

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 May 7, 2002.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
5-2-02	S&T Bancorp, Inc., Indiana, to acquire 100% of the voting shares of Peoples Financial Corporation, Inc., Ford City	Indiana	Filed

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-2-02	S&T Bank, Indiana, and PFC Bank, Ford City Surviving Institution— S&T Bank, Indiana	Indiana	Filed
5-3-02	First Commonwealth Bank, Indiana, and Southwest Bank, Greensburg Surviving Institution— First Commonwealth Bank, Indiana	Indiana	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-3-02	The Bryn Mawr Trust Company Bryn Mawr Montgomery County	3601 West Chester Pike Newtown Square Newtown Township Delaware County	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-6-02	Bank of Hanover and Trust Company Hanover York County	<i>To:</i> 29 Baltimore Blvd. Westminster Carroll County, MD <i>From:</i> 223 East Main Street Westminster Carroll County, MD	Filed

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Filed</i>
4-30-02	First Commonwealth Bank Indiana Indiana County	269 King Street Petersburg Huntingdon County	Effective

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

JAMES B. KAUFFMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-892. Filed for public inspection May 17, 2002, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

NPDES APPLICATIONS

PART I PERMITS

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

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0063517 (Minor Re- newal)	Bonham's Nursing Center R. R. 1, Box 64 Stillwater, PA 17878	Huntington Township Luzerne County	Pine Creek 5C	Y
PA0063614 (Minor Re- newal)	Penn Lake Park Borough Sewer Authority P. O. Box 14 White Haven, PA 18661	Luzerne County Penn Lake Park Bor- ough	Wright Creek 2A	Y
PA0062863 (Minor Re- newal)	Pike County Commissioners 506 Broad Street Milford, PA 18337	Blooming Grove Township Pike County	Billing Creek 1D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0085332	Delta Borough 602 Main Street P. O. Box 278 Delta, PA 17314	York County Delta Borough	Scott Creek 7-I	Y
PA0111350	Borough of Petersburg P. O. Box 6 Petersburg, PA 16669-0006	Huntingdon County Petersburg Borough Logan Township	Shavers Creek 11B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0114057 Sewerage Nonpublic	White Deer Run Inc. Devitt Camp Road P. O. Box 97 Allenwood, PA 17810-0097	Union County Gregg Township	White Deer Hole Creek 10C	Y
PA0209279 Sewerage Nonpublic	Robert and Roxanne Sarvis 265 Hilkert Road Danville, PA 17821	Columbia County Madison Township	Little Fishing Creek 5C	Y

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

PA0037931, Sewage, **Cambridge Area Joint Authority**, 161 Carringer Street, Cambridge Springs, PA 16403. This proposed facility is located in Cambridge Township, **Crawford County**.

Description of Proposed Activity: Existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂—NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the General Authority of the City of Franklin on French Creek located at Franklin, approximately 41 miles below point of discharge.

The receiving stream, unnamed tributary to French Creek, is in watershed 16-A and classified for: WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.015 MGD.

There is a schedule for abandonment of this package sewage treatment plant and tie-in to a regional treatment facility by August 1, 2004.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		XX
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ —N			
(5-1 to 10-31)	2		4
(11-1 to 4-30)	6		12
Fecal Coliform			
(5-1 to 9-30)		200/100ml as a geometric average	
(10-1 to 4-30)		2,000/100ml as a geometric average	
Total Residual Chlorine	.5		1.2
Dissolved Oxygen		minimum of 3 mg/l at all times	
PH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

PA0002151, Industrial Waste, **Pittsburgh Corning Corporation**, P. O. Box 39, 723 North Main Street, Port Allegany, PA 16743. This proposed facility is located in Liberty Township, **McKean County**.

Description of Proposed Activity: Renewal of NPDES discharge of contact quench water, noncontact cooling water and stormwater.

For the purpose of evaluating effluent requirements for TDS, NO₂—NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Pennsylvania/New York state line located approximately 18 miles below point of discharge.

The receiving stream, the Allegheny River, is in watershed 16-C and classified for: CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.259 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
Oil and Grease	15		30
Temperature		<i>Discharge Temperature Daily Average</i>	
(9-1 to 9-15)		94	
(9-16 to 9-30)		88	
(10-1 to 10-15)		85	
(10-16 to 10-31)		81	
(11-1 to 11-15)		86	
pH		6.0 to 9.0 standard units at all times	

NOTICES

The proposed effluent limits for Outfall 002 based on a design flow of 0.252 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
Oil and Grease	15		30
Temperature		<i>Discharge Temperature Daily Average</i>	
(9-1 to 9-15)		94	
(9-16 to 9-30)		88	
(10-1 to 10-15)		85	
(10-16 to 10-31)		81	
(11-1 to 11-15)		86	
pH		6.0 to 9.0 standard units at all times	

The proposed effluent limits for Outfall 003 based on a design flow of 0.009 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
Oil and Grease	15		30
Temperature		<i>Discharge Temperature Daily Average</i>	
(9-1 to 9-15)		94	
(9-16 to 9-30)		88	
(10-1 to 10-15)		85	
(10-16 to 10-31)		81	
(11-1 to 11-15)		86	
pH		6.0 to 9.0 standard units at all times	

The proposed effluent limits for Outfall 004 based on a design flow of n/a MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
This discharge shall consist of uncontaminated stormwater runoff only. Refer to Special Condition in Part C of this permit.			

XX—Monitor and report on monthly DMRs.

The EPA Waiver is in effect.

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

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

No. PA0052159, Industrial Waste, **Philadelphia Suburban Water Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489. This application is for renewal of an NPDES permit to discharge treated process wastewater from a water filtration plant in Middletown Township, **Delaware County**. This is an existing discharge to Ridley Creek.

The proposed effluent limits for Outfall 001, based on an average flow 0.15 MGD are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	60	75
Dissolved Oxygen	Minimum of 5.0 mg/l at all times		
Total Residual Chlorine	0.5		1.0
pH	Within Limits of 6.0—9.0 Standard Units at all times.		
Total Aluminum	4.0	8.0	10.0
Total Iron	2.0	4.0	5.0
Total Manganese	1.0	2.0	2.5
Chloroform	Monitor/Report		
Chlorodibromomethane	Monitor/Report		
Dichlorobromomethane	Monitor/Report		

The proposed effluent limits for Outfall 002, based on an emergency discharge are as follows:

<i>Parameter</i>	<i>Maximum Daily (mg/l)</i>
Total Suspended Solids	60
Total Aluminum	8.0
Total Iron	4.0
Total Manganese	2.0

<i>Parameter</i>	<i>Maximum Daily (mg/l)</i>
pH	Within limits of 6.0—9.0 Standard Units at all times
Chloroform	Monitor/Report
Dichlorobromomethane	Monitor/Report
Chlorodibromomethane	Monitor/Report
Dissolved Oxygen	Minimum of 5.0 mg/l at all times.
Total Residual Chlorine	1.0

The proposed effluent limits for Outfall 004, based on an intermittent discharge are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	0.5		1.0
pH	Within limits of 6.0—9.0 standard Units at all times.		

The proposed effluent limitations for following Outfalls are as follows:

<i>Outfall No.</i>	<i>Descriptions</i>	<i>Monitoring Requirements*</i>
003	Storm Drain	None
003a	Storm Drain	None
005	Chester Creek to Ridley Creek	None
006	Main Line Drain	None
007	Bottom Drain from Sludge Lagoon	None
008	Groundwater Drain from Spring House	None

* There shall be no discharge of floating solids or visible foam in other than trace amounts.

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

PA-0062219, Sewage, **Frackville Area Municipal Authority**, 41 North Lehigh Avenue, Frackville, PA 17931. This proposed facility is located in Butler Township, **Schuylkill County**.

Description of Proposed Activity: Renewal of NPDES Permit to discharge treated sewage from their existing treatment plant.

The receiving stream, Little Mahanoy Creek, is in the State Water Plan watershed #6B and is classified for: aquatic life, CWF, water supply and recreation. The nearest downstream public water supply intake for Ashland Borough is located on Ashland Reservoir is 1 mile below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 1.4 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD ₅	10.0	15.0	20.0
Total Suspended Solids	30.0	45.0	60.0
NH ₃ —N			
(5-1 to 10-31)	2.5	3.5	5.0
(11-1 to 4-30)	7.5	11.0	15.0
Phosphorus as "P"	1.0	1.5	2.0
Dissolved Oxygen	A minimum of 6.0 mg/l at all times.		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
NO ₂ plus NO ₃ —N	11.0	16.0	22.0

The EPA waiver is not in effect.

PA# 0052850, Sewage, **Stockertown Borough**, P. O. Box 174, 209 Main Street, Stockertown, PA 18083. This proposed facility is located in Stockertown Borough, **Northampton County**.

Description of Proposed Activity: Renewal of NPDES Permit to discharge treated sewage from their existing treatment plant.

The receiving stream, Little Bushkill Creek, is in the State Water Plan watershed #1F and is classified for: HQ-CWF. The nearest downstream public water supply intake for Neshaminy Water Resources Authority is located in Delaware is approximately 40 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .0865.

Parameter	Average		Maximum
	Monthly (mg/l)	Weekly (mg/l)	Daily (mg/l)
CBOD ₅			
(5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	37.5	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	3		6
(11-1 to 4-30)	9		18
Phosphorus as "P"	2		4
Dissolved Oxygen	A minimum of 4 mg/l at all times.		
Fecal Coliform	200/100 ml as a geometric mean		
PH	6.0 to 9.0 standard units at all times.		

PA-0036463, Sewage, **OMNOVA Solutions, Inc.**, 175 Gheat Road, Fairlawn, OH 44373. This proposed facility is located in West Brunswick Township, **Schuylkill County**.

Description of Proposed Activity: Renewal of NPDES Permit to discharge treated sewage and noncontact cooling water from their existing treatment plant.

The receiving stream, wet weather channel to Schuylkill River, is in the State Water Plan watershed #3A and is classified for CWF. The nearest downstream public water supply intake for Pottstown Water Authority is located on Schuylkill River is approximately 40 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .018 MGD.

Parameter	Mass (lb/day)		Concentration (mg/l)	
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily
pH	6 to 9 Standard Units			
Dissolved Oxygen	Minimum of 2 mg/l at all times.			
Oil and Grease			15	30

Internal Monitoring Point 101

Parameter	Mass (lb/day)		Concentration (mg/l)	
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily
CBOD ₅			25	50
TSS			30	60
Fecal Coliform				
(5-1 to 9-30)			200/100 ml	Geometric Average
(10-1 to 4-30)			2,000/100 ml	Geometric Average
pH	6 to 9 Standard Units			
TRC			1.2	2.8

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

Application No. PA0013129, Industrial Waste, SIC Code 3315, **Carpenter Technology Corporation**, P. O. Box 14662, Reading, PA 19612. This facility is located in Reading City, **Berks County**.

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

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

The proposed effluent limits for Outfall 109 for a design flow of 1.45 MGD are:

Discharge Parameter	Mass Units (lbs/day)		Concentrations (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report	Monitor and Report	XXX	XXX	XXX
pH (S.U.)	From 6.0 to 9.0 inclusive				
Total Suspended Solids	340	680	30	60	75

<i>Discharge Parameter</i>	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Oil and Grease	121	473	Monitor and Report	Monitor and Report	30
Total Chromium	3.60	9.80	Monitor and Report	Monitor and Report	0.745
Chromium, VI	Monitor and Report	Monitor and Report	0.06	0.12	0.160
Total Nickel	2.70	4.80	Monitor and Report	Monitor and Report	0.558
Total Cyanide	0.277	0.832	Monitor and Report	Monitor and Report	0.058
Naphthalene	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	XXX
Tetrachloroethylene	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	XXX
1,1,1-Trichloroethane	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	XXX
Nitrate as N	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	XXX
NH ₃ —N	Monitor and Report	Monitor and Report	45	90	90
Total Cadmium	Monitor and Report	Monitor and Report	0.03	0.06	0.07
Total Silver	Monitor and Report	Monitor and Report	0.03	0.06	0.07
TTO	Monitor and Report	Monitor and Report	XXX	0.27	XXX
Total Copper	Monitor and Report	Monitor and Report	0.16	0.32	0.40

The proposed effluent limits for Outfalls 004, 005, 009, 011—014 are:

<i>Discharge Parameter</i>	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report	Monitor and Report	XXX	XXX	XXX
pH (S.U.)			From 6.0 to 9.0 inclusive		
Temperature	XXX	XXX	XXX	110°F	110°F

The proposed effluent limits for the stormwater outfalls are:

<i>Parameter</i>	<i>Monitoring Requirements</i>	
	<i>Grab Sample (mg/l)</i>	<i>Monitor Frequency</i>
Chromium, VI	Monitor and Report	1/6 months
Total Nickel	Monitor and Report	1/6 months
Total Suspended Solids	Monitor and Report	1/6 months
Total Zinc	Monitor and Report	1/6 months
Total Copper	Monitor and Report	1/6 months
Total Iron	Monitor and Report	1/6 months
Total Lead	Monitor and Report	1/6 months
Oil and Grease	Monitor and Report	1/6 months
pH (S.U.)	Monitor and Report	1/6 months

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.

Application No. PA 0246565, Industrial Waste, SIC Code 3273, **Kinsley Concrete**, 629 Loucks Mill Road, York, PA 17403. This facility is located in Spring Garden Township, **York County**.

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

The receiving stream, an unnamed tributary of Codorus Creek, is in Watershed 7-H and classified for WWF, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Wrightsville Water Supply Co. is located on the Susquehanna River, approximately 18 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 (industrial waste and stormwater) are:

Parameter	Concentration (mg/l)		
	Average Monthly	Maximum Daily	Instantaneous Maximum
pH		6.0 to 9.0 S.U. at all times	
Total Suspended Solids	Monitor and Report	XXX	50
Total Aluminum	Monitor and Report	XXX	XXX
Oil and Grease	Monitor and Report	XXX	XXX

The proposed effluent limits for Outfall 101 (industrial waste) based on a design flow of 0.018 MGD are:

Parameter	Concentration (mg/l)		
	Average Monthly	Maximum Daily	Instantaneous Maximum
pH		6.0 to 9.0 S.U. at all times	
Total Suspended Solids	Monitor and Report	XXX	50
Total Aluminum	Monitor and Report	XXX	XXX
Oil and Grease	Monitor and Report	XXX	XXX
MBAS	XXX	Monitor and Report	XXX
2-Butoxyethanol	XXX	Monitor and Report	XXX

In addition to the effluent limits, the permit contains special conditions for stormwater Best Management Practices.

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.

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

PA0228559, Industrial Waste SIC, 1611, **Glenn O. Hawbaker, Inc.**, 711 East College Avenue, Bellefonte, PA 16823. This existing facility is located in Sandy Township, **Clearfield County**.

Description of Proposed Activity: This proposed action is for issuance of an NPDES permit for a proposed discharge of treated industrial wastewater.

The receiving stream, unnamed tributary of Sandy Lick Creek, is in the State Water Plan watershed 17C and classified for: CWF. The nearest downstream public water supply intake for Hawthorn Area Water Authority is located on Redbank Creek is 53 miles below the point of discharge.

The trucking washing pad proposed effluent limits for Outfall 001 based on a design flow of 0.002 MGD.

Parameter	Mass Units (lb/day)		Concentrations (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
pH			Within the Range of 6.0 to 9.0		
TSS			30	100	150
Oil and Grease			15		30

The shop building proposed effluent limits for Outfall 004 based on a design flow of 0.002 MGD.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
pH			Within the Range of 6.0 to 9.0		
TSS			30	100	150
Oil and Grease			15		30

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

PA0021610, Sewage, **Blairsville Municipal Authority**, 203 East Market Street, Blairsville, PA 15717. This application is for renewal of an NPDES permit to discharge treated sewage from Blairsville Municipal Authority STP in Burrell Township, **Indiana 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 0.903 mgd.

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

Outfalls 002—011, 013, 014, 016 and 017, which discharge to the receiving waters known as Sulfur Run and the Conemaugh River, serve as combined sewer overflows necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant. These combined sewer overflows are permitted to discharge only for this reason. There are at this time no specific effluent limitations on the outfalls. Each discharge shall be monitored for cause, frequency, duration and quantity of flow.

The EPA waiver is in effect.

PA0022292, Sewage, **Municipal Authority of the Borough of Ebensburg**, 300 West High Street, Ebensburg, PA 15931. This application is for Renewal of an NPDES permit to discharge treated sewage from Ebensburg Wastewater Treatment Plant in Cambria Township, **Cambria County**.

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

Outfall 001: existing discharge, design flow of 1.25 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31) (11-1 to 4-30)	2.0 3.5	3.0 5.3		4.0 7.0
Phosphorus	1.5	2.3		3.0
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 2,000/100 ml as a geometric mean			
Total Residual Chlorine	.08			.27
Dissolved Oxygen	not less than 6 mg/l			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: The following effluent limitations will apply when the treatment plant is expanded to a flow of 2.4 mgd.

Outfall 001: Proposed discharge, design flow of 2.4 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31) (11-1 to 4-30)	2.0 3.5	3.0 5.3		4.0 7.0
Phosphorus	1.5	2.3		3
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 2,000/100 ml as a geometric mean			
Total Residual Chlorine	.06			.19
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

PA0023701, Sewage, **Midland Borough Municipal Authority**, 10th Street and Railroad Avenue, Midland, PA 15059. This application is for renewal of an NPDES permit to discharge treated sewage from the Midland Borough Municipal Authority STP in Midland Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Ohio 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 City of East Liverpool, OH on the Ohio River.

Outfall 001: existing discharge, design flow of 1.25 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 10-31)	200/100 ml as a geometric mean			
(11-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: Outfall 002, which discharges to the receiving waters known as Ohio River, serves as a combined sewer overflow necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant. This combined sewer overflow is permitted to discharge only for this reason. There are at this time no specific effluent limitations on the outfall. Each discharge shall be monitored for cause, frequency, duration and quantity of flow.

The EPA waiver is not in effect.

PA0026026, Sewage, **New Brighton Borough Sanitary Authority**, 610 Third Street, New Brighton, PA 15066. This application is for renewal of an NPDES permit to discharge treated sewage from the New Brighton Borough Sanitary Authority Sewage Treatment Plant in New Brighton Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Beaver 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 Midland Borough Water Authority.

Outfall 001: existing discharge, design flow of 1.04 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	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 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

PA0026158, Sewage, **Mon Valley Sewage Authority**, P. O. Box 792, Donora, PA 15033. This application is for renewal of an NPDES permit to discharge treated sewage from the Mon Valley Wastewater Treatment Plant in Carroll Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as the Monongahela 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 Aldrich Station.

Outfall 001: existing discharge, design flow of 3.66 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	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)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.5			1
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

PA0027391, Sewage, **Upper Allegheny Joint Sanitary Authority**, 320 Fourth Avenue, Tarentum, PA 15084. This application is for renewal of an NPDES permit to discharge treated sewage from the Upper Allegheny Joint Sanitary Authority STP in East Deer Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Allegheny 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 Oakmont Municipal Water Works.

Outfall 001: existing discharge, design flow of 6.0 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	38		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)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.5			1.6
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: Outfalls 002—021 will be repermited as combined sewer outfalls.

The EPA waiver is not in effect.

PA0028436, Sewage, **Elizabeth Borough Municipal Authority**, P. O. Box 268, Elizabeth, PA 15037. This application is for renewal of an NPDES permit to discharge treated sewage from Elizabeth Borough STP in Elizabeth Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Monongahela 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 Pennsylvania-American Water Company, Pittsburgh District.

Outfall 001: existing discharge, design flow of 1.2 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	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)	35,000/100 ml as a geometric mean			
Total Residual Chlorine	0.5			1.6
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: Outfalls 003—008 which discharge to the receiving waters known as Monongahela River serve as combined sewer overflows necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant and are permitted to discharge only for this reason. There are at this time no specific effluent limitations on the outfalls. Each discharge shall be monitored for cause, frequency, duration and quantity of flow.

The EPA waiver is not in effect.

PA0032671, Sewage, **Meredith H. Miller**, 2313 Country Place, Export, PA 15632. This application is for renewal of an NPDES permit to discharge treated sewage from Meadows Mobile Home Park STP in Washington Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Pine Run, 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 Freeport Water Company.

Outfall 001: existing discharge, design flow of 0.018 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	5.0			10.0
(11-1 to 4-30)	15.0			30.0

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)	5000/100 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.

PA0043729, Sewage, **Hampton Township Sanitary Authority**, 3101 McCully Road, Allison Park, PA 15101. This application is for renewal of an NPDES permit to discharge treated sewage from Allison Park STP in Hampton Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Pine 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 West View Borough Municipal Water Authority.

Outfall 001: existing discharge, design flow of 3.2 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅ (5-1 to 10-31)	15	23		30
(11-1 to 4-30)	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen (4-1 to 11-30)	1.5	2.3		3.0
(12-1 to 2-29)	4.5	6.8		9.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.5			1.6
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

PA0094064, Sewage, **Gary Ritchey and Jay Ritchey**, P. O. Box 277, Ebensburg, PA 15931. This application is for Renewal of an NPDES permit to discharge treated sewage from Keystone Restaurant and Truck Stop STP in Munster Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Noels Creek, which are classified as a HQ-CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Water Works.

Outfall 001: existing discharge, design flow of 0.0072 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	10			20
Suspended Solids	25			50
Ammonia Nitrogen (5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	4.0			8.0
Nitrite/Nitrate	10			20
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	.1			.2
Dissolved Oxygen	not less than 7.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0094757, Sewage, **E. J. Holtz Sewage Plant, Inc.**, 633 Logan Boulevard, Altoona, PA 16602. This application is for renewal of an NPDES permit to discharge treated sewage from Lake Cresson Manor STP in Allegheny Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Clearfield 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 Pennsylvania-American Water Company at Milton.

Outfall 001: existing discharge, design flow of 0.0075 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	50,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: The following effluent limitations will apply if/when the treatment plant is expanded to a flow of 0.025 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	20.0			40.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	20,000/100 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.

PA0097594, Sewage, **Ron Davidson Chevrolet**, 3885 Admiral Perry Highway, Ebensburg, PA 15931. This application is for renewal of an NPDES permit to discharge treated sewage from the Ron Davidson Chevrolet STP in Cambria Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Stewart Run, which are classified as a HQ-CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Water Works.

Outfall 001: existing discharge, design flow of 0.00037 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10			20
Suspended Solids	10			20
Trichloroethylene	.35			.70
Ammonia Nitrogen				
(5-1 to 10-3)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Oil and Grease	15			30
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				
(1st Month to 36th Month)	Monitor and Report			
(37th Month to Expiration)	0.5			1.0
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA0023043, Sewage, **Borough of North East**, 58 East Main Street, North East, PA 16428. This proposed facility is located in North East Township, **Erie County**.

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

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

The receiving stream, Sixteen Mile Creek, is in watershed #15 and classified for: WWF and MF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 2.1 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		XX
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	4.5		9.0
Phosphorus as "P"	1.0		
Dissolved Oxygen		minimum of 6.0 mg/l at all times	
Total Residual Chlorine	0.037		0.12
Copper			
Interim	.033		0.066
Final	0.024		0.048
Dichlorobromomethane			
Interim	0.0037		0.0074
Final	0.0023		0.0046
Chloroform			
Interim	0.043		0.086
Final	0.024		0.048
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,500/100 ml as a geometric average	
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is not in effect.

PA0238783, Sewage, **Flynn's Tire Sales Small Flow Treatment Facility**, West Market Street Ext., Mercer, PA 16137. This proposed facility is located in Lackawannock Township, **Mercer County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride 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, 43.5 miles below point of discharge.

The receiving stream, unnamed tributary to the Little Neshannock Creek, is in watershed 20-A and classified for: TSF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0005 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow		Monitor and Report	
CBOD ₅	10		20
Total Suspended Solids	20		40
NH ₃ -N			
(5-1 to 10-31)	3		6
(11-1 to 4-30)	9		18
Fecal Coliform		200/100 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.

WATER QUALITY MANAGEMENT PERMITS

CONTROLLED INDUSTRIAL WASTE AND SEWAGE WASTEWATER

APPLICATIONS UNDER THE CLEAN STREAMS LAW

PART II PERMITS

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

Persons wishing to comment on any of the applications are invited to submit a statement to the office noted

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

The Department reserves the right to hold a public hearing if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation of the area. If no hearing is held, the Department's Water Management

Program Manager will make a final determination regarding the applications after a complete review. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

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

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

WQM Permit No. 4602405, Sewerage, **Skippack Township Authority**, 1246 Bridge Road, P. O. Box 164, Skippack, PA 19474. This proposed facility is located in Skippack Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of the West Side Sanitary Sewer extension, a proposed gravity sewer.

WQM Permit No. 4602406, Sewerage, **Souderton School District**, 760 Lower Road, Souderton, PA 18964-2311. This proposed facility is located in Franconia Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of a sanitary sewer line and pump station to serve the Vernfield Elementary School.

WQM Permit No. 1502403, Sewerage, **Upper Uwchlan Township**, 140 Pottstown Pike, Chester Springs, PA 19425. This proposed facility is located in Upper Uwchlan Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of a wastewater treatment facility to serve the proposed Greenridge Subdivision and the existing Stonebridge Development.

WQM Permit No. 1502404, Sewerage, **East Goshen Municipal Authority**, 1580 Paoli Pike, West Chester, PA 19380. This proposed facility is located in East Goshen Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation to expand the Ridley Creek STP from 0.400 mgd to 0.750 mgd.

WQM Permit No. 1502405, Sewerage, **New Garden Township Sewer Authority**, 8934 Gap Newport Pike, Landenberg, PA 19350. This proposed facility is located in New Garden Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of a forcemain sewer extension.

WQM Permit No. 2302201, Industrial Waste, **Philadelphia Suburban Water Company**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3489. This proposed facility is located in Middletown Township, **Delaware County**.

Description of Proposed Action/Activity: Construction and operation of an industrial wastewater treatment facility for the proposed Ridley Water Residual Management Facilities.

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

WQM Permit No. 6702402, Sewerage, **Newberry Township Municipal Authority**, 1915 Old Trail Road, Eppers, PA 17319. This proposed facility is located in Newberry and East Manchester Townships, **York County**.

Description of Proposed Action/Activity: Construction of the Conewago Heights Sewer Extension.

WQM Permit No. 0602404, Sewerage, **County of Berks (Welfare Farm)**, Berks County Services Center, 633 Court Street, Reading, PA 19601. This proposed facility is located in Bern Township, **Berks County**.

Description of Proposed Action/Activity: Rerating from 0.3 to 0.5 mgd.

WQM Permit No. 2278407, Amendment 02-1, Sewerage, **Derry Township Municipal Authority**, 670 Clearwater Road, Hershey, PA 17033. This proposed facility is located in Derry Township, **Dauphin County**.

Description of Proposed Action/Activity: Renovations to the High Meadow Pumping Station.

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

WQM Permit No. 5902404, Sewerage, **Delmar Township Supervisors**, R. R. 5 Box 70, Wellsboro, PA 16901. This proposed facility is located in Delmar Township, **Tioga County**.

Description of Proposed Action/Activity: The applicant proposes to construct sewers along SRs 6 and 287 north of the Borough of Wellsboro in the vicinity of Stokesdale and Wellsboro Junction. Treatment will be provided at the Wellsboro Borough wastewater treatment plant.

WQM Permit No. 4102402, Sewerage, **Muncy Creek Township Sewer Authority**, 575 Route 442 Highway, Muncy, PA 17756. This proposed facility is located in Muncy Creek Township, **Lycoming County**.

Description of Proposed Action/Activity: The applicant proposes to construct sewers to serve the SRs 442 and 405 corridors. Waste generated to the east of Muncy Creek will be treated at the Hughesville-Wolf wastewater treatment plant, while waste generated to the west of Muncy Creek will be treated at the Muncy Borough wastewater treatment plant.

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

Application No. 6302201, Industrial Waste, **McHolme Builders Inc**, 315 Payday's Drive, Elizabeth, PA 15037-9442. Application for the construction and operation of a runoff associated with stormwater associated with grading activities for a proposed residential development to serve the Hidden Brook Manor located in Peters Township, **Washington County**.

Application No. 2670403-A4, Sewerage, **Greater Uniontown Joint Sewage Plant Authority**, 90 Romeo Lane, Uniontown, PA 15401. Application for the modification and operation of the Uniontown Wastewater Treatment Plant to serve the City of Uniontown located in North Union Township, **Fayette County**.

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

WQM Permit No 2502407, Sewerage, **Barry K. and Connie L. Henderson**, 8678 Maplecrest Drive, McKean, PA 16426. This proposed facility is located in Washington Township, **Erie County**.

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

WQM Permit No 2002407, Sewerage, **Joe E. and Kathleen M. Davis**, 7860 Dutch Hill Road, Meadville, PA 16335. This proposed facility is located in Union Township, **Crawford County**.

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

WQM Permit No 2002408, Sewerage, **Scott T. and Kendra S. Durfee**, 17709 Marshall Road, Meadville, PA 16335. This proposed facility is located in Hayfield Township, **Crawford County**.

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

WQM Permit No 2502409, Sewerage, **Peter Kroemer**, 12561 Hamilton Road, Edinboro, PA 16412. This proposed facility is located in Washington Township, **Erie County**.

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

WQM Permit No 2502410, Sewerage, **Paul Fails**, 25685 North Mosiertown Road, Edinboro, PA 16412. This proposed facility is located in Greenfield Township, **Erie 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.

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

NPDES Permit PAS10 G523, Stormwater, **Nelson Realty Trust**, 100 Vanguard Boulevard, Malvern, PA 19355, has applied to discharge stormwater associated with a construction activity located in Uwchlan Township, **Chester County** to Shamona Creek (HQ-TSF) and Pickering Creek (HQ-TSF).

NPDES Permit PAS10-G524, Stormwater, **Corby Road Associates**, 5169 Woodmill Drive, Suite 10, Wilmington, DE 19808, has applied to discharge stormwater associated with construction activity located in Penn Township, **Chester County** to East Branch Big Elk Creek (HQ).

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

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

<i>NPDES No.</i>	<i>Applicant Name & Address</i>
PAS10N029-1	First Industrial Acquisition, Inc. 200 Philips Road Exton, PA 19341-1326

<i>County & Municipality</i>	<i>Receiving Water/Use</i>
Lackawanna County Covington and Clifton Townships	Lake Run; Roaring Brook/ Lackawanna River Tamarack Creek; Meadow Brook/Lehigh River, HQ- CWF

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

Westmoreland County Conservation District: R. D. 12, Box 202B, Donohoe Center, Greensburg, PA 15601, (724) 837-5271.

