

# PENNSYLVANIA BULLETIN

Volume 32

Number 21

Saturday, May 25, 2002 • Harrisburg, Pa.

Pages 2573—2660

**Agencies in this issue:**

The General Assembly

The Courts

Delaware River Basin Commission

Department of Banking

Department of Environmental Protection

Department of General Services

Department of Revenue

Department of Transportation

Executive Board

Independent Regulatory Review Commission

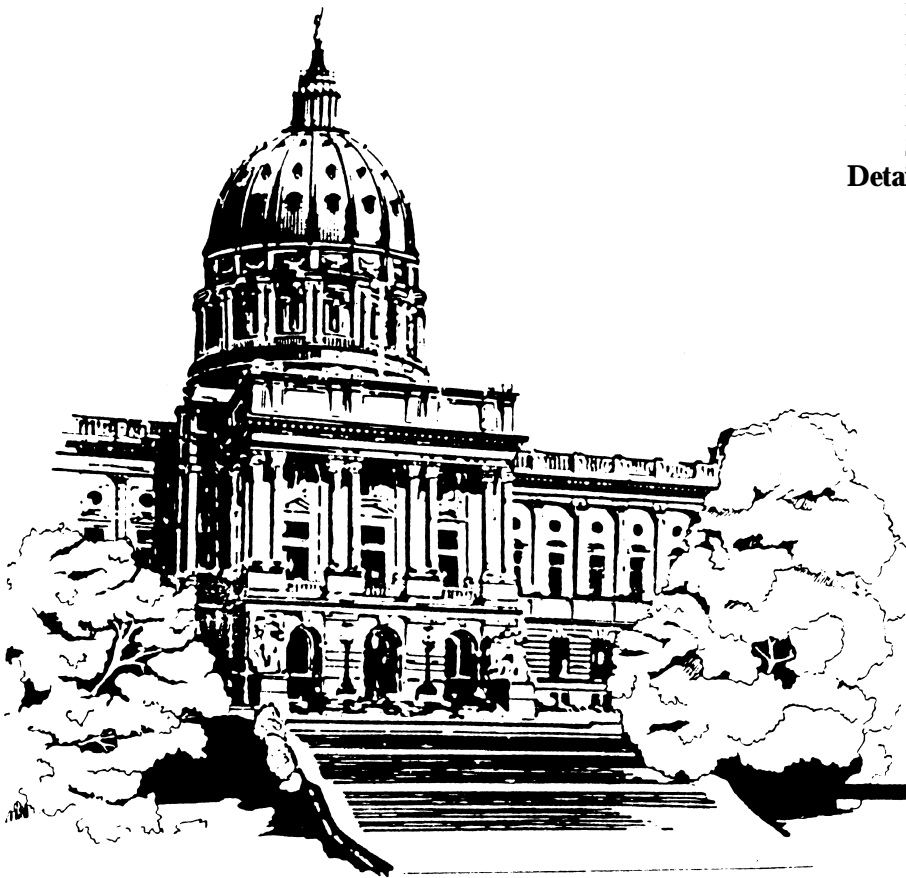
Insurance Department

Liquor Control Board

Pennsylvania Public Utility Commission

State Board of Chiropractic

**Detailed list of contents appears inside.**



PRINTED ON 100% RECYCLED PAPER



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

**No. 330, May 2002**

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE

**CHANGE NOTICE**

If information on mailing label is incorrect, please make changes in space provided below and mail to:

**FRY COMMUNICATIONS, INC.**

Attn: *Pennsylvania Bulletin*

**800 W. Church Rd.**

**Mechanicsburg, PA 17055-3198**

CUSTOMER NUMBER (6 digit number above name)

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City)

(State)

(Zip Code)

TYPE OR PRINT LEGIBLY

**PENNSYLVANIA**



**BULLETIN**

(ISSN 0162-2137)

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

Postmaster send address changes to:

**FRY COMMUNICATIONS**

Attn: *Pennsylvania Bulletin*

800 W. Church Rd.

Mechanicsburg, Pennsylvania 17055-3198

(717) 766-0211 ext. 2340

(800) 334-1429 ext. 2340 (toll free, out-of-State)

(800) 524-3232 ext. 2340 (toll free, in State)

Orders for subscriptions and other circulation matters should be sent to:

**Fry Communications, Inc.**

Attn: *Pennsylvania Bulletin*

800 W. Church Rd.

Mechanicsburg, PA 17055-3198

Copyright © 2002 Commonwealth of Pennsylvania  
ISBN 0-8182-0004-9

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

# CONTENTS

## THE GENERAL ASSEMBLY

Recent actions during the 2002 regular session of the General Assembly ..... 2581

## THE COURTS

**DISCIPLINARY BOARD OF THE SUPREME COURT**  
Notice of suspension ..... 2597

### LOCAL COURT RULES

**Schuylkill County**  
Amendment to civil rules of procedure; S-912-02 .... 2597

### PHILADELPHIA RULES

**Philadelphia County**  
Deferment of Legion Indemnity Company cases by reason of order of liquidation; administrative doc. 05 of 2002..... 2596

### RULES OF CRIMINAL PROCEDURE

Order adopting new Rule 518, amending and re-numbering present Rule 518 as Rule 519, amending Rules 103, 112, 130, 131, 203, 513, 516, 540, 571, 582, 801, and 1003, and revising the comments to Rules 514, 515, and 517; no. 281 Criminal Procedural Rules; doc. no. 2..... 2582

## EXECUTIVE AGENCIES

**DELAWARE RIVER BASIN COMMISSION**  
**Notices**  
Commission meeting and public hearing..... 2600

**DEPARTMENT OF BANKING**  
**Notices**  
Action on applications..... 2601

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Notices**  
Applications, actions and special notices..... 2603

**DEPARTMENT OF GENERAL SERVICES**  
**Notices**  
Contract awards..... 2659  
State contracts information..... 2653

## DEPARTMENT OF REVENUE

**Notices**  
Pennsylvania Royal Riches instant lottery game (correction)..... 2645

**DEPARTMENT OF TRANSPORTATION**  
**Notices**  
Finding ..... 2646

**EXECUTIVE BOARD**  
**Statements of Policy**  
Reorganization of the Department of Labor and Industry ..... 2598

**INDEPENDENT REGULATORY REVIEW COMMISSION**  
**Notices**  
Actions taken by the Commission..... 2646  
Notice of filing of final rulemakings..... 2647

**INSURANCE DEPARTMENT**  
**Notices**  
Highmark Inc. d/b/a Pennsylvania Blue Shield; central region medically underwritten direct pay PPO; filing no. 200202 ..... 2648  
List of approved guide source method vendors; notice no. 2002-05 ..... 2648  
Per diem charges for financial examinations; notice no. 2002-03..... 2648  
Per diem charges for market conduct examinations; notice no. 2002-04 ..... 2648  
OTR Truckers Association, Inc. and Over the Road Healthcare Fund (OTR); prehearing..... 2649  
Small, Kevin; hearing..... 2649

**LIQUOR CONTROL BOARD**  
**Notices**  
Expiration of leases..... 2650

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**  
**Notices**  
Service of notice of motor carrier applications..... 2650  
Telecommunications..... 2651

**STATE BOARD OF CHIROPRACTIC**  
**Notices**  
Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs v. Ronald Gene Polcawich, D. D.; doc. no. 0358-43-98..... 2652

---

**Now Available Online at <http://www.pabulletin.com>**

---

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

**SUBSCRIPTION INFORMATION: (717) 766-0211  
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

### Printing Format

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

### Fiscal Notes

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

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

### Reproduction, Dissemination or Publication of Information

Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

#### § 3.44. General permission to reproduce content of Code and Bulletin.

Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

## List of Pa. Code Chapters Affected

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

<b>4 Pa. Code (Administration)</b>		901 .....	878
<b>Adopted Rules</b>		977 .....	1515
6 .....	2109		
<b>Statements of Policy</b>		<b>Proposed Rulemaking</b>	
9 .....	255, 948, 1227, 1412, 1539, 1879, 2224, 2598	86 .....	2217
68 .....	615	93 .....	427, 2219
95 (with correction) .....	1643, 1723	96 .....	428
		271 (with correction) .....	564, 882
		287 (with correction) .....	564, 882
		901 .....	1661, 1868
		1021 .....	1980
<b>6 Pa. Code (Aging)</b>		<b>28 Pa. Code (Health)</b>	
<b>Adopted Rules</b>		<b>Adopted Rules</b>	
15 .....	2412	23 .....	1305
		27 .....	491, 2435
		28 .....	2435
<b>7 Pa. Code (Agriculture)</b>		211 .....	491
<b>Proposed Rulemaking</b>		501 .....	2435
21 .....	66	701 .....	1183
31 .....	1046	705 .....	1183
35 .....	1046	709 .....	1183
41 .....	1046	711 .....	1183
43 .....	1046	713 .....	1183
45 .....	1046		
46 .....	1046	<b>Proposed Rulemaking</b>	
47 .....	1046	6 .....	796
49 .....	1046		
53 .....	1046	<b>31 Pa. Code (Insurance)</b>	
55 .....	1046	<b>Adopted Rules</b>	
61 .....	1046	65 .....	1516
63 .....	1046	89 .....	1475, 1847
78 .....	1046	89a .....	1475
79 .....	1046		
80 .....	1046	<b>Proposed Rulemaking</b>	
81 .....	1046	83a .....	1869
106 .....	2468	115 .....	609
130d .....	1965	146b .....	1406
138 .....	775	148 .....	1873
138e .....	775	148a .....	1873
1381 .....	775		
		<b>34 Pa. Code (Labor and Industry)</b>	
<b>10 Pa. Code (Banks and Banking)</b>		<b>Adopted Rules</b>	
<b>Adopted Rules</b>		401 (with correction) .....	1849, 2114
44 .....	1180		
		<b>Proposed Rulemaking</b>	
<b>17 Pa. Code (Conservation and Natural Resources)</b>		111 .....	1518
<b>Proposed Rulemaking</b>		131 .....	1518
11 .....	1611		
		<b>49 Pa. Code (Professional and Vocational Standards)</b>	
<b>22 Pa. Code (Education)</b>		<b>Adopted Rules</b>	
<b>Adopted Rules</b>		13 .....	423
4 .....	17	16 .....	249
73 .....	1844	18 .....	249
213 .....	2326	27 .....	1194
		29 .....	561
<b>Proposed Rulemaking</b>		31 .....	1861
4 .....	882, 905	35 .....	1644
		40 .....	1658
<b>Statements of Policy</b>		41 .....	424, 2114
233 .....	2226	47 .....	1197
		48 .....	1197
<b>25 Pa. Code (Environmental Protection)</b>		49 .....	1197
<b>Adopted Rules</b>			
121 .....	2327		
126 .....	2327		

