. On or before May 2, 2002, each party must file with the Administrative Hearings Office a prehearing statement which shall contain: (1) names and addresses of witnesses along with the specialties of experts, if any, to be called; (2) a list of documents to be used at the hearing; (3) special evidentiary or other legal issues; and (4) 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.

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

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 02-599. Filed for public inspection April 12, 2002, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Lackawanna County, Wine & Spirits Shoppe #3510, 1531 Main Street, Peckville, PA 18452-2016.

*Lease Expiration Date:* September 30, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,000 net useable square feet of new or existing retail commercial space within a 1/2 mile radius of the intersection of Main Street and Route 347, Dickson City.

*Proposals due:* May 3, 2002 at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110  
**Contact:** Charles D. Mooney, (717) 657-4228

Lancaster County, Wine & Spirits Shoppe #3609, 931-B East Main Street, Mount Joy, PA 17552-9347.

*Lease Expiration Date:* February 28, 2003

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,500 to 3,000 net useable square feet of new or existing retail commercial space along Route 230 within Rapho Township.

*Proposals due:* May 3, 2002 at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110  
**Contact:** Charles D. Mooney, (717) 657-4228

Chester County, Wine & Spirits Shoppe #1508, 410 West First Avenue, Parkesburg, PA 19365.

*Lease Expiration Date:* May 31, 2003

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space within a 2 mile radius of 410 West First Avenue, Parkesburg.

*Proposals due:* May 3, 2002 at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** James M. Bradley, (215) 482-9671

Chester County, Wine & Spirits Shoppe #1520, 2910 Conestoga Road, Glenmore, PA 19343.

*Lease Expiration Date:* November 30, 2002

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,600 net useable square feet of new or existing retail commercial space within a 1/2 mile radius of the intersection of Routes 100 and 401, Glenmoore.

*Proposals due:* May 3, 2002 at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** James M. Bradley, (215) 482-9671

Montgomery County, Wine & Spirits Shoppe #4621, Blue Bell.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 7,000 to 10,000 net useable square feet of new or existing retail commercial space within a 1 mile radius of the intersection of DeKalb Pike (Route 202) and Skippack Pike (Route 73), Whitpain Township.

Proposals due: May 3, 2002 at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** Robert Jolly, (215) 482-9671

Philadelphia County, Wine & Spirits Shoppe #5140, 3000 Richmond Street, Philadelphia, PA 19134-5807.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,500 net useable square feet of new or existing retail commercial space between Aramingo Avenue and Lehigh Avenue in Philadelphia.

Proposals due: May 3, 2002 at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** Robert Jolly, (215) 482-9671

JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 02-600. Filed for public inspection April 12, 2002, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule for All Milk Marketing Areas; Over-Order Premium

Under the provisions of the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on May 1, 2002, at 9 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the continuation of the over-order premium that is scheduled to expire on June 30, 2002, and whether an adjustment should be made to the level of the current over-order premium.

The staff of the Board is deemed to be a party to this hearing and the attorney representing staff is deemed to have entered an appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on April 22, 2002, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on April 22, 2002, notification of their desire to be included as a party.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the

parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 4 p.m. on April 25, 2002, each party shall file with the Board seven copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on April 29, 2002, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164—35.167 or 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110. Individuals who require this information in an alternate format should call (717) 787-4194 or the Pennsylvania Relay Service for TDD users, (800) 654-5984.

LYNDA J. BOWMAN,  
*Secretary*

[Pa.B. Doc. No. 02-601. Filed for public inspection April 12, 2002, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Gas Service

**A-121850F2026. National Fuel Gas Distribution Corporation.** Application of National Fuel Gas Distribution Corporation for approval of the abandonment of gas service to one natural gas service customer located in Cornplanter Township, Venango County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before April 29, 2002, under 52 Pa. Code (relating to public utilities).