NPDES Permit PAS10X102, Stormwater, **Pennsylvania Department of Transportation**, P. O. Box 459, Uniontown, PA 15401 has applied to discharge

stormwater associated with a construction activity located in the City of Murrysville, **Westmoreland County** to Turtle Creek (HQ-WWF).

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

Jefferson Conservation District: R. R. 5 Box 51, Brookville, PA 15825, (814) 849-7463.

NPDES Permit PAS103313, Stormwater, **DuBois Jefferson County Airport**, R. R. 2, Reynoldsville, PA 15851, has applied to discharge stormwater associated with a construction activity located in Washington Township, **Jefferson County** to Kyle Run Tributary to Falls Creek.

PUBLIC WATER SUPPLY (PWS) PERMITS

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 Manger, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 0502504, Public Water Supply.

Applicant	New Enterprise Water Association
Municipality	South Woodbury Township
County	Bedford
Responsible Official	Ray Reasy, President R. R. 1 Box 326 New Enterprise, PA 16664
Type of Facility	PWS
Consulting Engineer	Timothy A. Cooper, P. E. Stiffler McGraw & Associates Inc 19 N. Juniata Street Hollidaysburg, PA 16648

Application Received Date	March 12, 2002
Description of Action	Construction of a 278,000-gallon finished water tank, pressure reducing station, booster pump station, transmission main and an interconnection with the Salemville Water Association.

Permit No. 0102505, Public Water Supply.

Applicant	York Springs Municipal Authority
Municipality	Huntington
County	Adams
Responsible Official	Roy M. Williams Jr., Chairperson P. O. Box 222 York Springs, PA 17372
Type of Facility	PWS
Consulting Engineer	Janet R. McNally, P. E. William F. Hill & Assoc., Inc. 207 Baltimore St. Gettysburg, PA 17325

Application Received Date	April 12, 2002
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Description of Action	Reconstruction of an existing, previously permitted spring into an infiltration gallery. Yield and treatment will remain unchanged.
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Permit No. 0502506, Public Water Supply.

Applicant	St. Clairsville Water Association
Municipality	East St. Clair Township
County	Bedford
Responsible Official	Ella I. Imler, President P. O. Box 284 Osterburg, PA 16667-0284
Type of Facility	PWS
Consulting Engineer	Mark V. Glenn, P. E. Gwin, Dobson & Foreman, Inc. 3121 Fairway Dr. Altoona, PA 16602-4475

Application Received Date	April 12, 2002
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Description of Action	Addition of a spring to augment the existing water supply
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Permit No. 6702508, Public Water Supply.

Applicant	Shrewsbury Borough
County	York
Responsible Official	Peter W. Schnabel, Council President 35 W. Railroad Avenue Shrewsbury, PA 17361
Type of Facility	PWS
Consulting Engineer	Charles A. Kehew II, P. E. James R. Holley & Assoc., Inc. 18 South George St. York, PA 17401

Application Received Date April 16, 2002

Description of Action Installation of a booster pump at an existing interconnection to allow Shrewsbury Borough to reverse flow from the low-service gradient of its distribution system to the high-service gradient as needed. A 100-gallon per minute pump will be installed in an existing, previously permitted subsurface vault.

Central Office: Bureau Director, Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467.

Permit No. 9996402, Public Water Supply.

Applicant **Great Spring Waters of America, Inc.**

Borough Framingham, MA

Responsible Official Paul Koschnitzke, Quality Control Manager

Type of Facility Out-of-State Bottled Water System

Application Received Date April 30, 2002

Description of Action Applicant requesting Department approval to add the sterling Spring source to their permit. Bottled water from this source to be sold in this Commonwealth under the brand name Great Bear Natural Spring Water.

MINOR AMENDMENT

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

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

Application No. Minor Amendment.

Applicant **Pinecrest Lake Trust Water Company**

Township or Borough Tobyhanna Township

Responsible Official Brendon Carroll, Trustee
Pinecrest Lake Trust Water Company
P. O. Box 760
Pocono Pines, PA 18350

Type of Facility PWS

Application Received Date April 26, 2002

Description of Action Transfer of PWS Permit No. 2450141 issued on February 21, 2002, from the Pinecrest Development Corporation to the Pinecrest Lake Trust Water Company

Application No. 2409002, Minor Amendment.

Applicant **Pennsylvania-American Water Company**

Township or Borough Courtdale Borough
Luzerne County

Responsible Official Steven J. Seidl, V.P. Engineering
800 West Hersheypark Drive
Hershey, PA 17033

Type of Facility Community Water System

Consulting Engineer David G. Pennoni, P. E.
Pennoni Associates, Inc.
One Drexel Plaza
3001 Market Street
Philadelphia, PA 19104
(215) 222-3000

Application Received Date March 25, 2002

Description of Action Construction of an elevated 300,000 gallon finished water storage tank and approximately 140 linear feet of 12 inch water main in Courtdale Borough to replace an existing ground level storage tank.

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

Application No. Minor Amendment.

Applicant **Shamokin Dam Borough**

County **Snyder County**

Responsible Official Thomas A. McBryan, Jr.
Borough Manager
Shamokin Dam Borough
P. O. Box 273
Shamokin Dam, PA 17876-0273

Type of Facility PWS

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

Application Received Date May 7, 2002

Description of Action Application to give the Borough flexibility to choose between existing alum coagulant and new DelPAC 2020 coagulant

WATER ALLOCATIONS

Application 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.

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

WA 22-172C, Water Allocations, Millersburg Area Authority, Dauphin County. The applicant is requesting the right to withdraw up to 1.0 million gallons per day (mgd) from the Wiconisio Creek located in Upper Paxton Township, Dauphin County. Consulting Engineer: Gene C. Koontz, Gannett Fleming, Inc. Date Application received January 8, 2002.

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:

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

Miller Property (3655 William Penn Highway), Palmer Township, Northampton County. David A. Everitt, III, Senior Environmental Scientist, MEA Inc., 201 Center Street, Stockertown, PA 18083 has submitted a Notice of Intent to Remediate (on behalf of Barry Miller, Zinfadel Court West, Easton, PA) concerning the remediation of soils found or suspected to have been contaminated with leaded and/or unleaded gasoline. The applicant proposes to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was published in *The Express-Times* on March 22, 2002. A Final Report was simultaneously submitted.

Former Alliance America Facility, Borough of Port Carbon, Schuylkill County. Craig Herr, Staff Scientist, RT Environmental Services, Inc., 215 W. Church Road, King of Prussia, PA 19406 has submitted a Notice of Intent to Remediate (on behalf of JDSW Real Estate Limited Partnership, 5th and Mahantango Streets, Pottsville, PA) concerning the remediation of groundwater found or suspected to have been contaminated with solvents. The applicant proposes to remediate the site to meet the both the Statewide health and the site-specific standards. A summary of the Notice of Intent to Remediate was reportedly published in *The Pottsville Republican* on January 28, 2002.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit Application No. 400674. Merck & Co., Inc., Sumneytown Pike (WP20-208), West Point, PA 19486. Application submitted for a renewal for the Rotary Kiln Incinerator. Facility located in Upper Gwynedd Township, **Montgomery County.** The application was received by the Southeast Regional Office on May 2, 2002.

Northcentral Region: Regional Solid Waste Manager; 208 West Third Street, Williamsport, PA 17701.

Permit Application No. 101201. Northern Tier Solid Waste Authority, P. O. Box 10, Burlington, PA 18814-0010, Hamilton Township, **Tioga County.** Renew permit. The application was received by the Williamsport Regional Office on May 1, 2002

Comments concerning the application should be directed to John C. Hamilton, P. E., Facilities Operations Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the general permit application may contact the Williamsport Regional Office, (570) 327-3653. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

AIR QUALITY
PLAN APPROVAL AND OPERATING PERMIT
APPLICATIONS
NEW SOURCES AND MODIFICATIONS

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

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

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

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

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the Regional Office 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: Mark Wejkszner, Acting New Source Review Chief, (570) 826-2531.

40-399-050: Genova Products (502 Forest Road, Humboldt Industrial Park, Hazleton, PA 18202) for instal-

lation of an air cleaning device to control a PVC trimming operation in Hazle Township, **Luzerne County**.

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

49-302-028A: Catawissa Lumber and Specialty, Inc. (P. O. Box 176, Catawissa, PA 17820-0179) for installation of air cleaning devices (two multiclones in series) on a 13.5 million Btu per hour wood-fired boiler in Ralpho Township, **Northumberland County**.

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

42-111C: Ethan Allen Manufacturing Corp.—Eldred Division (Route 1, Eldred, PA 16731) for construction of a paint booth for coating wood furniture components in Eldred Township, **McKean County**.

24-083E: Carbone of America—GMD (215 Stackpole Street, St. Marys, PA 15857) for installation of an SO₂ scrubber to control emissions from seven existing carbon baking kilns in St. Marys, **Elk County**. Carbone of America is a Title V facility.

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

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

46-0005Q: Merck and Co., Inc. (770 Summeytown Pike, P. O. Box 4, West Point, PA 19486-0004) for installation of one 750 kW diesel fired emergency generator and one 1,500 kW diesel fired emergency generator for their West Point Plant in Upper Gwynedd Township, **Montgomery County**. The plan approval will subsequently be incorporated into the company's Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Based on the information provided by the applicant and the Department's own analysis, the two emergency generators will emit 11.51 tons per year of nitrogen oxides; 1.27 tons per year of carbon monoxide; 1.33 tons per year of sulfur dioxide; and 0.32 ton per year of VOCs. This is a major facility subject to 25 Pa. Code Chapter 127, Subchapter E. Merck & Co., Inc. recently requested that the Department approve the transfer of 20.7 tpy of NOx ERCs and 32.73 tpy of VOC ERCs to offset 15.9 tpy of NOx emissions and 24.62 tpy of VOC emissions. The NOx ERCs were generated from the overcontrol of boilers at the E.I. DuPont/DuPont DeNemours—Repauno facility in Gibbstown, Gloucester County, NJ. The VOC ERCs were generated from the shutdown of process units at the Minnesota Mining and Manufacturing facility in Bristol Township, Bucks County and the shutdown of presses QR-1 and QR-2 at the Avery Dennison Corporation—Fasson Roll North America facility in the Borough of Quakertown, Bucks County.

To assure compliance with the applicable standards, the Department has placed the following conditions in the proposed Plan Approval:

A. The company shall limit the hours of operation of each emergency generator to 400 hours per year, calculated as a 12 month rolling sum.

B. The company shall install, operate and maintain the emergency generator in accordance with the manufacturer's specifications as well as good air pollution control practices.

C. The emergency generator shall only be used during electrical failures or to perform preventative maintenance. The emergency generator shall not be used to supplement the primary power supply to the facility.

D. The company shall not combust No. 2 fuel/diesel fuel that has a sulfur content greater than 0.2%, by weight, in either generator.

E. The following air contaminant emission limits are approved for the 750 kW emergency generator.

i. Nitrogen Oxides (NO_x): 17.53 pounds per hour and 3.5 tons per year calculated as a 12 month rolling sum.

ii. Carbon Monoxide (CO): 3.24 pounds per hour and 0.65 ton per year calculated as a 12 month rolling sum.

iii. VOCs: 0.12 ton per year calculated as a 12 month rolling sum.

F. The following air contaminant emission limits are approved for the 1,500 kW emergency generator.

i. NO_x: 40 pounds per hour and 8 tons per year calculated as a 12 month rolling sum.

ii. CO: 3.1 pounds per hour and 0.62 ton per year calculated as a 12 month rolling sum.

iii. VOCs: 0.2 ton per year calculated as a 12 month rolling sum.

Copies of the application, the Department's analysis and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the following address. To make an appointment, contact Records Management at (610) 832-6268, for an appointment.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted on the comments received during the public comment period. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines a notification is sufficient. Written comments or requests for a public hearing should be directed to Francine Carlini, Regional Air Quality Manager, Department of Environmental Protection, Southeast Regional Office, 555 North Lane, Lee Park, Suite 6010, Conshohocken, PA 19428, (610) 832-6242.

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

48-309-117: ESSROC Cement Corp. (3251 Bath Pike, Nazareth, PA 18064-8928) for installation of an air cleaning device (fabric collector) for Clinker Silo 524 at the Nazareth Plant I in Lower Nazareth Township, **Northampton County**. The particulate emissions from the fabric collector will not exceed the Best Available Technology standard of 0.01 grain/DSCFT (1.88 tons per year). The plan approval and operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The facility currently has a Title V Operating Permit No. 48-00004. This plan approval will, in accordance with 25 Pa. Code § 127.450, be

incorporated into the Title V Operating Permit through an administrative amendment at a later date.

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

01-05017B: Quebecor World Fairfield, Inc. (100 North Miller Street, Fairfield, PA 17320) for construction of a two-unit double web offset lithographic printing press with two natural gas-fired heatset dryers (Web No. 7) at its Fairfield Plant in Fairfield Borough, **Adams County**. This source will increase the facility's potential VOC emissions by 12 tons. Ink oil aerosol emissions will be restricted to less than 5 lb/hr. The plan approval and operating permit administrative amendment will contain additional emission restrictions, work practice standards and monitoring, record keeping and reporting requirements 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: William Charlton, New Source Review Chief, (412) 442-4174.

11-00370A: Laurel Highlands Landfill, Inc. (260 Laurel Ridge Road, Johnstown, PA 15909) for construction of a municipal waste landfill in Jackson Township, **Cambria County**.

03-00023A: Allegheny Energy Supply, L.L.C. (4350 Northern Pike, Monroeville, PA 15146) for installation of Rotating Over-Fire Air and Rotomix SNCR at the Armstrong Power Station in Washington Township, **Armstrong County**.

For the Department to assure compliance with all applicable standards, the Department proposes to place the following conditions on the Plan Approval:

Special Conditions for Plan Approval 63-00023a

1. This Plan Approval is for the installation of Mobotec designed Rotating Over-Fire Air and Rotomix™ SNCR at the Allegheny Energy Supply, L.L.C., Armstrong Power Station, Boilers 1 and 2, located in Washington Township, PA (25 Pa. Code § 127.11).

2. It is not an enforceable requirement that the NO_x control projects be operated at any given time (25 Pa. Code § 127.12b).

3. Ammonia emissions from boiler 031 and 032 shall each be limited to 10 ppmvd or less (at 15% oxygen) (25 Pa. Code § 127.12b).

4. Ammonia emissions from boiler 031 and 032 shall be limited to 124 tons per year (25 Pa. Code § 127.12b).

5. Stack testing shall be conducted on boiler 031 and 032 to determine the mass emission rate of particulate matter, carbon monoxide and the emission rate of ammonia (expressed in ppmvd). Testing should be conducted within 90 days of achieving maximum capacity operation of the NO_x control project on each unit (25 Pa. Code §§ 127.12b and 139.11).

(a) Stack testing shall be conducted in accordance with the provisions of 25 Pa. Code Chapter 139 and the Department's Source Testing Manual.

(b) At least 60 days prior to the test, the owner/operator shall submit to the Department two copies of the procedures for the stack test and drawings with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples.

(c) At least 15 days prior to the test, the Regional Air Quality Manager shall be informed of the date and time of the test.

(d) All relevant operating parameters (for example, boiler steam flow, air flow, gross megawatts, O₂; CEMS heat input and stack flue gas volumetric flow rate) shall be recorded at appropriate intervals throughout the duration of the stack tests. Operating data recorded shall be sufficient to establish that the units and the air cleaning devices are operating at maximum routine operating conditions. A discussion of the recorded operating parameters and values shall be included in the test report.

(e) Within 60 days after the stack test, two copies of the complete test report, including all recorded operating parameters, shall be submitted to the Regional Air Quality Manager for approval.

6. 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(d)).

(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.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a newspaper, the *Pennsylvania Bulletin* or by telephone, where the Department determines notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Region—Field Operations, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

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 Saffo, Facilities Permitting Chief, (570) 826-2531.

40-313-029C: Gemark Service Corp. (99 Stevens Lane, Exeter, PA 18643) for operation of metal recovery systems and associated air cleaning device in Exeter Borough, **Luzerne County**.

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

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

05-03004: Chestnut Ridge School District (P. O. Box 80, Fishertown, PA 15539) for the Central Elementary and High School complex in East Saint Clair Township, **Bedford County**. The facility's emission sources include four bituminous coal fired boilers, which primarily emits sulfur oxides. The State only operating permit will contain fuel restrictions, monitoring and recordkeeping requirements to keep the facility operating within all applicable requirements.

06-03055: Oley Valley Animal Clinic Ltd. (P. O. Box 109, Oley, PA 19547) for operation of a pet crematorium in Oley Township, **Berks County**. The facility has the potential to emit 300 pounds per year of particulate matter and 400 pounds per year of nitrogen oxides. 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.

28-03027: Kurdziel Industrial Coatings Co. (9473 Lincoln Way West, St. Thomas, PA 17252) for operation of its gray iron casting finishing facility in St. Thomas Township, **Franklin County**. The facility has the potential to emit 20 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.

OPERATING PERMITS

PUBLIC HEARINGS

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

Proposed Revision to the State Implementation Plan (SIP) for NO_x and VOCs and Public Hearing

Approval of Reasonably Available Control Technology (RACT) Plan for Tosco Corporation Borough of Trainer, Delaware County

The Department has made a preliminary determination to approve a RACT plan as an amendment to the SIP for the Tosco Corporation, Borough of Trainer, Delaware County. The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the RACT approval for this facility to comply with current regulations.

This preliminary determination, if finally approved, will be incorporated into Plan Approvals and/or Operating Permits for the facility and will be submitted to the EPA as a revision to the Commonwealth's SIP.

The following is a summary of the preliminary RACT determination for this facility:

Tosco Corporation (Operating Permit OP-23-0003)

Source	RACT		
	NOx Emission Limit	Control Technique	Implementation Schedule
Naphtha Heater	0.1 lb/mmBtu	Current Operating Practices	Implemented
VGO Heater	0.189 lb/mmBtu	Combustion Tuning	Implemented
Iso Splitter Heater	0.189 lb/mmBtu	Combustion Tuning	Implemented
Iso Feed Heater	0.189 lb/mmBtu	Combustion Tuning	Implemented

One public hearing will be held for the purpose of receiving comments on the proposed SIP revision. The hearing will be held at 2 p.m. on June 27, 2002, at the Department of Environmental Protection, Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA. The hearing will represent the opportunity for oral comment to the Department on the proposed SIP revision and will not be a question and answer session. Persons wishing to present testimony at the hearing are encouraged to contact Lynda Rebarchak, Department Community Relations Coordinator at (610) 832-6219 to register prior to the hearing, but may also register at the hearing. Those unable to attend the hearing but who wish to comment should send their written comments to Francine Carlini, Air Quality Program Manager, Department of Environmental Protection, Southeast Regional Office, Lee Park, 555 North Lane, Suite 6010, Conshohocken, PA 19428 by June 27, 2002.

Individuals in need of accommodations as provided for in the Americans With Disabilities Act who would like to attend the hearing should contact Lynda Rebarchak at (610) 832-6219 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department can meet their needs.

Copies of the pertinent documents are available for review at the Department Southeast Regional Office. Appointments for scheduling a review may be made by calling (610) 832-6003.

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, 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.

03940101. TDK Coal Sales, Inc. (P. O. Box 259, Brockway, PA 15824) revision application received requesting a stream crossing and stream variance for a portion of the unnamed tributary to Holder Run on an existing bituminous surface mine located in Brady's Bend Township, **Armstrong County**, affecting 129.2 acres. Receiving streams: unnamed tributary to Holder Run and to Holder Run to Sugar Creek, classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream of this project. Revision application received April 29, 2002.

65990106. Ralph Smith & Son, Inc. (200 West Second Street, Derry, PA 15627) revision application received requesting to add acres on an existing bituminous surface mine located in Salem Township, **Westmoreland County**, affecting 82.5 acres. Receiving stream: N/A. Revision application received April 29, 2002.

65990101. Gary Gioia Coal Company (319 Karen Drive, Elizabeth, PA 15037). Application received for transfer of permit currently issued to Purco Coal, Inc. for continued operation and reclamation of a bituminous surface mining site located in South Huntingdon Township, **Westmoreland County**, affecting 14.0 acres. Receiving streams: unnamed run to the Youghiogheny River, classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is greater than 10 miles from the proposed site. Transfer application received April 24, 2002.

63020201. John Kosky Contracting, Inc. (P. O. Box 136, Cuddy, PA 15031). Application received for commencement, operation and reclamation of a bituminous surface mine/coal refuse reprocessing facility located in West Pike Run Township, **Washington County**, affecting 22.0 acres. Receiving streams: Little Pike Run, Pike Run, Monongahela River, classified for the following use: TSF. The first downstream potable water supply intake from the point of discharge is Newell Municipal Authority. Application received April 23, 2002.

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

56870103 and NPDES Permit No. PA0597953, PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541 permit renewal for continued operation of a bituminous surface, auger and clay removal mine and for discharge of treated mine drainage in Brothersvalley and Somerset Townships, **Somerset County**, affecting 228.0 acres. Receiving streams: unnamed tributaries to Kimberly Run to Coxes Creek; unnamed tributaries to Glades Creek; and unnamed tributary to Millers Run to Buffalo Creek classified for the following uses: CWF and WWF. There are no potable water supply intakes within 10 miles downstream. Application received April 26, 2002.

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

32951301. NPDES Permit #PA0215821, Penn-American Coal, L.P. (R. D. 1, Box 119A, Avonmore, PA 15618) to revise the permit for the Burrell Mine in Burrell Township, **Indiana County** to add 1,084 permit and subsidence control plan acres, Surface Acres Proposed N/A, Underground Acres Proposed 1084, SCP Acres Proposed 1084, 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 21, 2002.

30020701. NPDES Permit # N/A, Eighty Four Mining Co. (P. O. Box 284, Eighty Four, PA 15330, to renew the permit for Mine 84 in Somerset Township, **Washington 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 April 8, 2002.

30020701. NPDES Permit # N/A, Consol PA Coal Co. (1800 Washington Rd., Pittsburgh, PA 15241) to operate the Bailey Central Mine Complex CRDA No. 3 and 4 in Richhill and Gray Townships, **Greene County**, new permit and NPDES discharge Surface Acres Proposed 556.6, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed 183.6, CRDP Refuse Disposal Acres Proposed 373.0, tributary to

Enlow Fork, classified for the following uses: WWF. The first downstream potable water supply intake from the point of discharge is N/A. Application received March 22, 2002.

Noncoal Applications Received

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

28020301 and NPDES Permit #PA0224201. DL George & Sons Construction Company (13321 Midvale Road, Waynesboro, PA 17268) commencement, operation and restoration of a quarry operation in Antrim Township, **Franklin County** affecting 18.5 acres, receiving stream: Paddy Run. Classified for the following use: WWF. Application received April 25, 2002.

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

04020301. Atlantic States Materials of PA, Inc. (P. O. Box 269, Mercer, PA 16137). Application received for commencement, operation and reclamation of a large noncoal (sand and gravel) surface mining site located in Darlington Township, **Beaver County**, affecting 71.0 acres. Receiving streams: unnamed tributary to Madden Run, Madden Run, North Fork Little Beaver Creek, classified for the following use: HQ watershed. The first downstream potable water supply intake from the point of discharge is not applicable. Application received April 24, 2002.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other

accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E23-421. O'Neill Builders, 714 Winchester Court, West Chester, PA 19382-7971, Edgmont Township, **Delaware County**, ACOE Philadelphia District.

To construct and maintain a 20-foot long residential driveway bridge consisting of a 12-foot span and 3-foot underclearance across Stackhouse Mill Run, a tributary to Ridley Creek (HQ, TSF). The site is located approximately 500 feet west of the intersection of Stackhouse Mill Road and Ponytrail Drive, Media, PA Quadrangle (N: 15.95 inches; W: 15.25 inches).

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

E52-178. Vincent C. Giampapa, 67 Highland Avenue, Montclair, NJ 07042, in Greene Township, **Pike County**, U.S. Army Corps of Engineers, Philadelphia District.

To excavate in 0.51 acre of wetlands for the construction of a pond. The project includes placement of fill in 0.25 acre of wetlands associated with the construction of a nonjurisdictional dam and a 0.2-acre secondary wetland impact associated with the impoundment of water over wetlands. The project was previously authorized by Permit No. E52-135, which expired. The project is located approximately 1,400 feet east of the intersection of SR 0447 and T-370. (Newfoundland, PA Quadrangle N: 2.6 inches; W: 4.1 inches).

E35-357. Paul Kozlansky, 1059 Mary Street, Dickson City, PA 18519, in Greenfield Township, **Lackawanna County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain a low-flow crossing consisting of twin 48-inch culverts depressed 6-inches below stream bed elevation across a tributary to South Branch Tunkhannock Creek (CWF) locally known as Smith Creek. The project is located approximately 0.5 mile southeast of the intersection of SR 1013 and Sickler Pond Road (T-511). (Carbondale, PA Quadrangle N: 18.3 inches; W: 13.3 inches).

E35-356. Department of General Services, Bureau of Engineering and Architecture, Tent Building, 18th and Herr Streets, Harrisburg, PA 17125, in City of Scranton, **Lackawanna County**, U.S. Army Corps of Engineers, Baltimore District.

To remove existing structures and to construct and maintain a flood control project (DGS 184-22) in and along a 3,500 foot reach of Meadow Brook (CWF). The project begins at a point approximately 150 feet upstream of Greenridge Street and extends to Meadow Brooks confluence with the Lackawanna River. (Scranton, PA Quadrangle N: 9.5 inches; W: 3.2 inches).

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

E06-568. Scott Haines, Reading Materials Inc., P. O. Box 79, Skippack, PA 19474 in Douglass Township, **Berks County**, ACOE Philadelphia District

To construct and maintain: (1) Culvert #1 (CV-1), a 120 foot-long reinforced concrete box stream enclosure with a clear span of 5.0 feet and an underclearance of 2.5 feet in an unnamed tributary to Schuylkill River (WWF) at roadway Station 13+45; (2) Culvert #2 (CV-2), a 74 foot-long 30-inch diameter reinforced concrete pipe crossing in an unnamed tributary to the Schuylkill River (WWF) at roadway Station 3+45; (3) Outfall #6, a flared outfall structure with riprap apron installed within a wetland area located at roadway Station 38+00 right side; (4) Fill #1, 0.017 acre of fill within a wetland at roadway Station 42+30 right side; (5) Fill #2, 0.021 acre of fill within a wetland area at roadway Station 46+75 right side; and (6) a 10-inch PVC sanitary sewer line with an 18-inch steel encasement and a 6-inch concrete encasement across an unnamed tributary to the Schuylkill River (WWF) at roadway Station 26+50 right side all for the purpose of developing the Traprock Business Center a 101.74 acre residential, commercial and industrial development located approximately 0.25 mile west of the intersection of Grosstown Road and Benjamin Franklin Highway (SR 2022) along the north side of SR 2022 (Boyertown, PA Quadrangle N: 0.75 inch; W: 9.0 inches) in Douglass Township, Berks County. The permittee is required to provide a minimum of 0.196 acre of replacement wetlands.

E28-300. Donald Martin, 3346 White Church Road, Chambersburg, PA 17201 in Greene Township, **Franklin County**, ACOE Baltimore District

To construct and maintain a home built within the floodway of Pillman Run (WWF) located approximately 120-feet upstream from White Church Road (Scotland, PA Quadrangle N: 14.5 inches; W: 7.75 inches) in Greene Township, Franklin County.

E67-718. Michael Waltmyer, 619 Deer Road, Fawn Grove, PA 17321, in Fawn Township, **York County**, ACOE Baltimore District.

To fill a failing, remote offstream 1/2-acre farm pond within the Bald Eagle Creek Watershed (TSF) (Airville, PA Quadrangle N: 3.2 inches; W: 9.7 inches) in Fawn Township, York County. The amount of wetland impact is considered a de minimis impact of 0.05 acre of palustrine emergent wetland and mitigation is not required.

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

E14-420. Pennsylvania Department of Transportation, 1924-30 Daisy Street, Clearfield, PA 16830. I-99 C10, Taylor and Worth Townships, **Centre County** and Snyder Township, **Blair County**, ACOE Baltimore District (Start: Tyrone, PA Quadrangle N: 14.5 inches; W: 10.5 inches—End: Franklinville, PA Quadrangle N: 5.0 inches; W: 9.25 inches).

To construct and maintain: 1) two five-span prestressed concrete I-beam parallel bridges with 65-foot underclearance, named Structures 200 and 201, over North Bald Eagle Creek at Sta. 526+00 located 1 mile southwest of Port Matilda; 2) four 108-foot diameter 92-foot long corrugated metal pipes at Sta. 526+61, named Temporary Crossing #3, across North Bald Eagle Creek directly adjacent to Structures No. 200 and No. 201; 3) two four span continuous composite prestressed concrete I-beam

bridge with a minimum underclearance of 28 feet 1.75 inches, named Structure 109 northbound at Sta. 466+46.55 to 470+60.55 and Structure 110 southbound at Sta. 467+20 to 470+24, over Blue Springs Hollow Run located 2,000 feet upstream from Bald Eagle Creek; 4) two 36-inch diameter 62-foot long corrugated metal pipes at Sta. 467+50 Rt, named temporary stream crossing #2, across Blue Springs Hollow Run for Structure 109/110 construction vehicle stream crossing; 5) 6-foot by 6-foot 221.0-foot long precast concrete box culvert, Structure 104, located 1,100 feet downstream of the SR 0350 at Sta. 132+91.94 to allow an unnamed tributary to Bald Eagle Creek to cross under I-99; and 6) two 30-inch diameter 345-foot long corrugated metal pipes at Sta. 133+25, named temporary stream crossing #1, as required for dewatering and construction vehicle stream crossing for Structure 104.

This project also proposes to relocate two channels associated with Blue Spring Hollow Run. Relocation 1 is 116 feet at Construction Centerline Sta. 468+59, Rt. to Sta. 469+31, Rt. Relocation 2 is 114 feet at Construction Centerline Sta. 469+32, Lt. to Sta. 469+53, Lt.

A total of 10.78 acres of jurisdictional wetlands will be impacted; 8.76 acres will result in a direct impact from construction activities; 2.02 acres will be indirectly impacted and 0.04 acre will be temporarily impacted.

There are 57 stream channels that will be affected by the construction of this proposed project; 17,640 linear feet of stream will be either bridged, culverted, diverted by clean water ditches to culverts or filled; 378,750 cubic yards of fill will be placed within the floodplain of the North Bald Eagle Creek.