**Proposed Rulemaking**  
 9 ..... 1731  
 25 ..... 1734  
 29 ..... 946

**52 Pa. Code (Public Utilities)  
 Rules and Regulations**  
 63 ..... 1723  
 71 ..... 1723

**Proposed Rulemaking**  
 35 ..... 797  
 63 (with correction) .....1986, 2116

**55 Pa. Code (Public Welfare)  
 Adopted Rules**  
 1187 .....734, 1962

**Proposed Rulemaking**  
 133 ..... 431  
 141 ..... 431  
 183 ..... 431

**Statements of Policy**  
 6000 ..... 2117

**58 Pa. Code (Recreation)  
 Adopted Rules**  
 1 ..... 2443  
 3 ..... 2443  
 5 ..... 2443  
 9 ..... 2443  
 11 ..... 2443  
 13 ..... 2443  
 21 ..... 2443  
 23 ..... 2443  
 25 ..... 2443  
 27 ..... 2443  
 31 ..... 2443  
 33 ..... 2443  
 61 ..... 1962  
 65 ..... 1962  
 71 ..... 1725  
 73 ..... 1725  
 91 ..... 1865  
 109 ..... 1865  
 111 ..... 1865  
 135 ..... 1305  
 141 ..... 1305  
 143 ..... 1305  
 147 ..... 1307

**Proposed Rulemaking**  
 53 ..... 1217, 1729  
 61 ..... 1729  
 65 ..... 1729  
 69 ..... 1728  
 93 ..... 1217  
 131 ..... 1219  
 135 ..... 1224  
 139 ..... 1219, 1401  
 141 ..... 1219  
 143 ..... 1219

**61 Pa. Code (Revenue)  
 Adopted Rules**  
 31 ..... 1213  
 101 ..... 250, 253

**67 Pa. Code (Transportation)  
 Adopted Rules**  
 211 ..... 2466

**Proposed Rulemaking**  
 71 ..... 1396  
 171 ..... 1396

**201 Pa. Code (Rules of Judicial Administration)  
 Adopted Rules**  
 7 ..... 2196

**Proposed Rulemaking**  
 19 ..... 245

**204 Pa. Code (Judicial System General Provisions)  
 Adopted Rules**  
 29 ..... 875  
 85 ..... 1838  
 89 ..... 1838  
 93 ..... 1838  
 211 ..... 876

**Proposed Rulemaking**  
 83 ..... 1302  
 89 ..... 1302

**207 Pa. Code (Judicial Conduct)  
 Adopted Rules**  
 4 ..... 733  
 33 ..... 1386

**210 Pa. Code (Appellate Procedure)  
 Adopted Rules**  
 25 ..... 1839  
 31 ..... 876  
 37 ..... 876

**231 Pa. Code (Rules of Civil Procedure)  
 Adopted Rules**  
 200 ..... 548  
 1000 ..... 2315

**Proposed Rulemaking**  
 200 ..... 245, 247  
 1000 ..... 1038  
 1900 ..... 1387  
 1910 ..... 1387  
 1915 ..... 1387  
 1920 ..... 1387  
 2350 ..... 2317  
 Part III ..... 311

**234 Pa. Code (Rules of Criminal Procedure)  
 Adopted Rules**  
 1 ..... 1391, 1630, 2582  
 2 ..... 2582  
 5 ..... 2582  
 7 ..... 1393  
 8 ..... 2582  
 9 ..... 1173, 1391, 1840  
 10 ..... 2582

**Proposed Rulemaking**  
 1 ..... 1039, 2197  
 4 ..... 1042  
 5 ..... 1042

**2580**

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

**Adopted Rules**

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

**Proposed Rulemaking**

300 ..... 2318  
1000 ..... 2318

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

Unclassified ..... 422, 1178, 2113, 2212, 2596

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

Unclassified ..... 2323

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

Unclassified ..... 9, 10, 11, 13, 14, 248, 312,  
313, 314, 315, 548, 555, 556, 733, 1044,  
1045, 1178, 1179, 1303, 1514, 1631, 1958,  
2113, 2323, 2597



# THE GENERAL ASSEMBLY

## Recent Actions during the 2002 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2002 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2002 GENERAL ACTS ENACTED—ACT 040 through 043</b>					
040	Apr 30	HB2088	PN2773	60 days	Crimes Code (18 Pa.C.S.)—causing or risking catastrophe
041	May 9	HB2305	PN3615	immediately	County Code, The—elected officers
042	May 9	SB0907	PN1907	immediately	Salem Boulevard, Patrick J. Stapleton Memorial Highway, Veterans Highway, Quehanna Highway, Governor George M. Leader Bridge and Cigna's Way—designations
043	May 9	HB0411	PN3792	immediately*	Pennsylvania Municipalities Planning Code—omnibus amendments

\* with exceptions

### Effective Dates of Statutes

The effective dates specified above for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

### Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the Laws of Pennsylvania are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services shall distribute advance sheets of the Laws of Pennsylvania to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, State Records Center Building, 1825 Stanley Drive, Harrisburg, PA 17103, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

CARL L. MEASE,  
*Director*  
*Legislative Reference Bureau*

[Pa.B. Doc. No. 02-929. Filed for public inspection May 24, 2002, 9:00 a.m.]

# THE COURTS

## Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 1, 2, 5, 8 AND 10]

Order Adopting New Rule 518, Amending and Renumbering Present Rule 518 as Rule 519, Amending Rules 103, 112, 130, 131, 203, 513, 516, 540, 571, 582, 801, and 1003, and Revising the Comments to Rules 514, 515, and 517; No. 281 Criminal Procedural Rules; Doc. No. 2

The Criminal Procedural Rules Committee has prepared a Final Report explaining new Rule of Criminal Procedure 518, amendments to and renumbering of present Rule 518 as Rule 519, amendments to Rules 130, 131, 203, 513, 516, 540, 571, and 1003, the revision of the Comments to Rules 514, 515, and 517, and correlative changes to Rules 103, 112, 582, and 801. These changes provide for the use of advanced communication technology in criminal proceedings, including inter alia, preliminary arraignments and arraignments, and search warrant and arrest warrant procedures. The Final Report follows the Court's Order.

### Order

*Per Curiam:*

Now, this 10th day of May, 2002, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 28 Pa.B. 3934 (August 15, 1998), 29 Pa.B. 2665 (May 22, 1999), 29 Pa.B. 4426 (August 21, 1999), 29 Pa.B. 4429 (August 21, 1999), and 29 Pa.B. 4539 (August 28, 1999), and in the *Atlantic Reporter* (Second Series Advance Sheets, Vols. 712, 727, 728, 733, and 734), and a Final Report to be published with this Order:

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

- (1) new Rule of Criminal Procedure 518 is adopted, and present Rule 518 is amended and renumbered Rule 519;
- (2) Rules 103, 112, 130, 131, 203, 513, 516, 540, 571, 582, 801, and 1003 are amended; and
- (3) the Comments to Rules 514, 515, and 517 are revised, all in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective September 1, 2002.

### Annex A

#### TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES PART A. Business of the Courts

##### Rule 103. Definitions.

The following words and phrases, when used in any Rule of Criminal Procedure, shall have the following meanings:

**ADVANCED COMMUNICATION TECHNOLOGY** is any communication equipment that is used as a link between parties in physically separate locations, and includes, but is not limited to: systems

providing for two-way simultaneous communication of image and sound; closed-circuit television; telephone and facsimile equipment; and electronic mail.

**ADVANCED COMMUNICATION TECHNOLOGY SITE** is any approved location within Pennsylvania designated by the president judge, or the president judge's designee, with advanced communication technology equipment that is available for parties in a criminal matter to communicate with others in physically separate locations as provided in these rules.

\* \* \* \* \*

**COPY** is an exact duplicate of an original document, including any required signatures, produced through mechanical or electronic means, and includes, but is not limited to: carbon copies; copies reproduced by using a photocopy machine, by transmission using facsimile equipment, or by scanning into and printing out of a computer.

\* \* \* \* \*

**Official Note:** Previous Rules 3 and 212 adopted June 30, 1964, effective January 1, 1965, suspended January 31, 1970, effective May 1, 1970; present Rule 3 adopted January 31, 1970, effective May 1, 1970; amended June 8, 1973, effective July 1, 1973; amended February 15, 1974, effective immediately; amended June 30, 1977, effective September 1, 1977; amended January 4, 1979, effective January 9, 1979; amended July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; amended August 12, 1993, effective September 1, 1993; amended February 27, 1995, effective July 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; renumbered Rule 103 and Comment revised March 1, 2000, effective April 1, 2001; **amended May 10, 2002, effective September 1, 2002.**

##### Committee Explanatory Reports:

\* \* \* \* \*

**Final Report explaining the May 10, 2002 amendments concerning advanced communication technology published with the Court's Order at 32 Pa. B. 2591 (May 25, 2002).**

##### Rule 112. Publicity, Broadcasting, and Recording of Proceedings.

(A) The court or issuing authority shall:

(1) prohibit the taking of photographs, **video**, or motion pictures of any judicial proceedings or in the hearing room or courtroom or its environs during the judicial proceedings; and

(2) prohibit the transmission of communications by [**telegraph**,] telephone, radio, [**or**] television, **or advanced communication technology** from the hearing room or the courtroom or its environs during the progress of or in connection with any judicial proceedings, whether or not the court is actually in session.

\* \* \* \* \*

(B) The court or issuing authority may permit the taking of photographs, or radio or television broadcasting, or broadcasting by advanced communication technology, of judicial proceedings, such as naturalization ceremonies or the swearing in of public officials, which may be conducted in the hearing room or courtroom.

(C) Except as provided in paragraph (D), the stenographic, mechanical, or electronic recording, or the recording using any advanced communication technology, of any judicial proceedings by anyone other than the official court stenographer in a court case, for any purpose, is prohibited.

(D) In a judicial proceeding before an issuing authority, the issuing authority, the attorney for the Commonwealth, the affiant, or the defendant may cause a recording to be made of the judicial proceeding as an aid to the preparation of the written record for subsequent use in a case, but such recordings shall not be publicly played or disseminated in any manner unless in a court during a trial or hearing.

\* \* \* \* \*

**Comment**

\* \* \* \* \*

The prohibitions under this rule are not intended to preclude the use of advanced communication technology for purposes of conducting court proceedings.

**Official Note:** Former Rule 27, previously Rule 143, adopted January 31, 1970, effective May 1, 1970; renumbered Rule 27 September 18, 1973, effective January 1, 1974; amended February 15, 1974, effective immediately; Comment revised March 22, 1989, effective July 1, 1989; amended June 19, 1996, effective July 1, 1996; rescinded March 1, 2000, effective April 1, 2001, and replaced by Rule 112. Former Rule 328 adopted January 25, 1971, effective February 1, 1971; amended June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; Comment revised March 22, 1989, effective July 1, 1989; rescinded March 1, 2000, effective April 1, 2001, and replaced by Rule 112. New Rule 112 adopted March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002.

**Committee Explanatory Reports:**

\* \* \* \* \*

**NEW RULE 112:**

\* \* \* \* \*

**Final Report explaining the May 10, 2002 amendments published with the Court's Order at 32 Pa.B. 2591 (May 25, 2002).**

**PART C. Venue, Location, and Recording of Proceedings before Issuing Authority**

**Rule 130. Venue; Transfer of Proceedings.**

**(A) VENUE**

All criminal proceedings in summary and court cases shall be brought before the issuing authority for the magisterial district which in the offense is alleged to have occurred or before an issuing authority on temporary assignment to serve such magisterial district, subject, however, to the following exceptions:

\* \* \* \* \*

(4) Whenever an arrest is made without a warrant for any summary offense arising under the Vehicle Code, which allegedly occurred on a highway of the Pennsylvania Turnpike System or any controlled or limited access highway, or any right-of-way of such System or highway, or any other highway or highways of the Commonwealth, the defendant shall be taken and the proceeding shall be brought either where the offense allegedly occurred, or before the issuing authority for any other magisterial district within the same judicial district which, in the judgment of the arresting officer, is most convenient to the place of arrest without regard to the boundary line of any magisterial district or [ county ] judicial district.