*Applicant:* National Fuel Gas Distribution Corporation  
*Through and By Counsel:* Christopher M. Trejchel, 1100 State Street, Erie, PA 16501.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-602. Filed for public inspection April 12, 2002, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before May 6, 2002, as set forth at 52 Pa. Code § 3.381 (relating to the applications for the transportation of property, household goods in use and persons). The protests shall also indicate whether it applies to the temporary authority application or the permanent application or both.

#### Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods by transfer as described under each application.

**A-00118769. Kreb's Moving & Storage, Co.** (111 Rear Merrill Street, P. O. Box 806, Clearfield, Clearfield County, PA 16830), a corporation of the Commonwealth of Pennsylvania—(1) household goods in use, between points in the borough of Clearfield, Clearfield County, and within an airline distance of 15 statute miles of the limits of said borough, and from points in said borough and territory, to points in Pennsylvania, and vice versa; (2) household goods in use, from points in the city of DuBois, Clearfield County, to points in Pennsylvania, and vice versa; (3) household goods in use, between points in the township of Karthaus, Clearfield County, and within an airline distance of 10 statute miles of the limits of said township, and from points in said township and territory, to points in Pennsylvania, and vice versa, excluding service to or from points in the county of Elk, except as herein above authorized; and (4) property, excluding household goods in use, between points in Pennsylvania; which is to be a transfer of the rights authorized under the certificate issued at A-00107380 to Kreb's Moving & Storage, Inc., subject to the same limitations and conditions. *Attorney:* Dwight L. Koerber, Jr., P. O. Box 1320, Clearfield, PA 16830.

#### Complaint

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Wm. Rowen Grant Funeral Home; Doc. No. A-00095170C02; A-00095170*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Wm. Rowen Grant Funeral Home, respondent, maintains its principal place of business at 1920 Sansom Street, Philadelphia, PA 19103.
2. That respondent was issued a certificate of public convenience by this Commission on June 20, 1969 at Application Docket No. A-00095170.

3. That respondent abandoned or discontinued service without having first filed an application with this Commission for abandonment or discontinuance of service. Respondent has not reported intrastate revenue for the years 1999, 2000 and 2001.

4. That respondent, by failing to file an application with this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code § 3.381(a)(1)(v) and 66 Pa.C.S. § 1102(a)(2) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Wm. Rowen Grant Funeral Home's Certificate of Public Convenience at A-00095170.

Respectfully submitted,  
Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Michael E. Hoffman

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

**Complaint**

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. P. G. Boyer Enterprise Corp., t/a Young's Limousine Service; Doc. No. A-00108003C02; A-00108003*

**COMPLAINT**

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That P. G. Boyer Enterprise Corp., t/a Young's Limousine Service, respondent, maintains its principal place of business at 228 North Main Street, Souderton, PA 18964.

2. That respondent was issued a certificate of public convenience by this Commission on July 22, 1988 at Application Docket No. A-00108003.

3. That respondent abandoned or discontinued service without having first filed an application with this Commission for abandonment or discontinuance of service. Respondent has not reported intrastate revenue for the years 1999, 2000 and 2001.

4. That respondent, by failing to file an application with this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code § 3.381(a)(1)(v) and 66 Pa.C.S. § 1102(a)(2) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke P. G. Boyer Enterprise Corp., t/a Young's Limousine Service's Certificate of Public Convenience at A-00108003.

Respectfully submitted,  
Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

**VERIFICATION**

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Michael E. Hoffman

**NOTICE**

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circum-

stances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

**Complaint**

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Ambu-Care, Inc.; Doc. No. A-00109082C02; A-00109082*

**COMPLAINT**

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Ambu-Care, Inc., respondent, maintains its principal place of business at 2 International Plaza, Suite 540, Philadelphia, PA 19113.

2. That respondent was issued a certificate of public convenience by this Commission on May 1, 1990 at Application Docket No. A-00109082.

3. That respondent abandoned or discontinued service without having first filed an application with this Commission for abandonment or discontinuance of service. Respondent has not reported intrastate revenue for the years 1999, 2000 and 2001.