E17-370. Department of Conservation and Natural Resources, Forestry District #9, R. R. 1, Box 184, Penfield, PA 15849-0184. Footbridges of Roberts Run and Upper Three Runs, in Goshen and Karthaus Township, **Clearfield County**, ACOE Baltimore District (Huntley, PA Quadrangle N: 6.9 inches; W: 0.25 inch) and (Pottersdale, PA Quadrangle N: 14.38 inches; W: 16.95 inches).

To construct, operate and maintain a single span wooden footbridge across Roberts Run (HQ-CWF) and Upper Three Runs (HQ-CWF) to provide public access to the 73-mile Quehanna Hiking Trail. The wooden footbridge across Roberts Run shall be constructed with a minimum clear span of 30-feet, underclearance of 4.5-feet and a width of 4-feet. The wooden footbridge across Upper Three Runs shall be constructed with a minimum clear span of 40-feet, underclearance of 4-feet and width of 4-feet. The wood cribbing footings/abutments shall be constructed on over-bank areas outside the active stream channel. The footbridge across Roberts Run will be located approximately 1.4-miles southeast of the Mines Road and Caledonia Pike intersection. The footbridge across Upper Three Runs will be located 1,000-feet northwest of the confluence of Laurel Swamp Draft and Upper Three Runs.

E53-375. Department of Conservation and Natural Resources, R. R. 4, Box 212, Emporium, PA 15834. Denton Hill State Park Wastewater Treatment Facility and Outfall, in Ulysses Township, **Potter County**, ACOE Baltimore District (Brookland, PA Quadrangle N: 4.55 inches; W: 11.5 inches).

To construct, operate and maintain 50-feet of treated wastewater effluent conveyance in the floodway and an outfall structure along the channel of Nine Mile Run (HQ-CWF) for the operation of the Denton Hill State

Park sanitary sewage facility. The outfall structure shall be constructed of precast concrete and a minimum of R-4 rock for stream bank protection. The outfall structure shall be installed during stream low flow and dry work conditions by dams and pumping or fluming stream flow around the work area. The installation of the outfall structure will not impact wetlands while impacting 15-feet of Nine Mile Run.

E59-426. Babb Creek Watershed Association, 2538 Highway Rt. 405, Muncy, PA 17756. Anna S. Mine complex AMD Treatment (Babb Creek Watershed) in Morris Township, **Tioga County**, ACOE Baltimore District (Morris, PA Quadrangle N: 22 inches; W: 7.5 inches).

The applicant proposes to treat three acid mine discharges in the Wilson Creek watershed, which is in the Babb Creek Watershed. Currently, two of the three mine discharges flow into Basswood Run and an unnamed tributary to Basswood Run. The discharges will be collected and passed through the created wetland treatment facilities prior to being discharged into an unnamed tributary to Wilson Creek. The third discharge currently flows into the unnamed tributary to Wilson Creek. This discharge will also be collected and routed into the treatment facilities then released into the unnamed tributary to Wilson Creek, 900 linear feet southeast from its collection point. Additional stream impacts will include the placement of two 48-inch culvert pipes and upgrading an existing low flow crossing both on Basswood Run. Three temporary existing wetland impacts are also proposed. These impacts are requested for installation of collection conduits for the diverted streams.

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

E02-1376. Kilbuck Properties, L.P., One Atlantic Avenue, Pittsburgh, PA 15202-1707. Kilbuck Township, **Allegheny County**, ACOE Pittsburgh District.

To construct and maintain a 54 inch CCP stormwater outfall on the left bank of Toms Run (WWF) for the proposed Kilbuck Wal-Mart Retail. The outfall is located just north of where Toms Run goes under Route 65 (Ohio River Boulevard) (Emsworth, PA Quadrangle N: 2.8 inches; W: 16.3 inches).

E04-286. Beaver County Department of Engineering, 669 Fifth Street, Beaver, PA 15009. Rochester Township and Borough of Rochester, **Beaver County**, ACOE Pittsburgh District.

To remove the existing Frye Bridge (County Bridge No. 53) having a total span of 206.5 feet with a minimum underclearance of 42.0 feet across the channel of McKinley Run (WWF) and to stabilize and maintain the channel of said stream for the purpose of eliminating a safety hazard. The bridge is located on New York Avenue, just south of the intersection of New York and Vermont Avenues (Beaver, PA Quadrangle N: 15.3 inches; W: 4.9 inches).

E11-296. Dennis A. Storm, 374 Hanlon Road, Gallitzin, PA 16641. Clearfield Township, **Cambria County**, ACOE Baltimore District.

To operate and maintain an existing 9.3-foot steel pipe culvert in Indian Run (CWF) which impacted 0.08 acre of wetlands for the purpose of providing access to the applicant's property. The applicant is also requesting authorization to operate and maintain four small culverts in an unnamed tributary to Indian Run and to construct and maintain a permanent sediment trap along an un-

named tributary to Indian Run (CWF). The project is located off of SR 1012, approximately 1.4 miles west of its intersection with SR 36. (Ashville, PA Quadrangle N: 17.8 inches; W: 5.2 inches).

E26-293. Pennsylvania Department of Transportation, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401. Nicholson and Springhill Townships, **Fayette County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a two span prestressed concrete spread box beam bridge with each normal span at 18.0 meters and an underclearance of 2.71 meters over Georges Creek (WWF). Also to construct and maintain three 450 mm diameter outfalls in Georges Creek (WWF) and to temporarily place and maintain fill in 0.031 acre of PEM wetland and to permanently place and maintain fill in a de minimis area of PEM wetland equal to 0.04 acre. Also during construction to construct and maintain two nonconcurrent temporary causeways, each having five 600 mm corrugated metal pipes. The project is located on SR 3003 approximately 3,000 feet southeast of its intersection with SR 0166 (Masontown, PA Quadrangle N: 5.9 inches; W: 4.4 inches).

E63-530. McHolme Builders, Inc., 315 Payday's Drive, Elizabeth, PA 15037-9442. Peters Township, **Washington County**, ACOE Pittsburgh District.

To place and maintain fill in 0.4 acre of wetlands within the Chartiers Creek watershed, to construct and maintain a stormwater detention basin within a tributary to Chartiers Creek (WWF) to construct and maintain a stormwater detention basin within a tributary to Chartiers Creek for a distance of approximately 630 feet, to place and maintain fill along the left bank side of Brush Run (WWF) for a distance of approximately 450 feet and construct and maintain various outfalls to tributaries to Chartiers Creek and Brush Run for a proposed 329 unit new housing development known as Hidden Brook Manor. The proposed development is located off Route 19 between Valley Brook Road and Hidden Valley Road. To compensate for wetland impact the applicant proposes to construct .29 acre of wetland and to pay to the Wetland Replacement Fund. This project also proposes to culvert or fill in approximately 1,300 feet of stream channels, these channels qualify for authorization under the Department's waiver 105(a)(2) (Bridgeville, PA Quadrangle N: 8.4 inches; W: 16.0 inches).

E63-531. Dave and Cathy Johnson, 126 Lampliter Drive, McMurray, PA 15317. Peters Township, **Washington County**, ACOE Pittsburgh District.

To place and maintain fill in 0.07 acre of wetlands (PEM/PSS) adjacent to a horse pasture within a depression to eliminate a potential safety hazard to horses and riders when passing from end of the pasture to the other. The project is located in the northwest corner of the intersection of Thomas and Johnston Roads within the Little Chartiers Watershed (HQ-WWF). This project will also culvert approximately 133 feet of stream channel, this work qualifies for authorization under the Department's waiver 105.12(a)(2) (Bridgeville, PA Quadrangle N: 2.5 inches; W: 13.3 inches).

E65-799. Pennsylvania Department of Transportation, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401. Municipality of Murrysville, **Westmoreland County**, ACOE Pittsburgh District.

To remove the existing structures and to construct and maintain the following structures and activities as part of the SR 0022, Section B01 Transportation Improvement Project:

To repair and maintain an existing 33.1-foot x 23.0-foot concrete arch culvert over Haymakers Run (HQ-CWF). SR 0022, Station 0+100 (Murrysville, PA Quadrangle N: 9.5 inches; W: 11.0 inches).

To relocate and maintain Turtle Creek (TSF) for a linear distance of 1,474.7 feet, SR 4033, Station 1+207 (Murrysville, PA Quadrangle N: 9.4 inches; W: 10.3 inches).

To construct and maintain a single span prestressed concrete spread box beam bridge having a normal span of 50.0 feet and an underclearance of 12.9 feet over Turtle Creek (TSF). SR 4033, Station 1+207. (Murrysville, PA Quadrangle N: 9.2 inches; W: 10.3 inches).

To operate and maintain a 137.8-foot long, 42-inch diameter reinforced concrete pipe in an unnamed tributary to Turtle Creek (TSF). SR 0022, Station 1+495. (Murrysville, PA Quadrangle N: 9.5 inches; W: 8.7 inches).

To construct and maintain a 16.4-foot long, 18-inch diameter reinforced concrete pipe, a 92.0-foot long, 27-inch diameter reinforced concrete pipe, a 20.0-foot long, 33-inch diameter reinforced concrete pipe and a 10.0-foot long rock-lined outfall in an unnamed tributary to Turtle Creek (TSF). SR 0022, Station 1+700. These pipes and outfall qualify for Department waiver 105.12(a)(2). (Murrysville, PA Quadrangle N: 9.4 inches; W: 8.3 inches).

To relocate and maintain an unnamed tributary to Turtle Creek (TSF) for a linear distance of 105.0 feet; to construct and maintain a 134.0-foot long, 42-inch diameter reinforced concrete pipe; and to construct and maintain a 54-inch diameter outfall at an unnamed tributary to Turtle Creek (TSF). SR 0022, Station 1+988 to 2+220. The pipe and outfall qualify for Department waiver 105.12(a)(2). (Murrysville, PA Quadrangle N: 9.3 inches; W: 7.7 inches).

To construct and maintain a 125.0-foot long, 60-inch diameter reinforced concrete pipe in an unnamed tributary to Turtle Creek (TSF). SR 0022, Station 2+196. (Murrysville, PA Quadrangle N: 9.3 inches; W: 7.5 inches).

To construct and maintain a 197.0-foot long, 7.5-foot x 5.5-foot reinforced concrete box culvert in an unnamed tributary to Turtle Creek (TSF). The invert of the culvert will be depressed 1.0 foot. SR 0022, Station 2+623. (Murrysville, PA Quadrangle N: 9.2 inches; W: 6.6 inches).

To construct and maintain a 139.0-foot long, 21-inch diameter pipe in an unnamed tributary to Turtle Creek (TSF). SR 0022, Station 2+720. This pipe qualifies for Department waiver 105.12(a)(2). (Murrysville, PA Quadrangle N: 9.3 inches; W: 7.4 inches).

To construct and maintain a 78.7-foot long, 48-inch diameter reinforced concrete pipe connected to a 36.0-foot long, 64-inch diameter reinforced concrete pipe in an unnamed tributary to Turtle Creek (TSF). SR 0022, Station 3+008. This pipe qualifies for Department waiver 105.12(a)(2). (Murrysville, PA Quadrangle N: 9.1 inches; W: 6.2 inches).

To construct and maintain a 75.1-foot long, 16.5-foot x 9.0-foot reinforced concrete box culvert in an unnamed tributary to Turtle Creek (TSF). The invert of the box

culvert will be depressed 1.0 foot. SR 0022, Station 3+897. (Murrysville, PA Quadrangle N: 8.5 inches; W: 4.9 inches).

To construct and maintain twin, three-span, prestressed concrete I-beam bridges having normal spans of 65.0 feet, 101.7 feet and 113.9 feet and an underclearance of 34.9 feet over Turtle Creek (TSF). During construction, to construct and maintain two nonconcurrent temporary crossings, each consisting of four 24-inch diameter pipes in Turtle Creek (TSF). SR 0022, Station 4+590. (Murrysville, PA Quadrangle N: 8.0 inches; W: 3.8 inches).

To place and maintain fill in 0.25 acre of wetland (0.06 acres PEM; 0.06 acre PEM/PSS; 0.07 acre PEM/PSS/PFO; and 0.06 acre PEM/POW). The wetlands will be replaced at a 1:1 ratio at the Turtle Creek Watershed Association's Borland Farm Road AMD Treatment Project. Begin: (Murrysville, PA Quadrangle N: 9.5 inches; W: 11.1 inches) and End: (Murrysville, PA Quadrangle N: 7.6 inches; W: 3.0 inches).

E65-801. Greater Greensburg Sewer Authority, P. O. Box 284, Greensburg, PA 15601-0248. South Greensburg Borough, **Westmoreland County**, ACOE Pittsburgh District.

To construct and maintain a 48-inch RCP storm sewer outfall along Jacks Run (WWF) as part of the replacement of an existing combined sewer system with separate stormwater sewer and sanitary sewer systems. The project is located on Huff Avenue off of US Route 119. (Greensburg, PA Quadrangle N: 5.3 inches; W: 7.1 inches).

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

E10-357, Pennsylvania Department of Transportation, District 10, 2550 Oakland Avenue, Indiana, PA 15701. SR 0008, Section 250, Main Street Bridge across Connoquenessing Creek, in City of Butler, **Butler County**, ACOE Pittsburgh District (Butler, PA Quadrangle N: 18.8 inches; W: 3.0 inches).

To remove the existing structure and to construct and maintain a multispans dual multigirder bridge having an overall structure length of approximately 1,166 feet and an underclearance of 78 feet across Connoquenessing Creek on SR 0008, Main Street.

E20-517, City of Meadville, 984 Water Street, Meadville, PA 16335, Porter Street Pedestrian Bridge, in City of Meadville, **Crawford County**, ACOE Pittsburgh District (Meadville, PA Quadrangle N: 2.3 inches; W: 1.9 inches).

Replacement of the existing Porter Street Pedestrian Bridge over Mill Run (WWF) near the intersection of Porter and Walnut Streets in the City of Meadville. The replacement bridge will be a pre-engineered single-span bridge with a span of approximately 130 feet and an under clearance of approximately 38 feet.

E25-647, Erie-Western Pennsylvania Port Authority, 100 State Street, Suite 205, Erie, PA 16507. Ore Dock Access Road, in City of Erie, **Erie County**, ACOE Pittsburgh District (Erie North, PA Quadrangle N: 3.5 inches; W: 10.9 inches).

To realign and reconstruct an existing access road within the 100-year flood plain of Lake Erie and to rehabilitate and maintain the existing bridge having an approximate clear span of 67 feet and an underclearance of 15 feet across Mill Creek on the Ore Dock Access Road

extending from the Bayfront Parkway west of the Erie Wastewater Treatment Plant northeast to the Mountfort Terminal.

E42-292, Minard Run Oil Company, 609 South Avenue, Bradford, PA 16701. Bonny Brook Pipeline, in Bradford Township, **McKean County**, ACOE Pittsburgh District (Derrick City, PA Quadrangle N: 2.7 inches; W: 14.1 inches).

Construct and maintain a 6-inch-diameter plastic natural gas pipeline to gather natural gas from new and existing wells owned by the Minard Run Oil Company. The pipeline will cross underneath (by trenching) Minard Run (EV) and two small unnamed tributaries (EV) to Minard Run. The project will disturb 0.004 acre of stream. The project site is approximately 950 feet from the intersection of an access road and SR 770. The access road is on the south side of SR 770 approximately 1.45 miles west of the intersection of SRs 646 and 770.

ENVIRONMENTAL ASSESSMENTS

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

EA32-004SW. Blackleggs Creek Watershed Association, P. O. Box 59, Saltsburg, PA 15725-0059. Conemaugh Township, **Indiana County**, ACOE Pittsburgh District.

To construct and maintain a limestone pond in a reported 0.05 acre of wetland and a treatment wetland within the floodway of approximately 650 feet of an unnamed tributary to Big Run (CWF) and associated outfall structures, for the purpose of treating an acid mine discharge that will be relocated through a utility line stream crossing of Big Run into the aforementioned treatment facilities. The project is located near the intersection of Elders Ridge Road (SR 3019) with Sportmans Road (TR 304) (Avonmore, PA Quadrangle N: 8.9 inches; W: 5.65 inches).

ACTIONS

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

INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

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

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

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

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

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

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

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

NPDES Permit No. PA0026859, Sewage, **Pennsylvania American Water Company**, 114 East Lincoln Highway, Coatesville, PA 19320. This proposed facility is located in South Coatesville Borough, **Chester County**.

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

WQM Permit No. 4601413, Sewage, **Schwenksville Borough Authority**, P. O. Box 458, 298 Main at Church Street, Schwenksville, PA 19473. This proposed facility is located in Schwenksville Borough, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the rerating of the existing Schwenksville Borough Authority STP.

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

NPDES Permit No. PA-0020940, Sewage, **Tunkhannock Borough Municipal Authority**, 203 West Tioga Street, Tunkhannock, PA 18657-6655. This proposed facility is located in Tunkhannock Borough, **Wyoming County**.

Description of Proposed Action/Activity: Renew NPDES Permit.

NPDES Permit No. PA-0062065, Sewage, **USF Red Star**, 792 S. Main Road, Mountain Top, PA 18787. This proposed facility is located in Dorrance Township, **Luzerne County** and discharge to Balliet Run.

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

NPDES Permit No. PA-0035611, Sewage, **Pennsylvania Department of Transportation, Bureau of Design**, P. O. Box 3060, Harrisburg, PA 17105. This proposed facility is located in Lenox Township, **Susquehanna County** and discharges to East Branch Tunkhannock Creek.

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

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

NPDES Permit No. PA0086860, Sewage, **Springfield Township Sewer Authority**, Hollow Creek WWTP, 9211

Susquehanna Trail South, Seven Valleys, PA 17360. This proposed facility is located in Springfield Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary of East Branch Codorus Creek in Watershed 7-H.

NPDES Permit No. PA0081787, Sewage, **Telco Developers, Inc.**, Gretna Springs MHP, 5 Maple Avenue, Manheim, PA 17545. This proposed facility is located in West Cornwall Township, **Lebanon County**.

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

NPDES Permit No. PA0020222, Sewage, **Terre Hill Borough**, P. O. Box 250, Terre Hill, PA 17581. This proposed facility is located in East Earl Township, **Lancaster County**.

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

WQM Permit No. 0502401, Sewerage, **Jack Decker, Broad Top Township**, P. O. Box 58, Defiance, PA 16633-0057. This proposed facility is located in Broad Top Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of the Sixmile Run Wastewater Collection System (Riddlesburg Service Area).

WQM Permit No. 0102403, Sewerage, **James D. Watson, Manager, Gettysburg Municipal Authority**, 601 East Middle Street, Gettysburg, PA 17325-3307. This proposed facility is located in Straban Township, **Adams County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of the Route 30 Pump Station and Sewer System.

NPDES Permit No. PA0084301, Industrial Waste, **Lancaster Malleable Castings Company**, 1170 Lititz Avenue, Lancaster, PA 17601. This proposed facility is located in Manheim Township, **Lancaster County**.

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

WQM Permit No. PA0246557, Industrial Waste, **Susquehanna Valley Organics, Corp.**, 3705 Trindle Road, Camp Hill, PA 17011. This proposed facility is located in Lancaster Township, **Lancaster County**.

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

NPDES Permit No. PA0088323 Amendment No. 1, Industrial Waste, **Calpine Construction Company, LP**, Ontelaunee Energy Center, The Pilot House, Second Floor, Lewis Wharf, Boston, MA 02110. This proposed facility is located in Ontelaunee Township, **Berks County**.

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

NPDES Permit No. PA0088960, Industrial Waste, **Allan Stombaugh, West St. Clair Township/Pleasantville Borough Municipal Authority**, P. O. Box 43, Alum Bank, PA 15521-0043. This proposed facility is located in West St. Clair Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization to discharge to Dunning Creek in Watershed 11-C.

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

NPDES Permit No. PA0025674 Amendment No. 1, Sewage, **Franklin Township Municipal Sanitary Authority**, 3001 Meadowbrook Road, Murrysville, PA 15668 is authorized to discharge from a facility located at the Meadowbrook Sewage Treatment Plant, Municipality of Murrysville, **Westmoreland County** to receiving waters named Turtle Creek.

NPDES Permit No. PA0219096, Sewage, **Hanover Township Sewer Authority**, 116 Steubenville Pike, Paris, PA 15021 is authorized to discharge from a facility located at Hanover Township Sewer Authority STP No. 1, Hanover Township, **Washington County** to receiving waters named Harmon Creek.

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

WQM Permit No. 2502404, Sewerage, **Samuel Black, Managing General Partner, Black Interests Limited Partnership**, 400 French Street, Erie, PA 16507. This proposed facility is located in Franklin Township, **Erie County**.

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

WQM Permit No. 4202401, Sewerage, **William Freeman**, P. O. Box 782, Bradford, PA 16701. This proposed facility is located in Lafayette Township, **McKean County**.

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

WQM Permit No. 4302406, Sewerage, **Norma J. Flickinger**, 2745 South Keel Ridge Road, Hermitage, PA 16148. This proposed facility is located in City of Hermitage, **Mercer County**.

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

NPDES STORMWATER INDIVIDUAL PERMITS—(PAS)

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

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10G498	Vanderhoeff Builders 341 Fremont Avenue Nottingham, PA 19362	Chester	Elk Township	West Branch Big Elk Creek HQ-TSF-MF
PAS10G505	Green Point Farm, Inc. 402 Bayard Road, Suite 100 Kennett Square, PA 19348	Chester	New London Township	Hodgson Run HQ-TSF-MF
PAS10G516	Tredyffrin/Easttown School District Education Services Center 738 First Avenue Berwyn, PA 19312-1770	Chester	Tredyffrin Township	Valley Creek EV

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10F102	University Area Joint Authority 1570 Spring Valley Rd. State College, PA 16801	Centre	College Township	Spring Creek HQ-CWF
PAS10F101	Department of General Services 8th and Herr Sts. Harrisburg, PA 17120	Centre	Ferguson Township	Spring Creeks Beaver Branch HQ-EV

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

<i>NPDES Permit</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10L025	NWL Company 1001 LaFayette Drive Farmington, PA 15437	Fayette City Wharton Township	Deadman Run HQ-CWF

APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS

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

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

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

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

List of NPDES and/or Other General Permit Types

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

General Permit Type—PAG-2

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Thornbury Township Delaware County	PAR10J230	Thornbury Township 6 Township Drive Cheyney, PA 19319	Chester Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Franconia Township Montgomery County	PAR10T809	Peter Becker Community 800 Maple Avenue Harleysville, PA 19438	UNT to Indian Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Cheltenham Township Montgomery County	PAR10T784	The Bigonatti Companies 2310 Terwood Drive Huntingdon Valley, PA 19006	Tookany Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Lower Gwynedd Township Montgomery County	PAR10T836	The Nolen Group, Inc. 5051/2 Germantown Pike Lafayette Hill, PA 19444	Wissahickon Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
New Hanover Township Montgomery County	PAR10T763	Prosper S. and Josephine Guerre-Chaley 1776 Swamp Pike Gilbertsville, PA 19525	Minster Creek SF/M	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Skippack Township Montgomery County	PAR10T824	Cedar Valley Homes P. O. Box 178 Cedars, PA 19423	Skippack Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Pottstown Borough Montgomery County	PAR10T830	84 Lumber Company 1019 Route 519—Building 5 Eighty-Four, PA 15330	Schuylkill River WF-M	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Carbon County Franklin Township	PAR101334	Homestead in the Pines 469 Forest St. Lehighton, PA 18235	Sawmill Run CWF	Carbon County Conservation District (610) 377-4894
Northampton County Lehigh Township	PAR10U175	Louis Pektor III 559 Main St., Suite 300 Bethlehem, PA 18018	Bertsch Creek CWF	Northampton County Conservation District (610) 746-1971
Manor Township Lancaster County	PAR10O484	Wilmer L. Shertzer 3755 Locust Grove Rd. Columbia, PA 17512	UNT West Branch Little Conestoga Creek TSF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Manheim Township Lancaster County	PAR10O513	School Lane Association 1547 Oregon Pike Lancaster, PA 17601	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
East Hempfield Township Lancaster County	PAR10O541	Hempfield School District 200 Church St. Landisville, PA 17537	Brubaker Run WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Manheim Township Lancaster County	PAR10O542	N & R Inc. 325 Ludwell Dr. Lancaster, PA 17601	Bachman Run WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
West Earl Township Lancaster County	PAR10O546	PPL West Earl LLC 11350 Randon Hills Rd. Fairfax, VA 22030	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Manor Township Lancaster County	PAR10O552	Franklin View Farm 2232 Franklin Rd. Columbia, PA 17512	Strickler and Stamans Runs WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Rapho Township Lancaster County	PAR10O557	H. Glenn Esbenshade 220 Eby Chiques Rd. Mount Joy, PA 17552	Chickies Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Ephrata Township Lancaster County	PAR10O558	Ephrata Community Hospital 169 Martin Ave. Ephrata, PA 17522	Cocalico Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
East Hempfield Township Lancaster County	PAR10O560	Nissin Foods USA Co. Inc. 2901 Hempland Rd. Lancaster, PA 17601	Brubaker Run WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Manheim Township Lancaster County	PAR10O563	Brethren Village 3001 Lititz Pike, Box 5093 Lancaster, PS 17601	UNT Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Earl Township Berks County	PAR10C389	Jane Diener 1061 Manatawny Rd. Boyertown, PA 19512	Manatawny Creek CWF	Berks County Conservation District P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533-0520 (610) 372-4657
Windsor Township Berks County	PAR10C401	Angleo Corrado Homes Inc. 271 Berger Rd. Kutztown, PA 19530	Schuylkill River WWF	Berks County Conservation District P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533-0520 (610) 372-4657
Maidencreek Township Berks County	PAR10C417	Walter Greth Greth Dev. Group Inc. P. O. Box 305 Temple, PA 19560	Willow Creek CWF	Berks County Conservation District P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533-0520 (610) 372-4657
Tilden Township Berks County	PAR10C421	Joe Jurgielewicz & Son LTD P. O. Box 257 Shartlesville, PA 19554	Mill Creek tributary to Schuylkill River TSF	Berks County Conservation District P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533-0520 (610) 372-4657
Susquehanna Township Dauphin County	PAR10I281-1	Department of General Services 18th and Herr Streets Harrisburg, PA 17125	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Lykens Township Dauphin County	PAR10I295	Kenneth Crissinger Dairy Farm 6313 Route 25 Gratz, PA 17030	Deep Creek CWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
West Manchester Township York City York County	PAR10Y583	Apple Honda Stewart & March Part. 1020 N. Hartly St. York, PA 17404	Willis Run WWF	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
West Manchester Township York County	PAR10Y561	Thistle Downs LP. Timothy F. Pasch 2645 Carnegie Rd. York, PA 17402	UNT To Little Conewago Creek	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Carroll Township York County	PAR10Y582	Monaghan Presbyterian Richard H. Lee P. O. Box 381 Dillsburg, PA 17019	UNT to Yellow Breeches CWF	York County Conservation District 118 Pleasant Acres Rd. York, PA 17402 (717) 840-7430
Silver Spring Township Cumberland County	PAR10H289	PPL Electric Utilities Corp. PPL West Shore Service Center Two N. Ninth Street Allentown, PA 18101-1179	Hogestown Run CWF	Cumberland County Conservation District 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812
Upper Allen and Lower Allen Townships Cumberland County	PAR10H292	Richard P. Hart The Manor at Fair Oaks 326 Swatara Street Steelton, PA 17113	UNT Cedar Run CWF	Cumberland County Conservation District 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812
Centre County College Township	PAR10F160	Sheetz Convenience Store and Shared Entrance Driveways 101 Lakemont Park Blvd. Altoona, PA 16602	UNT Spring Creek CWF	Centre County Conservation District 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817
Centre County Potter Township	PAR10F162	Egg Hill Estates and East Egg Hill Estates Lucas Lane and Upper Georges Valley Rd. Spring Mills, PA 16875	UNT To Potter Run and Muddy Creek—tributar- ies of Penns Creek CWF	Centre County Conservation District 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817
Columbia County Roaring Creek Township	PAR102154	Hillside Acres Proj. Michael Petro 159 Martin Dr. Catawissa, PA 18720	Tributary of Roaring Creek	Columbia County Conservation District 702 Sawmill Rd. Suite 105 Bloomsburg, PA 17815 (570) 784-1310
Cambria County Richland Township	PAR101083	H. F. Lenz Company 1407 Scalp Avenue Johnstown, PA 15904	UNT Solomon Run WWF	Cambria County Conservation District (814) 472-0686
Fayette County Franklin and Dunbar Townships	PAR10L076	Atlas America, Inc. P. O. Box 611 Moon Township, PA 15108	Redstone Creek WWF	Fayette County Conservation District (724) 438-4497
Somerset County Boswell Borough Jenner Township	PAR106146	North Star School District 1200 Morris Avenue Boswell, PA 15531	Quemahoning Creek CWF	Somerset County Conservation District (814) 445-4652
Mercer County City of Farrell	PAR104376	Steel City Housing Partnership, LP 100 Wood Street Pittsburgh, PA 15222	Shenango River WWF	Mercer County Conservation District (724) 662-2242

General Permit Type—PAG-3

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Lehigh County Allentown	PAR122204	General Mills, Inc. 2132 Downyflake Lane Allentown, PA 18103	Unnamed tribu- tary to Trout Creek WWF	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
Susquehanna County Oakland Township	PAR602237	Boughton's Auto Salvage, Inc. R. R. 2 Box 39 Susquehanna, PA 18847	Unnamed feeder to Susquehanna River CWF	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511