\* \* \* \* \*

**Comment**

[ Except as otherwise provided in paragraph (A)(3), paragraph (A) of this rule governs venue between magisterial districts within the same judicial district, i.e., the matter of where a proceeding is to be brought within the judicial district having jurisdiction. ]

\* \* \* \* \*

Venue is not altered when an issuing authority conducts a proceeding from an advanced communication technology site outside the issuing authority's magisterial district or judicial district.

See Rule 134 (Objections to Venue) for the procedures to challenge a transfer of proceedings under this rule.

\* \* \* \* \*

**Official Note:** Formerly Rule 154, adopted January 16, 1970, effective immediately; section (a)(3) adopted July 1, 1970, effective immediately; renumbered Rule 21 September 18, 1973, effective January 1, 1974; amended July 1, 1980, effective August 1, 1980; amended January 28, 1983, effective July 1, 1983; renumbered Rule 130 and amended March 1, 2000, effective April 1, 2001; amended April 20, 2000, effective July 1, 2000; amended September 19, 2000, effective January 1, 2001; amended May 10, 2002, effective September 1, 2002.

**Committee Explanatory Reports:**

\* \* \* \* \*

**Final Report explaining the May 10, 2002 amendments concerning advanced communication technology published with the Court's Order at 32 Pa.B. (May 25, 2002).**

**Rule 131. Location of Proceedings Before Issuing Authority.**

(A) An issuing authority within the magisterial district for which he or she is elected or appointed shall have jurisdiction and authority at [ any time other than during his established office hours ] all times to receive complaints, issue warrants, hold preliminary arraignments, [ fix and take ] set and receive bail, [ and ] issue commitments to jail, and hold hearings and summary trials. [ at his residence within the magisterial district, but all hearings and trials before such issuing authority shall be held publicly at his established office, or at another location, within or without the magisterial district, designated by the President judge, unless an emergency exists or the number of persons lawfully assembled and entitled to be present is too great to be accommodated in such place, in which event the hearing

or trial may be adjourned as quickly as may be, to a suitable place, within the magisterial district. ]

(1) Except as provided in paragraph (A)(2), all preliminary arraignments shall be held in the issuing authority's established office, a night court, or some other facility within the Commonwealth designated by the president judge, or the president judge's designee.

(2) Preliminary arraignments may be conducted using advanced communication technology pursuant to Rule 540. The preliminary arraignment in these cases may be conducted from any site within the Commonwealth designated by the president judge, or the president judge's designee.

(3) All hearings and summary trials before the issuing authority shall be held publicly at the issuing authority's established office. For reasons of emergency, security, size, or in the interests of justice, the president judge, or the president judge's designee, may order that a hearing or hearings, or a trial or trials, be held in another more suitable location within the judicial district.

(4) The issuing authority may receive complaints, issue warrants, set and receive bail, and issue commitments to jail from any location within the judicial district, or from an advanced communication technology site within the Commonwealth.

\* \* \* \* \*

Comment

The 2002 amendments to paragraph (A) divided the paragraph into subparagraphs to more clearly distinguish between the locations for the different types of proceedings and business that an issuing authority conducts.

Paragraph (A)(3) permits the president judge, or the president judge's designee, to order that a hearing or hearings be held in a location that is different from the issuing authority's established office. Nothing in this rule is intended to preclude the president judge, or the president judge's designee, from issuing a standing order for a change in location. For example, this might be done when a state correctional institution is located in the judicial district and the president judge determines that, for security reasons, all preliminary hearings of the state correctional institution's inmates will be conducted at that prison.

See Rule 540 and Comment for the procedures governing the use of advanced communication technology in preliminary arraignments.

See Rule 130 concerning the venue when proceedings are conducted by using advanced communication technology.

Paragraph (B) of this rule is intended to facilitate compliance with the requirement that defendants be represented by counsel at the preliminary hearing. *Coleman v. Alabama*, 399 U. S. 1, 90 S.Ct. 1999 (1970).

Paragraph (A)(4) permits issuing authorities to perform their official duties from an advanced communication technology site within the Commonwealth. The site may be located outside the magisterial district or judicial district where the issuing authority presides.

\* \* \* \* \*

**Official Note:** Formerly Rule 156, paragraph (a) adopted January 16, 1970, effective immediately; paragraph (a) amended and paragraph (b) adopted November 22, 1971, effective immediately; renumbered Rule 22 September 18, 1973, effective January 1, 1974; renumbered Rule 131 and amended March 1, 2000, effective April 1, 2001; amended March 12, 2002, effective July 1, 2002; **amended May 10, 2002, effective September 1, 2002.**

**Committee Explanatory Reports:**

\* \* \* \* \*

**Final Report explaining the May 10, 2002 amendments concerning advanced communication technology published with the Court's Order at 32 Pa.B. 2591 (May 25, 2002).**

CHAPTER 2. INVESTIGATIONS

PART A. Search Warrant

Rule 203. Requirements for Issuance.

(A) In the discretion of the issuing authority, advanced communication technology may be used to submit a search warrant application and affidavit(s) and to issue a search warrant.

(B) No search warrant shall issue but upon probable cause supported by one or more affidavits sworn to before the issuing authority **in person or using advanced communication technology.** The issuing authority, in determining whether probable cause has been established, may not consider any evidence outside the affidavits.

(C) Immediately prior to submitting a search warrant application and affidavit to an issuing authority using advanced communication technology, the affiant must personally communicate with the issuing authority by any device which, at a minimum, allows for simultaneous audio-visual communication. During the communication, the issuing authority shall verify the identity of the affiant, and orally administer an oath to the affiant.

[ (B) ] (D) At any hearing on a motion for the return or suppression of evidence, or for suppression of the fruits of evidence, obtained pursuant to a search warrant, no evidence shall be admissible to establish probable cause other than the affidavits provided for in paragraph [ (A) ] (B).

[ (C) ] (E) \* \* \*

Comment

Paragraph (A) recognizes that an issuing authority either may issue a search warrant using advanced communication technology or order that the law enforcement officer appear in person to apply for a search warrant.

[ This rule ] Paragraph (B) does not preclude oral testimony before the issuing authority, but it requires that such testimony be reduced to an affidavit prior to issuance of a warrant. All affidavits in support of an application for a search warrant must be sworn to before the issuing authority prior to the issuance of the warrant. "Sworn" includes "affirmed." See Rule 103. The language "sworn to before the issuing authority" contemplates, when advanced communication technology is used, that the affiant would not be in the physical presence of the issuing authority. See paragraph (C).

Paragraph [ (B) ] (D) changes the procedure discussed in *Commonwealth v. Crawley*, 223 A.2d 885 (Pa. Super. 1966), *aff'd per curiam* 247 A.2d 226 (Pa. 1968). See *Commonwealth v. Milliken*, 300 A.2d 78 (Pa. 1973).

The requirement in paragraph [ (C) ] (E) of a showing of reasonable cause for a nighttime search highlights the traditional doctrine that nighttime intrusion into a citizen's privacy requires greater justification than an intrusion during normal business hours.

**An affiant seeking the issuance of a search warrant, when permitted by the issuing authority, may use advanced communication technology as defined in Rule 103.**

**When advanced communication technology is used, the issuing authority is required by this rule to (1) determine that the evidence contained in the affidavit(s) establishes probable cause, and (2) verify the identity of the affiant.**

**The "visual" requirement in paragraph (C) must allow, at a minimum, the issuing authority to see the affiant at the time the oath is administered and the information received.**

**Official Note:** Rule 2003 adopted March 28, 1973, effective for warrants issued 60 days hence; renumbered Rule 203 and amended March 1, 2000, effective April 1, 2001; **amended May 10, 2002, effective September 1, 2002.**

**Committee Explanatory Reports:**

\* \* \* \* \*

**Final Report explaining the May 10, 2002 amendments concerning advanced communication technology published with the Court's Order at 32 Pa. B. 2591 (May 25, 2002).**

**CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES**

**PART B(3). Arrest Procedures in Court Cases**

**(a) Arrest Warrants**

**Rule 513. Requirements for Issuance.**

**(A) In the discretion of the issuing authority, advanced communication technology may be used to submit a complaint and affidavit(s) for an arrest warrant and to issue an arrest warrant.**

**(B) No arrest warrant shall issue but upon probable cause supported by one or more affidavits sworn to before the issuing authority in person or using advanced communication technology. The issuing authority, in determining whether probable cause has been established, may not consider any evidence outside the affidavits.**

**(C) Immediately prior to submitting a complaint and affidavit to an issuing authority using advanced communication technology, the affiant must personally communicate with the issuing authority by any device which, at a minimum, allows for simultaneous audio-visual communication. During the communication, the issuing authority shall verify the identity of the affiant, and orally administer an oath to the affiant.**

**[ (B) ] (D) At any hearing on a motion challenging an arrest warrant, no evidence shall be admissible to establish probable cause for the arrest warrant other than the affidavits provided for in paragraph [ (A) ] (B).**

**Comment**

**Paragraph (A) recognizes that an issuing authority either may issue an arrest warrant using advanced communication technology or order that the law enforcement officer appear in person to apply for an arrest warrant.**

This rule does not preclude oral testimony before the issuing authority, but it requires that such testimony be reduced to an affidavit prior to issuance of a warrant. All affidavits in support of an application for an arrest warrant must be sworn to before the issuing authority prior to the issuance of the warrant. **The language "sworn to before the issuing authority" contemplates, when advanced communication technology is used, that the affiant would not be in the physical presence of the issuing authority. See paragraph (C).**

This rule carries over to the arrest warrant the requirement that the evidence presented to the issuing authority be reduced to writing and sworn to, and that only the writing is subsequently admissible to establish that there was probable cause. In these respects, the procedure is [ now ] similar to that applicable to search warrants. See Rule 203.

\* \* \* \* \*

The affidavit requirements of this rule are not intended to apply when an arrest warrant is to be issued for noncompliance with a citation, with a summons, or with a court order.

**An affiant seeking the issuance of an arrest warrant, when permitted by the issuing authority, may use advanced communication technology as defined in Rule 103.**

**When advanced communication technology is used, the issuing authority is required by this rule to (1) determine that the evidence contained in the affidavit(s) establishes probable cause, and (2) verify the identity of the affiant.**

**The "visual" requirement in paragraph (C) must allow, at a minimum, the issuing authority to see the affiant at the time the oath is administered and the information received.**

\* \* \* \* \*

**Official Note:** Rule 119 adopted April 26, 1979, effective as to arrest warrants issued on or after July 1, 1979; Comment revised August 9, 1994, effective January 1, 1995; renumbered Rule 513 and amended March 1, 2000, effective April 1, 2001; **amended May 10, 2002, effective September 1, 2002.**

**Committee Explanatory Reports:**

\* \* \* \* \*

**Final Report explaining the May 10, 2002 amendments concerning advanced communication technology published with the Court's Order at 32 Pa.B. 2591 (May 25, 2002).**

**Rule 514. Duplicate and Alias Warrants of Arrest.**

\* \* \* \* \*

**Comment**

**This rule permits the use of advanced communication technology for the issuance of duplicate and alias arrest warrants.**

Under this rule, warrant information transmitted by using advanced communication technology has the same force and effect as a duplicate or alias arrest warrant. This rule does not require that the transmitted warrant information be an exact copy of the original warrant for purposes of execution under Rule 515. Nothing in this rule, however, is intended to curtail the Rule 540(C) requirement that the issuing authority provide the defendant with an exact copy of the warrant at the preliminary arraignment. See Rule 513 (Requirements for Issuance).