4. That respondent, by failing to file an application with this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code § 3.381(a)(1)(v) and 66 Pa.C.S. § 1102(a)(2) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Com-

mission revoke Ambu-Care, Inc.'s Certificate of Public Convenience at A-00109082.

Respectfully submitted,  
Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

\_\_\_\_\_  
Michael E. Hoffman

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

#### Complaint

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. C & J Marketing Consultants, Ltd., t/d/b/a Trolley Express; Doc. No. A-00113851C02; A-00113851*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsi-

bilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That C & J Marketing Consultants, Ltd., t/d/b/a Trolley Express, respondent, maintains its principal place of business at 609 Morgan Drive East, Suite 101, Coatesville, PA 19320.

2. That respondent was issued a certificate of public convenience by this Commission on July 28, 1998 at Application Docket No. A-00113851.

3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 1999, 2000 and 2001.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke C & J Marketing Consultants, Ltd., t/d/b/a Trolley Express' Certificate of Public Convenience at A-00113851.

Respectfully submitted,  
Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

\_\_\_\_\_  
Michael E. Hoffman

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-603. Filed for public inspection April 12, 2002, 9:00 a.m.]

### Telecommunications

**A-310987F7002. The United Telephone Company of Pennsylvania d/b/a Sprint and Premiere Network Services, Inc.** Joint Petition of The United Telephone Company of Pennsylvania d/b/a Sprint and Premiere Network Services, Inc. for Approval of a master interconnection and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and Premiere Network Services, Inc. filed on March 22, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of a master interconnection and resale 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 United Telephone Company of Pennsylvania d/b/a Sprint and Premiere Network Services, 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. 02-604. Filed for public inspection April 12, 2002, 9:00 a.m.]

### Water Service

**A-212000F2000. Mountain Spring Water, Inc.** Application of Mountain Spring Water, Inc. for approval of the abandonment or discontinuance of water service in whole, in a portion of West Penn Township, Schuylkill County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the

applicant on or before April 29, 2002, under 52 Pa. Code (relating to public utilities).

*Applicant:* Mountain Spring Water, Inc.

*Through and By Counsel:* Joseph J. Jones, Jr., Esquire, Williamson, Friedberg and Jones, LLC, P. O. Box 1190, Ten Westwood Road, Pottsville, PA 17901; and Kenneth Zielonis, Esquire, Stevens and Lee, 208 North 3rd Street, Suite 310, P. O. Box 12090, Harrisburg, PA 17106-2090.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-605. Filed for public inspection April 12, 2002, 9:00 a.m.]

### Water Service

**A-212285F0098. Pennsylvania American Water Company.** Application of Pennsylvania American Water Company for approval of the right to offer, render, furnish or supply water service to the public in portions of Jackson Township, Butler County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before April 29, 2002, under 52 Pa. Code (relating to public utilities).

*Applicant:* Pennsylvania American Water Company

*Through and By Counsel:* Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, 800 West Hershey Park Drive, P. O. Box 888, Hershey, PA 17033-0888.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-606. Filed for public inspection April 12, 2002, 9:00 a.m.]

### Water Service

**A-212285F0099. Pennsylvania American Water Company.** Application of Pennsylvania American Water Company for approval of the right to offer, render, furnish or supply water service to the public in an additional portion of Upper Merion Township, Montgomery County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before April 29, 2002, under 52 Pa. Code (relating to public utilities).

*Applicant:* Pennsylvania American Water Company

*Through and By Counsel:* Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, 800 West Hershey Park Drive, P. O. Box 888, Hershey, PA 17033-0888.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-607. Filed for public inspection April 12, 2002, 9:00 a.m.]

**Water Service**

**A-210104F0014. Pennsylvania Suburban Water Company.** Application of Pennsylvania Suburban Water Company for approval to begin to offer, render, furnish and supply water service to the public in portions of Centre and Bern Townships, Berks County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before April 29, 2002, under 52 Pa. Code (relating to public utilities).

*Applicant:* Pennsylvania Suburban Water Company

*Through and By Counsel:* Mark J. Kropilak, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-608. Filed for public inspection April 12, 2002, 9:00 a.m.]