NOTICES

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Luzerne County Hanover Township	PAR602221	Louis Cohen & Son, Inc. P. O. Box 1004 Wilkes-Barre, PA 18703	Solomon Creek CWF	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
Lancaster County Mt. Joy Township	PAR213540	Donegal Rock Products LLC Rheems Concrete Plant P. O. Box 10 Rheems, PA 17570	UNT to Donegal Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Clinton Township Lycoming County	PAR324802	Construction Specialties, Inc. P. O. Box 380 Muncy, PA 17756	Turkey Run WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Berwick Borough Columbia County	PAR234816	Consolidated Container Co., LLC 910 Seventh Ave Berwick, PA 18603	Storm sewer to Susquehanna River (WWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Pine Township Mercer County	PAR808328	Tri County Landfill, Inc. 159 TCI Park Drive Grove City, PA 16127-0669	Unnamed tribu- tary to Wolf Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
North East Borough Erie County	PAR208321	Ridg-U-Rak, Inc. P. O. Box 150 North East, PA 16428-0150	Sixteenmile Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Adams Township Butler County	PAR608314	Tri County Industries, Inc. Tri County Recycling 159 TCI Park Drive Grove City, PA 16127-0669	Hutchman Run to Breakneck Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Corry Erie County	PAR208325	McInnes Steel Company 441 East Main Street Corry, PA 16407-2073	Hare Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Summit Township Butler County	PAR208302	Bear Metallurgical Company 679 East Butler Road Butler, PA 16002-9127	Unnamed tribu- taries to Ohio River Basin and Connoquenessing Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Zelienople Borough Butler County	PAR118321	F.B. Leopold Company, Inc. 227 South Division Street Zelienople, PA 16063-1313	Glade Run to Connoquenessing Creek to Beaver River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-4</i>				
<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Berks County Douglass Township	PAG043690	Brian L. Kanach 101 Gristmill Road Boyertown, PA 19512	Ironstone Creek TSF	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Jordan Township Lycoming County	PAG044928	Frank Bomboy 944 Bomboy Blvd. Unityville, PA 17774	UNT to Little Muncy Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Huston Township Centre County	PAG044966	James and Susan White 656 Jack Straw Road Julian, PA 16844	UNT Laurel Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Huston Township Centre County	PAG044974	James and Cathy Polinchok 375 Kennel Lane Port Matilda, PA 16870	UNT Bald Eagle Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Bradford Township Clearfield County	PAG044977	David R. Houser 103 Nathan Drive Monaca, PA 15061	UNT West Branch Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Franklin Township Erie County	PAG048798	Samuel Black, Managing General Partner Black Interests Limited Partnership 400 French Street Erie, PA 16507	Porter Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Lafayette Township McKean County	PAG048786	William Freeman P. O. Box 782 Bradford, PA 16701	Unnamed tribu- tary to Threemile Run Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Cussewago Township Crawford County	PAG048444	Eugene F. Jr. and Leslie K. Soltesz 19525 Bear Road Venango, PA 16440	Unnamed tribu- tary of French Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Hermitage Mercer County	PAG048795	Norma J. Flickinger 2745 South Keel Ridge Road Hermitage, PA 16148	Unnamed tribu- tary to the West Branch Little Neshannock Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Elk Creek Township Erie County	PAG048445	Kenneth D. Baker 9320 Miller Road Cranesville, PA 16410	Unnamed tribu- tary to East Branch Conneaut Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-7</i>				
<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Telephone No.</i>
Athens Borough Bradford County	PAG074828	Valley Joint Sewer Authority One South River Rd. Athens, PA 18810	Valley Joint Sewer Authority WWTP One River Road	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3655

General Permit Type—PAG-8

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Contact Office & Telephone No.</i>
North Annville Township Lebanon County	PAG083504	Township of Annville P. O. Box 320 Rnnville, PA 17003-0320	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
North Cornwall Township Lebanon County	PAG083503	City of Lebanon Authority 250 Dairy Road Lebanon, PA 17042	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Springettsbury Township York County	PAG083505	Springettsbury Township 1501 Mt. Zion Road York, PA 17402	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-8 (SSN)

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Telephone No.</i>
Canton Township Bradford County	PAG084822	Canton Borough Authority P. O. Box 237 100 Park Place Canton, PA 17724-0237	Jeff Sechrist Farm Canton Township Bradford County 2 miles east of Canton on SR 414	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3655
Berkey Lilly Farm Biosolids Site Dunkard Township Greene County	PAG086101	Allegheny County Sanitary Authority 3300 Preble Avenue Pittsburgh, PA 15233		Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222- 4745 (412) 442-4000
Bastistig Farm Biosolids Site Burrell Township Armstrong County	PAG086106	City of Johnstown WWTP 241 Asphalt Road Johnstown, PA 15907-0610		Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-400

General Permit Type—PAG-9

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Contact Office & Telephone No.</i>
Shirley Township Huntingdon County	PAG093537	Lake's Septic Tank Cleaning HC 62 Box 444 Shade Gap, PA 17255	DEP—SCRO 909 Elmerton Ave Harrisburg, PA 17110 (717) 705-4707
Windsor Township York County	PAG093508	Joines Septic Service Kenneth Joines 440 Dull Road Felton, PA 17322	DEP—SCRO 909 Elmerton Ave Harrisburg, PA 17110 (717) 705-4707

General Permit Type—PAG-9 (SSN)

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Telephone No.</i>
Terry Township Bradford County	PAG094827	Lewis Crawford, Jr. R. R. 2, Box 165-A Wyalusing, PA 18853	Ralph Newton Farm 1 mile north of SR 187 at Tarrytown	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3655

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Telephone No.</i>
West Branch Township Potter County	PAG094805	David Hinman Inc. Leslie's Septic Service P. O. Box 211 Galeton, PA 16922	Paul Farm Paul Hollow Road 2 miles west of SR 144	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3655
<i>General Permit Type—PAG-12</i>				
<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Perry County Howe Township	PAG123544	Brent Hershey Hershey Ag 138 Airport Road Marietta, PA 17547-0068	Howe Run Juniata River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

PUBLIC WATER SUPPLY PERMITS

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

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

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

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

SAFE DRINKING WATER

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

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

Permit No. 4601510, Public Water Supply.

Applicant **Philadelphia Suburban Water Company**
762 W. Lancaster Avenue
Bryn Mawr, PA 19010

Township Perkiomen
County **Montgomery**
Type of Facility PWS System
Consulting Engineer CET Engineering Services
1240 N. Mountain Road
Harrisburg, PA 17112
Permit to Construct April 30, 2002
Issued

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

Operations Permit issued to **Lehigh County Authority**, 1053 Spruce Street, P. O. Box 3348, Allentown, PA 18106-0348, PWS ID #3390085, Lynn Township, **Lehigh County** on April 23, 2002, for the operation of facilities approved under Construction Permit #3997501.

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

Permit No. 0501506, Public Water Supply.

Applicant **Woodbury Borough Water Authority**
Municipality Woodbury Township
County **Bedford**
Type of Facility Addition of three wells to augment the existing sources of supply, construction of a new chlorination facility and the construction of a 150,000-gallon storage tank. Project will also involve abandonment of the existing storage tank and the SWIP affected springs.

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

Permit to Construct March 18, 2002
Issued

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

Permit No. 1402503, Public Water Supply.

Applicant **The Pennsylvania State University**
Office of Physical Plant
University Park, PA 16802

Township Ferguson Township

County **Centre**

PWSID 4140095

Type of Facility PWS—permit to construct inter-connection with the State College Borough Water Authority on Corl Street

Consulting Engineer CET Engineering Services
321 Washington Street
Huntington, PA 16652

Permit to Construct Issued April 30, 2002

Permit No. Minor Amendment, Public Water Supply.

Applicant **United Water Pennsylvania**
4211 East Park Circle
Harrisburg, PA 17111

Town Town of Bloomsburg

County **Columbia**

PWSID 4190008

Type of Facility PWS—approval to construct replacement of floating reservoir cover on 1.7 MG finished water reservoir

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

Permit to Construct Issued May 3, 2002

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.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Borough of Middleport	22 St. Clair Street Middleport, PA 17053	Schuylkill
Borough of New Philadelphia	24 Kimber Street New Philadelphia, PA 17959	
Blythe Township	P. O. Box 91 Cumbola, PA 17930	
Schuylkill Township	P. O. Box 405 Mary-D, PA 17952	

Plan Description: This plan approval is contingent upon the Schuylkill Valley Sewer Authority (Authority) and/or its member municipalities complying with any requirements that may be imposed by the Historical and Museum Commission and the United States Fish and Wildlife Service, regarding the protection of historic and

archaeological resources and plant and animal species, respectively. This review has also not identified any significant environmental impacts resulting from this proposal.

The Plan calls for the construction of a new 0.550 MGD sequencing batch reactor wastewater treatment facility to serve the following areas: Villages of Brockton, Mary-D and Tuscarora located in Schuylkill Township, Boroughs of Middleport and New Philadelphia and the Villages of Kaska, Silver Creek and Cumbola located in Blythe Township. The treatment facility will be located near the Village of Cumbola and discharge treated wastewater to the Schuylkill River. The selected wastewater disposal alternative is described in the Plan as the "One-Plant Alternative." Implementation of the selected alternative and operation of the proposed facilities will be performed by the Authority.

The Plan's selected wastewater disposal alternative also calls for the installation of new wastewater collection and conveyance systems in the Villages of Mary-D, Brockton, Kaska, Silver Creek and Cumbola and within the Boroughs of Middleport and New Philadelphia. The Village of Tuscarora will continue to utilize its existing sanitary wastewater collection system lines. All of these areas will discharge their wastewater to the proposed Cumbola Wastewater Treatment Facility via the proposed interceptor system. All discharge of sanitary wastewater into the existing "wildcat" wastewater collection systems will be discontinued upon final completion of the Plan's selected alternative. Due to this situation, the Plan proposes the construction of additional, new stormwater collection systems in the Village of Brockton and in the Boroughs of Middleport and New Philadelphia. These proposed systems will permit the routing of stormwater to appropriate surface watercourses that had previously been transported by the existing "wildcat" wastewater collection systems.

The Plan's selected wastewater disposal alternative also calls for all portions of the planning area that are not proposed to be served by centralized wastewater collection, conveyance and treatment systems in the Plan, 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 D of the Plan. Each of the four municipalities have also additionally enacted privy and holding tank ordinances to govern the use of these types of facilities within their municipal borders.

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 an NPDES Permit for the treated wastewater effluent discharge at the Authority's proposed wastewater treatment facility. The proposed project will also require a Water Management Part II Permit for the construction and operation of the proposed sewage facilities. Both of these permit applications must be submitted in the name of the Authority. Starting construction prior to obtaining a Part II Permit is a violation of The Clean Streams Law.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Borough of Coaldale	P. O. Box 116 Coaldale, PA 18218	Schuylkill

Plan Description: The approved plan proposes a systematic plan to identify and propose corrective measures for portions of the Borough's wastewater collection system that may be subject to excessive amounts of infiltration/inflow. The Corrective Action Plan (CAP) also contains time schedules for the implementation of the activities proposed in the CAP. The CAP is now to be considered an integral part of the municipality's Official Sewage Facilities Plan.

Should conditions be encountered during the implementation of the CAP, which require the alteration of the approved CAP, the Borough of Coaldale shall contact the Department, in writing and discuss the need to alter the CAP at the earliest possible time. Additional wastewater-related improvements, additions, deletions or changes outside of those explicitly described in the CAP must be in compliance with the Department's regulations and be submitted to and approved by the Department in writing.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Bedford Township	1037 Shed Road Bedford, PA 15522	Bedford

Plan Description: The approved plan provides for the construction of a gravity sanitary collection and conveyance system to serve Belden, Blattenburg/Camp Hughes, Camp Sunshine, Cara Heights, Sunnybrook/Hafer, Wolfsburg and Sunrise Terrace as the Plan defines these areas. The sewage flow will be conveyed to Municipal Authority of Bedford Borough treatment facility. The Plan provides for the construction of separate community wastewater treatment facilities for Imlertown and Yount. These facilities will discharge (respectively) to Imlertown Run and Dunning Creek. The Plan also provides for the adoption and implementation of an onlot sewage disposal system management ordinance. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Muncy Creek Township	575 Route 422 Highway Muncy, PA 17756	Lycoming

Plan Description: The approved plan provides for dividing the study area into two districts separated by Muncy Creek. The effluent from these areas will be collected and conveyed to Muncy Borough and Hughesville-Wolf Township Sewage Treatment Plants. Approximately 387 EDUs on the west side and 309 EDUs on the east side of the creek will be provided with new gravity and where needed, pressure sewer collection. Muncy Borough, Hughesville Borough and Wolf Township have all

coadopted this plan and will accept these new flows. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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:

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

Miller Property (3655 William Penn Highway), Palmer Township, Northampton County. David A. Everitt, III, Senior Environmental Scientist, MEA Inc., 201 Center Street, Stockertown, PA 18083 has submitted a Final Report (on behalf of Barry Miller, Zinfadel Court West, Easton, PA) concerning the remediation of soils found or suspected to have been contaminated with leaded and/or unleaded gasoline. The report was submitted to demonstrate attainment of the Statewide health standard. A Notice of Intent to Remediate was simultaneously submitted.

Former Alliance America Facility, Borough of Port Carbon, **Schuylkill County.** Christopher Orzechowski, P.G., RT Environmental Services, Inc., 215 W. Church Road, King of Prussia, PA 19406 has submitted a combined Remedial Investigation Report, Risk Assessment Report and Cleanup Plan (on behalf of JDSW Real Estate Limited Partnership, 5th and Mahantango Streets, Pottsville, PA) concerning the remediation of groundwater

found or suspected to have been contaminated with solvents. The reports were submitted in partial fulfillment of a combination of both the Statewide health and site-specific standards.

Spirax Sarco, Inc., City of Allentown, **Lehigh County**. Dr. William K. Ahlert, Manager, Mid-Atlantic Services, Lawler, Matusky and Skelly Engineers, LLP, The Sovereign Building, 609 Hamilton Mall, Allentown, PA 18101 has submitted a Final Report (on behalf of Spirax Sarco, Inc., 1150 Northpoint Boulevard, Blythewood, SC 20106) concerning the remediation of site soils and groundwater found or suspected to have been contaminated with solvent compounds. The report was submitted to demonstrate attainment of the site-specific standard.

Bethlehem Contracting Company, East Allen Township, **Northampton County**. Douglas H. Sammak, P.G., American Analytical & Environmental, Inc., 738 Front Street, Catasauqua, PA 18032 has submitted a Remedial Investigation Report and a Cleanup Plan (on behalf of John Cancelliere, President, Bethlehem Contracting Company, P. O. Box 40, Bath, PA 18014) concerning the remediation of site soils and groundwater found or suspected to have been contaminated with polycyclic aromatic hydrocarbons, BTEX compounds, solvents, lead and other metals. The reports were submitted in partial fulfillment of a combination of the Statewide health and site-specific standards.

PPL Utilities—Former Penn Fuel Gas Manufactured Gas Plant (Jim Thorpe site), Mahoning Township, **Carbon County**. RETEC, 3040 William Pitt Way, Pittsburgh, PA 15238 has submitted a Final Report (on behalf of PPL Utilities, Environmental Management Division, Two North Ninth Street, Allentown, PA 18101-1179) concerning the characterization and remediation of site soils, groundwater and adjacent surface water and sediments found or suspected to have been contaminated with metals, phenolic compounds, cyanide, polycyclic aromatic hydrocarbons and BTEX (benzene, toluene, ethylbenzene and xylene) compounds. The report was submitted in partial fulfillment of a combination of both the Statewide health and site-specific standards.

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:

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

Maffeo Spill (Reading Blue Mountain and Northern Railroad Company Property), Cressona Borough, **Schuylkill County**. James Drasher, Manager of Environmental Services, Aqua-Terra Environmental, Ltd., P. O. Box 4099, Reading, PA 19606 has submitted a Final Report (on behalf of Carl Maffeo, N. Garfield Avenue, Schuylkill Haven, PA) concerning the remediation of soils, sediment and surface water found or suspected to have been contaminated with no. 2 fuel oil constituents. The report demonstrated attainment of the Statewide health standard and was approved on March 27, 2002.

Brown Residence, Forks Township, **Northampton County**. James S. Meenan, III, Environmental Scientist, Marshall Miller & Associates, 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011 has submitted a Final Report (on behalf of Elsi Brown, Klein Road, Easton, PA 18040) concerning the remediation of soils found or suspected to have been contaminated with no. 2 fuel oil constituents. The report demonstrated attainment of the Statewide health standard and was approved on April 24, 2002.

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 Street, 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 demonstrated attainment of the Statewide health standard and was approved on April 25, 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

EAP Industries, Inc., P. O. Box 275, 1575 Smith Township State Rd. Rt., Atlasburg, PA 15004. **License No. PA-AH 0660.** Effective May 1, 2002.

South Jersey Pollution Control, Inc., 209 Harmony Road, P. O. Box 28, Mickleton, NJ 08056. **License No. PA-AH 0145.** Effective May 1, 2002.

Elk Transportation, Inc., 1420 Clarion Street, Reading, PA 19061. **License No. PA-AH 0413.** Effective April 26, 2002.

Ken's Marine Service, Inc., P. O. Box 4001, Bayonne, NJ 07002. **License No. PA-AH S154.** Effective May 2, 2002.

Gensimore Trucking, Inc., P. O. Box 5210, Pleasant Gap, PA 16823. **License No. PA-AH 0048.** Effective May 7, 2002.

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

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

Hazardous Waste Transporter License Voluntarily Terminated

S & D Environmental Services, Inc., 2350 Paris Pike, Lexington, KY 40505. **License No. PA-AH 0464.** Effective April 29, 2002.

Evans Worldwide, Inc., 251 Industrial Parkway, Branchburg, NJ 08876. **License No. PA-AH 0538.** Effective April 25, 2002.

Hazardous Waste Transporter License Expired

Diablo Systems Incorporated d/b/a Diablo Transportation, Inc., P. O. Box 113, Joplin, MO 64802. **License No. PA-AH 0516.** Effective April 30, 2002.

C.R. Warner, Inc., 6050 West Passyunk Avenue, Philadelphia, PA 19153. **License No. PA-AH 0460.** Effective April 30, 2002.

E. I. DuPont de Nemours and Company, Experimental Station, P. O. Box 80268 Route 141, Wilmington, DE 19880-0268. **License No. PA-AH S227.** Effective April 30, 2002.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**Permit revoked under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

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

Permit No. 602928, Stout Farm, Borough of Adamstown, 3000 Lancaster Avenue, P. O. Box 546, Adamstown, PA 19601, East Cocalico Township, Lancaster County. This permit has been revoked at the request of the permittee for a site in East Cocalico Township, **Lancaster County**. The permit was revoked by Southcentral Regional Office on April 26, 2002.

Permits approved 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.

Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Permit No. 300624, National Forge Company, One Front Street, Irvine, PA 16329, Brokenstraw Township, **Warren County**. This is an approval of a closure plan revision for a residual waste disposal facility. The revision was approved by the Northwest Regional Office on May 1, 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.**

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

GP1-06-03073: Giorgio Foods, Inc. (P. O. Box 96, Temple, PA 19560) on April 29, 2002, was authorized to operate three small natural gas and No. 2 oil fired combustion units under GP1 in Maiden Creek Township, **Berks County**.

GP3-3-05-03010: New Enterprise Stone and Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664) on May 2, 2002, was authorized to operate a portable nonmetallic mineral processing plant under GP3 in Snake Spring Township, **Bedford County**.

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

GP-32-00200: Indiana University of Pennsylvania (S.W. Jack Cogeneration Plant, 525 Pratt Drive, Indiana, PA 15705) (GP-1) on May 3, 2002, for installation of gas and oil fired combustion units in Indiana Borough, **Indiana County**.

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

62-164: IA Construction—Pittsfield Mine (Route 6 North, Pittsfield, PA 16340) on April 30, 2002, for operation of a portable mineral processing plant in Pittsfield Township, **Warren County**.

62-163: IA Construction—Garland Mine (State Route 436, Pittsfield, PA 16340) on April 12, 2002, for operation of a portable mineral processing plant in Pittsfield Township, **Warren County**.

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

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

46-0022: ATOFINA Chemicals, Inc. (900 1st Avenue, King of Prussia, PA 19406) on April 25, 2002, for operation of a boiler in Upper Merion Township, **Montgomery County**.

46-0135: Yerger Wood Products, Inc. (3090 Wentling Schoolhouse Road, East Greenville, PA 18041) on April 25, 2002, for operation of a wood grinding hog in Upper Hanover Township, **Montgomery County**.

46-0059A: Handelok Bag Co. (701A West 5th Street, Lansdale, PA 19446) on May 1, 2002, for operation of a four station nonheatset flexographic in Lansdale Borough, **Montgomery County**.

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

36-03125: Susquehanna Valley Organics Corp. (3705 Trindle Road, Camp Hill, PA 17011-4334) on May 3, 2002, for construction of a sludge (biosolids) drying facility that will accept dewatered municipal wastewater solids and convert it into pelletized granules for use as commercial fertilizer in Lancaster Township, **Lancaster County**. This project is subject to 40 CFR Part 61, Subpart E—National Emission Standards for Mercury.

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

24-123C: Superior Greentree Landfill (635 Toby Road, Kersey, PA 15846) on April 22, 2002, for operation of temporary candlestick flares in Fox Township, **Elk County**.

24-131D: SGL Carbon Corp. (900 Theresia Street, St. Marys, PA 15857) on April 30, 2002, for modifications to Building 600 in St. Marys, **Elk County**.

16-127B: Piney Creek LP (428 Power Lane, Clarion, PA 16214) on April 30, 2002, for installation of SNCR in Piney Township, **Clarion County**.

43-327A: ELG Metals, Inc. (660 Fourth Street, Greenville, PA 16125) on April 25, 2002, for installation of a baghouse in Pymatuning Township, **Mercer County**.

42-174A: W.R. Case and Sons Cutlery, Co. (High Street Extension, Bradford, PA 16701) for installation of a dust collector in Bradford, **McKean County**.

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

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

15-0102: Columbia Transmission Communications (55 Pottstown Pike, Chester Springs, PA 19425) revoked on March 21, 2002, for a 1,850-hp diesel fired generator in West Vincent Township, **Chester County**.

46-313-147: Cabot Corp. (County Line Road, Boyertown, PA 19512) on April 24, 2002, for operation of a refrigerated condenser in Douglass Township, **Montgomery County**.

15-0014C: Saint Gobain Performance Plastics Corp. (57 Morehall Road, Malvern, PA 19355) on April 30, 2002, for operation of an air cleaning control device in East Whiteland Township, **Chester County**.

46-322-007: Waste Management Disposal Services of PA (1425 Sell Road, Pottstown, PA 19464) on January 4, 2002, for operation of a municipal solid waste landfill in West Pottsgrove Township, **Montgomery County**.

23-0001K: Sunoco, Inc. (R&M) (Delaware Avenue and Green Streets, Marcus Hook, PA 19061) on May 2, 2002, for operation of an organic chemical production in Marcus Hook Borough, **Delaware County**.

46-0020C: Superior Tube Co. (3900 Germantown Pike, Colledgeville, PA 19426) on May 2, 2002, for operation of a activated carbon adsorption system in Lower Providence Township, **Montgomery County**.

09-0090: Messer Griesheim Industries, Inc. (One Steel Road East, Morrisville, PA 19067) on May 1, 2002, for operation of a residual cylinder gases in Bristol Township, **Bucks County**.

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

21-05021C: Arnold Fuel Oil, Inc. (P. O. Box 2621, Harrisburg, PA 17105) on April 2, 2002, for installation of a backup vapor recovery unit at its Mechanicsburg North Terminal in Silver Spring Township, **Cumberland County**. This facility is subject to 40 CFR Part 60, Subpart XX—Standards of Performance for Bulk Gasoline Terminals. This plan approval was extended.

36-05067F: C and D Technologies, Inc. (82 East Main Street, Leola, PA 17540) on May 1, 2002, for operation of a lead-acid battery manufacturing plant in Upper Leacock Township, **Lancaster County**. This facility is subject to 40 CFR Part 60, Subpart KK—Standards of Performance for Lead-Acid Battery Manufacturing Plants. This plan approval was extended.

38-03032A: Sun Pipe Line Co. (Ten Penn Center 20th Floor, Philadelphia, PA 19013) on May 1, 2002, for construction of a soil vapor extraction system controlled by a biofilter at its Cornwall Pumping Station in West Cornwall Township, **Lebanon County**. This plan approval was extended.

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

14-309-043A: Corning Asahi Video Products Co. (3500 East College Avenue, State College, PA 16801-7555) on April 23, 2002, to extend the authorization to operate a glass furnace (Tank 222) and associated air cleaning device (an electrostatic precipitator) on a temporary basis until August 21, 2002, as well as to extend the authorization to modify a second glass furnace (Tank 221) and associated air cleaning device (an electrostatic precipitator) until August 21, 2002, in College Township, **Centre County**.

53-00005A: Dominion Transmission Corp. (625 Liberty Avenue, Pittsburgh, PA 15222-3199) on April 23, 2002, to extend the authorization to operate a 1,085 horsepower natural gas-fired internal combustion auxiliary generator on a temporary basis until August 21, 2002, at the Greenlick Compressor Station in Stewardson Township, **Potter County**.

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

10-281C: II-VI, Inc. (375 Saxonburg Boulevard, Saxonburg, PA 16056) on April 30, 2002, for a TFM project in Clinton Township, **Butler County**.

42-192B: IA Construction Corp. (Route 59, P. O. Box 568, Franklin, PA 16323) on May 20, 2002, for a batch plant in Lafayette Township, **McKean County**.

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

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

31-03006: Mead Corp. (P. O. Box 317, Alexandria, PA 16611) on May 1, 2002, for operation of the printing facility in Porter Township, **Huntingdon County**.

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

41-00011: John Savoy and Son, Inc. (300 Howard Street, P. O. Box 248, Montoursville, PA 17754) on May 1, 2002, for their wood furniture manufacturing facility in Montoursville Borough, **Lycoming County**. The facility's main sources include 12 natural gas fired space heaters, 6 spray booths, 2 UV coaters, a glue spreader and wood-working operations. This operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

46-0176: A. Talone, Inc. (318 West Lancaster Avenue, Ardmore, PA 19003) on April 24, 2002, for Synthetic Minor VOC Facility in Lower Merion Township, **Montgomery County**.

09-0023: Laclede Steel Co. (131 Pipe Mill Road, Fairless Hills, PA 19030) revoked on April 30, 2002, for a Facility VOCs/NOx RACT in Falls Township, **Bucks County**.

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

20-00040: Advanced Cast Products, Inc. (18700 Mill Street, Meadville, PA 16335) on May 2, 2002, for an Administrative Amendment of the Title V Operating

Permit to incorporate the conditions of Plan Approval 20-040D in Vernon Township, **Crawford County**.

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.

49870202R3. Susquehanna Coal Company (P. O. Box 27, 200 East Front Street, Nanticoke, PA 18634) renewal of a coal refuse reprocessing operation in Mt. Carmel and Coal Townships, **Northumberland County** affecting 788.0 acres, receiving stream: Coal Run. Application received February 12, 2002. Renewal issued April 30, 2002.

49970201R. Split Vein Coal Co., Inc. (R. R. 1, Drawer 2, Paxinos, PA 17860) renewal of a coal refuse reprocessing operation in Mt. Carmel Township, **Northumberland County** affecting 72.3 acres, receiving stream: none. Application received February 22, 2002. Renewal issued May 2, 2002.

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

17990123 and NPDES Permit No. PA 0242799. Hepburnia Coal Company, P. O. Box I, Grampian, PA 16838, transfer of an existing bituminous surface mine permit from Thunder Coal Company, located in Penn Township, **Clearfield County** affecting 64.8 acres. Receiving streams: unnamed tributaries to Kratzer Run and to Bell Run to the main streams. Application received April 30, 2001. Permit issued April 26, 2002.

17860144 and NPDES Permit No. PA 0115711. Junior Coal Contracting, Inc., renewal of an existing bituminous surface mine permit located in Decatur Township, **Clearfield County** affecting 324 acres. Receiving streams: unnamed tributary to Moshannon Creek and Shimmel Run. Application received January 30, 2002. Permit issued April 19, 2002.

17980116 and NPDES Permit No. PA 0138091. King Coal Sales, Inc., P. O. Box 712, Philipsburg, PA 16866, major revision to an existing bituminous surface mine permit for a Change in Permit Acreage from 158 to 171 acres. The permit is located in Cooper Township, **Clearfield County**. Receiving streams: unnamed tributary to Sulphur Run and Sulphur Run to Moshannon

Creek to West Branch Susquehanna River. Application received November 2, 2001. Permit issued April 24, 2002.

17010108 and NPDES Permit No. PA 0243108. Swisher Contracting, Inc., P. O. Box 1223, Clearfield, PA 16830, commencement, operation and restoration of a bituminous surface mine-auger permit in Lawrence Township, **Clearfield County** affecting 76 acres. Receiving streams: Orr's Run to the West Branch of the Susquehanna River. Application received July 10, 2001. Permit issued April 26, 2002.

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

30010102 and NPDES Permit No. PA0203017. Coresco, Inc. (P. O. Box 1209, Morgantown, WV 26507). Permit issued for commencement, operation and reclamation of a bituminous surface mining site located in Dunkard Township, **Greene County**, affecting 169.0 acres. Receiving streams: unnamed tributaries to Dunkard Creek to Dunkard Creek to the Monongahela River. Application received July 24, 2001. Permit issued May 1, 2002.

03000104 and NPDES Permit No. PA0202746. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Permit revised to add 8.3 acres of coal removal, 5.7 acres of augering and include conventional bonding recalculations at a bituminous surface/auger mining site located in Valley and Kittanning Townships, **Armstrong County**, now affecting 460.9 acres. Receiving streams: unnamed tributary "C" to Mill Run; unnamed tributary "D" to Mill Run; Cowanshannock Creek; unnamed tributary "A" to Cowanshannock Creek; unnamed tributary "C" to Cowanshannock Creek; unnamed tributary "B" to Mill Run; or unnamed tributary "B" to Cowanshannock Creek. Application received September 17, 2001. Permit revision issued May 3, 2002.

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

56960105 and NPDES Permit No. PA0234168. L. K. Mining, Inc., 323 Coalyard Road, Rockwood, PA 15557. Permit renewal for continued operation of a bituminous surface mine and for existing discharge of treated mine drainage in Milford Township, **Somerset County**, affecting 20.2 acres. Receiving streams: unnamed tributary to South Glade Creek classified for the following uses: WWF. There are no potable water supply intakes within 10 miles downstream. Application received January 29, 2002. Permit issued April 29, 2002.

32970201 and NPDES Permit No. PA0234443. Britt Energies, Inc., 2450 Philadelphia Street, 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. Permit issued April 29, 2002.

11860101 and NPDES Permit No. PA0599191. Laurel Land Development, Inc., P. O. Box 629, Carrolltown, PA 15722, permit renewal for reclamation only for continued restoration of a bituminous surface mine in Blacklick Township, **Cambria County**, affecting 67.0 acres. Receiving streams: Coalpit Run classified for the following uses: CWF. There are no potable water supply intakes within 10 miles downstream. Application received April 19, 2002. Permit issued April 30, 2002.