**Official Note:** Original Rule 113 adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 113 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 121 September 18, 1973, effective January 1, 1974; amended August 9, 1994, effective January 1, 1995; renumbered Rule 514 and amended March 1, 2000, effective April 1, 2001; **Comment revised May 10, 2002, effective September 1, 2002.**

**Committee Explanatory Reports:**

\* \* \* \* \*

Final Report explaining the May 10, 2002 Comment revision concerning advanced communication technology published with the Court's Order at 32 Pa.B. 2591 (May 25, 2002).

**Rule 515. Execution of Arrest Warrant.**

\* \* \* \* \*

**Comment**

\* \* \* \* \*

For purposes of executing an arrest warrant under this rule, warrant information transmitted by using advanced communication technology has the same force and effect as an original arrest warrant. This rule does not require that the transmitted warrant information be an exact copy of the original warrant. Nothing in this rule, however, is intended to curtail the Rule 540(C) requirement that the issuing authority provide the defendant with an exact copy of the warrant. See Rule 513 (Requirements for Issuance).

**Official Note:** Formerly Rule 124, adopted January 28, 1983, effective July 1, 1983; amended July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; renumbered Rule 122 and Comment revised August 9, 1994, effective January 1, 1995; renumbered Rule 515 and amended March 1, 2000, effective April 1, 2001; **Comment revised May 10, 2002, effective September 1, 2002.**

**Committee Explanatory Reports:**

\* \* \* \* \*

Final Report explaining the May 10, 2002 Comment revision concerning advanced communication technology published with the Court's Order at 32 Pa.B. 2591 (May 25, 2002).

**Rule 516. Procedure in Court Cases When Warrant of Arrest is Executed Within Judicial District of Issuance.**

(A) When a defendant has been arrested in a court case, with a warrant, within the judicial district where the warrant of arrest was issued, the defendant shall be afforded a preliminary arraignment by the proper issuing authority without unnecessary delay.

(B) When a preliminary arraignment is conducted using advanced communication technology pursuant to Rule 540(A), the defendant shall be taken to an advanced communication technology site that, in the judgment of the arresting officer, is most convenient to the place of arrest without regard to the boundary of any magisterial district or judicial district.

**Comment**

\* \* \* \* \*

This rule is intended to permit the use of advanced communication technology (including two-way simultaneous audio-visual communication and closed circuit television) in preliminary arraignments. See Rule 540 and Comment for the procedures governing the use of advanced communication technology in preliminary arraignments.

This rule permits a defendant to be transported to an advanced communication technology site that is located outside the judicial district of arrest for preliminary arraignment. The arresting officer should determine which site is the most convenient to the place of arrest without regard to the boundary of any magisterial district or judicial district.

**Official Note:** Original Rule 116 adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 116 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 122 September 18, 1973, effective January 1, 1974; amended January 28, 1983, effective July 1, 1983; Comment revised July 12, 1985, effective January 1, 1986, effective date extended to July 1, 1986; renumbered Rule 123 and Comment revised August 9, 1994, effective January 1, 1995; renumbered Rule 516 and Comment revised March 1, 2000, effective April 1, 2001; **amended May 10, 2002, effective September 1, 2002.**

**Committee Explanatory Reports:**

\* \* \* \* \*

Final Report explaining the May 10, 2002 amendments concerning advanced communication technology published with the Court's Order at 32 Pa.B. 2591 (May 25, 2002).

**Rule 517. Procedure in Court Cases When Warrant of Arrest is Executed Outside Judicial District of Issuance.**

\* \* \* \* \*

**Comment**

Nothing in this rule prevents a defendant from consenting to dispense with the procedures in paragraph (A) if the defendant is afforded a preliminary arraignment without unnecessary delay in the judicial district where the warrant was issued.

See Rule 518 for using advanced communication technology following execution of arrest warrant outside the judicial district of issuance.

\* \* \* \* \*

**Official Note:** Original Rule 117 adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 117 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 123 September 18, 1973, effective January 1, 1974; amended January 28, 1983, effective July 1, 1983; renumbered Rule 124 and amended August 9, 1994, effective January 1, 1995; amended December 27, 1994, effective

April 1, 1995; renumbered Rule 517 and amended March 1, 2000, effective April 1, 2001; **Comment revised May 10, 2002, effective September 1, 2002.**

**Committee Explanatory Reports:**

\* \* \* \* \*

**Final Report explaining the May 10, 2002 Comment revision concerning advanced communication technology published with the Court's Order at 32 Pa.B. 2591 (May 25, 2002).**

**(b). Arrests Without Warrant**

*(Editor's Note: The following rule is new and is printed in regular face to enhance readability.)*

**Rule 518. Using Advanced Communication Technology in Court Cases When Warrant of Arrest is Executed Outside Judicial District of Issuance.**

(A) When a defendant has been arrested in a court case, with a warrant, outside the judicial district where the warrant of arrest was issued, the defendant may be taken for a preliminary arraignment or the posting of bail to an advanced communication technology site that, in the judgment of the arresting officer, is most convenient to the place of arrest without regard to the boundary of any magisterial district or judicial district; and

(1) the defendant must be taken to the advanced communication technology site without unnecessary delay.

(2) The preliminary arraignment may be conducted pursuant to Rule 540 by the proper issuing authority in the magisterial district or judicial district in which the warrant was issued; or

(3) the defendant may post bail as permitted by law with the proper issuing authority in the judicial district in which the defendant was arrested.

(B) If a preliminary arraignment is conducted pursuant to paragraph (A)(2), and the defendant does not post bail, the issuing authority who conducted the preliminary arraignment shall commit the defendant to the jail in the judicial district in which the defendant was arrested or the judicial district in which the warrant was issued.

(1) The issuing authority may transmit to the jail any required documents by using advanced communication technology.

(2) When a monetary condition of bail is set by the issuing authority who conducted the preliminary arraignment, the payment of the monetary condition shall be made to either the issuing authority who imposed the monetary condition or the proper issuing authority in the judicial district in which the defendant was arrested.

(C) Pursuant to paragraph (A)(3), when the defendant appears via advanced communication technology before the proper issuing authority in the judicial district in which the defendant was arrested, the procedures set forth in Rule 517 shall be followed.

**Comment**

This rule sets forth the procedures for using advanced communication technology when a defendant is arrested with a warrant outside the judicial district in which it was issued: when advanced communication technology is available, the defendant could be preliminarily arraigned by the issuing authority who issued the warrant, or the "on-duty" issuing authority in that judicial district, or "appear" via advanced communication technology before the proper issuing authority for the purpose of posting bail.

See Rule 130 concerning venue.

See Rule 132 concerning the continuous availability and temporary assignment of issuing authorities.

When advanced communication technology is available only in the judicial district of arrest, the case would proceed under paragraph (A)(3), unless the defendant consents to dispense with the procedures in paragraph (A)(3), and the defendant is afforded a preliminary arraignment without unnecessary delay in the judicial district in which the warrant was issued.

See Rule 540 and Comment for the procedures governing the use in preliminary arraignments of two-way simultaneous audio-visual communication, which is a form of advanced communication technology.

This rule permits a defendant to be transported to an advanced communication technology site that is located outside the judicial district of arrest. The arresting officer should determine which site is the most convenient to the place of arrest without regard to the boundary of any magisterial district or judicial district.

**Official Note:** New Rule 518 adopted May 10, 2002, effective September 1, 2002.

**Committee Explanatory Reports:**

Final Report explaining the May 10, 2002 adoption of new Rule 518 published with the Court's Order at 32 Pa.B. 2591 (May 25, 2002).

Rule [ 518 ] 519. Procedure in Court Cases Initiated by Arrest Without Warrant.

**(A) PRELIMINARY ARRAIGNMENT**

(1) Except as provided in paragraph (B), when a defendant has been arrested without a warrant in a court case, a complaint shall be filed against the defendant and the defendant shall be afforded a preliminary arraignment by the proper issuing authority without unnecessary delay.

**(2) When a preliminary arraignment is conducted by advanced communication technology pursuant to Rule 540(A), the defendant shall be taken to an advanced communication technology site that, in the judgment of the arresting officer, is most convenient to the place of arrest without regard to the boundary of any magisterial district or judicial district.**

**(B) RELEASE**

(1) When the arresting officer deems it appropriate, the officer may promptly release from custody a defendant who has been arrested without a warrant, rather than taking the defendant before the issuing authority, when the following conditions have been met:

[ (1) ] (a) \* \* \*

[ (2) ] (b) \* \* \*

[ (3) ] (c) \* \* \*

[ (4) ] (d) \* \* \*

[ (5) ] (e) \* \* \*

[ (C) ] (2) When a defendant is released pursuant to paragraph (B)(1), a complaint shall be filed against the defendant within 5 days of the defendant's release.

Thereafter, a summons, not a warrant of arrest, shall be issued and the case shall proceed as provided in Rule 510.

**Comment**

Paragraph (A) requires that the defendant receive a prompt preliminary arraignment. See Rule 540 (Preliminary Arraignment).

**Under paragraph (A), following arrest, the officer may file the complaint with the issuing authority using advanced communication technology.**

Paragraph (A) is intended to permit the use of advanced communication technology (including two-way simultaneous audio-visual communication equipment and closed circuit television) in preliminary arraignments. See Rule 540 and Comment for the procedures governing the use of advanced communication technology in preliminary arraignments.

**Paragraph (A)(2) permits a defendant to be transported to an advanced communication technology site that is located outside the judicial district of arrest for preliminary arraignment. The arresting officer should determine which site is the most convenient to the place of arrest without regard to the boundary of any magisterial district or judicial district.**

Paragraph (B)(1) provides an exception to the requirement that a defendant be afforded a preliminary arraignment after a warrantless arrest. It permits an arresting officer, in specified circumstances, to release a defendant rather than take the defendant before an issuing authority for preliminary arraignment. Prior to 1994, this exception applied to all DUI cases, but in other cases was only available at the election of individual judicial districts. With the 1994 amendments, the exception is now an option available to arresting officers statewide and may not be prohibited by local rule.

\* \* \* \* \*

Appropriate circumstances for following the procedure under paragraph (B)(1) may vary. Among the factors that may be taken into account are whether the defendant resides in the Commonwealth, and whether he or she can safely be released without danger to self or others.

\* \* \* \* \*

With reference to the provisions of paragraph [(C)] (B)(2) relating to the issuance of a summons, see also Part B(2) of this Chapter, Summons Procedures.