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## SECURITIES COMMISSION

### Designation of an Investment Adviser Registration Depository for Applications, Amendments and Fees for Investment Adviser Representatives of Federally Covered Advisers

*Whereas*, Section 303(a) of the Pennsylvania Securities Act of 1972 (1972 Act) requires investment adviser representatives seeking registration in Pennsylvania to file an application with the Pennsylvania Securities Commission (Commission); and

*Whereas*, Sections 602(d.1) and 602.1(a)(1) and (2) of the 1972 Act requires investment adviser representatives to pay filing fees and compliance assessment fees annually to the Commission (Filing Fees); and

*Whereas*, Commission Regulation 303.014, 64 Pa. Code § 303.014, states that the application required by Section 303(a) of the 1972 Act shall be the Uniform Application for Securities Industry Registration or Transfer (Form U-4); and

*Whereas*, Commission Regulation 303.014, 64 Pa. Code § 303.014 requires an amendment to Form U-4 when material information contained in the Form U-4 becomes incorrect or incomplete (Form U-4 Amendment); and

*Whereas*, Commission Regulation 303.014 64 Pa. Code § 303.014, authorizes the Commission, by order, to designate an investment adviser registration depository for the receipt of Form U-4, Form U-4 Amendments and Filing Fees; and

*Whereas*, the Commission, finds it necessary and appropriate in the public interest and for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of the 1972 Act to issue the following Order:

*Now, Therefore*, the Commission on the 2nd day of April 2002, pursuant to Commission Regulation 303.014, 64 Pa. Code § 303.014, orders the following:

1. For purposes of Commission Regulation 303.014, the Commission designates the following as the only investment adviser registration depository authorized to receive Form U-4, Form U-4 Amendments and Filing Fees on behalf of the Commission (IARD):

**FORMS**

IARD Document Processing  
NASD Regulation, Inc.  
P. O. Box 9495  
Gaithersburg, MD 20898-9495  
www.iard.com

**FEEES**

NASD Regulation, Inc.,  
CRD-IARD  
P. O. Box 7777-W9995  
Philadelphia, PA  
19175-9995

2. Effective with the date of this order and thereafter, all investment adviser representatives of a federally covered adviser making an initial application for registration, shall file Form U-4 electronically and pay the Filing Fee through www.iard.com. Form U-4 shall be deemed filed and the Filing Fee shall be deemed received by the Commission on the date such items are accepted by the IARD. All Form U-4 amendments shall be filed electronically through www.iard.com.

3. Investment adviser representatives of federally covered advisers that are registered in Pennsylvania as of the effective date of this order, shall transition their registration to the IARD ("Transition Filing") no later than September 30, 2002 which Transition Filing shall include submission of a complete and accurate electronic Form U-4.

4. As provided by Commission Regulation 603.011, 64 Pa. Code § 603.011, an application for registration as an investment adviser representative is not deemed complete until all the required documents, filing fees and compliance assessment fees have been received by the Commission.

5. This Order shall be published in the *Pennsylvania Bulletin*.

6. The effective date of this Order shall be the date published in the *Pennsylvania Bulletin*.

Alternative formats of this document may be available upon request by calling (717) 787-1165 or TDD Users: AT&T Relay Center (800) 654-5984.

M. JOANNA CUMMINGS,  
*Secretary*

[Pa.B. Doc. No. 02-609. Filed for public inspection April 12, 2002, 9:00 a.m.]

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## 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 hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:



April 22, 2002 Jacqueline Campbell (D) 1 p.m.  
 (Contested Death Benefit)

April 25, 2002 Richard Landis (D) 1 p.m.  
 (Contested Death Benefit)

May 22, 2002 Thomas F. Mattive, Jr. 1 p.m.  
 (Pension Forfeiture Due to  
 Criminal Conviction)

(relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JOHN BROSIUS,  
*Secretary*

[Pa.B. Doc. No. 02-610. Filed for public inspection April 12, 2002, 9:00 a.m.]

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