32970202 and NPDES Permit No. PA0234575. Britt Energies, Inc., 2450 Philadelphia Street, Indiana, PA 15701, permit renewal for reclamation only and for continued restoration of a bituminous surface (coal refuse reprocessing) mine in Center and White Townships, **Indiana County**, affecting 47.8 acres. Receiving streams: Yellow Creek classified for the following uses: TSE. There are no potable water supply intakes within 10 miles downstream. Application received April 15, 2002. Permit issued April 30, 2002.

56920101 and NPDES Permit No. PA0599395. Future Industries, Inc., P. O. Box 157, Meyersdale, PA 15552, permit renewal for reclamation only for continued restoration of a bituminous surface mine and existing discharge of treated mine drainage in Summit Township, **Somerset County**, affecting 49.0 acres. Receiving streams: unnamed tributary to/and Casselman River and Shafer Run classified for the following uses: CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received April 10, 2002. Permit issued April 30, 2002.

32010113 and NPDES Permit No. PA0249106. TLH Coal Company, 4401 Pollock Road, Marion Center, PA 15759, commencement, operation and restoration of a bituminous surface and auger mine and for discharge of treated mine drainage in West Mahoning Township, **Indiana County**, affecting 57.2 acres. Receiving streams: unnamed tributary to Mahoning Creek and Mahoning Creek classified for the following uses: CWF and WWF. There are no potable water supply intakes within 10 miles downstream. Application received November 5, 2001. Permit issued April 30, 2002.

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

17841607. NPDES Permit #PA0100803, Energy Resources, Inc. (P. O. Box 259, Brockway, PA 15824) to transfer the permit for the coal preparation plant in Bradford Township, **Clearfield County** to transfer permit from Fuel Fabricators, Inc., 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. Permit issued April 30, 2002.

17823701. NPDES Permit #PA0617083, Energy Resources, Inc. (P. O. Box 259, Brockway, PA 15824) to transfer the permit for the Refuse Disposal Area No. 1 in Bradford Township, **Clearfield County** to transfer from Bradford Coal Co., Inc., 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. Permit issued April 30, 2002.

Noncoal Permits Actions

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

64022804. Robert A. Coleman (P. O. Box 3, Susquehanna, PA 18847) commencement, operation and restoration of a quarry operation in Scott Township, **Wayne County** affecting 5.0 acres, receiving stream: Hiawatha and Balls Creeks. Application received February 22, 2002. Permit issued April 30, 2002.

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

41021001. Glenn O. Hawbaker, Inc., 2801 Canfield Lane, Montoursville, PA 17754. Commencement, operation and restoration of a General Permit for a Short-Term Construction Project in McIntyre Township, **Lycoming County** affecting 2 acres. Application received January 28, 2002. Permit issued April 26, 2002.

18020801. Benson W. Probst, 668 German Road, Lock Haven, PA 17745. Commencement, operation and restoration of a Small Industrial Minerals (Topsoil) permit in Dunnstable Township, **Clinton County** affecting 2.7 acres. Receiving streams: Big Plum Run to Susquehanna River, tributary to Susquehanna River. Application received February 19, 2002. Permit issued April 30, 2002.

17010802. Johnson Brothers Coal Company, R. R. 1, Box 580, Mahaffey, PA 15757. Commencement, operation and restoration of a Small Industrial Minerals (Sandstone) permit in Pike Township, **Clearfield County** affecting 5 acres. Receiving streams: Roaring Run, tributary to Anderson Creek. Application received July 31, 2001. Permit issued April 30, 2002.

14920304 and NPDES Permit No. PA 0207217. Graymont (PA) Inc., P. O. Box 448, Bellefonte, PA 15823. Commencement, operation and restoration of a Large Industrial Minerals, Surface Activity Connected with Underground Mining (Noncoal) permit in Benner Township, **Centre County** affecting 15.5 acres. Receiving streams: unnamed tributary to Buffalo Run and Buffalo Run to Spring Creek to Bald Eagle Creek to the West Branch of the Susquehanna River. Application received October 23, 1992. Permit issued May 1, 2002.

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

63920301 and NPDES Permit No. PA0203424T. Langeloth Metallurgical Co., LLC (10 Langeloth Plant Drive, Langeloth, PA 15054). NPDES renewal issued for continued operation and reclamation of a large noncoal surface mine located in Smith Township, **Washington County**, affecting 13 acres. Receiving streams: unnamed tributary to Burgetts Fork to Burgetts Fork to Raccoon Creek to the Ohio River. Application received February 25, 2002. NPDES Renewal issued May 6, 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.

09024013. Brubacher Excavating, Inc. (825 Reading Road, Bowmansville, PA 17507) construction blasting in Hilltown Township, **Bucks County** with an expiration date of May 18, 2003. Permit issued April 29, 2002.

09024014. Rock Work, Inc. (1257 DeKalb Pike, R. R. 2, Blue Bell, PA 19422) construction blasting in Upper Makefield Township, **Bucks County** with an expiration date of May 21, 2003. Permit issued April 29, 2002.

35024006. Emmett J. Wilkinson, EJW Corp. (R. R. 2 Box 189, Kingsley, PA 18826) construction blasting in

Archbald Borough, **Lackawanna County** with an expiration date of June 30, 2002. Permit issued April 29, 2002.

45024021. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431) construction blasting in Smithfield Township, **Monroe County** with an expiration date of April 6, 2003. Permit issued April 29, 2002.

64024005. Holbert Explosives, Inc. (237 Masthope Plank Road, Suite A, Lackawaxen, PA 18435) construction blasting in Damascus Township, **Wayne County** with an expiration date of May 23, 2007. Permit issued April 29, 2002.

64024003. Holbert Explosives, Inc. (237 Masthope Plank Road, Suite A, Lackawaxen, PA 18435) construction blasting in Berlin Township, **Wayne County** with an expiration date of May 26, 2002. Permit issued April 29, 2002.

64024004. Holbert Explosives, Inc. (237 Masthope Plank Road, Suite A, Lackawaxen, PA 18435) construction blasting in Berlin Township, **Wayne County** with an expiration date of May 30, 2002. Permit issued April 29, 2002.

55024001. Heister House Mill Works (R. R. 1 Box 214H, Mt. Pleasant Mills, PA 17853) and **Douglas Explosives** (P. O. Box 77, Philipsburg, PA 16866) construction blasting in Perry Township, **Snyder County** with an expiration date of May 31, 2002. Permit issued April 29, 2002.

06014021. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507) construction blasting in Maxatawny Township, **Berks County** with an expiration date of April 8, 2003. Permit issued April 29, 2002.

67024010. J. Roy's, Inc. (Box 125 Bowmansville, PA 17507) construction blasting in Manchester Township, **York County** with an expiration date of April 9, 2003. Permit issued April 29, 2002.

46024024. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507) construction blasting in Lower Merion Township, **Montgomery County** with an expiration date of July 7, 2002. Permit issued April 29, 2002.

15024013. Explo Service, Inc. (P. O. Box 164, 1315 Sheep Hill Road, East Earl, PA 17519) construction blasting in West Nantmeal Township, **Chester County** with an expiration date of March 21, 2003. Permit issued April 30, 2002.

36024036. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507) construction blasting in East Hempfield Township, **Lancaster County** with an expiration date of April 10, 2004. Permit issued April 30, 2002.

36024037. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543) construction blasting in Caernarvon Township, **Lancaster County** with an expiration date of October 17, 2002. Permit issued April 30, 2002.

06024019. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507) construction blasting in St. Lawrence Borough, **Berks County** with an expiration date of April 10, 2003. Permit issued April 30, 2002.

06024020. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507) construction blasting in Bern Township, **Berks County** with an expiration date of July 20, 2002. Permit issued April 30, 2002.

36024038. B.R. Kreider & Son, Inc. (63 Kreider Lane, Manheim, PA 17545) construction blasting in

Manor Township, **Lancaster County** with an expiration date of November 17, 2002. Permit issued April 30, 2002.

21024026. R & M Excavating (403 Hilltop Road, Newburg, PA 17240) construction blasting in Dickinson Township, **Cumberland County** with an expiration date of May 15, 2010. Permit issued April 30, 2002.

67024011. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507) construction blasting in Springfield Township, **York County** with an expiration date of April 10, 2004. Permit issued April 30, 2002.

45024022. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431) construction blasting in Price Township, **Monroe County** with an expiration date of April 12, 2003. Permit issued April 30, 2002.

45024023. Explosives Services, Inc. (7 Pine Street, Bethany, PA 18431) construction blasting in Jackson Township, **Monroe County** with an expiration date of April 15, 2003. Permit issued May 2, 2002.

45024024. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431) construction blasting in Pocono Township, **Monroe County** with an expiration date of April 13, 2003. Permit issued May 2, 2002.

40024007. Explosives Services, Inc. (7 Pine Street, Bethany, PA 18431) construction blasting in Exeter Borough, **Luzerne County** with an expiration date of April 13, 2003. Permit issued May 2, 2002.

39024006. Clair Stahley (P. O. Box 526, Orefield, PA 18069-0526) and **Austin Powder Company** (P. O. Box 289, Northampton, PA) construction blasting in Whitehall Township, **Lehigh County** with an expiration date of August 28, 2002. Permit issued May 2, 2002.

39024007. Allan A. Myers, L.P. (P. O. Box 98, Worcester, PA 19490) construction blasting in Bethlehem Township, **Lehigh County** with an expiration date of July 28, 2002. Permit issued May 2, 2002.

34024001. Glenn O. Hawbaker, Inc. (1952 Waddle Road, P. O. Box 135, State College, PA 16804-0135) and **Douglas Explosives, Inc.** (1 Graham Station, P. O. Box 77, Philipsburg, PA 16866) construction blasting in Fermanagh Township, **Juniata County** with an expiration date of December 31, 2002. Permit issued May 2, 2002.

15024014. Explo-Craft, Inc. (P. O. Box 1332, West Chester, PA 19380) construction blasting in Honebrook Township, **Chester County** with an expiration date of September 21, 2002. Permit issued May 2, 2002.

52024009. Holbert Explosives, Inc. (237 Masthlope Plank Road, Suite A, Lackawaxen, PA 18435) construction blasting in Palmyra Township, **Pike County** with an expiration date of May 28, 2007. Permit issued May 2, 2002.

06024022. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507) construction blasting in Maxatawny Township, **Berks County** with an expiration date of April 16, 2003. Permit issued May 2, 2002.

21024028. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013-0608) construction blasting in Silver Springs Township, **Cumberland County** with an expiration date of April 30, 2004. Permit issued May 2, 2002.

36024040. ABEL Construction Co., Inc. (3925 Columbia Avenue, Mountville, PA 17554) construction blasting in Lititz Borough and Warwick Township, **Lancaster County** with an expiration date of November 30, 2002. Permit issued May 2, 2002.

38024012. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033) construction blasting in Campbelltown Township, **Lebanon County** with an expiration date of May 31, 2003. Permit issued May 2, 2002.

36024039. Keystone Blasting Service (381 Reifsnnyder Road, Lititz, PA 17543) construction blasting in Manheim Township, **Lancaster County** with an expiration date of November 15, 2002. Permit issued May 2, 2002.

22024005. Keystone Blasting Service (381 Reifsnnyder Road, Lititz, PA 17543) construction blasting in Derry Township, **Dauphin County** with an expiration date of May 31, 2003. Permit issued May 2, 2002.

67024012. Keystone Blasting Service (381 Reifsnnyder Road, Lititz, PA 17543) construction blasting in West Manchester Township, **York County** with an expiration date of November 15, 2002. Permit issued May 2, 2002.

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

14024011. HRI, Inc., P. O. Box 155, State College, PA 16804, for construction blasting in Ferguson Township, **Centre County**, with an expected duration of 151 days. Permit issued May 2, 2002. Permit expires: September 30, 2002.

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

32024001. Evergreen Landfill, Inc., Center Township, **Indiana County**, expansion of landfill and expected duration of blasting is 30 days from April 29, 2002. Permit issued April 29, 2002.

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

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

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

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental

Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)).

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

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

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

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

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

Permits Issued and Actions on 401 Certifications:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E64-221. Joseph J. and Alyson M. Burkavage, 734 Main Street, Honesdale, PA 18431. Dyberry Township, **Wayne County**, Army Corps of Engineers Philadelphia District.

To place fill and to excavate in 0.36 acre of wetlands for the construction of a single-family home. Work has been partially completed. The permittee is required to provide for 0.48 acre of replacement wetlands by participating in the Pennsylvania Wetland Replacement Project. The project is located on a 1.91-acre lot, at 120 Bethany Lake Court, abutting the west side of SR 0670, immediately

north of Bethany Borough (Honesdale, PA Quadrangle N: 22.0 inches; W: 6.0 inches).

E39-405. City of Allentown, Bureau of Parks, 2700 Parkway Boulevard, Allentown, PA 18104-5399. City of Allentown, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a stream restoration project in a 4,135-foot reach of Little Cedar Creek and to replace and repair various golf cart bridges along the same reach. The project's purpose is to stabilize stream banks, reduce sediment load, improve water quality, improve fish habitat and establish a riparian corridor. The project will utilize techniques such as the placement of concrete interlocking blocks in the initial phase and the placement of rock weirs, rock armor and biologs in subsequent phases. The project is known as the Allentown Municipal Golf Course Little Cedar Creek Rehabilitation Project.

Phase I of the multi-phase project includes restoration of 850 linear feet of Little Cedar Creek with work consisting of regrading stream banks and lining the channel with concrete interlocking blocks; removing the existing structure known as Bridge #10 and constructing and maintaining a golf cart bridge having a span of 22 feet and an underclearance of 3.4 feet across Little Cedar Creek; and repairing and maintaining an existing golf cart bridge across Little Cedar Creek known as Bridge #11 with repairs consisting of partial deck replacement and painting of steel beams.

Phase I is located approximately 0.2 mile upstream of Little Cedar Creek's intersection with SR 1002 (Tilghman Street) (Allentown West, PA Quadrangle N: 18.0 inches; W: 5.5 inches).

E45-417. Tobyhanna Township, HC 89, Box 289, State Avenue, Pocono Pines, PA 18350. Tobyhanna Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To remove the existing structures and to construct and maintain an 8-foot x 5-foot concrete box culvert having a 12-inch culvert depression in Goose Run. The project is located along Klock Road, approximately 300 feet downstream of SR 0115 (Blakeslee, PA Quadrangle N: 14.3 inches; W: 11.4 inches).

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

E02-1368. Forest City Bessemer Court Associates, 1000-B Terminal Tower, 50 Public Square, Cleveland, OH 44113-2267. City of Pittsburgh, **Allegheny County**, ACOE Pittsburgh District.

To construct and maintain a river side tower, landing/boat dock and an extension to the Gateway Clipper Dock along the left bank side of the Monongahela River (WWF) near River Mile 0.5. The landing area will consist of a floating barge with boat slips attached to it. The Gateway Clipper extension will consist of two floating barges. The total length of the facility will be approximately 865 feet long. The project is located downstream of the Smithfield Bridge and extends to approximately 250 feet upstream of the Fort Pitt Bridge (Pittsburgh West, PA Quadrangle N: 10.8 inches; W: 0.6 inch).

E04-272. Pennsylvania Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017. Independence Township, **Beaver County**, ACOE Pittsburgh District.

To remove the existing bridge and to construct and maintain a new bridge having a span of 108.0 feet with

an underclearance of 15.8 feet across Raccoon Creek (WWF) to construct and maintain several outfall structures on the left bank of said stream, to relocate and maintain approximately 400 feet of the channel of an unnamed tributary to Raccoon Creek and to place and maintain fill in a de minimis area of wetland less than 0.01 acre for the purpose of improving highway safety. The project is located on SR 0151, Section 016. This permit also authorizes the construction of temporary cofferdams and rock barriers. (Aliquippa, PA Quadrangle N: 8.9 inches; W: 9.45 inches).

E11-292. Cambria County Conservation District, 401 Candlelight Drive, Suite 221, Ebensburg, PA 15931. Borough of Patton, **Cambria County**, ACOE Baltimore District.

To restore and maintain the low flow channel of Chest Creek (CWF) as a meandering stream, for a length of approximately 1,645 feet above the Route 36 bridge, to protect and stabilize the toe of the existing flood protection project's earthen dikes (Hastings, PA Quadrangle N: 1.2 inches; W: 3.13 inches).

E26-290. NWL Company, 1001 Lafayette Drive, Farmington, PA 15437. Wharton Township, **Fayette County**, ACOE Pittsburgh District.

To remove an existing culvert, to construct and maintain a single 48-inch reinforced concrete pipe culvert in and two footbridges across, an unnamed tributary to Deadman Run (HQ-CWF) and to place and maintain fill in 0.50 acre of wetlands for the purpose of developing an outdoor store. Secondary impacts may affect 0.06 acre of additional wetland. The permittee will construct 0.61 acre of replacement wetland. Issuance of this permit constitutes approval of the Environmental Assessment for the repair and modification of an existing, nonjurisdictional dam that is located across an unnamed tributary to Deadman Run. The project will cumulatively affect 183 feet of watercourse. The project is located along US Route 40 at its intersection with Schoolhouse Road (Fort Necessity, PA Quadrangle N: 8.3 inches; W: 5.5 inches).

ENVIRONMENTAL ASSESSMENTS

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

EA54-010NE. Schuylkill County Conservation District, 1206 AG Center Drive, Pottsville, PA 17901. Schuylkill Township, **Schuylkill County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a two-stage abandoned mine discharge (AMD) treatment system situated in and along a tributary to the Schuylkill River and a de minimis area of wetlands. The purpose of the project is to treat and reduce AMD loadings discharging from the Bell Colliery directly to the Schuylkill River. The project is located approximately 0.9 mile southwest of the intersection of SR 0209 and Township Road T857 (Delano, PA Quadrangle N: 0.7 inch; W: 6.4 inches).

DAM SAFETY

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

D15-359. Somerset Lake Service Corporation c/o Brandywine Valley Properties, P. O. Box 7368, Wilmington, DE 19803-7368. To operate and maintain Basin No. 2 at Somerset Lake across a tributary to Broad Run (CWF) for the purpose of detaining stormwater (Kennett Square, PA Quadrangle N: 6.8 inches; W: 16.2 inches) New Garden Township, **Chester County**.

SPECIAL NOTICES

Certification to Perform Radon-Related Activities in this Commonwealth

In the month of April 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 persons listed 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>
Kevin Adams	113 North Main Street Washington, PA 15301	Testing
Stephen Asbath, Jr.	2260 Black River Road Bethlehem, PA 18015	Mitigation
David Bostak	2843 North Front Street Harrisburg, PA 17110	Testing
Robert Bruno Boro Environmental, Inc.	501 Sharp Avenue Glenolden, PA 19036	Mitigation
Richard Cooper	3650 Concorde Parkway Suite 100 Chantilly, VA 20151	Testing
Thomas d'Arcy Radon Testing Systems	P. O. Box 243 Newtown, PA 18940	Testing
James Davis	614 Lincoln Avenue Jermyn, PA 18433	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
E. David DeMar DeMar Assoc. Testing Services D.A.R.T. Mitigation Systems	611 Ridge Road Sellersville, PA 18960	Testing and Mitigation
Fred Durham, III	1758 Piccadilly Circle Allentown, PA 18103	Testing
James Fawley	41 Indian Rocks Lake Ariel, PA 18436	Testing
Randon Ferguson	15952 Rt. 322, Suite 3 Clarion, PA 16214	Testing and Mitigation
Richard Finn	6 Glendale Drive Mountain Top, PA 18707	Testing
Frank Glantz	P. O. Box 866 Lemont, PA 16851	Mitigation
Frank Hendron Northeast Inspection Corp.	210 Stonebridge Boulevard New Castle, DE 19720	Testing and Mitigation
Leonard Kelsey Radon Specialists, Inc.	800 Sunset Lane Stroudsburg, PA 18360	Mitigation
Scott Latosky	1153 Stowe Avenue McKees Rock, PA 15136	Testing
Eric Levine	5485 Music Center Drive East Stroudsburg, PA 18301	Testing and Mitigation
Frank Mastroni	3650 Concorde Parkway Suite 100 Chantilly, VA 20151	Testing
Leonard Mathison RadonMaster, LLC	110 Fulton Drive Valencia, PA 16059	Mitigation
Thomas McDonald	3465 Friendship Street Philadelphia, PA 19149	Testing and Mitigation
Samuel McKinstry	2024 Waltz Avenue State College, PA 16801	Mitigation
William McLaughlin	3650 Concorde Parkway Suite 100 Chantilly, VA 20151	Testing
Stephen Mento	P. O. Box 771 Phoenixville, PA 19460	Testing
David Milliron	124 Oakford Park Road Jeannette, PA 15644	Testing
Cristopher Murphy World Inspection Network	4101 Benden Circle Murrysville, PA 15668	Testing
Dennis Nilan	619 Barclay Lane Broomall, PA 19008	Testing and Mitigation
Pillar To Post Home Inspection	660 Second Street Pike Suite 6 Southampton, PA 18966	Testing
Theresa Pratt	800 Mason Court HF Box 3073 Hawley, PA 18428	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Christian Radomicki	3650 Concorde Parkway Suite 100 Chantilly, VA 20151	Testing
Lisa Roddis Amerispec Home Inspection Service	3216 Kirkwood Highway Suite 304 Wilmington, DE 19808	Testing
Herbert Scott	7398 Tohickon Hill Road Point Pleasant, PA 18950	Testing
Robert Vail	1334 Chapman Lake Road Jermyn, PA 18433	Mitigation
Bradford Whitely	516 Broad Street Montoursville, PA 17754	Testing
David Wotring	R. D. 1, Box 491 Scotrun, PA 18355	Testing

[Pa.B. Doc. No. 02-893. Filed for public inspection May 17, 2002, 9:00 a.m.]

Air Quality Technical Advisory Committee Meeting Change

The Air Quality Technical Advisory Committee meeting scheduled for May 22, 2002, has been rescheduled for May 23, 2002. The meeting will be held in Room G50, State Library and Forum Building, Harrisburg, PA, with a starting time of 8:30 a.m.

This will be a special meeting conducted jointly with the Citizens Advisory Council to discuss long-range planning issues. Questions concerning the agenda can be directed to Terry Black at (717) 787-2030 or e-mail tblack@state.pa.us. The agenda is available through the Public Participation Center on the Department of Environmental Protection's website at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Terry Black at (717) 787-9495.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 02-894. Filed for public inspection May 17, 2002, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on Department of Environmental Protection's (Department) website (www.dep.state.pa.us) at the Public Participation Center page. The "May 2002 Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to Department's draft technical guidance documents.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view guidance documents. When this option is not avail-

able, 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 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

Following is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Final Technical Guidance

DEP ID: 254-2212-501. Title: County Option to Retain or Eliminate Municipal Waste Flow Control. Description: This document, originally effective in 1997, was developed to provide guidance to counties regarding their option to retain or eliminate municipal waste flow control as part of their county municipal waste management plan. In 1998, however, the Department developed policy #254-2212-504 entitled "Guidelines for the Development of County Municipal Waste Management Plan Revisions." This document incorporated and contains all relevant information from #254-2212-501, making the former policy unnecessary. Therefore, the rescission of #254-2212-501 will not detrimentally impact the operations of the waste management program and will only clarify the appropriate municipal waste management plan revisions that should be followed. Effective Date: May 18, 2002. Contact: Sally Lohman at (717) 787-7382 or e-mail Lohman.sally@state.pa.us.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 02-895. Filed for public inspection May 17, 2002, 9:00 a.m.]

Request for Applications for Pollution Prevention and Energy Efficiency Grants Through the Pennsylvania Environmental and Energy Challenge Grant Program

Applications are now being accepted for the Pennsylvania Environmental and Energy Challenge (PEEC) Grant Program, through the Department of Environmental Protection (Department), Office of Pollution Prevention and Compliance Assistance.

PEEC is a new grant program providing funds to address pollution prevention, pollution reduction and energy efficiency, with an emphasis on renewable and alternative energy. New and innovative projects and technologies will be preferred.

For this first year, the Department projects to invest more than \$1.5 million in a variety of projects, including sustainable use of natural resources, toxics reduction in the environment, enhancement of biological diversity, climate change mitigation and ground level ozone mitigation.

Applications can be downloaded online at www.dep.state.pa.us (directLINK "2002 PEEC Grant"). The deadline for submitting applications to the Department Grants Center is July 3, 2002. Applications must be postmarked or hand delivered by 4 p.m. on July 3, 2002. Faxed copies will not be accepted.

To request an application or obtain more information concerning the PEEC Grant Program, visit www.dep.state.pa.us (directLINK "OPPCA"), send e-mail to depp2@state.pa.us or contact the Department Grants Center at (877) PAGREEN or (717) 705-5400. Written correspondence should be addressed to PEEC Grants, DEP Grants Center, 15th Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8776, Harrisburg, PA 17105-8776.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 02-896. Filed for public inspection May 17, 2002, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Proposed Plan for the Disposition of Commonwealth Property

The Department of General Services (Department), under the authority of The Administrative Code of 1929, has published this proposed property disposition plan for review by the public and approval of the General Assembly. The proposed plan is available for review at www.dgs.state.pa.us/realestate/re.htm.

Persons wishing to comment on the proposed plan should write to Stephen Squibb, Department of General Services, Bureau of Real Estate, Room 505 North Office Building, Harrisburg, PA 17125, within 30 days from the date of this notice. Correspondence should include the name and address of the writer and "Property Disposition Plan" should be noted in the lower right corner of the envelope. If more detailed information is desired concerning a particular property, written requests may also be directed to the previous address.

General Description of Properties

This property disposition plan is only a proposal to offer for sale the following described real property.

Offering No. 1

Pennhurst Center—The property consists of 110-acres and 21 buildings. The property is located off Brown Drive, East Vincent Township, PA.

Offering No. 2

Southampton-Byberry Road Parcel—The property consists of 1.4 acres. The property is located on Southampton Byberry Road, Philadelphia, PA.

Offering No. 3

New Kensington Parcel—The property consists of approximately 0.5 acre. The property is located on Woodland Drive, New Kensington, PA.

The Department is not guaranteeing to sell any or all of the referenced property. Final determination of sale will be conditioned upon approval from the Legislature and responses received from this notice.

General Terms and Conditions for Properties that may be Offered for Sale

The terms and conditions for the sale of approved properties and the form of purchase will be determined by the Department depending on market conditions, proposals received and the best interests of the Commonwealth. The Department will offer properties for sale either through an auction, sealed bid or request for proposal. Offers below fair market value or fair consideration established through independent appraisal will be rejected.

Consideration will be given to lump sum purchase, installment purchase, lease purchase or fair consideration, the components of which include: job retention/creation, economic growth, community development, highest and best use, public purpose, expansion of local tax base, short term site redevelopment and cash to the Commonwealth.

KELLY POWELL LOGAN,
Secretary

[Pa.B. Doc. No. 02-897. Filed for public inspection May 17, 2002, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Alle-Kiski Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Alle-Kiski Medical Center has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

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

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 aid, 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. 02-898. Filed for public inspection May 17, 2002, 9:00 a.m.]

Application of Mahoning Valley ASC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Mahoning Valley ASC has requested an exception to the requirements of 28 Pa. Code § 571.1 (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: 9.5.F2 (relating to ambulatory (outpatient) operating rooms) and 9.5.F4 (relating to a designated step-down recovery area).

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: DH, PAExcept.

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 aid, 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. 02-899. Filed for public inspection May 17, 2002, 9:00 a.m.]

Application of Pittsburgh Specialty Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Pittsburgh Specialty Hospital

has requested an exception to the requirements of 28 Pa. Code § 571.1 (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: 9.5.D1 (relating to covered entrances for pickup of patients after surgery), 9.5.F2.d (relating to minimum size of Class C operating rooms) and 9.5.H2.a(3) (relating to details and finishes on ceilings in restricted areas).

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: DH, PAExcept.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who 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 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. 02-900. Filed for public inspection May 17, 2002, 9:00 a.m.]

Decisions on Requests for Exceptions to Health Care Facility Regulations

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), effective June 6, 1998, the Department of Education (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P. S. §§ 448.101—448.904b), for exceptions to regulations contained in 28 Pa. Code Part IV Health Facilities, Subparts B—G.

Section 51.33(d) provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from December 23, 2001, through April 30, 2002. Future publications of decisions on exception requests will appear on a quarterly basis.