\* \* \* \* \*

**Official Note:** Original Rule 118 and 118(a) adopted June 30, 1964, effective January 1, 1965, suspended January 31, 1970, effective May 1, 1970. New Rule 118 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 130 September 18, 1973, effective January 1, 1974; amended December 14, 1979, effective April 1, 1980; amended April 24, 1981, effective July 1, 1981; amended January 28, 1983, effective July 1, 1983; Comment revised July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; renumbered Rule 102 and amended August 9, 1994, effective January 1, 1995; Comment revised September 26, 1996, effective immediately; renumbered Rule 518 and amended March 1, 2000, effective April 1, 2001; **renumbered Rule 519 and amended May 10, 2002, effective September 1, 2002.**

**Committee Explanatory Reports:**

\* \* \* \* \*

**Final Report explaining the May 10, 2002 renumbering and amendments concerning advanced communication technology published with the Court's Order at 32 Pa.B. 2591 (May 25, 2002).**

**PART D. Proceedings in Court Cases Before Issuing Authorities**

**Rule 540. Preliminary Arraignment.**

(A) **In the discretion of the issuing authority, the preliminary arraignment of the defendant may be conducted by using two-way simultaneous audio-visual communication. When counsel for the defendant is present, the defendant must be permitted to communicate fully and confidentially with defense counsel immediately prior to and during the preliminary arraignment.**

(B) At the preliminary arraignment, a copy of the complaint accepted for filing pursuant to Rule 508 shall be given to the defendant.

[(B)] (C) \* \* \*

[(C)] (D) If the defendant was arrested without a warrant pursuant to Rule [ 518 ] 519, unless the issuing authority makes a determination of probable cause, the defendant shall not be detained.

[(D)] (E) \* \* \*

[(E)] (F) Unless the preliminary hearing is waived by a defendant who is represented by counsel, the issuing authority shall:

(1) fix a day and hour for a preliminary hearing which shall not be less than 3 nor more than 10 days after the preliminary arraignment, unless:

(a) extended for cause shown [ , ] ; or  
\* \* \* \* \*

[(F)] (G) \* \* \*

[(G)] (H) \* \* \*

**Comment**

**A preliminary arraignment as provided in this rule bears no relationship to arraignment in criminal courts of record. See Rule 571.**

**Within the meaning of Rule 540, counsel is present when physically with the defendant or with the issuing authority.**

**Under paragraph (A), the issuing authority has discretion to order that a defendant appear in person for the arraignment.**

**Under paragraph (A), two-way simultaneous audio-visual communication is a form of advanced communication technology.**

**See Rule 130 concerning venue when proceedings are conducted using advanced communication technology.**

Paragraph [(B)] (C) requires that the defendant receive copies of the arrest warrant and the supporting affidavit(s) at the time of the preliminary arraignment. See also Rules 513(A), 208(A), and 1003.

Paragraph [(B)] (C) includes a narrow exception which permits the issuing authority to provide copies of the arrest warrant and supporting affidavit(s) on the first business day after the preliminary arraignment. This exception applies only when copies of the arrest warrant



and affidavit(s) are not available at the time the issuing authority conducts the preliminary arraignment, and is intended to address purely practical situations such as the unavailability of a copier at the time of the preliminary arraignment.

\* \* \* \* \*

When a defendant has not been promptly released from custody after a warrantless arrest, the defendant must be afforded a preliminary arraignment by the proper issuing authority without unnecessary delay. See Rule [ 518(A) ] 519(A).

Under paragraph [ (C) ] (D), if a defendant has been arrested without a warrant, the issuing authority must make a prompt determination of probable cause before a defendant may be detained. See *Riverside v. McLaughlin*, 500 U.S. 44 (1991). The determination may be based on written affidavits, an oral statement under oath, or both.

**Official Note:** Original Rule 119 adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 119 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 140 September 18, 1973, effective January 1, 1974; amended April 26, 1979, effective July 1, 1979; amended January 28, 1983, effective July 1, 1983; rescinded August 9, 1994, effective January 1, 1995. New Rule 140 adopted August 9, 1994, effective January 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; renumbered Rule 540 and amended March 1, 2000, effective April 1, 2001; **amended May 10, 2002, effective September 1, 2002.**

**Committee Explanatory Reports:**

\* \* \* \* \*

**Final Report explaining the May 10, 2002 amendments concerning advanced communication technology published with the Court's Order at 32 Pa.B. 2591 (May 25, 2002).**

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

**Rule 571. Arraignment.**

(A) Except as otherwise provided in paragraph [ (c) ] (D), arraignment shall be in such form and manner as provided by local court rule. Notice of arraignment shall be given to the defendant as provided in Rule 113 or by first class mail. Unless otherwise provided by local court rule, or postponed by the court for cause shown, arraignment shall take place no later than 10 days after the information has been filed.

(B) **In the discretion of the court, the arraignment of the defendant may be conducted by using two-way simultaneous audio-visual communication. When the counsel for the defendant is present, the defendant must be permitted to communicate fully and confidentially with defense counsel immediately prior to and during the arraignment.**

(C) At arraignment, the defendant shall be advised of:

\* \* \* \* \*

[ (C) ] (D) A defendant may waive appearance at arraignment if the following requirements are met:

\* \* \* \* \*

(2) the defendant and counsel sign and file with the clerk of courts a waiver of appearance at arraignment that acknowledges the defendant:

\* \* \* \* \*

(b) understands the rights and requirements contained in paragraph [ (B) ] (C) of this rule; and

\* \* \* \* \*

**Comment**

\* \* \* \* \*

**Within the meaning of paragraph (B), counsel is present when physically with the defendant or with the judicial officer presiding over the arraignment.**

**Under paragraph (B), the court has discretion to order that a defendant appear in person for the arraignment.**

**Under paragraph (B), two-way simultaneous audio-visual communication is a form of advanced communication technology.**

Paragraph [ (C) ] (D) is intended to facilitate, for defendants represented by counsel, waiver of appearance at arraignment through procedures such as arraignment by mail. For the procedures to provide notice of court proceedings requiring the defendant's presence, see Rule 9024.

**Official Note:** Formerly Rule 317, adopted June 30, 1964, effective January 1, 1965; paragraph (b) amended November 22, 1971, effective immediately; paragraphs (a) and (b) amended and paragraph (e) deleted November 29, 1972, effective 10 days hence; paragraphs (a) and (c) amended February 15, 1974, effective immediately. Rule 317 renumbered Rule 303 and amended June 29, 1977, amended and paragraphs (c) and (d) deleted October 21, 1977, and amended November 22, 1977, all effective as to cases in which the indictment or information is filed on or after January 1, 1978; Comment revised January 28, 1983, effective July 1, 1983; amended October 21, 1983, effective January 1, 1984; amended August 12, 1993, effective September 1, 1993; rescinded May 1, 1995, effective July 1, 1995, and replaced by new Rule 303. New Rule 303 adopted May 1, 1995, effective July 1, 1995; renumbered Rule 571 and amended March 1, 2000, effective April 1, 2001; amended November 17, 2000, effective January 1, 2001; **amended May 10, 2002, effective September 1, 2002.**

**Committee Explanatory Reports:**

\* \* \* \* \*

**Final Report explaining the May 10, 2002 amendments concerning advanced communication technology published with the Court's Order at 32 Pa.B. 2591 (May 25, 2002).**

**PART F(1). Motion Procedures**

**Rule 582. Joinder—Trial of Separate Indictment or Informations.**

\* \* \* \* \*

**(B) PROCEDURE**

(1) **[ Written notice ] Notice** that offenses or defendants charged in separate indictments or informations will be tried together **shall be in writing and filed with the clerk of courts. A copy of the notice shall be**

served on the defendant at or before arraignment. [ A copy of the notice shall be filed with the clerk of courts. ]

\* \* \* \* \*
Comment
\* \* \* \* \*

See Rule 571 concerning arraignment procedures.

Although most references to indictments and indicting grand juries were deleted from these rules in 1993 since the indicting grand jury was abolished in all counties (see PA. CONST. art. 1, § 10 and 42 Pa.C.S. § 8931(b)), the reference was retained in this rule because there may be some cases still pending that were instituted prior to the abolition of the indicting grand jury.

Official Note: Rule 1127 adopted December 11, 1981, effective July 1, 1982; amended August 12, 1993, effective September 1, 1993; amended August 14, 1995, effective January 1, 1996; renumbered Rule 582 and amended March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002.

Committee Explanatory Reports:

\* \* \* \* \*

Final Report explaining the May 10, 2002 amendments to paragraph (B) published with the Court's Order at 32 Pa.B. 2591 (May 25, 2002).

CHAPTER 8. SPECIAL RULES FOR CASES IN WHICH DEATH SENTENCE IS AUTHORIZED

Rule 801. Notice of Aggravating Circumstances.

The attorney for the Commonwealth shall file a Notice of Aggravating Circumstances that the Commonwealth intends to submit at the sentencing hearing and contemporaneously provide the defendant with a copy of such Notice of Aggravating Circumstances. Notice shall be filed at or before the time of arraignment, unless the attorney for the Commonwealth becomes aware of the existence of an aggravating circumstance after arraignment or the time for filing is extended by the court for cause shown.

Comment

\* \* \* \* \*

For purposes of this rule, the notice requirement is satisfied if the copy of the notice to the defendant sets forth the existing aggravating circumstances substantially in the language of the statute. See 42 Pa.C.S. § 9711(d). The extent of disclosure of underlying evidence is governed by Rule 573.

[ For time of arraignment, see Rule 571. ] See Rule 571 concerning arraignment procedures.

\* \* \* \* \*

Official Note: Previous Rule 352 adopted July 1, 1985, effective August 1, 1985; renumbered Rule 353 February 1, 1989, effective July 1, 1989. Present Rule 352 adopted February 1, 1989, effective as to cases in which the arraignment is held on or after July 1, 1989; Comment revised October 29, 1990, effective January 1, 1991; amended January 10, 1995, effective February 1, 1995; renumbered Rule 801 and amended March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002.

Committee Explanatory Reports:

\* \* \* \* \*

Final Report explaining the May 10, 2002 amendments published with the Court's Order at 32 Pa.B. 2591 (May 25, 2002).

CHAPTER 10. RULES OF CRIMINAL PROCEDURE FOR THE PHILADELPHIA MUNICIPAL COURT

Rule 1003. Procedure in Non-Summary Municipal Court Cases.

\* \* \* \* \*

(B) CERTIFICATION OF COMPLAINT

Before [ a Municipal Court judge ] an issuing authority may issue process or order further proceedings in a Municipal Court case, the [ judge ] issuing authority shall ascertain and certify on the complaint that:

\* \* \* \* \*

The [ Municipal Court judge ] issuing authority shall then accept the complaint for filing, and the case shall proceed as provided in these rules.

(C) SUMMONS AND ARREST WARRANT PROCEDURES

When an issuing authority [ a Municipal Court judge ] finds grounds to issue process based on a complaint, the [ judge ] issuing authority shall:

\* \* \* \* \*

(2) issue a warrant of arrest when:

\* \* \* \* \*

(b) the [ Municipal Court judge ] issuing authority has reasonable grounds for believing that the defendant will not obey a summons;

\* \* \* \* \*

(3) when the offense charged does not fall within the categories specified in paragraph (C)(1) or (2), the [ judge ] issuing authority may, in his or her discretion, issue a summons or a warrant of arrest.