Requests for additional information on the exception requests and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals and ambulatory surgical facilities shall be addressed to the Division of Acute and Ambulatory Care, Sandra Knoble, Director, P. O. Box 90, Harrisburg, PA 17108. Inquiries regarding long-term care facilities shall be addressed to the Division of Nursing Care Facilities, Susan Getgen, Director, P. O. Box 90, Harrisburg, PA 17108. Those persons requiring special assistance for speech and/or hearing impairment should call V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

Exception Requests—Hospitals

<i>Regulation</i>	<i>Facility Name</i>	<i>Relating to</i>	<i>Req. Published</i>	<i>Decision</i>
28 Pa. Code § 51.3	St. Vincent Outpatient Center-Union City	notification	2/9/02	granted/ denied in part
28 Pa. Code § 51.3(g)	UPMC Shadyside	elopements	3/16/02	granted
28 Pa. Code § 51.6	Tyler Memorial Hospital	identification of personnel	7/21/01	granted
28 Pa. Code § 51.6(b)	DuBois Regional Medical Cr.	identification of personnel	1/19/02	granted
28 Pa. Code § 51.22	Hahnemann University Hosp.	cardiac catheterization	11/17/01	granted
28 Pa. Code § 51.23	Indiana Hospital	PET scanning services	3/23/02	granted
28 Pa. Code § 51.23	Latrobe Area Hospital	PET scanning services	8/18/01	granted
28 Pa. Code § 51.23	Punxsutawney Area Hospital	PET scanning services	1/19/02	granted
28 Pa. Code § 51.23	DuBois Medical Center	PET scanning services	2/9/02	granted
28 Pa. Code § 51.23	Charles Cole Memorial Hosp.	PET scanning services	2/16/02	granted
28 Pa. Code § 51.23	Sewickley Valley Hospital	PET scanning services	12/01/01	granted
28 Pa. Code § 107.2	Hanover Hospital	medical staff membership	3/2/02	granted
28 Pa. Code § 107.62	UPMC Health System Hosp.	oral orders	12/22/01	denied
28 Pa. Code § 117.30	Children's Hosp. of Pittsburgh	emergency paramedic services	1/12/02	not necessary
28 Pa. Code § 137.3	Soldiers and Sailors Memorial Hospital	director of obstetrical services	2/16/02	granted
28 Pa. Code § 138.1	Hahnemann University Hosp.	cardiac catheterization	11/17/01	granted
28 Pa. Code § 143.5	Soldiers and Sailors Memorial Hospital	medical supervision of podiatric patients	2/9/02	denied
28 Pa. Code § 153.1	Brookville Hospital	min. construction standards—7.10.H. Cardiac Cath Lab, specifically 7.10.H2—minimum sq. ft, 7.10.H3—x-ray control room, 7.10.H4—x-ray equip room	4/6/02	granted
28 Pa. Code § 153.1	St. Mary Medical Center	minimum construction stds		not necessary
28 Pa. Code § 153.1	UPMC Horizon	minimum construction stds	9/22/01	granted
28 Pa. Code § 153.1	Holy Spirit Hospital	minimum construction stds	1/19/02	granted
28 Pa. Code § 153.1	Bariatric Care Center	minimum construction stds 7.30.B2 (relating to dimensions of elevator cars)	2/2/02	granted
28 Pa. Code § 153.1	Children's Hosp. of Phila.	minimum construction stds 7.2.B4 handwashing stations, 7.3.A3, patient space in critical care units, 7.3.B2 toilets in coronary critical care units	3/2/02	granted
28 Pa. Code § 153.1	Abington Memorial Hospital	minimum construction stds 7.8.A3(l)	2/16/02	granted

Exception Requests—Ambulatory Surgical Facilities

<i>Regulation</i>	<i>Facility Name</i>	<i>Relating to</i>	<i>Req.</i>	<i>Published Decision</i>
28 Pa. Code § 571.1	Phoenixville Hospital	minimum construction stds (9.5.F2c(1)(2) relating to class B operating rooms)	1/26/02	granted
28 Pa. Code § 571.1	Delco Gastroenterology	minimum construction stds 9.9.A1 (relating to procedure rooms)	1/19/02	not necessary
28 Pa. Code § 571.1	Susquehanna Surgery Center	minimum construction stds	1/19/02	granted
28 Pa. Code § 571.1	Sal P. Calabro, MD	minimum construction stds	11/3/01	granted/denied in part
28 Pa. Code § 571.1	Delco Gastroenterology, P.C.	minimum construction stds 9.30.B (relating to size of elevators)	3/23/02	granted
28 Pa. Code § 571.1	Dermatologic SurgiCenter	minimum construction stds 9.5.F5(b)(c)(I)(k) surgical service areas	3/2/02	granted
28 Pa. Code § 571.1	Dermatologic SurgiCenter	minimum construction stds 9.5.H1(a) minimum public corridor widths	12/22/01	granted

Exception Requests—Nursing Care Facilities

<i>Regulation</i>	<i>Facility Name</i>	<i>Relating to</i>	<i>Req.</i>	<i>Published Decision</i>
28 Pa. Code § 201.18(e)	Sacred Heart Hosp. Transitional Care Facility	management	2/23/02	temp approval
28 Pa. Code § 201.18(e)	Transitional Care Unit (Bon Secours)	management	12/15/01	temp approval
28 Pa. Code § 205.10(a)	The Lutheran Home	doors	3/2/02	granted
28 Pa. Code § 205.36(e)	St. Mary's of Asbury Ridge	bathing facilities	1/19/02	granted
28 Pa. Code § 205.36(h)	Highland Park Care Center	bathing facilities	2/16/02	granted
28 Pa. Code § 205.38(a)	The Lutheran Home	toilet facilities	3/2/02	granted
28 Pa. Code § 205.38(a)(b)	St. Luke's Trans Care Unit	toilet facilities	12/15/01	granted
28 Pa. Code § 205.6(a)	St. Mary's Home of Erie	function of building	10/27/01	not required
28 Pa. Code § 205.6(a)	Garvey Manor	function of building	12/15/01	granted
28 Pa. Code § 205.6(a)	ManorCare Health	function of building	7/14/01	granted
28 Pa. Code § 205.6(a)	Presbyterian Health Center	function of building	12/15/01	granted
28 Pa. Code § 205.6(a)	Mt. Macrina Manor	function of building	1/19/02	granted
28 Pa. Code § 205.6(a)	Brethren Home Community	function of building	12/1/01	granted
28 Pa. Code § 205.6(a)	ManorCare Hlth Svcs—Jersey Shore	function of building	12/1/01	not required
28 Pa. Code § 205.6(a)	ManorCare Health Services-Williamsport North	function of building	12/22/01	not required
28 Pa. Code § 205.6(a)	ManorCare Health Services—King of Prussia	function of building	1/19/02	granted
28 Pa. Code § 205.6(a)	Asbury Health Center	function of building	12/15/01	granted

<i>Regulation</i>	<i>Facility Name</i>	<i>Relating to</i>	<i>Req.</i>	<i>Published Decision</i>
28 Pa. Code § 205.6(a)	Westmoreland Manor	function of building	3/9/02	granted
28 Pa. Code § 205.6(a)	Sharon Regional Health Sys Skilled Care Center	function of building	3/16/02	granted
28 Pa. Code § 205.6(a)	Rheems Nursing Center, Inc.	function of building	12/22/01	granted
28 Pa. Code § 205.6(a)	Beverly Healthcare Meadville	function of building	3/9/02	not required
28 Pa. Code § 205.6(a) granted	Charles M. Morris Nsng & Rehab Center	function of building	2/9/02	
28 Pa. Code § 205.6(a)	Beverly Health Care Fayetteville	function of building	2/9/02	denied
28 Pa. Code § 205.6(a)	Spruce Manor Nsng & Rehab Center	function of building	2/2/02	granted
28 Pa. Code § 205.6(a)	Angela Jane Pavilion	function of building	2/2/02	granted
28 Pa. Code § 205.6(a)	Mount Macrina Manor Nsng & Rehab Center	function of building	2/16/02	granted
28 Pa. Code § 205.67(k)	Moravian Manor	electrical requirements	1/19/02	granted
28 Pa. Code § 205.71(a)	Sycamore Creek Nsng Center	bed and furnishings	11/17/01	not required
28 Pa. Code § 211.9(g)	Butler Memorial Hospital Transitional Care	pharmacy services	2/9/02	not required
28 Pa. Code § 201.18(e)	United Community Hospital Transitional Care Center	management	4/20/02	temp approval
28 Pa. Code § 205.6(a)	Morrison's Cove Home	function of building	4/13/02	denied
42 CFR 483.20(b)(2)(I)	Dallastown Nursing Center	resident assessment	1/19/02	denied

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-901. Filed for public inspection May 17, 2002, 9:00 a.m.]

Health Policy Board Meeting

The Health Policy Board is scheduled to hold a meeting on Wednesday, June 12, 2002, at 10 a.m. in Room 907, Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do should contact Joseph May at (717) 772-5298, for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-902. Filed for public inspection May 17, 2002, 9:00 a.m.]

Request for Exception; Long-Term Care Nursing Facilities

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

Health Care Center at White Horse Village
535 Gradyville Road
Newtown Square, PA 19073

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

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

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

Persons with a disability who wish to obtain a copy of 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) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-903. Filed for public inspection May 17, 2002, 9:00 a.m.]

HISTORICAL AND MUSEUM COMMISSION

National Register Nominations to be Considered by the Historic Preservation Board

The Historic Preservation Board (Board) meeting to be held on June 11, 2002, will start at 9:45 a.m. in Room 304 (Council Chambers), State College Municipal Building, 243 South Allen Street, State College, PA. Individuals with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to participate, should contact Helena Johnson at (717) 783-2698 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board can accommodate their needs. Persons with questions or comments should contact the Bureau for Historic Preservation at (717) 783-8946.

Allegheny Plateau

1. Ridgway Historic District, roughly bounded by the Borough line on the south, Hyde Avenue Extension, East Main Street and Sherman Avenue on the east, Erie Alley, Race Street, Main Street and Elm Street on the north and North Broad Street, State Street and Water Street on the west, Ridgway, Elk County

Anthracite Region and Poconos

2. St. Gabriel's Catholic Parish Complex, 122-142 South Wyoming Street, Hazleton, Luzerne County

Great Valley and Piedmont Region

3. Warburton House, 1929 Sansom Street, Philadelphia

4. Berkley Historic District, Berkley and Snyder Roads, Ontelaunee Township, Berks County

5. Cline's Church of the United Brethren in Christ, Cline's Church Road 1/2 mile south of SR 34, Menallen Township, Adams County

Ridge and Valley

6. Everett Historic District, roughly bounded by West Fifth, Borough and Hill Streets, River Lane, South Street and Barndollar Avenue, Everett, Bedford County

Southwestern Pennsylvania

7. Aaron Building, Pittsburgh Street and Apple Street, City of Connellsville, Fayette County

8. Connellsville National Bank Building, 101 East Crawford Street, City of Connellsville, Fayette County

9. Dr. J. C. Mclenathan House and Office, 134 South Pittsburgh Street, City of Connellsville, Fayette County

10. Colver-Rogers Farmstead, East of LR 30055 at T-159, Morgan Township, Greene County

11. Dager-Wonsettler Farmstead, 1044 National Pike, 1/2 mile northwest of intersection of SR 519 and US 40, Amwell Township, Washington County

12. Bethel African Methodist Episcopal Church of Monongahela City, southwest corner of Seventh and West Main Streets, Monongahela City, Washington County

13. Penrose Wolf Building, 450 Main Street, Rockwood, Somerset County

BRENT D. GLASS,
Executive Director

[Pa.B. Doc. No. 02-904. Filed for public inspection May 17, 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 within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of Public Comment Period</i>	<i>IRRC Comments Issued</i>
7-372	Environmental Quality Board Safe Fill (32 Pa.B. 564 (February 2, 2002))	4/3/02	5/3/02

Environmental Quality Board Regulation No. 7-372

Safe Fill

May 3, 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 Environmental Quality Board (EQB) must respond to these comments when it submits the final-form regulation. If the final-form regulation is not delivered by April 5, 2004, the regulation will be deemed withdrawn.

1. General.—Protection of the public health; Fiscal impact; Reasonableness; Clarity.

Senate Environmental Resources and Energy Committee

A joint letter was submitted on behalf of the Senate Environmental Resources and Energy Committee (Senate Committee) on April 22, 2002, by Senator Mary Jo White, Chairperson and Senator Raphael J. Musto, Democratic Chairperson. The Senate Committee expressed three concerns:

- The complexity of the regulation may lead to confusion for those who use the materials. Specifically, the definition of “safe fill” exceeds two pages and the permit-by-rule (PBR) provisions appear restrictive and cumbersome to the point where people may not want to bother using or receiving the material.
- It appears the regulation will place significant costs on the regulated community and even State agencies.
- Several commentators expressed the fear that the cost of sampling, analysis, recordkeeping and permitting will force contractors to send the material to a landfill because the disposal costs will be lower.

We share these concerns. We object to the complexity of the proposed regulation, the costs it will impose and the likelihood that valuable landfill space will be filled with materials that do not pose a threat to the public health or environment.

Scope and complexity of the regulation

The proposed provisions are complex and, in many cases, unnecessarily restrictive. Furthermore, the scope of this regulation reaches virtually all excavations within the Commonwealth, ranging from excavations at large scale projects to small excavations by an individual contractor.

In regard to cost projections, the EQB states in the Preamble,

The proposed amendments will result in huge savings to the regulated community by avoiding disposal costs. Under the proposed safe fill regulations, the savings from disposal cost are estimated at \$500 million if it is assumed that approximately 50% or more of the estimated 20 million cubic yards of soil and other materials generated annually in this Commonwealth will qualify for use as safe fill or used under one or more of the five permits-by-rule.

The EQB's estimate presumes that this material is now being sent to landfills. Commentators have stated that this is not the case. Therefore, while it may not have been the EQB's intention, the proposed regulation may force large quantities of materials that are currently being used as fill to be disposed in landfills. Liability concerns

all but negate the option in the regulation to presume there is no contamination. Hence, for the majority of projects the regulation presents a choice between the following:

- Make a safe fill determination which entails:
 - Extensive research of the excavation site and analysis of the material to determine what regulatory category the material falls under.
 - Depending on the result of the analysis, find a site that has the proper zoning to accept the material.
 - Assuming there is an appropriate site located within a reasonable distance, transport the material under appropriate regulatory requirements.
 - File the proper paperwork with the Department and keep records.
 - Dispose of the material in a landfill under known guidelines and costs with virtually no liability.

The EQB has not demonstrated that the regulation is in the public interest. This regulation has the potential to decrease limited landfill capacity and increase the cost of virtually all projects that involve excavation.

The detailed comments that follow focus on the regulation as proposed. However, we believe that the EQB could better protect the public health and environment and reduce the fiscal impact of this rulemaking by focusing on fundamental objectives while eliminating extraneous requirements and restrictions. The fundamental question is whether the material is contaminated to the point that it threatens the public health or environment. To focus on this question, the entire regulation should be revised as follows:

- Define “fill” as the materials in the proposed definition of safe fill without the extensive conditions or qualifiers.
- Redefine “safe fill” as any fill that does not contain materials that exceed the Land Recycling and Environmental Remediation Act of 1995 (Act 2) residential standards. Eliminate the extensive conditions or qualifiers from the proposed definition of safe fill.
- Develop substantive provisions within the body of the regulation, not the definition, that specify the criteria safe fill must meet. Further specify that safe fill is not waste and is not subject to any of the waste regulations. The regulation should also allow the option to determine whether or not “fill” is “safe fill” based on a due diligence review or testing.
- List in a separate section materials that are exempt, such as material moved in a right-of-way, small quantities of historic fill or blended agricultural soil that meets the Act 2 residential standards.
- Simplify and consolidate the PBRs to the extent possible. Specifically, PBRs should apply to fill materials that meet the nonresidential Act 2 standards and should be limited to Act 2 nonresidential uses.

Advanced Notice of Final Rulemaking

This proposed rulemaking has received extensive comment, including suggested language changes. As previously noted, it affects virtually all excavation within this Commonwealth. To allow full consideration of amendments to this regulation, the EQB should issue an advanced notice of final-form rulemaking. This would allow interested parties and the EQB the opportunity to resolve as many concerns as possible prior to the submission of the final-form regulation.

2. Responsible party.—Clarity; Reasonableness.

The regulation places responsibilities on many parties for testing and placing a material. However, commentators expressed confusion over who is responsible under different circumstances. For example, the commentators questioned who is the responsible party if fill is properly placed, but subsequently removed. It would appear that the person who takes possession of the fill would be the party who has control over future use of the fill and responsibility for any possible harmful effects from the fill. The regulation should clearly state who is responsible for the material from excavation to placement, including who has ultimate responsibility for the fill after it is placed.

CHAPTER 271. MUNICIPAL WASTE MANAGEMENT—GENERAL PROVISIONS

3. Section 271.1. Definitions.—Need; Clarity.

Historic fill

The term “historic fill” is used once in the municipal waste (Chapter 271) regulations. The term is used in § 271.2(c)(7) to designate historic fill is subject to regulation as residual waste instead of municipal waste. This definition is not needed in the municipal waste regulations. In its place, a cross reference to the residual waste definition of historic fill in § 287.1 should be added to § 271.2(c)(7).

Surface waters

This term is used several times in § 271.103(i). For clarity, it should be defined.

4. Section 271.101. Permit requirement.—Reasonableness.

Subsection (b)(3)(ii) is being deleted. This subsection allows waste from land clearings to be managed without a permit if it is separated from other waste. The proposed regulation does not contain similar provisions. The final-form regulation should retain this provision.

5. Section 271.103. Permit-by-rule for municipal waste processing facilities other than for infectious or chemotherapeutic waste; qualifying facilities; general requirements.—Need; Reasonableness; Clarity.

Subsection (g) Mechanical processing facility

The first sentence of this subsection contains several requirements. For clarity, the final-form regulation should list each condition as a separate sentence.

Paragraph (1) imposes a 350 ton limit on the amount of material that may be received in a day by a mechanical processing facility. Commentators have noted that this limitation would extend the duration and increase the cost of many highway construction projects. In the final-form regulation, the EQB should consider increasing the daily limit of material received or allowing different limits for material received from highway construction projects.

Paragraph (2) begins with the following phrase, “The facility shall *and* maintain . . .” (Emphasis added.) The final-form regulation should correct this typographical error.

Paragraphs (3) and (4) require incoming waste to be processed within 30 days and processed waste to be removed within 60 days. Commentators have noted that construction work is seasonal and the proposed time periods are not practical. In the final-form regulation, the EQB should allow more flexible time periods to accommo-

date the seasonal nature of some construction projects and allow different time periods for material received from highway construction projects. In addition, the EQB should consider allowing longer time periods for processing and removing waste for facilities that are not near populated areas.

Subsection (i) Brick, block or concrete

The phrase “segregated brick, block or concrete” is not clear. The regulation does not explain what “segregated” means. Is the brick, block or concrete to be segregated from each other or other materials? If the term “segregated” is needed, the regulation should clearly explain what segregation is required.

This subsection only applies to contaminated segregated brick, block or concrete from commercial or residential sites. The segregated brick, block or concrete from industrial sites should also be included in this PBR if it meets the additional criteria.

Paragraph (1) addresses numeric criteria that must be met. Paragraph (5) addresses acceptable placement of material. We have concerns with these paragraphs, which are addressed under Comment 11, PBR provisions.

Paragraph (3) states that “waste material shall be sampled and analyzed in accordance with § 287.11(b) and (c) or (d) (relating to safe fill numeric standards).” To be consistent with the other PBR provisions, this statement should be changed to, “waste material shall be sampled and analyzed in accordance with § 287.11(b) and *either* (c) or (d).” (Emphasis added.)

Paragraph (4)(i) states that waste material “. . . may not exceed 10% of the numeric standards calculated in paragraphs (1) and (2).” Paragraph (4)(ii)(A) states, “The waste material received shall meet 10% of the numeric standards calculated in paragraphs (1) and (2).” Is the requirement in paragraph (4)(ii)(A) a maximum or minimum requirement? These requirements should be made clear and consistent in the final-form regulation.

CHAPTER 287. RESIDUAL WASTE MANAGEMENT—GENERAL PROVISIONS

6. Section 287.1. Definitions.—Fiscal impact; Protection of the public health; Reasonableness; Need; Feasibility; Clarity.

Historic fill

There are six concerns with this definition.

First, why is there a presumption that the material is contaminated? Also, why is there a need to check for visible staining and odor? Commentators who have raised these questions suggest historic fill should be tested to determine whether it is contaminated. We agree. The regulation should allow a material to be tested to determine its health and environmental impacts.

Second, this definition contains substantive provisions. Definitions describe terms, but are not enforceable. The substantive portions of the definition should be moved to the body of the regulation.

Third, the limit of “125 cubic yards per excavation location” is vague. It is unclear whether this limit applies to each individual excavation at a construction site or to an entire construction site. The regulation should be clearer on this point.

Fourth, the 125 cubic yard limit is not practical. Commentators have suggested raising the limit to 250 cubic yards or more. The EQB should consider these recommendations when drafting the final-form regulation.

Fifth, subparagraph (ii)(B) allows an exemption when “there is no visible staining, odor *or other sensory nuisance* associated with the material.” (Emphasis added.) Aside from sight and odor, what “other sensory nuisance” would a person use to qualify the material for exemption? We also question the need for and clarity of sight and odor restrictions other than odors that would constitute a public nuisance.

Finally, a commentator suggests revising the 1988 cutoff date to the date the final-form regulation becomes effective. The Department should make this amendment or explain the basis and need for the 1988 cutoff date.

Safe fill

We object to this definition because it contains numerous substantive provisions. Definitions describe terms, but are not enforceable. The definitions of the proposed regulation include lengthy substantive provisions. These requirements should be in the body of the regulation.

We also object to the length of this definition. The definition contains more than 900 words in more than 25 paragraphs. The removal of substantive provisions will significantly shorten the definition, making it easier to comprehend.

Appropriate level of due diligence

Several provisions within this definition require an “appropriate level of due diligence.” We have three concerns with this phrase.

First, use of the phrase “appropriate level of” is subjective. How can a person know when they have achieved this standard? This phrase should be deleted.

Second, the EQB should define the term “due diligence” and clearly establish within the body of the regulation what legal standard must be met to achieve “due diligence.”

Finally, assuming the regulation is amended to provide a clear due diligence standard, will the person who demonstrates due diligence be immune from liability for the material? The regulation should clearly state what benefits are gained by meeting the due diligence standard.

Subparagraph (i)

Uncontaminated

This subparagraph repeatedly uses the term “uncontaminated.” We object to its use for the following reasons.

First, this requirement is vague because the term “uncontaminated” is not defined or set forth in the body of the regulation.

Second, it is unclear why the term is needed. The definition states, “Material that is uncontaminated soil . . . and that meets one of the following requirements:” Therefore, the material must be “uncontaminated” and, in addition, meet another requirement, such as the numeric standards. The additional qualifier “uncontaminated” is unnecessary.

Finally, we question why a material that meets the numeric standards, would not qualify as safe fill. As previously stated, if a material meets the Act 2 residential standards, it should be considered safe. The term “uncontaminated” should be deleted from the regulation.

Uncontaminated used asphalt

Commentators question whether any used asphalt would qualify as safe fill since used asphalt is likely to contain oil and other contaminants from the asphalt mix

itself and from vehicles. This would be a major change from current practice. They suggest allowing more reasonable standards for constituents inherent in an asphalt mix and de minimis quantities of oil. We agree that the standards for used asphalt should be reviewed so that the material can be reused or used as fill, rather than placed in a landfill. In addition, if the asphalt material meets the Act 2 residential standards, it should be considered safe.

Segregated brick, block or concrete

Subparagraph (i) uses the phrase “*segregated brick, block and concrete.*” (Emphasis added.) We have two concerns.

First, the regulation does not explain what “segregated” means. Are the brick, block or concrete to be segregated from each other or from other materials? If the term “segregated” is needed, the regulation should clearly explain what segregation is required.

Second, consistent with our comment on other materials, if the material meets Act 2 residential standards, it should be considered safe.

Resulting from construction or demolition activities from residential and commercial properties

Commentators believe the classification scheme is overly restrictive and does not account for the high degree of variability in many circumstances. For example, they believe brick, block and concrete from any property should be allowed to qualify as safe fill if the materials can meet other conditions for safe fill. As previously stated, if material from an industrial property meets the Act 2 residential standards, why is it in the public interest to exclude this material from being safe fill?

Subparagraph (i), clause (A)

Under clause (A), a material could meet the numeric standards, but fail under subclause (I) because it was subject to a release in the past, or subclause (II) because it is stained or smells. A persistent odor from a material could present a public nuisance. However, we question why the other parameters are reasonable. If a material is demonstrated to meet the numeric standards for safe fill, why should it be disqualified based on past history of a spill, staining or an odor that dissipates soon after excavation?

Clause (A) requires a material to meet the numeric standards, but does not specify whether sampling and analysis are required. Whereas, clause (C) specifically states the material could meet the numeric standards without sampling and analysis. If sampling and analysis is required under clause (A), the regulation should specifically state this requirement.

Subparagraph (i), clause (A), subclause (I)

Subclause (I) uses the term “release.” We have two concerns.

First, what if a release occurred, but is no longer discernable because the release biodegraded or was remediated? Once again, the Act 2 residential standards should be the determining factor on whether the material is considered safe. This would have already been done under clause A. Therefore, subclause (I) should be deleted.

Second, if subclause (I) is retained, what constitutes a “release” is unclear because the term is not defined. The regulation should define or cross reference the definition of “release.”

Subparagraph (i), clause (A), subclause (II)

We have two concerns with subclause (II) which allows an exemption when “There is no visible staining, odor or other sensory nuisance associated with the material.”

First, since the regulation uses numeric standards, there is no need for “visible staining” or “odor” criteria. Two commentators stated roadway materials could not meet these requirements. We further question at what point these criteria would not be met. While we agree that an odor can present a public nuisance, the EQB should limit this provision to this possibility and delete the rest of these criteria. If these criteria are retained, the EQB should explain the need for them, why it is in the public interest to exclude roadway materials, and how a person can evaluate “visible staining” and “odor” consistently.

Second, aside from sight and odor, what “other sensory nuisance” would a person use to qualify the material for the exemption?

Subparagraph (i), clause (B)

This clause requires a material to meet the numeric standards, but does not specify whether sampling and analysis are required. However, clause (C) specifically states a material can meet the numeric standards without sampling and analysis. If sampling and analysis are required under clause (B), the regulation should specifically state the requirements.

Clause (B) ends with the phrase “and meets the requirements of clause (A).” If all of clause (A) is required to be met, we have two concerns.

First, the requirement to meet Table 1 is duplicative because this is already specified in clause (B). Second, why would this circumstance require a material to meet both Tables 2 and 3 whereas other provisions only require a material to meet Table 2 or 3? If the intent is to only require a material to meet clause (A)(I) and (II), similar to the requirement in subparagraph (ii), the language should be amended accordingly.

Subparagraph (i), clause (C)

This clause states, “Based on an appropriate level of due diligence and knowledge of the site, the material meets the safe fill numeric standards without sampling and analysis and meets the requirements of Clause (A).” We have two concerns.

First, assuming there is liability associated with this determination, we question whether this provision can be used as a practical standard. How could a person guarantee a material meets safe fill numeric standards without testing it? Even if the fill was safe when it left the property, how could that person defend their safe fill determination if the fill was subsequently suspected to be the source of contamination? The EQB should explain how this provision can be met and how the person can be protected from liability after the fill has been placed elsewhere.

Second, this requirement states the material meets “the safe fill numeric standards,” but does not specify which standards. Clause (A) specifically requires the material to meet “the numeric standards referenced in § 287.11 . . . and listed in Appendix A, Tables 1 and 2” Clause (C) should specifically state the standards the safe fill is presumed to meet.

Subparagraph (ii)

The opening phrase is not clear for four reasons.

First, in addition to our concern with substantive provisions within definitions, this subparagraph does not define safe fill, but rather provides exceptions to what is a waste. Further, this subparagraph duplicates the PBR in § 287.102(l). Subparagraph (ii) should be moved from this definition and placed within the body of the regulation.

Second, it presents several conditions by reference. It may be clearer to just state the requirements rather than refer to provisions in subparagraph (i).

Third, subparagraph (ii) is inconsistent with subparagraph (i). Subparagraph (ii) includes materials “that exceed the numeric limits in Appendix A, Table 1 or either Table 2 or 3.” Subparagraph (i)(A) and (B) provide specific circumstances and relate those circumstances to the applicable tables of numeric standards. To be consistent, subparagraph (ii) should also relate the listed circumstances to the appropriate tables.

Finally, subparagraph (ii) should include a reference to the requirements that must also be met under subparagraph (viii).

Subparagraph (ii), clause (A)

This provision limits material movement to the area within a right-of-way. We have two concerns with this clause.

First, this provision should allow temporary storage of materials offsite so that a contractor can work with material efficiently.

Second, a right-of-way could cover miles if it involves a roadway or utility transmission line. Will the EQB allow this?

Subparagraph (ii), clause (B)

Clause (B) is unclear for three reasons.

First, clause (B) only states “the material is moved offsite” Since the material exceeds numeric standards of one of the Tables under subparagraph (ii), clause (B) should specify where this material can be used.

Second, the phrase “and never used for nonresidential purposes” is unclear. Is the intent that the property was never used for nonresidential purposes?

Finally, the terms “residential” and “nonresidential” should be defined by cross-referencing the Act 2 definitions.

Subparagraph (iii)

This subparagraph states, “The term includes soil moved from a fruit orchard under development where pesticides were used in an authorized manner in conjunction with standard horticultural practices. If the soil exceeds the numeric limits in Appendix A, Table 1 or either Table 2 or 3, and meets one of the following requirements, it is considered ‘safe fill’:” We have three concerns.

First, the phrase “a fruit orchard under development” is vague. The crux of this provision appears to be soil removed from land where pesticides may have been used. Is it relevant whether development is involved? If so, what specifically constitutes “development”?

Second, how could it be verified “pesticides were used in an authorized manner in conjunction with standard horticultural practices”?

Third, subparagraph (iii) is inconsistent with subparagraph (i). Subparagraph (iii) includes materials “that exceed the numeric limits in Appendix A, Table 1 or

either Table 2 or 3.” Subparagraph (i)(A) and (B) provide specific circumstances and relate those circumstances to the applicable tables of numeric standards. To be consistent, subparagraph (iii) should also relate the specific circumstances to the appropriate tables.

Subparagraph (iii), clause (A)

The EQB should explain the basis for the presumption that these soils are “safe fill” for commercial or industrial purposes when they exceed numeric standards?

Also, clause (A) should cross reference the additional requirements in subparagraph (viii).

Subparagraph (iii), clause (B)

This clause allows soil to be blended with other soil to meet the limits. Is the soil required to be retested to verify the blending was successful?

Subparagraph (iv)

To be consistent with other subparagraphs, the second sentence should state “. . . Table 1 or either Table 2 or 3 . . .” However, we reiterate our concern with inconsistent language as stated in our comment on subparagraphs (ii) and (iii).

Subparagraph (iv), clause (B)

As explained in our comment on subparagraph (iii)(B), is the soil required to be retested to verify the blending was successful?

Subparagraph (v)

This subparagraph is inconsistent with the parallel provisions in the definition of “historic fill.” Subparagraph (ii)(A) and (B) of the definition of “historic fill” differ from subparagraph (i)(A)(I) and (II) in the definition of “safe fill,” in regard to due diligence, the determination of a release and chemical contaminants. The EQB should revise these provisions to make them consistent.

Subparagraph (vi)

Commentators have questioned the meaning of the phrase “along surface waters.” The EQB should define or clarify this phrase to better describe the applicable areas.

This subparagraph also addresses circumstances similar to dredging operations. For clarity, this subparagraph should be more clearly distinguished from dredging operations.

Clause (A) states “. . . and placement of the material does not cause an exceedance of the water quality standards in Chapters 16 and 93 (relating to water quality toxics management strategy—statement of policy; and water quality standards).” The EQB should explain the legal basis for requiring universal compliance with a statement of policy.

Clauses (A) and (B)(I) are unclear. Clause (A) states “may not exceed 10%” and Clause (B)(I) states “shall meet 10%.” Why do these differ?

Clause (B)(I) states, “The material received meets 10% of the numeric standards” Why is the word “received” used? To be consistent with clause (B), this should state, “the material placed”

Subparagraph (vii)

This subparagraph states, “The person using the material has the burden of proof to demonstrate that the material is safe fill.” We have three concerns.

First, the proposed shift in the burden of proof is inconsistent with rules and regulations of the Environ-

mental Hearing Board found at 25 Pa. Code § 1021.101(b). The EQB should justify shifting the burden of proof in this instance.

Second, as previously stated, this is a substantive provision that should be moved to the body of the regulation.

Third, it is not clear who the person “using” the material is. The regulation should specifically state who the user is.

Subparagraph (viii)

There are two concerns.

First, this provision is substantive and should be moved to the body of the regulation.

Second, this subparagraph begins with the phrase “If, based on a determination made under subparagraph (i), the material exceeds the numeric standards under subparagraphs (ii), (iii) or (iv)” Subparagraphs (ii)—(iv) do not contain the numeric standards. Subparagraph (viii) would be clearer by stating, “exceeds the numeric standards referenced in subparagraphs (ii), (iii) or (iv)”

Subparagraph (ix)

This is a substantive provision that should be moved to the body of the regulation. In addition, this subparagraph states the material will not be regulated as waste “when used as fill.” We have four concerns.

First, this subparagraph is unnecessarily restrictive by limiting use to fill. Commentators believe these materials could be used for construction, bedding for pipelines or other purposes. If the material is uncontaminated or meets the residential numeric standards, what is the basis for regulating the material as a waste and why would its final use matter? The phrase “when used as fill” should be deleted unless the EQB can justify its need.

Second, why are the handling, transportation and storage of a material also going to be regulated? The EQB should explain the basis for and need to regulate a material after it is demonstrated the material meets the safe fill standards.

Third, who is responsible for identifying a material as a waste? Commentators have suggested that the person responsible should be the generator, not the transporter. We agree that if a person only transported the material and was not given any indication the material is a waste, the generator, not the transporter, should be responsible for any violations. Otherwise, this would place an unreasonable, costly and time consuming burden on transporters to independently determine whether the material is a waste before transporting the material. The regulation should establish the generator as the responsible party for determining whether or not the material is a waste.

Finally, the term “fill” is not directly defined.

Sediment

This definition includes “materials deposited or overlain by water” A commentator believes this definition is overly broad and suggests changing the word “or” to “and.” We agree that this definition is too broad and should be revised as suggested.

Site undergoing remediation activities

A commentator suggested expanding this definition to include other remediation activities such as hazardous site cleanup. Why is the definition limited to remediation activities to be conducted under Act 2?

Additional definitions

As mentioned within other comments, the terms and phrases “along surface waters,” “nonresidential property,” “residential property” and “surface waters” are used but not defined. The EQB should define these terms. We suggest cross referencing the Act 2 definitions of “nonresidential property” and “residential property.”

Additionally, the term “surface waters” is used in the PBR requirements. Commentators expressed the need for a precise definition so that they can comply with the restriction against placing materials within 100 feet of surface waters. For clarity, this term should be defined.

7. Section 287.2. Scope.—Need; Reasonableness; Duplication; Clarity.

A commentator questioned the applicability of the safe fill regulations to remediation sites under the Federal Resource Conservation and Recovery Act (RCRA). The commentator states the management of excavated materials within a RCRA site should comply with Federal permit requirements whereas management for offsite relocation of materials should be done under the Solid Waste Management Act. The commentator suggests that the management of excavated materials under RCRA should be exempted from compliance with the safe fill requirements. The EQB should clarify whether the safe fill regulations apply to RCRA sites. If the safe fill regulations do apply to RCRA sites, the EQB should explain the need to include RCRA sites and how the safe fill regulations can be reasonably coordinated with Federal permits.

8. Section 287.11. Safe fill numeric standards.—Clarity; Reasonableness; Conflict with existing regulations.*Detection of contaminants*

Commentators have provided examples where many of the numeric standards contained in the regulation are below the detection levels of currently available analytical techniques. They state many of the standards listed are not measurable using generally accepted Environmental Protection Agency (EPA) testing methodology. This would exclude material from being categorized as safe fill due to limitations of instrumentation and methodology. In the final-form regulation, the EQB should insure that all of the proposed numeric standards can be accurately measured by current laboratory methodology.

The regulation prescribes specific tests and specific sampling techniques. Commentators have requested various alternatives to the sampling and analysis procedures, such as including the Synthetic Precipitation Leaching Procedure in the regulation. To the extent possible, flexibility should be added to these procedures. In addition, the EQB should consider adding a process whereby a request for use of an alternate procedure could be made if the process is appropriate for the material being tested.

In situ sampling

Commentators have noted that the proposed regulation requires sampling and analysis after material has been excavated. They note that this is impractical and would create significant delays for construction projects. In the final-form regulation, the EQB should allow in situ sampling of materials.

Subsection (a)

The first sentence should read, “When conducting sampling and analysis, safe fill numeric standards for regulated substances listed in Appendix A, Tables 1, 2 and 3

shall be calculated as follows.” The final-form regulation should incorporate this change.

Paragraph (1) is not clear. Commentators have noted that virtually all soils and soil-like material contain copper and zinc at varying concentrations. Thus, the sampling and analysis requirement would not be applicable to most material. For clarity, the final-form regulation should delete the qualifier “containing substances other than copper and zinc.”

Paragraph (3) refers to calculating numeric standards under paragraph (1). For clarity, the requirements of paragraph (3) should be included under paragraph (1).

Subsection (b)

Paragraph (1)(i)—(iii) and paragraph (2)(iii) describe required sampling and analysis procedures. We have three concerns.

First, why is field screening required to determine where to take additional samples in paragraph (1)(i)(B) and (C)?

Second, volumes of material less than 125 cubic yards require eight samples. Volumes of material greater than 125 and less than or equal to 3,000 cubic yards require 12 samples. Volumes of material greater than 3,000 would require an additional 12 samples. Thus, 3,001 cubic yards of material would require 24 samples. Commentators have noted that these requirements are overly intensive, especially for large projects. They recommend a tiered testing approach for large volumes of material that are likely to show common constituent characteristics. The final-form regulation should provide a more flexible testing scheme that adequately protects the public health and reduces costs for the regulated community.

Third, does the EPA manual adequately address how to perform every sampling technique required in this subsection?

Subsections (b)—(d)

Sampling forms the basis of determining whether a material meets the safe fill numeric standards. The terms “composite sample,” “grab sample” and “discrete sample” are used throughout these subsections. For clarity, these terms should be defined.

Subsection (c)

In paragraph (1), the measured numeric value for a substance from a composite sample must be equal to or less than half the safe fill numeric standard as listed in Appendix A, Tables 1—3. The regulated community has questioned the science behind this determination and also the reasonableness of it. The final-form regulation should explain the basis for using this standard.

Subsection (d)

Commentators have noted that there is an inconsistency between this subsection and existing regulations found at § 250.707. Subsection (d) specifies that 75% of the discrete samples of the material shall be equal to or less than the safe fill numeric standard for each substance with no single sample exceeding more than twice the safe fill standard for a substance. This is commonly referred to as the “75%/2X test.” Section 250.707 uses what is known as the “75%/10X test.” We question the need for this higher standard in this regulation.

Subsection (e)

This subsection states that for sediments “sampling and analyses shall be conducted in accordance with guidance developed by the Department.” We have three concerns.

First, if these requirements are not in the regulation, they could be changed without the opportunity for comment. The EQB should explain why these requirements are not in the regulation.

Second, this guidance is not described in the Preamble. It is not clear what guidance the Department will provide. Does the EPA have procedures for sampling and analysis that could be referenced? The EQB should explain what sampling and analysis will be required.

Finally, given the detailed requirements for sampling and analysis in subsections (b)–(d), why does sampling and analysis of sediment differ?

9. Section 287.101. General requirements for permit.—Clarity.

Existing subsection (b) specifically states the use of clean fill does not require a permit. Under the amendment to subsection (b), the term clean fill is being deleted. However, safe fill was not added. Safe fill should be added to this list to clearly reinforce that a permit is not required for safe fill.

10. Section 287.102. Permit-by-rule.—Clarity; Reasonableness.

Classes of facilities that are subject to PBR

As noted in subsection (a) of the existing regulation, this section sets forth classes of facilities that are subject to PBR. The four subsections being added through this rulemaking apply to material, not facilities. This inconsistency should be corrected in the final-form regulation.

Subsection (j) Contaminated soil resulting from agricultural practices

Paragraph (1) states that, “. . . soil may be analyzed for pesticides . . .” The final-form regulation should state that the soil “shall be analyzed for pesticides.

Subsection (l) Contaminated soil, dredged material or used asphalt impacted by a release or contaminated soil, dredged material or used asphalt that exceeds safe fill numeric standards as the result of urbanization

As published in the *Pennsylvania Bulletin*, this subsection is mislabeled as (l). The final-form regulation should change this subsection to (k).

The title of this subsection is long and redundant. This title is used in the body of the regulation and describes a certain type of material that can be placed through the use of a PBR. For clarity, this title should be shortened in the final-form regulation.

Commentators have noted that the phrase, “as a result of urbanization” is vague. The final-form regulation should define urbanization and explain how it is relevant to this PBR or delete it.

Subsection (m) Contaminated soil placed at a receiving site undergoing remediation activities

Paragraph (14) requires areas to be “. . . promptly vegetated to minimize and control erosion or capped to minimize infiltration.” The phrase “promptly vegetated” is vague. The final-form regulation should specify how soon an area must be vegetated, with consideration given to the winter season when ground may be frozen. In addition, how would one know whether to vegetate or cap an area?

11. PBR provisions.—Clarity; Protection of public health; Reasonableness.

Section 271.103(i) adds a PBR provision for material classified as brick, block or concrete. Section 287.102 adds PBR provisions for four types of material. They are:

- Contaminated soil resulting from agricultural practices (agriculture).
- Contaminated soil, dredged material or used asphalt impacted by a release or contaminated soil, dredged material or used asphalt that exceed safe fill numeric standards as the result of urbanization (soil, dredged material and asphalt).
- Historic fill.
- Contaminated soil placed at a receiving site undergoing remediation activities (remediation).

We have several concerns about common requirements which appear in all of the PBR subsections.

Streamlining of PBRs

Each of the PBR subsections contains numerous requirements, several of which are identical. Commentators have suggested that the PBR provisions be consolidated into one PBR provision. In the final-form regulation, the EQB should consider streamlining the five PBR subsections into two or three PBRs or consolidating the common PBR paragraphs into one subsection.

Numeric criteria

Commentators have noted that PBR material can only be placed at commercial and/or industrial sites; yet, the PBR material to be placed must meet the residential medium specific concentrations (MSCs) under Act 2. They have suggested that the numeric standards be based on the nonresidential MSCs under Act 2. We agree. In the final-form regulation, the EQB should adopt the numeric standards of nonresidential MSCs under Act 2.

Deemed to have a waste permit

The five PBRs begin with sentences that are not grammatically correct. As a result, it is unclear who the holder of the various PBRs would be. The beginning of all five sentences can be paraphrased as follows: The placement of PBR material from known areas of contamination shall be deemed to have a residual/municipal waste permit when used. Commentators have noted their confusion as to who the responsible party is when placing PBR material. For clarity, the final-form regulation should change the subject of the sentences from the word “placement” to the entity responsible for the material.

Use of various PBR material

For material to be placed under a PBR, it can only be used for specific purposes at commercial and industrial properties. For example, for material to be placed under the agriculture PBR, it must be used for one of the following purposes: to bring an area to grade; as construction material; for control of fire and subsidence events or in reclamation of mines; if the reclamation work is approved by the Department or if performed under contract with the Department. Conversely, historic fill can only be used for construction material. This requirement is restrictive. If the material meets the nonresidential Act 2 standards, it should be allowed to be used at any nonresidential property.

The agriculture and contaminated soil, dredged material and asphalt PBR allow the respective material to be used for the control of fire and subsidence events. We have two concerns.

First, fire and subsidence events could pose an immediate danger to public safety and must be dealt with in an expeditious manner. Would the record-keeping requirements still apply? Is it reasonable to exclude the use of this material for controlling fires and subsidence events

in residential zones? Is it reasonable to require testing of material before it is used to control fires or in subsidence events? If it is not feasible to perform the required tests before the material is used, this provision should be removed from the final-form regulation.

Second, is the public health adequately protected if pesticide laden soil or contaminated soil, dredged material and used asphalt are used to control fire? Could the application of heat to elements or chemicals found in the PBR material cause those elements or chemicals to become airborne?

Placement of material within 100 feet of surface water or within 300 feet of a water source

Commentators have noted that the requirements that PBR material not be placed within 100 feet of surface waters or within 300 feet of a water source would severely limit their ability to place PBR material anywhere in this Commonwealth. In particular, this requirement would cause time delays and increased costs for road construction work. Since erosion and sedimentation plans are also required, we question the need for these provisions.

Direct contact pathways

The agriculture and historic fill PBRs require that direct contact pathways be eliminated. To protect the health of citizens, should direct contact pathways be eliminated when any PBR material is placed?

Other engineering controls

The agriculture and historic fill PBRs use the phrase "other engineering controls" in paragraph (3). For clarity, the final-form regulation should explain what this phrase means. In addition, the historic fill PBR allows the use of uncontaminated dredged material to eliminate direct contact pathways and the agriculture PBR does not. We question the reason behind this difference.

Commercially/industrially zoned and unzoned properties

The five PBRs contain provisions that state, "... material shall only be used under this permit on properties that are zoned exclusively for commercial and industrial uses." Commercial and industrial districts can be zoned for multiple uses. For example, private schools and day care centers could be allowed in a downtown commercial district. Each local government is responsible for establishing what types of uses are allowed in commercial and industrial districts and those uses can vary. Given this fact, is the public health adequately protected when PBR material is placed in commercial or industrial districts that allow a wide variety of uses? To adequately protect public health, we recommend deleting the requirement that the material can only be used on "commercial and industrial zoned properties" and replacing it with "non-residential property" as defined in Act 2.

For unzoned properties, contaminated soil can only be used in an area where the background is equal to or greater than the concentration of contamination of soil being placed. This requirement is too restrictive and is not needed. It should be deleted from the final-form regulation.

Written notice requirements for persons who receive and use material from known areas of contamination

The five PBRs contain provisions that require persons receiving and using fill to submit written notice to the Department that includes certain information. We have two concerns.

First, it is unclear who "receives and uses" material and therefore is required to provide notice to the Department. The regulation should clearly designate who must provide notice. Additionally, if more than one person is required to provide this notice, the final-form regulation should clearly state this.

Second, the final-form regulation should specify to what address the written notice should be sent.

Recordkeeping requirements for persons using and distributing material

The five PBRs contain provisions that require persons using and distributing material to maintain records of analytical evaluation of the material. We have two concerns.

First, it is unclear who is "using and distributing" material and therefore must keep certain records. The regulation should clearly designate who must keep records. Additionally, if more than one person is required to keep the records, the final-form regulation should clearly state this.

Second, the regulation should specify how long records are to be kept.

Odor or other public nuisance

The agriculture, soil, dredged material and asphalt, and remediation PBRs contain paragraphs that prohibit placed material from creating, "... odor or other public nuisance resulting from chemical contaminants in the soil." The historic fill and brick, block and concrete PBRs contain paragraphs that prohibit placed material from creating "... odor or other public nuisance associated with ..." the historic fill or brick, block and concrete. We have two concerns.

First, what standard would be used to determine if material has an odor or creates a public nuisance?

Second, three of the five PBRs contain the phrase "resulting from chemical contaminants in the soil." We question the need for this phrase.

Material placed in accordance with this permit

The five PBRs contain a paragraph that states the materials placed in accordance with the applicable permit shall "cease to be a waste" as long as the material "remains in place." We have two concerns.

First, if it is a waste until it is placed, would all of the municipal or residual waste requirements apply prior to placement? Would those who transport the material be required to follow Department of Environmental Protection regulations pertaining to transporting of waste? If so, we question the reasonableness of the requirement.

Second, commentators have concerns with this paragraph as it relates to material moved after it has been placed. If placed material is subsequently moved, does it revert to its classification as waste? Would placed material have to be retested before it is moved again? For clarity, the final-form regulation should address how placed material that is subsequently moved should be treated.

12. Appendix A.—Clarity; Implementation procedures.

Table 2

In the title, the word "regulated" is misspelled.

Referencing MCSs under Act 2

Commentators have noted that the safe fill numeric standards are based on the MSCs for residential property under Act 2. They note that if the MSC standards under Act 2 were changed, the regulated community would be forced to comply with two separate sets of standards. We agree and suggest that a cross-reference to the Act 2 MSC standards be included in the final-form regulation.

13. Section 287.611. Authorization for general permit.—Clarity.

Subsection (g) states, "The Department may issue a general permit on a regional or Statewide basis for the use, as construction material, of soil and other materials that do not meet the *clean fill criteria*." (Emphasis added.) This rulemaking deletes the definition and criteria for "clean fill" from other sections. The term "clean fill" needs to be replaced with the term "safe fill" in subsection (g).

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 02-905. Filed for public inspection May 17, 2002, 9:00 a.m.]

INSURANCE DEPARTMENT

Capital Advantage Insurance Company; Filing 2002-1; Gatekeeper Preferred Provider Organization; ERISA Exemption Certificate Filing

On May 3, 2002, Capital Advantage Insurance Company submitted an application for review and approval by the Insurance Department (Department) and the Department of Health of an ERISA-Exempt Gatekeeper Preferred Provider Organization filing and certificate, filing CAIC-2002-1, pertaining to the incorporation of primary care gatekeeper services into the health benefit plans of self-funded clients in the 21-county Capital region of South Central Pennsylvania and Lehigh Valley service area. The application was submitted in accordance with the provisions of 31 Pa. Code Chapter 152 (relating to preferred provider organizations).

Capital Advantage Insurance Company is a wholly owned subsidiary of Capital Blue Cross.

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

Interested parties are invited to submit written comments, suggestions or objections to Jeffrey Russell, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 15 days upon publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-906. Filed for public inspection May 17, 2002, 9:00 a.m.]

Highmark Blue Cross Blue Shield and Keystone Health Plan West; Fair Payment Provision; Filings No. FPRHA-AM-02-WP and FPRMCHA-AM-02-WP

On May 3, 2002, Highmark Inc. d/b/a Highmark Blue Cross Blue Shield and Keystone Health Plan West, Inc.

submitted filings FPRHA-AM-02-WP and FPRMCHA-AM-02-WP to the Insurance Department (Department) and the Department of Health for review and approval. The filings propose the use of a provision, the "Fair Payment Rate Provision," which would be used based on negotiated payment arrangements, in the Hospital and Managed Care Hospital Agreements with some hospitals in the 29-county region in western Pennsylvania. The purpose of this provision is to assure that the acute care payment rates negotiated with Highmark are no higher than those of most other contracted "Non-Governmental Payors."

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

Interested parties are invited to submit written comments, suggestions or objections to Richard Stoner, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-907. Filed for public inspection May 17, 2002, 9:00 a.m.]

Highmark Inc. d/b/a Pennsylvania Blue Shield; Filing No. 200205; Direct Pay Medicare Supplement Subscription Agreement; Plan E (Form MB/E)

Highmark Inc. d/b/a Pennsylvania Blue Shield submitted Filing Number 200205 seeking approval of Medicare Supplement standardized Plan E policy forms and rates, to be offered to individuals in the 21 counties of the Capital region in South Central Pennsylvania, for coverage effective immediately.

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

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 15 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-908. Filed for public inspection May 17, 2002, 9:00 a.m.]

Highmark Inc. d/b/a Pennsylvania Blue Shield; Filing No. 200211; Direct Pay Medicare Supplement Subscription Agreement; Plan I (Form MB/I)

Highmark Inc. d/b/a Pennsylvania Blue Shield submitted Filing Number 200211 seeking approval of Medicare Supplement standardized Plan I policy forms and rates, to be offered to individuals in the 21 counties of the Capital region in South Central Pennsylvania, for coverage effective immediately.

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

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120 within 15 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-909. Filed for public inspection May 17, 2002, 9:00 a.m.]

Mid-Atlantic Title, Inc. d/b/a Perry & Kellas, Inc.; Prehearing

License Denial; Doc. No. AG02-04-043

The proceeding in this matter will be governed by 2 Pa.C.S. §§ 501—508, 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure). A prehearing telephone conference initiated by this office is scheduled for June 27, 2002, at 10:30 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before May 23, 2002. A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference.

If an attorney or representative for a party attending the conference does not have complete settlement authority relative to this matter, the party or persons with full settlement authority shall be available by telephone during the conference. At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter. Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before June 13, 2002, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before June 20, 2002.

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. 02-910. Filed for public inspection May 17, 2002, 9:00 a.m.]

Pennsylvania Professional Liability Joint Underwriting; Rate Filing

On April 30, 2002, the Insurance Department (Department) received from the Pennsylvania Professional Liability Joint Underwriting Association a filing proposing to:

- Apply an overall rate adjustment of 37.7% to all classes of health care providers.
- Move two specialties from one class to another class.
- Change the relativity for four classes.
- Change the relativity of nursing homes to hospitals.
- Change the relativity for three territories and introduce a new territory.
- Increase the maximum administrative fee.
- Make modifications to the Individual Risk Premium Modification plan for physicians and surgeons.
- Increase the policy writing minimum premium for physicians and surgeons.

Unless formal administrative action is taken prior to June 29, 2002, the rates within the subject filing may be deemed into use upon the effective date, September 1, 2002, by operation of law.

A copy of the filing will be available for public inspection during normal working hours, by appointment, at the Department's regional office in Harrisburg.

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

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-911. Filed for public inspection May 17, 2002, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insured's automobile policy. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Philadelphia PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Mark and Margaret Bandera; file no. 02-210-01291; AAA Mid-Atlantic Insurance Company; doc. no. PH02-04-045; June 21, 2002, 9:30 a.m.

Francenia Emery; file no. 02-267-01043; AAA Mid-Atlantic Insurance Company; doc. no. PH02-04-046; June 21, 2002, 10:30 a.m.

Joseph Van Story; file no. 02-267-01615; Progressive Insurance Company; doc. no. PH02-04-048; June 21, 2002, 11:30 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, wit-

nesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

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

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-912. Filed for public inspection May 17, 2002, 9:00 a.m.]

John C. Smouse; Prehearing

License Denial; Doc. No. AG02-04-035

A prehearing telephone conference initiated by the Administrative Hearings Office shall occur on June 11, 2002, at 2 p.m. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure). A hearing will be held on July 9, 2002, at 10 a.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter. Pending hearing, parties shall exchange proposed exhibits, the names of witnesses, provide an offer of proof with respect to each witness and informally attempt to resolve undisputed facts by stipulation.

On or before May 28, 2002, each party shall file with the Administrative Hearings Office by facsimile at (717) 787-8781 and serve upon the other party by facsimile an entry of appearance designating the lead attorney or representative to receive service or orders, filings and communications in this matter, together with that person's address, telephone number and facsimile number. Each party shall similarly designate the lead attorney or

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

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed by May 28, 2002, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before June 4, 2002.

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. 02-913. Filed for public inspection May 17, 2002, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

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

Executive Board

Resolution #CB-02-044, Dated March 14, 2002. This resolution authorizes the side letter of agreement between the Commonwealth and the Pennsylvania State Corrections Officers Association. The agreement provides for the salary placement and cash payments for specific employees covered by the H1 agreement who were assigned to Step "0" as of July 1, 2001.

Resolution #CB-02-073, Dated April 1, 2002. This resolution authorizes the side letter between the Commonwealth and the District 1199P, Service Employees International Union, AFL-CIO, CLC, regarding salary adjustments for certain RN 1, 2 and Community Health Nurse classifications and changes to the Collective Bargaining Agreement.

Resolution #CB-02-074, Dated April 1, 2002. This resolution authorizes the side letter between the Commonwealth and the Pennsylvania Nurses Association regarding salary adjustments for certain RN Supervisor classifications and changes to the Memorandum of Understanding.

Resolution #CB-02-088, Dated April 29, 2002. This resolution authorizes the side letter between the Commonwealth and AFSCME regarding reimbursement for the cost of safety shoes for Farm Workers 1 and 2 who work at four racetracks and for Pesticide Inspectors who work in the Bureau of Plant Industry, Department of Agriculture.

Governor's Office

Manual M205.2—Meeting Room Facilities, Amended March 27, 2002.

Manual M215.3—Field Procurement Handbook, Revision No. 3, Dated March 25, 2002.

Manual M315.1—Municipal Tax Rate Schedules, Revision No. 3, Dated April 1, 2002.

Management Directive No. 515.10—Selection and Appointment to Non-Civil Service Positions, Amended April 3, 2002.

Management Directive No. 620.1—Coal Sampling and Reporting, Revision No. 1, Dated April 23, 2002.

GARY R. HOFFMAN,
Director,
Pennsylvania Bulletin

[Pa.B. Doc. No. 02-914. Filed for public inspection May 17, 2002, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The Liquor Control Board seeks the following new site:

Philadelphia County, Wine & Spirits Shoppe #5123, 9th and Girard Avenue, Philadelphia, PA 19121.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space within a 1/2-mile radius of 9th and Girard Avenue, Philadelphia.

Proposals due: June 7, 2002, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Robert J. Jolly, (215) 482-9671

The following Liquor Control Board leases will expire:

Montgomery County, Wine & Spirits Shoppe #4601, 307 E. Church Road, King of Prussia, PA 19406.

Lease Expiration Date: November 30, 2003

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 within a 1 mile radius of Route 202 and Henderson Road, King of Prussia.

Proposals due: June 7, 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

Montgomery County, Wine & Spirits Shoppe #4615, 26 E. Fourth Street, East Greenville, PA 18041.

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 1 mile radius of Routes 29 and 663, East Greenville.

Proposals due: June 7, 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

Montgomery County, Wine & Spirits Shoppe #4632, Gwynedd Crossing Shopping Center, 1200 Bethlehem Pike, North Wales, PA 19454.

Lease Expiration Date: January 31, 2003

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 within a 1 mile radius of Routes 63 and 309, North Wales.

Proposals due: June 7, 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

Montgomery County, Wine & Spirits Shoppe #4634, 2014 Old Arch Road, Norristown, PA 19401.

Lease Expiration Date: September 30, 2003

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,500 net useable square feet of new or existing retail commercial space within a 1 mile radius of Old Arch Road and Birchwood Avenue, Norristown.

Proposals due: June 7, 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 #5102, 4721 Oxford Avenue, Philadelphia, PA 19124.

Lease Expiration Date: May 31, 2003

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,000 net useable square feet of new or existing retail commercial space within a 1/2-mile radius of Oxford and Frankford Avenues, Philadelphia.

Proposals due: June 7, 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 #5122, 8 Penn Center Plaza, 1628 JFK Boulevard, Philadelphia, PA 19103.

Lease Expiration Date: June 30, 2003

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,000 net useable square feet of new or existing retail commercial space within a 1/2-mile radius of 17th and JFK Boulevard, Philadelphia.

Proposals due: June 7, 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

Dauphin County, Wine & Spirits Shoppe #2204, 107 North Front Street, Steelton, PA 17113.

Lease Expiration Date: June 30, 2003

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,600 to 3,400 net useable square feet of new or existing retail commercial space along SR 230 in the Borough of Steelton.

Proposals due: June 7, 2002, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Ronald Hancher, Jr., (717) 657-4228

Philadelphia County, Wine & Spirits Shoppe #5153, 2115 North 22nd Street, Philadelphia, PA 19121.

Lease Expiration Date: July 31, 2002

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 6,000 net useable square feet of new or existing retail commercial space within a 1/2-mile radius of the intersection of 22nd and Diamond Street in Philadelphia.

Proposals due: May 31, 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. 02-915. Filed for public inspection May 17, 2002, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule for all Milk Marketing Areas; Over-Price Premium

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on May 17, 2002, at 1 p.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits to amend Official General Order A-913 concerning the frequency of adjustment of the over-price premium which is currently done on a monthly basis.

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 May 13, 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 by 4 p.m. on May 13, 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 May 14, 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 May 15, 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, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110. Persons who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Pennsylvania Relay Service for TDD users).

LYNDA J. BOWMAN,
Secretary

[Pa.B. Doc. No. 02-916. Filed for public inspection May 17, 2002, 9:00 a.m.]

Sunshine Meeting Dates for 2002-2003

In accordance with the Sunshine Act of 1986 (P. L. 388, No. 84), the Milk Marketing Board has established the following meeting dates for Fiscal Year 2002-2003:

<i>Date</i>	<i>Time</i>	<i>Place</i>
July 10, 2002	1 p.m.	Rm. 202 Agriculture Bldg. 2301 N. Cameron Street Harrisburg, PA 17110-9408
August 7, 2002	1 p.m.	Rm. 202 Agriculture Bldg. 2301 N. Cameron Street Harrisburg, PA 17110-9408
September 4, 2002	1 p.m.	Rm. 202 Agriculture Bldg. 2301 N. Cameron Street Harrisburg, PA 17110-9408
October 2, 2002	1 p.m.	Rm. 202 Agriculture Bldg. 2301 N. Cameron Street Harrisburg, PA 17110-9408

<i>Date</i>	<i>Time</i>	<i>Place</i>
November 6, 2002	1 p.m.	Rm. 202 Agriculture Bldg. 2301 N. Cameron Street Harrisburg, PA 17110-9408
December 4, 2002	1 p.m.	Rm. 202 Agriculture Bldg. 2301 N. Cameron Street Harrisburg, PA 17110-9408
January 8, 2003	1 p.m.	Rm. 202 Agriculture Bldg. 2301 N. Cameron Street Harrisburg, PA 17110-9408
February 5, 2003	1 p.m.	Rm. 202 Agriculture Bldg. 2301 N. Cameron Street Harrisburg, PA 17110-9408
March 5, 2003	1 p.m.	Rm. 202 Agriculture Bldg. 2301 N. Cameron Street Harrisburg, PA 17110-9408
April 2, 2003	1 p.m.	Rm. 202 Agriculture Bldg. 2301 N. Cameron Street Harrisburg, PA 17110-9408
May 7, 2003	1 p.m.	Rm. 202 Agriculture Bldg. 2301 N. Cameron Street Harrisburg, PA 17110-9408
June 11, 2003	1 p.m.	Rm. 202 Agriculture Bldg. 2301 N. Cameron Street Harrisburg, PA 17110-9408

Persons with a disability who require an alternate format may call (717) 787-4194.

LYNDA J. BOWMAN,
Secretary

[Pa.B. Doc. No. 02-917. Filed for public inspection May 17, 2002, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Certificate of Public Convenience Without Hearing

A-211890F5000. Tri-Valley Water Supply, Inc. Application of Tri-Valley Water Supply, Inc. for issuance of a Certificate of Public Convenience and other approvals, if any, as may be necessary under 66 Pa.C.S. (relating to Public Utility Code), evidencing approval of its acquisition of the stock of Anthony H. Sander and Lucille P. Sander and transfer of control to Gregory Sander.