(D) PRELIMINARY ARRAIGNMENT

(1) When a defendant has been arrested within Philadelphia County in a Municipal Court case, with or without a warrant, the defendant shall be afforded a preliminary arraignment by [ a Municipal Court judge ] an issuing authority without unnecessary delay. If the defendant was arrested without a warrant pursuant to paragraph (A)(1)(a) or (b), unless the [ Municipal Court judge ] issuing authority makes a determination of probable cause, the defendant shall not be detained.

(2) In the discretion of the issuing authority, the preliminary arraignment of the defendant may be conducted by using two-way simultaneous audiovisual communication. When counsel for the defendant is present, the defendant must be permitted to communicate fully and confidentially with defense counsel immediately prior to and during the preliminary arraignment.

(3) At the preliminary arraignment, the [ Municipal Court judge ] issuing authority:

\* \* \* \* \*

[ (3) ] (4) \* \* \*

**Comment**

Former Rule 6003 was rescinded and replaced in 1994 by new Rule 6003, renumbered Rule 1003 in 2000. Although Rule 1003 has been extensively reorganized, only paragraphs (D)(1) and [ (D)(2)(c) ] (D)(3)(c) reflect changes in the procedures contained in the former rule.

\* \* \* \* \*

The procedure set forth in paragraph (C)(3) allows the [ **Municipal Court judge** ] **issuing authority** to exercise discretion in whether to issue a summons or an arrest warrant depending on the circumstances of the particular case. Appropriate factors for issuing a summons rather than an arrest warrant will, of course, vary. Among the factors that may be taken into consideration are the severity of the offense, the continued danger to the victim, the relationship between the defendant and the victim, the known prior criminal history of the defendant, etc.

\* \* \* \* \*

[ **Paragraph (D) (Preliminary Arraignment) is intended to permit closed circuit television preliminary arraignments.** ]

\* \* \* \* \*

**Within the meaning of paragraph (D)(2), counsel is present when physically with the defendant or with the issuing authority.**

**Under paragraph (D)(2), the issuing authority has discretion to order that a defendant appear in person for the preliminary arraignment.**

**Under paragraph (D)(2), two-way simultaneous audio-visual communication is a form of advanced communication technology.**

**See Rule 130 concerning venue when proceedings are conducted pursuant to this rule using advanced communication technology.**

Paragraph [ (D)(2)(c) ] (D)(3)(c) requires that the defendant receive copies of the arrest warrant and the supporting affidavits at the preliminary arraignment. This amendment parallels Rule 540(B). See also Rules 513(A) and 208(A).

Paragraph [ (D)(2)(c) ] (D)(3)(c) includes a narrow exception which permits the issuing authority to provide copies of the arrest warrant and supporting affidavit(s) on the first business day after the preliminary arraignment. This exception applies only when copies of the arrest warrant and affidavit(s) are not available at the time the issuing authority conducts the preliminary arraignment, and is intended to address purely practical situations such as the unavailability of a copier at the time of the preliminary arraignment.

\* \* \* \* \*

Under paragraph [ (D)(3) ] (D)(4), after the preliminary arraignment, if the defendant is detained, the defendant must be given an immediate and reasonable opportunity to post bail, secure counsel, and notify others of the arrest. Thereafter, if the defendant does not post bail, he or she must be committed to jail as provided by law.

**Official Note:** Original Rule 6003 adopted June 28, 1974, effective July 1, 1974; amended January 26, 1977, effective April 1, 1977; amended December 14, 1979, effective April 1, 1980; amended July 1, 1980, effective

August 1, 1980; amended October 22, 1981, effective January 1, 1982; Comment revised December 11, 1981, effective July 1, 1982; amended January 28, 1983, effective July 1, 1983; amended February 1, 1989, effective July 1, 1989; rescinded August 9, 1994, effective January 1, 1995. New Rule 6003 adopted August 9, 1994, effective January 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; amended March 22, 1996, effective July 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; amended August 28, 1998, effective immediately; renumbered Rule 1003 and amended March 1, 2000, effective April 1, 2001; **amended May 10, 2002, effective September 1, 2002.**

**Committee Explanatory Reports:**

\* \* \* \* \*

**Final Report explaining the May 10, 2002 amendments concerning advanced communication technology published with the Court's Order at 32 Pa.B. 2591 (May 25, 2002).**

**FINAL REPORT<sup>1</sup>**

*New Pa.R.Crim.P. 518; Amendments to Rules 131, 203, 513, 516, 540, 571, 1003; Amendments to and Renumbering of Present Rule 518 as Rule 519; Revision of the Comments to Rules 130, 514, 515, and 517; Correlative Changes to Rules 103, 112, 582, and 801;*

**ADVANCED COMMUNICATION TECHNOLOGY: IN PRELIMINARY ARRAIGNMENTS AND ARRAIGNMENTS; IN PROCEDURES FOLLOWING ARREST OF DEFENDANT; AND IN SEARCH WARRANT AND ARREST WARRANT PROCEDURES**

On May 10, 2002, effective September 1, 2002, upon the recommendation of the Criminal Procedural Rules Committee, the Court:

- adopted new Rule 518 (Using Advanced Communication Technology in Court Cases When Warrant of Arrest is Executed Outside Judicial District of Issuance), amended and renumbered present Rule 518 (Procedures in Court Cases Initiated by Arrest Without Warrant) as Rule 519,<sup>2</sup> amended Rules 131 (Location of Proceedings Before Issuing Authority), 516 (Procedure in Court Cases When Warrant of Arrest is Executed Within Judicial District of Issuance), 540 (Preliminary Arraignment), 571 (Arraignment), and 1003 (Procedure in Non-Summary Municipal Court Cases), and approved the revision of the Comment to Rule 517 (Procedure in Court Cases When Warrant of Arrest is Executed Outside Judicial District of Issuance). These changes provide for the use of advanced communication technology, including two-way simultaneous audio-visual communication and closed-circuit television, in procedures following the arrest of a defendant, including preliminary arraignments, and in arraignments;

- amended Rules 130 (Venue; Transfer of Proceedings), 203 (Requirements for Issuance), and 513 (Requirements for Issuance), and approved the revision of the Comments to Rules 514 (Duplicate and Alias Warrants of Arrest), and 515 (Execution of Arrest Warrant). These changes provide for the use of advanced communication technology in search warrants and arrest warrant procedures, and require that the type of advanced communication technol-

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

<sup>2</sup> For purposes of the discussion of these rule changes, "Rule 519" refers to the changes to present Rule 518 that has been renumbered Rule 519 as part of the changes adopted by the Court on May 10, 2002.

ogy used must be capable of two-way simultaneous audio-visual communication; and

- made correlative changes to Rules 103 (Definitions), 112 (Publicity, Broadcasting, and Recording of Proceedings), 582 (Joinder—Trial of Separate Indictments or Informations), and 801 (Notice of Aggravating Circumstances). These changes conform the rules to the new advanced communication technology provisions, update the rules, and make technical corrections and editorial changes.

### A. BACKGROUND

Since 1983 when the Court revised the Comments to Rules 516 and 1003 and Rule 519 “to permit closed circuit television in preliminary arraignments,” the Committee from time to time has considered expanding the scope of the “closed circuit television” provisions to provide in the Criminal Rules a comprehensive scheme for the use of advanced communication technology (ACT) in criminal proceedings. In 1998, we resumed our consideration of ACT in view of 42 Pa.C.S. § 8703 that provides for arraignment of a defendant by two-way electronic audio-visual communications, and correspondence we received suggesting that ACT provisions would promote judicial efficiency and economy. Initially, the Committee’s focus on ACT was narrow, considering only the rules that provide the procedures for preliminary arraignments and arraignments. However, after we learned that several judicial districts already are moving forward and experimenting with ACT in various criminal proceedings, our narrow focus quickly expanded to encompass consideration of the use of ACT in other procedures, including inter alia, search warrant and arrest warrant procedures, and procedures following the arrest of a defendant.

Recognizing that ACT equipment is expensive and not uniformly available statewide, the rule changes 1) encourage the use of ACT while maintaining the non-ACT provisions of the present rules, 2) accommodate the localities within the Commonwealth that do not have access to ACT systems and equipment, and 3) provide for those situations in which the judicial officer conducting a criminal proceeding may want an individual to appear in person, rather than conduct judicial business using ACT. In addition, the new provisions:

- further the Court’s goal to promote uniform, statewide procedures;
- provide for the prompt and efficient administration of justice;
- bring convenience to the parties; and
- protect the rights of the defendant.

The following discussion of the new ACT provisions is divided into four separate parts: (1) preliminary arraignments and arraignments, Part B below; (2) procedures following arrest of defendant, Part C below; (3) search warrants and arrest warrants, Part D below; and (4) correlative changes, Part E below.

### B. PRELIMINARY ARRAIGNMENTS AND ARRAIGNMENTS

#### 1. Background

In 1998, 42 Pa.C.S. § 8703 providing for arraignment of a defendant using two-way electronic audio-visual communications was enacted. During the same time period, the Committee received correspondence requesting that the rules be amended to permit the use of ACT, such as closed circuit television, in criminal proceedings, particularly for preliminary arraignments and arraignments.

The correspondents commented that many types of technology are readily available, and, when used, increase the efficiency of court proceedings. They also pointed out that many judicial districts already use forms of ACT in various criminal proceedings, including preliminary arraignments and arraignments. The correspondents’ experience with ACT has shown that the use of ACT reduces delays and costs, and, when ACT is used for the preliminary arraignment, the defendant is not unnecessarily detained because of the unavailability of an issuing authority. The concern noted by the correspondents was that, other than the Comment references to closed circuit television preliminary arraignments in Rules 516, 519, and 1003, the Criminal Rules do not specifically include such practices, so there is no uniformity in the ACT procedures that already are being used. In addition, many judicial districts are not using ACT because the rules do not authorize its use.

The Committee reviewed Pennsylvania case law addressing the use of technology in criminal proceedings generally, and found that the courts have upheld the use of electronic and mechanical devices in preliminary arraignments, as long as the defendant is not prejudiced or deprived of constitutional rights. See, e.g., *Commonwealth v. Terebieniec*, 408 A.2d 1120 (Pa. Super. 1979). The Committee also surveyed rules, statutes, and case law of other jurisdictions, and found that the use of ACT in criminal proceedings is widespread and continually expanding.

In view of the 1998 statutory enactment, the points outlined in the correspondence, the fact that the existing rules do not include procedures specifically providing for the use of ACT in preliminary arraignments and arraignments, and the growing use of ACT in criminal proceedings in Pennsylvania and other jurisdictions, the Committee agreed that the rules providing the procedures for preliminary arraignments and arraignments should be amended to authorize the use of ACT for these proceedings.