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 June 3, 2002, under 52 Pa. Code (relating to public utilities).

Applicant: Tri-Valley Water Supply

Through and By Counsel: Thomas T. Niesen, Esquire, Sharon E. Webb, Esquire, Thomas, Thomas, Armstrong & Niesen, 212 Locust Street, P. O. Box 9500, Harrisburg, PA 17108-9500.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-918. Filed for public inspection May 17, 2002, 9:00 a.m.]

Entry of Orders Establishing Interim Guidelines

On April 23, 2002, Final Orders establishing Interim Guidelines were entered in the following proceedings.

Final Interim Guidelines Establishing Procedures for Changing Local Service Providers for Jurisdictional Telecommunications Companies Doc. No. M-000011582

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

Interim Guidelines Establishing Quality of Service Procedures for Jurisdictional Telecommunications Companies Doc. No. M-00011582F0003

Interim Guidelines Establishing Local Service Provider Abandonment process for Jurisdictional Telecommunications Companies Doc. No. M-00011582F0004

These Interim Guidelines establish voluntary standards for telecommunications carriers in this Commonwealth. They may be accessed on the Commonwealth website, puc.paonline.com.

Additionally, the website contains scheduling information on four related collaborative rulemakings:

Procedures for Changing Local Service Providers; Doc. No. M-00011583

Customer Information; Doc. No. M-000115843

Quality of Service; Doc. No. M-00011585

Local Service Provider Abandonment Process; Doc. No. M-00011586.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-919. Filed for public inspection May 17, 2002, 9:00 a.m.]

Railroad With Hearing

A-00117976. Carnegie Borough. Application of Carnegie Borough for approval of the construction of a crossing where East Main Street crosses, at grade, the tracks of the Pittsburgh & Ohio Central Railroad, located in the Borough of Carnegie, Allegheny County, PA.

An initial hearing on this matter will be held Thursday, June 6, 2002, at 10 a.m. in the 11th Floor Hearing Room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-920. Filed for public inspection May 17, 2002, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). 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 June 10, 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 protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-00117497, F.2. Hans Schack and Mark Schack, Copartners t/d/b/a Allegheny Business Limousine (4432 Coleridge Street, Pittsburgh, Allegheny County, PA 15201)—persons in limousine service, between points in the County of Allegheny. *Attorney:* John A. Pillar, 680 Washington Road, Suite B101, Pittsburgh, PA 15228.

A-00118890. Leonardo R. Rodriguez t/d/b/a A Taxi (160 Hudson Avenue, Haverstraw NY 10927)—persons upon call or demand in the County of Berks.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under the application

A-00118835, F.2. Easton Coach Company (1200 Conroy Place, Easton, Northampton County, PA 18040), a Pennsylvania corporation—(1) groups and parties of persons from that portion of Monroe County south of US Highway Route 209 and west of Pennsylvania Highway Route 33, east of Pennsylvania Highway Route 33, south of a line due east and west through Bossardsville to the Northampton County Line, to points in Pennsylvania, and return; and (2) groups and parties of persons from that portion of Northampton County east of Pennsylvania Highway Route 33 and north of US Highway Route 22, including the city of Easton and the Laneco Shopping Center in Palmer Township, Northampton County, at the intersection of William Penn Highway and Stone's Crossing Road, to points in Pennsylvania located within an airline distance of 75 statute miles of the limits of the city of Easton, Northampton County, plus Derry Township, Dauphin County, and return; with both of the previous rights subject to the following conditions: That no right, power or privilege is granted to perform transportation in trackless trolleys; that no right, power or privilege is granted to perform transportation in school bus type vehicles; and that all service shall be provided in vehicles with a seating capacity of 15 passengers or less, including the driver; which is to be a transfer of the rights authorized under the certificate issued at A-00108988 to Vectour of Pennsylvania, Inc., subject to the same limitations and conditions. *Attorney:* Vincent A. Vietti, Eleven Penn Center, 14th Floor, 1835 Market Street, Philadelphia, PA 19103

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 the application.

A-00118885. Nicholas Moving & Storage, Inc. (611 Branchton Road, Slippery Rock, Butler County, PA 16057), a Pennsylvania corporation—(1) household goods in use, between points in the county of Butler; (2) household goods in use, from points in the county of

Butler, to other points in Pennsylvania, and vice versa; and (3) 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-00090110, F.2 to O. H. Nicholas Transfer & Storage Co., subject to the same limitations and conditions. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

Application of the following for the approval of the transfer of stock as described under the application.

A-00116324, F.5000. Grace Limo Service, Inc. (4620 Weymouth Street, Philadelphia PA 19120), a Pennsylvania corporation—stock transfer—for approval of the transfer of 100 shares of the issued and outstanding stock from Steve Alizzi to Wael Soltan (50 shares) and Ahmed Soltan (50 shares).

Application of the following for amendment to the certificate of public convenience approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

A-00106029, F.2, AM-A. Berwyn Taxi Service, Inc. (225 Green Street, Malvern, Chester County, PA 119355), a Pennsylvania corporation—for the discontinuance of service and cancellation of its certificates of public convenience at A-00106029 and A-00106029, F.2. The discontinuance is for all of its authority to transport persons upon call or demand in the townships of Tredyffrin, Eastown, Willistown, East Whiteland and West Whiteland; and the borough of Malvern, all in Chester County.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-921. Filed for public inspection May 17, 2002, 9:00 a.m.]

Standard for Comparing Local Service Options for Use in a Consumer Education Program on Telephone Competition; Doc. No. M-00011580

Public Meeting held
April 11, 2002

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

Order

By the Commission:

On November 9, 2001, the Commission issued a Tentative Order requesting comments on the possible establishment of a universal standard for comparing local service options for use in a Consumer Education Program on Telephone Competition. The Commission envisioned that this "standard offer" would be similar to the "price to compare" for electric generation that was fundamental to the success of consumer education in the Electric Choice program. By establishing such a tool, the Commission viewed the standard offer as a way to reduce customer confusion and give customers the essential information that they need to do comparison shopping for local telephone service. It was intended that the standard offer

would be used when consumers apply for residential telephone service by phone with a local exchange carrier (LEC) service representative providing the customer with this information. However, the Commission was uncertain about what information/standard would assist consumers in shopping, but would, at the same time, foster competition in the local telephone service market. Therefore, the Commission also asked commentators to respond to six specific questions regarding the possible effects of establishing such a universal standard on competition.

The Tentative Order was published at 31 Pa.B. 6763 (December 8, 2001). The Tentative Order provided for a 10-day comment period. The deadline for filing comments was December 18, 2001. Eleven parties filed comments. They include the Office of Consumer Advocate (OCA), Office of Small Business Advocate (OSBA), the Office of Trial Staff (OTS), Pennsylvania Telephone Association (PTA), Verizon Pennsylvania Inc. and Verizon North Inc. (VZ), the Commission's Consumer Advisory Council (CAC), AT&T Communications of Pennsylvania, Inc. (AT&T), MCI Worldcom Network Services, Inc. (MWCOWM), RCN Telecom Services of Philadelphia Inc./RCN Telecom Services Inc. (RCN), National ALEC Association/Prepaid Communications Association (NALA/PCA) and Metro Teleconnect Companies, Inc. (Metro Teleconnect).

The Commission considered all the comments and expresses its appreciation to the commentators for their helpful information and thoughtful observations.

Discussion

Various commentators (AT&T, MWCOWM, Metro Teleconnect, PTA, VZ, RCN, NALA/PCA) are opposed to the implementation of a universal standard to compare the price of the local service options for a number of reasons. In its comments, MWCOWM expressed its concerns about the Commission setting a price to compare for basic local service.

AT&T expressed concerns about the Commission developing a price to compare chart that would set a universal price to compare. AT&T states that it is "difficult to envision how the price to compare chart could be maintained accurately and reliably in light of the Commission's own recently enacted rules governing local exchange tariff filing requirements. 52 Pa. Code §§ 53.57, et seq. Those new rules, for example, permit carriers to implement certain price changes on as little as one day's notice. See, e.g. 52 Pa. Code § 53.59(a).

PTA's comments address the impracticality of implementing a standard for local service. PTA states that local service can potentially involve a multitude of varying rate components that make a single simple comparison price virtually impossible to ascertain. One example is that local service can be priced as a fixed rate without usage, or based solely upon usage or some combination. PTA also states that to further complicate usage charges some Incumbent Local Exchange Companies (ILECs) have rate bands that provide for varying charges for usage based upon an individual customer's location or the exchange's aggregate calling patterns.

According to PTA, all LECs must assess mandated charges (e.g., subscriber line charge, emergency 911 surcharge, PA relay charge, federal universal service charge, taxes, etc.), but all do not have the same obligation to collect these charges. For example, some Competitive Local Exchange Carriers (CLECs) frequently forego application of the subscriber line charge by incorporating their costs directly into the end-user, consumer rates. PTA adds

that ILECs may be bound by interstate tariffs that forestall transition from interstate cost recovery to intrastate local rates. NALA/PCA comments on the difficulties associated with determining the rate in extended calling areas.

VZ also comments about the impracticality of producing a standard for comparing prices for local service options. VZ explains that, for example, it has five different rate groups across the state and at least eight major classes of basic service, some with further variations and some available in some areas but not in others. VZ does concede that the residential flat monthly rate for unlimited calling is probably the most unobjectionable price comparison. However, VZ points out that the LEC flat rate price differences in different geographic areas of Pennsylvania would need to be taken into account. For example, VZ flat rate service charges vary both by five usage rate groups and by four density cells—resulting in numerous different discreet flat rate charges that are dependent upon where the consumer lives.

There were fewer commentators (OCA, OSBA, CAC, and OTS) that expressed general support for the Commission's efforts to construct a price to compare tool. OCA, although arguing in favor of implementing the rate comparison standard, recognizes that such a standard would be difficult to formulate. OCA submits that in order to accurately reflect the full range of local service pricing options available, the Commission should recognize that the standard or monthly local service charge will vary depending upon whether a customer is enrolled in a flat or measured usage plan. Also, OCA states that different types of "flat monthly fee" rate options may be selected corresponding to the various types of enlarged calling areas that customers may choose, including Local Area Unlimited calling (VZ's basic flat rate calling option). Additionally, OCA points out that flat monthly rate plans may vary in price upon location. For example, Sprint offers flat rate calling packages that vary based upon the rate groups or rate bands under which customers take service. Such rate bands usually vary by the exchange in which the consumer resides.

The OSBA states that it "... disagrees with the idea of obligating the industry to offer any random service elements as a package or plan represented for price comparisons. However, offering basic or baseline service packages or plans for price comparisons and distinct services or elements standing-alone for price comparison is reasonable." Nevertheless, the OSBA asserts that small business customers have different needs and that the price to compare data would have to be different. As such, "small businesses cannot depend upon the unlimited local calling area to be sufficient for its telecommunications needs."

For example, the OSBA states:

"The information for price to compare data should contain at a minimum: (1) the business flat monthly rate for unlimited local calling within the calling area equal to, or larger than the calling area provided by the ILEC,¹ (2) the rate for toll calls (intraLATA intrastate calls), (3) the rate for the stand-alone component for voicemail, (4) the rate for the stand-alone component of Caller ID, and (5) the rate for the stand-alone component of call forwarding. These components may be different from those experienced by residential customers."

¹ Typically this is the "B1" rate.

As a result of these comments, the Commission has determined that the implementation of a universal standard to compare the price of local service options is not practical given the nature of local service in this Commonwealth.² However, we believe that the price of a LEC's least expensive local basic service option is fundamental information that the consumer should have so that he or she can make an intelligent decision in selecting among LECs and their various service packages. Moreover, the Commission firmly believes that all LECs must comply with those provisions of Chapter 64 that require LECs to make consumers aware of the least cost local service option when they apply for local telephone service. LECs are free to discuss the other service options including bundled service packages once they inform applicants of the least cost service option as required by existing regulations.³

The Commission's position on offering bundled local service packages is explained in our North Pittsburgh order, Docket No. P-00011899. PTA and AT&T note in their comments that the Commission found North Pittsburgh Telephone Company's (North Pittsburgh) single rate plan to be in the "consumer's interest" when it granted the company a petition for waiver of certain sections of Chapter 64. While the Commission recognizes the benefits of companies selling bundled service packages, it also recognizes its obligation to enforce the consumer protection provisions of its regulations. The Commission's decision to grant waivers to North Pittsburgh was based on the company's assurance that it would "honor the underlying goal of the Chapter 64 requirements at issue, namely the preservation of the residential customer's basic service." North Pittsburgh's implementation of single rate package plans would be "conducted in a manner which retains the protection afforded by Chapter 64." The Commission did not waive any fundamental protection relating to the application process, information provided at the time of application, suspension/termination or dispute resolution⁴. The waivers granted to North Pittsburgh apply only if an applicant or customer elects to buy a bundled service. Specifically, the waivers apply only to monthly billing and the application of customer payments, as long as the account is not in collection for past due amounts. Therefore, the price of a LEC's least expensive local basic service option must be provided to all customers during the application process.

Again, we believe that the price of a LEC's least expensive local basic service option is fundamental information that the consumer should have so that he or she can make an intelligent decision in selecting among LECs and their various service packages. All LECs are obligated to comply with the provisions of § 64.191(b)(1), which requires LECs to "explain and give the price of the least expensive type of single party service." We further believe that all LECs should provide information on the least expensive type of single party service upon request of the customer of record for an existing account.

² As the Commission has decided against implementing a price to compare standard because of impracticality, it is unnecessary to discuss other issues raised by the commentators.

³ According to § 64.191(b)(1) if an applicant applies for service by telephone the LEC service representative shall explain and give the price of the least expensive single-party basic service.

⁴ The North Pittsburgh Telephone Company also agreed to provide a disclosure statement (subject to the right of the Commission to review the disclosure statement) to customers who order a single price package plan which details the billing practice in the event a customer fails to pay under the agreed terms of the package plan. In addition, the Commission directed North Pittsburgh to "identify on bills those charges for which failure to pay will not result in disconnection of the customer's basic service, pursuant to the FCC's ruling concerning Truth-in-Billing and Billing-Format⁵." See, CC Docket No. 98-170; FCC 00-111, released July 13, 2000. The Commission found that "the single rate package plan and proposed billing methodology are in the consumer's interest provided that all assertions with respect to notice to the consumer to be contained in the disclosure statement are satisfied."

Accordingly, we will direct the Office of Communications to include, in the Commission's Consumer Education Program, materials to educate consumers about their right to request and receive information about the least expensive local basic service option when making application to a LEC for service or upon request to the LEC by an existing customer. Also, because this regulatory requirement is already in place, we do not see that additional costs will be imposed on the LECs by having the Consumer Education Program develop and distribute materials that inform consumers that they have a right to request such information.

Various commentators who opposed the implementation of the local service option pricing standard commented on alternatives and volunteered to help in their formulation. PTA indicated that the Consumer Education Fund should be used to provide information to consumers about telecommunications choices, the various services available and the types of questions that consumers can ask to receive information that can be used in making decisions about their telecommunication service choices.

VZ suggests that the Commission's Bureau of Consumer Services with input from the LEC industry develop both a customer education brochure and Commission website features that provide information consumers should know when making decisions about selecting telecommunication services. Both the brochure, that would be distributed via the Commission's normal customer education channels, and the website should include a user-friendly checklist (printable from the website) with side by side service/price entries. The checklist would allow customers to do an easy cost comparison by deciding and checking off the specific LEC services the customer wants and then calling the LEC serving the customer's area to obtain, write down and compare rates for these services. To the extent that the services desired are included in LEC service packages, the checklist should contain space to note package contents and prices to facilitate price comparisons with other LECs' services and packages.

RCN suggests that given the overlap of the subject matter the Consumer Education Plan should be addressed in the Customer Information collaborative. Docket M-00011582.

Commission Staff is already formulating the Consumer Education Program in conjunction with the Council on Utility Choice⁵ (CUC). Moreover, the CUC has representatives from the telecommunications industry and consumer organizations so the formulation of the Consumer Education Program has input from a range of interested parties. Therefore, it is unnecessary to assign to the Collaborative on Customer Information the task of designing a Consumer Education Program. However, we adopt Verizon's suggestion that the Commission's Bureau of Consumer Services be included as part of the Commission staff charged with formulating our Consumer Education Program in conjunction with the Council on Utility Choice. The other suggestions, including Verizon's proposal that industry and BCS develop an education brochure and that information be posted on the Commission's website, are more appropriate forwarded to the Office of Communications and the CUC for their consideration; *Therefore*;

⁵ The Council on Utility Choice members include representatives from OCA, CAC, and PTA.

It is Ordered That:

1. The Tentative Order on *Standard for Comparing Local Service Options for Use in a Consumer Education Program on Telephone Competition* is not adopted as proposed.

2. The Consumer Education Program include materials to educate consumers about their right to request and receive information about the least expensive local basic service options when contacting LECs for service pursuant to Commission regulations at 52 Pa. Code § 64.191.

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

4. That this Order be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

Standards for Comparing Local Service Options for Use in a Consumer Education Program on Telephone Competition	Public Meeting April 11, 2002 APR-BCS-0001* Doc. No. M-00011580
Interim Guidelines Establishing Procedures for Changing Local Service Providers for Jurisdictional Telephone Companies	Public Meeting April 11, 2002 APR-BCS-0002 Doc. No. M-00011582
Interim Guidelines Establishing Customer Information Guidance to Local Service Providers for Jurisdictional Telecommunications Companies	Public Meeting April 11, 2002 APR-BCS-0003 Doc. No. M-00011582, F0002
Interim Guidelines for Establishing Quality of Service Procedures for Jurisdictional Telecommunications Companies	Public Meeting April 11, 2002 APR-BCS-0004 Doc. No. M-00011582, F0003
Interim Guidelines Establishing Local Service Provider Abandonment Process for Jurisdictional Telecommunications Companies	Public Meeting April 11, 2002 APR-BCS-0005 Doc. No. M-00011582, F0004

Statement of Commissioner Aaron Wilson, Jr.

In these cases, the Commission sought comments regarding proposed guidelines on (1) Comparing Local Service Options for Use in Consumer Education; (2) Procedures to Change One's Local Service Provider; (3) Customer Information to be provided to consumers by Local Service Providers; (4) Quality of Service guidelines for Local Service Providers; and (5) Abandonment Processes when a Local Service Provider exits the market.

I have legal and policy concerns about these guidelines. I urge the regulated community and the public to address those concerns.

The Legality of the Interim Guidelines. I understand the commentators' claim that these "interim guidelines" may not be enforceable because binding requirements can only be established under the Commonwealth Documents Law

and the Regulatory Review Act. I am concerned that staff dismisses this claim by noting that "*adherence* to these guidelines will *result* in reasonable and adequate service as required by Section 1501 of the Public Utility Code." Docket No. M-000111582, F0002 at 25, emphasis added. This approach appears very similar to a general rule of future applicability, which, if violated, will have adverse consequences on a utility's compliance with Section 1501 of the Public Utility Code. *Redmond v. Milk Marketing Board*, 363 A.2d 841, 843 (1976); *The Choice Between Adjudication and Rulemaking for Developing Administrative Policy in Pennsylvania*, 4 Widener Journal of Law 374-402 (1995). This Commission has very recently been criticized for using policy statements to issue binding norms. See Docket No. L-00010152, Proposed Revisions to 52 Pa. Code § 41.14, Statement of Senator David J. Brightbill.⁶

The General Scope of the Interim Guidelines. The definition sections in the guidelines on Local Service Options, Changing Local Service Providers, Customer Information, Quality of Service, and Abandonment are limited to telecommunications services. That approach overlooks the fact that information services, a legal term crafted by the federal government's Federal Communications Commission (FCC) to justify their regulatory control over internet policy, are of critical importance and interest to all customers in this Commonwealth. The guidelines should include information services and other services, notwithstanding the FCC's current position that it alone is the sole source provider of internet policy, so that Pennsylvania can act in response to future developments expanding the scope of our authority to promote internet access or broadband development. It is easier to exercise concurrent or reserved power in response to newly acquired authority than to do develop a complete set of new regulations. See *California ISP Association, Inc. v. Pacific Bell Telephone Company* (U-1001-C); *SBC Advanced Solutions, Inc. (U-6346-C) and Does 1-20*, Case No. 01-07-27, March 28, 2002 (Interstate authority of the Federal Communications Commission does not automatically preempt state authority in matters related to Digital Subscriber Line (DSL) transport and information services).⁷

The Statutory Obligation to Serve, the Provider of Last Resort Problem, and Bond Requirements. In the telecommunications industry, some carriers have obligations to serve while other carriers may not. In addition, the larger incumbent local service providers can function, and they do, as de facto providers of last resort when another local service provider exits a market without proper assurances that all consumers can continue their telecommunications and information services. The obligation to serve and the de facto provider of last resort functions cannot be delivered without cost. Those costs may be particularly aggravated in those instances, and we have had them here at the Commission, where local service providers exit the market before the appropriate arrangements are in place to make sure that all consumers continue to receive their services.

The Commission resolved some of those problems in the electric and gas industries by the imposition of minimum bond requirements. These interim guidelines are silent on this. The industry and the public are urged to evaluate this issue and to propose solutions in the collaborative.

⁶ The fact that interim guidelines were used in restructuring the electric and gas industries, under specific State law and without legal objection by the regulated community, does not necessarily justify agency actions acting under Federal and State law.

⁷ This case is cited to underscore the uncertain and tentative nature of state and federal authority on the internet, internet access, and broadband deployment involved in the "information services" sector of the evolving telecommunications industry.

Docket No. M-00011580—Local Service Options for Consumer Education. This nonbinding guideline requires all local service providers to “comply” with Chapter 64 by informing a consumer about “the least expensive basic service option” although the guidelines do not implement “a universal standard to compare the price of local service options.” Docket No. M-00011580 at 5. If this “least expensive option” is for service other than a “flat monthly fee for all such calls made,” Section 1324(a) of the Public Utility Code requires that the local service provider offer the option of service for a flat monthly fee. The interim guidelines may be encouraging the violation of Section 1324(a) because consumers are not advised of their minimum Section 1324(a) options.

Docket No. M-00011582—Changing Local Service Providers. Staff limits the scope of these guidelines to “residential customers” with the exception of E911 and Directory Listings/White Pages. 911 and Directory Listings/White Pages apply to all customers. Annex A at I.B. I have two concerns.

First, the Commission’s definition of basic local universal service, defined in Docket No. I-00940035 (March 30, 1995) at p. 16, adopts and expands on the Federal Communications Commission (FCC) definition of basic local universal service. The FCC definition includes, inter alia, access to directory assistance, operator services, emergency services, and telecommunications relay service, without regard to customer class. The approach taken in these guidelines may not be consistent that approach or the Commission’s own precedent under state and federal law.

Second, staff does not fully explain why the guidelines apply to business customers, or consumers in the parlance of Docket No. M-00011580, for some purposes but not others. This is significant.

Today, the Commission has before it, at Docket No. A-310886F2000, a local service provider’s proposal to abandon service to 377 of its business customers. The service provider, however, only has plans to “transition” 177 of those 377 customers to an alternative service provider. The remaining 200 customers are left with the obligation to provide “customer instructions” to the old service provider, even though that provider is no longer subject to our jurisdiction, in order to continue service.

The abandonment of customers and their services before customer transition plans are completed, and which assure customers that their service will not be interrupted, results in a crisis management approach to transitions that can only increase transition costs. Moreover, unlike the electric and gas industries, there are no compensatory bonds available to compensate the successor local service providers for the increased cost of taking on new customers with a myriad of service needs at the last possible moment.

This is not conjecture.

Last week, a company with 2 facilities, 82 direct dial lines, 23 channels, and 150 employees contacted the Commission because their local service provider is abandoning service in such a shortened time period (30 days as opposed to 60 days) that it will lose local service and be unable to operate unless the Commission and Verizon cooperate to solve the problem. The employer was told in March 2002, when they first contacted the Commission, that “we have no authority” over such matters and to contact the FCC.

This is not a new problem.

The Commissions’ failure to expressly develop meaningful exit procedures before we approve abandonments of service and the failure to include business customers within the guidelines’ ambit may be unwise. This practice ensures that customers will continue to experience inadequate “transitions” and deal with a Commission that may be less interested in their lost service or service quality problems in comparison to residential customers.

The Chairman remands the issue of including businesses to the collaborative. I reluctantly support that approach because I prefer to include business customers and leave the details to the collaborative. The concern that the inclusion of business customers requires another layer of regulation overlooks economic reality. Business customers, and most particularly the small and mid-sized businesses, provide the jobs, economic development, tax sources, and assessment base that benefit the residential customer class. Businesses rely on safe, adequate, and reasonable utility services in order to provide residential Pennsylvanians with the employment they need to meet their utility obligations. The failure to include business, given their economic role in this Commonwealth, may be counterproductive to competition and the public interest.

Docket No. M-00011582, F002—Customer Information Guidance. Consistent with my comment on Changing Local Service Providers, I am very concerned that this guideline is also limited only to residential customers.

Docket No. M-00011582, F003—Quality of Service Procedures. I am disturbed by staff’s approach to the Communications Workers of America’s (CWA) comments about service quality declines. I am not as certain as staff that the Commission’s processes, which are very removed from the day-to-day field operations in the industry, are sufficient to justify dismissing comments about service quality declines as irrelevant. I urge the CWA to use their experience and expertise in the collaborative by providing us with concrete suggestions to resolve any industry-wide service quality issues.

I am also interested in comments on why this guideline is not a rule of universal applicability, normally reserved for regulations as opposed to policy statements, given staff’s frank admission that the guideline constitutes the “ground rules” for all Local Service Providers. See Staff Recommendation at p. 5.

Finally, this voluntary guideline focuses almost exclusively on Transfers of Customer Base (Involuntary Migration). The guideline assumes that a service provider abandons all service in the Commonwealth when they abandon customers. That is not always the case. There have been cases where the service provider merely wants to shed customers while remaining in business or abandons some customers while retaining the abandoned exchanges in their tariff. Comments on managing this challenge are sought.

Docket No. M-00011852, F0004—Abandonment Process for Local Service Providers. This guideline, in direct contrast to the others, appears to include business customers. See Annex A, Part I.A(1) and Staff Recommendation at p. 3. I commend staff’s approach, but wonder why the wisdom of this approach was not adopted in the other guidelines.

I also have a few comments on the Pre-Termination Embargo Process. First, the Pre-Termination Embargo Process does not apparently distinguish between undis-

puted and disputed reasons for a service embargo. See Annex A, Part III.B.(1)-(4).

Second, the Pre-Termination Embargo Process' confine nonpayment of charges disputes to the filing of a "complaint" as opposed to invoking Alternative Dispute Resolution (ADR) or any of the Commission's other informal and cost-effective processes. See Annex A, Part III, C.(4).

Third, the Embargo Notification is provided only to the Secretary and the Bureau of Consumer Services. The Commissioners should be notified as well given their role at the Commission. See Annex A, Part III, D. (1)(c).

Fourth, the obligations of Section V.D (1) can be triggered by a certificate authorizing abandonment or revoking a certificate to provide service even if those actions arguably terminate the Commission's jurisdiction. It may make more sense to confirm that an exiting service providing complies with our abandonment measures before any order issues that will terminate our authority.

Fifth, the staff fails to include the Commission's own customer service telephone numbers as a contact source for more information on Customer Notices. Although I recognize that the local service provider might be the contact of first resort, there must be a time and place to inform the consumer about the Commission's availability. That needs to be addressed.

[Pa.B. Doc. No. 02-922. Filed for public inspection May 17, 2002, 9:00 a.m.]

Telecommunications Without Hearing

A-310633F0002AMA. Level 3 Communications, LLC. Application of Level 3 Communications, LLC, for approval to offer, render, furnish or supply telecommunications services as a Competitive Local Exchange Carrier in the service territories of Alltel Pennsylvania, Inc., Armstrong Telephone Company North, Armstrong Telephone Company Pennsylvania, Bentleyville Telephone Company, Buffalo Valley Telephone Company, Citizens Telephone Company of Kecksburg, Citizens Telecommunications Company of New York, Commonwealth Telephone Company, Conestoga Telephone and Telegraph Company, Denver and Ephrata Telephone and Telegraph Company, Deposit Telephone Company, Frontier Communications of Breezewood, et al., Hancock Telephone Company, Hickory Telephone Company, Ironton Telephone Company, Lackawaxen Telecommunications Services, Inc., Laurel Highland Telephone Company, Marianna and Scenery Hill Telephone Company, North Penn Telephone Company, North Pittsburgh Telephone Company, North-Eastern Pennsylvania Telephone Company, Palmerton Telephone Company, Pennsylvania Telephone Company, Pymatuning Independent Telephone Company, South Canaan Telephone Company, Sprint Communications Company, LP, TDS Telecom/Mahanoy and Mahantango, TDS Telecom/Sugar Valley Telephone, United Telephone Company of PA, Venus Telephone Corporation, West Side Telephone Company and Yukon Waltz Telephone Company.

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 June 3, 2002, under 52 Pa. Code (relating to public utilities).

Applicant: Level 3 Communications, LLC

Through and By Counsel: Daniel P. Delaney, Esquire, Kirkpatrick and Lockhart, LLP, Payne Shoemaker Building, 240 North Third Street, Harrisburg, PA 17101-1507.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-923. Filed for public inspection May 17, 2002, 9:00 a.m.]

Water Service Without Hearing

A-210104F0016. Pennsylvania-Suburban Water Company. Application of Pennsylvania-Suburban Water Company for approval of the right to begin to offer, render, furnish or supply water service to the public in an additional portion of Thornbury Township, Delaware 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 June 3, 2002, under 52 Pa. Code (relating to public utilities).

Applicant: Pennsylvania-Suburban Water Company

Through and By Counsel: Mark J. Kropilak, Esquire, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-924. Filed for public inspection May 17, 2002, 9:00 a.m.]

Water Service Without Hearing

A-212285F0102. 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 Perkiomen 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 June 3, 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 Hersheypark Drive, P. O. Box 888, Hershey, PA 17033-0888.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-925. Filed for public inspection May 17, 2002, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept proposals for Project #0239.P (Pocket Planners/2003 Diaries), until 2 p.m. on Thursday, May 30, 2002. The proposal documents can be obtained from the Direc-

tor of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Fl., Philadelphia, PA 19134, (215) 426-2600 and will be available May 21, 2002. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 02-926. Filed for public inspection May 17, 2002, 9:00 a.m.]