#### 2. Discussion of Rule Changes

##### a. Preliminary Arraignments

##### i. Rule 540 (Preliminary Arraignment)

Rule 540 provides the procedures governing preliminary arraignments in all cases except in Philadelphia, which is governed by the Municipal Court Rules, see Rule 1003. Rule 540 has been amended by the addition of new paragraph (A), which provides that (1) preliminary arraignments, in the discretion of the issuing authority, may be conducted by using two-way simultaneous audio-visual communication, and (2) when the counsel for the defendant is present, the defendant must be permitted to communicate fully and confidentially with defense counsel immediately prior to and during the preliminary arraignment.<sup>3</sup> By using “two-way simultaneous audio-visual communication,” the rule requires that the defendant and the issuing authority be able to see and communicate with each other during the proceeding. The new ACT provisions precede the present provisions concerning the conduct of preliminary arraignments to emphasize the new ACT provisions, thereby encouraging the use of communication technology when available in the judicial districts, and making it clear that the decision whether to use ACT is within the issuing authority’s discretion.

Several correlative changes have been made in the Rule 540 Comment. First, a new second paragraph has been

<sup>3</sup> Comparable changes also have been made to Rules 571 and 1003. See discussion below.

added to explain that counsel is “present” when physically with the defendant or with the issuing authority. A new third paragraph emphasizes that the issuing authority has the discretion not to use ACT and to order that a defendant appear in person for the preliminary arraignment. Because Rule 540 uses “two-way simultaneous audio-visual communication,” a new fourth paragraph explains that type of communication is a form of advanced communication technology as defined in Rule 103. Finally, a new fifth paragraph cross-references Rule 130 (Venue; Transfer of Proceedings) to emphasize that when an issuing authority conducts the preliminary arraignment from an ACT site that is outside the magisterial district or judicial district, the venue does not change.

ii. *Rule 1003 (Procedure in Non-Summary Municipal Court Cases)*

Rule 1003 provides, *inter alia*, the procedures for the conduct of preliminary arraignments in Philadelphia Municipal Court. Rule 1003(D) and Comment have been changed to mirror the Rule 540 changes concerning two-way simultaneous audio-visual communication discussed in Section B.2.a.i. above.

b. *Arraignments: Rule 571 (Arraignment)*

Rule 571 has been amended by the addition of a new paragraph (B) that authorizes the use of two-way simultaneous audio-visual communication for the conduct of arraignments. These changes accomplish the same goals as the changes to Rule 540 by giving the judicial officer presiding over the arraignment the discretion to use ACT in an arraignment proceeding, and requiring that the defendant be permitted to communicate fully and confidentially with defense counsel prior to and during the arraignment. In addition, the “two-way simultaneous audio-visual” language makes the rule clear that the defendant and the issuing authority must be able to see and communicate with each other during the proceeding. In addition, correlative changes to the Comment, comparable to the changes to the Rule 540 Comment described in Section B.2.a.i., have been made.

### C. PROCEDURES FOLLOWING ARREST OF DEFENDANT

#### 1. *Background*

During the development of the rule changes concerning the use of ACT in preliminary arraignments and arraignments, the Committee received correspondence questioning the propriety of law enforcement officers transporting a defendant out of county for a preliminary arraignment when the out-of-county site is set up to conduct the preliminary arraignment using ACT. The correspondent:

- pointed out that the Criminal Rules are silent in this regard, and requested that the Committee consider amending the rules specifically to permit this procedure;
- indicated that when ACT procedures are used and the ACT sites are established, there may be a site that is located outside of the judicial district in which an arrest occurred, but is closer to the location of the arrest;
- suggested that the benefits of allowing the law enforcement officers to transport a defendant to an “out-of-county” site would: “relieve police officers from outlying communities from costly and time-consuming trips” that are caused by the requirement that the defendant be brought to appear before the proper issuing authority, or to an ACT site that is not convenient; and speed up the processing of a defendant; and
- made it clear that “a defendant would still be arraigned by the proper issuing authority in the jurisdiction

of the alleged criminal incident”—the officers merely would be using out-of-county facilities as the technological link between the defendant and the issuing authority for the preliminary arraignment.

In considering this correspondence, the Committee acknowledged that when developing the proposed rule changes providing the procedures for using ACT in preliminary arraignments, we had not considered whether a law enforcement officer may transport a defendant to an out-of-judicial district ACT site for the preliminary arraignment, but as worded, the proposed changes do not preclude the procedure. After further discussion, we agreed that as long as the proper issuing authority conducts the preliminary arraignment, we did not foresee any disadvantages or prejudice of such a procedure, and agreed that the practice should be permitted. However, because the concept of permitting a law enforcement officer to transport a defendant to a site outside the territorial limits of the officer’s jurisdiction seems contrary to accepted procedures, the Committee agreed that the rules specifically should authorize the procedure.

Accordingly, the changes adopted by the Court provide when a preliminary arraignment is conducted by ACT pursuant to Rule 540, the defendant must be taken to the ACT site most convenient to the place of arrest without regard to the boundary of any magisterial district or judicial district. Under these changes, once ACT sites are established, an arresting officer may transport the defendant to a site outside the magisterial district or judicial district of arrest for the preliminary arraignment. This procedure is intended to promote the primary goals of ACT procedures—the prompt and efficient administration of justice, and convenience to the parties.

#### 2. *Discussion of Rule Changes*

a. *Rule 516 (Procedure in Court Cases When Warrant of Arrest is Executed Within Judicial District of Issuance) and Rule 519<sup>4</sup> (Procedure in Court Cases Initiated by Arrest Without Warrant)*

Rule 516 provides the procedures in court cases when a warrant of arrest is executed within the judicial district of issuance, and Rule 519 provides the procedures in court cases when a defendant is arrested without a warrant. Rules 516 and 519 have been amended to (1) reference the preliminary arraignment procedures found in Rule 540, and (2) make clear that when the preliminary arraignment is conducted using two-way simultaneous audio-visual communication, which is a form of ACT, the defendant shall be taken to an ACT site which, in the judgment of the arresting officer, is most convenient to the place of arrest without regard to the boundary of any magisterial district or judicial district. Once ACT sites are established, a police officer will have several options: the officer could take a defendant for the preliminary arraignment to:

- (1) the proper issuing authority where the defendant was arrested;
- (2) an approved ACT site in the judicial district of arrest; or
- (3) an approved ACT site outside the judicial district in which the defendant was arrested. The changes are worded broadly to encompass all three possibilities, as well as others that may arise once ACT is more widely used throughout the Commonwealth.

The Comments to Rules 516 and 519 have been revised to include a cross-reference to Rule 540 to highlight that

<sup>4</sup> Rule 518 was renumbered Rule 519 as part of the changes adopted by the Court on May 10, 2002.

an issuing authority may conduct a preliminary arraignment by using forms of ACT other than closed circuit television as long as the requirements of Rule 540 are satisfied. The Comments also emphasize that under the new provision in the rules, the arresting officer may transport a defendant to an ACT site that is outside of the judicial district in which the defendant was arrested.

In addition to the changes described above, Rule 519 has been separated into two paragraphs to make it clear that after a defendant is arrested without a warrant, the arresting officer has two options: take the defendant without unnecessary delay for a preliminary arraignment (see Rule 540); or release the defendant. The first new paragraph in the Comment explains that under paragraph (A), when an arresting officer is required to file a complaint, the officer may use ACT to file the complaint with the proper issuing authority.

*b. New Rule 518 (Using Advanced Communication Technology in Court Cases When Warrant of Arrest is Executed Outside Judicial District of Issuance)*

When developing the procedures for the use of out-of-judicial district ACT sites for preliminary arraignments, the Committee agreed that the procedures in Rule 517 for cases in which the warrant is executed outside the county of issuance needed to be modified to accommodate ACT. Initially, when we tried to work the ACT procedures into Rule 517, we experienced great difficulty with this approach and were unable to come up with a comprehensible procedure. Accordingly, new Rule 518 provides the procedures for using ACT when a warrant of arrest is executed outside the judicial district in which it was issued, and Rule 517 has been retained in its current form for cases in which ACT is not used.

The new rule is divided into three paragraphs. Paragraph (A) provides the defendant may be taken, for a preliminary arraignment or for the posting of bail, to an ACT site convenient to the place of arrest without regard to the boundary of any magisterial or judicial district. This paragraph also includes the requirement that the defendant must be taken to the ACT site without unnecessary delay. See paragraph (A)(1).

Paragraph (A)(2) provides that when the defendant is taken to the ACT site, the preliminary arraignment may be conducted in accordance with the requirements set forth in Rule 540 by the issuing authority in the judicial district in which the warrant was issued.

Paragraph (A)(3) provides when the defendant is taken to the ACT site, the defendant may post bail with the issuing authority in the judicial district in which the defendant was arrested.

Paragraph (B) provides that when a preliminary arraignment is conducted pursuant to paragraph (A)(2)—by the proper issuing authority in the judicial district in which the warrant was issued—and the defendant does not post bail, the issuing authority who conducted the preliminary arraignment is authorized to commit the defendant to the jail in the county in which the defendant was arrested or the county in which the warrant issued, and that the issuing authority, by using ACT, may transmit to the jail any required documents. The Committee considered this provision at length, and agreed that a provision to permit the issuing authority who issued the warrant to conduct the preliminary arraignment would promote judicial economy and be more efficient. In addition, because issuing authorities have statewide jurisdic-

tion,<sup>5</sup> the issuing authority who conducts the preliminary arraignment may issue the paperwork required to have the defendant lodged in a jail in the county of arrest.

Paragraph (B)(2) provides that when bail is set by the issuing authority who conducted the preliminary arraignment, the payment of bail may be made to either the issuing authority who imposed the condition or to the proper issuing authority in the judicial district in which the defendant was arrested. The Committee anticipates that this requirement will facilitate the posting of bail so the defendant is released in a timely manner.

Paragraph (C) provides that when the defendant appears via ACT before the proper issuing authority in the judicial district in which the defendant was arrested, the procedures set forth in Rule 517 must be followed. In other words, although the proper issuing authority in the judicial district of issuance may not be available, if ACT is available between the defendant and the issuing authority in the county of arrest, ACT may be used to proceed pursuant to Rule 517.

The Rule 518 Comment explains that (1) the rule sets forth the procedures for using ACT when a defendant is arrested outside the judicial district in which a warrant was issued, and explains that when ACT is available, the defendant may be preliminarily arraigned by the issuing authority who issued the warrant, or the “on-duty” issuing authority in that judicial district, or “appear” via ACT before the proper issuing authority for the purpose of posting bail; (2) when ACT is available only in the judicial district of arrest, the case would proceed under paragraph (A)(3), unless the defendant consents to dispense with the paragraph (A)(3) requirement and is afforded a preliminary arraignment without unnecessary delay in the judicial district in which the warrant was issued; and (3) under new Rule 518, a defendant may be transported to an ACT site that is located outside the judicial district of arrest, and suggests the arresting officer should determine the ACT site most convenient to the place of arrest.

*c. Rule 130 (Venue; Transfer of Proceedings)*

The Comment to Rule 130 has been revised by (1) deleting the first paragraph, and (2) adding as a new fourth paragraph language explaining that venue is not altered when an issuing authority conducts a proceeding from an ACT site outside the issuing authority’s magisterial district or judicial district.

*d. Rule 131 (Location of Proceedings Before Issuing Authority)*

Rule 131 governs the location(s) from which an issuing authority may conduct official duties. The Committee agreed, in view of new Rule 518 and the amendments to Rules 516, 517, and 519 discussed above, that some changes to Rule 131 were necessary to explain that: 1) an issuing authority may conduct official duties from an ACT site; and 2) under paragraph (A), the ACT site may be located at any site within the Commonwealth designated by the president judge or the president judge’s designee. Accordingly, paragraph (A) has been restructured, and the changes concerning ACT are included as new paragraphs (A)(2) and (4). In addition, to update the rule, the language in paragraph (A) “fix and take” has been changed to “set and receive.”

The Comment to Rule 131 has been revised to make it clear that an ACT site located outside of the magisterial district or judicial district is contemplated by paragraph (A). The Comment also has been revised by adding a

<sup>5</sup> See *Commonwealth v. Gessler*, 307 A.2d 892 (Pa. 1973) and 42 Pa.C.S. § 1515.

cross-reference to Rule 540 concerning the procedures to conduct preliminary arraignments and Rule 130 concerning venue, and making some editorial changes and technical corrections.

#### **D. USING ADVANCED COMMUNICATION TECHNOLOGY FOR SEARCH AND ARREST WARRANTS**

##### *1. Background*

During our consideration of the use of ACT in criminal proceedings, the Committee discussed whether the arrest and search warrant procedures in Pennsylvania also could be streamlined by including in the warrant rules provisions allowing the use of ACT to obtain a warrant.

The Committee's research into this issue revealed that the substantive meaning of the provisions of the Fourth Amendment of the U.S. Constitution<sup>6</sup> and article I, section 8 of the Pennsylvania Constitution<sup>7</sup> are seemingly identical. These similarities support the concept of using ACT to request and issue warrants particularly since federal case law has construed this constitutional provision as permitting some forms of ACT. See *U.S. Turner*, 558 F.2d 46 (2d Cir. 1977), *People v. Snyder*, 449 N.W.2d 703 (Mich. Ct. App. 1989), *State v. Andries*, 297 N.W.2d 124 (Minn. 1980). In the Pennsylvania Constitutional provision, however, there is the additional language "subscribed to by the affiant." The Committee agreed that this provision requiring the affiant's signature, without more, would not bar the use of ACT to obtain a warrant as long as the technology employed captures the signature.

The Committee looked at other jurisdictions and found that although not widespread across the country, there are a few jurisdictions that have specific procedures for using advanced technology communication equipment in warrant procedures as an alternative to the traditional method of the "in person, face-to-face" appearance before the magistrate. F.R.Crim.P. 41 permits a federal magistrate or judge to issue a warrant based upon sworn testimony communicated by telephone or other appropriate means of communication, including electronic transmission. We also examined the case law, which indicates that the use of electronic communications to obtain warrants is permitted as long as the constitutional requirements and spirit of the law are satisfied. See, e.g., *U.S. v. Richardson*, 943 F.2d 547 (5th Cir. 1991); *State v. Evans*, 822 P.2d 1198 (Or. Ct. App. 1991); *State v. Myers*, 815 P.2d 761 (Wash. 1991); *State v. Lindsey*, 473 N.W.2d 857 (Minn. 1991); *People v. Snyder*, 449 N.W.2d 703 (Mich. Ct. App. 1989).

The Committee recognizes that there are a sufficient number of "warrant" situations in which time and convenience are important, and expects that the new ACT provisions will (1) reduce the amount of time it takes to obtain a warrant, and (2) increase the convenience to both affiant and issuing authority. In addition, the Committee agreed with the concept that proceeding with a warrant is favored over proceeding without a warrant, and using ACT will reduce the number of warrantless arrests and seizures.

##### *2. ACT in Pennsylvania Search Warrant and Arrest Warrant Procedures*

<sup>6</sup> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." U.S. CONST. amend 4.

<sup>7</sup> The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed to by the affiant." PA.CONST. art. I, sec. 8.

In devising the new ACT procedures, the Committee agreed that the rules should continue to require the "written" affidavits, yet allow for the writing to be submitted using ACT equipment. In addition, we agreed that an important concept for the new procedure would be to require the issuing authority to verify the identity of the affiant, and to maintain the requirement that the issuing authority administer an oath to the affiant. Under the new procedure, the issuing authority and the affiant may communicate from separate locations, and the issuing authority will be able to use ACT to verify the identity of the affiant and administer the oath before the required documentation is transmitted.

In addition, under the new procedures, the use of ACT in warrant procedures is discretionary with the issuing authority. The new ACT provisions do not: 1) mandate the use of ACT for every situation in which an affiant requests a warrant; 2) preclude the issuing authority from requiring the affiant to appear before the issuing authority to obtain the warrant, and 3) preclude the technology from being used at any time. The Committee considered that there also will be situations in which the issuing authority cannot readily identify the affiant or verify the identity of the affiant, and when these instances arise, the issuing authority is required to have the affiant appear in person.

##### *a. Requirements for Issuance: Rules 203 and 513*

Rule 203 sets forth the requirements for the issuance of search warrants, and Rule 513 sets forth the requirements for the issuance of arrest warrants. Noting that Rule 513 parallels Rule 203, the Committee agreed that the parallel structure should be maintained with the new ACT provisions; the following explanation of the rule changes applies to both Rule 203 and 513. New paragraph (A) provides that in the discretion of the issuing authority, an affiant may use ACT to submit an affidavit of probable cause (Rule 203) or a complaint (Rule 513) to the issuing authority, and the issuing authority may use ACT to issue the warrant. Former paragraph (A) has become paragraph (B), and includes the additional language "in person or using advanced communication technology" to make it clear that the "sworn to before the issuing authority" requirement contemplates the use of ACT under the rules. The rules also require that the issuing authority be able to verify the identity of the affiant who is requesting an arrest warrant or a search warrant, and administer an oath to the affiant. See paragraph (C).

Similar to Federal Rule of Criminal Procedure 41, these new provisions make it clear that when the new procedures are followed, the rules do not require that an affidavit in support of the warrant be sworn to in the physical presence of the issuing authority. Unlike the provisions in Federal Rule 41 that permit oral requests for warrants without the requirement of a "face-to-face" encounter, Rules 203 (Requirements for Issuance) and 513 (Requirements for Issuance) do not permit a warrant to issue based on oral testimony alone, and require that the issuing authority using ACT must be able to see the affiant when the oath is administered.

Former paragraph (B) has been "relettered" as new paragraph (D), without modification. Finally, Rule 203 maintains its provision for searches conducted at nighttime as new paragraph (E).

The Comments to Rules 203 and 513 have been revised to 1) reiterate that simultaneous audio-visual communication is permitted to obtain both arrest warrants and

search warrants; 2) explain that the probable cause requirement has not been altered; 3) make it clear that when ACT is used, the language “sworn to before the issuing authority” contemplates that the affiant would not be in the physical presence of the issuing authority; 4) emphasize that the issuing authority is required to verify the identity of the affiant; and 5) require that when ACT is used in warrant procedures, the issuing authority must be able to see the affiant.

b. *Rules 514 (Duplicate and Alias Warrants of Arrest) and 515 (Execution of Arrest Warrants)*

Rule 514 provides the procedures for issuing duplicate and alias warrants of arrest and Rule 515 provides the procedures for the execution of arrest warrants. The Comments to both rules have been revised to:

- 1) make it clear that ACT is permitted for the issuance of duplicate and alias warrants;
- 2) explain that when warrant information is transmitted, the information does not have to be an exact copy of the warrant;
- 3) clarify that the rule does not modify the Rule 540(C) requirement that the issuing authority provide the defendant with an exact copy of the warrant at the time of the preliminary arraignment; and
- 4) provide a cross-reference to Rule 513.

#### E. CORRELATIVE CHANGES

As noted above, several correlative changes have been made to make it clear that the new provisions have been designed to encourage the use of ACT. Terms that are new to the rules, or meanings that have changed because of the new ACT provisions, are included in Rule 103. In addition, editorial changes and technical corrections have been made to the rules to conform them to the new ACT provisions.

##### 1. *Rule 103 (Definitions)*

Because the concept of ACT in criminal practice is novel to the Criminal Rules, Rule 103 has been amended to include definitions of the terms “advanced communication technology,” “advanced communication technology site,” and “copy.” The definition of “advanced communication technology” is intentionally broad in anticipation of future changes in technology, and includes examples of ACT.

“Advanced communication technology site” is a term of art developed by the Committee to define the parameters concerning the locations where the judicial officers and other parties would be located when using ACT. The definition requires the site be approved by the president judge or the president judge’s designee, located within Pennsylvania, and equipped with ACT equipment that satisfies the ACT requirements as provided in the Criminal Rules.

The Committee also recognized that by authorizing ACT, further clarification was necessary concerning whether a document received through a transmission by ACT constitutes a valid “copy” for purposes of the Criminal Rules. We agreed that the salutary benefits of ACT would be frustrated if the rules were not made clear that “copy” as used in the rules includes documents received by transmission through technological equipment. Accordingly, Rule 103 has been amended to define “copy” as “an

exact duplicate of an original document, including any required signatures, produced through mechanical or electronic means.” The definition also includes examples of types of equipment that may be used for the reproduction of documents.

##### 2. *Rule 112 (Publicity, Broadcasting, and Recording of Proceedings)*

Rule 112 has been amended to update the rule and clarify that the prohibitions in the rule are not intended to apply to the use of ACT in court proceedings. The changes also expand the rule to include more contemporary means of recording and transmitting to accommodate ACT.

##### 3. *Rule 582 (Joinder—Trial of Separate Indictments or Informations)*

Rule 582 provides the procedures for joinder of separate indictments or informations. Rule 582 has been amended to require the original joinder notice be filed with the clerk of courts and a copy of the notice served on the defendant. The Rule 582 Comment also has been revised to include a cross-reference to Rule 571 concerning arraignment procedures.

[Pa.B. Doc. No. 02-930. Filed for public inspection May 24, 2002, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Deferment of Legion Indemnity Company Cases by Reason of Order of Rehabilitation; Administrative Doc. 05 of 2002

##### Order

And Now, this 7th day of May, 2002, upon consideration of the Order of Conservation of the Circuit Court of Cook County, Illinois, Chancery Division, entered April 8, 2002, in *People of the State of Illinois, ex rel. Nathaniel S. Shapo, Director of Insurance of the State of Illinois v. Legion Indemnity Company*, No. 02CH06695, authorizing and directing the Director of Insurance to take possession and control of the property and assets of Legion Indemnity Company and enjoining, inter alia, the payment of any claims, judgments or attachments, it is hereby *Ordered and Decreed* that all cases in which Legion Indemnity Company, or an insured of Legion Indemnity Company, is a party shall be placed in deferred status until further Order of the Court.

It is further *Ordered and Decreed* that all actions currently pending against an insured of Legion Indemnity Company shall be placed in deferred status until further Order of the Court.

WILLIAM J. MANFREDI,  
*Supervising Judge*

[Pa.B. Doc. No. 02-931. Filed for public inspection May 24, 2002, 9:00 a.m.]



# Title 255—LOCAL COURT RULES

## SCHUYLKILL COUNTY

### Amendment to Civil Rules of Procedure; S-912-02

#### Order of Court

*And Now*, this 10th day of May, 2002, at 10:45 a.m., Schuylkill County Civil Rule of Procedure No. 2039(b) is amended for use in the Court of Common Pleas of Schuylkill County, Pennsylvania, Twenty-First Judicial District, Commonwealth of Pennsylvania, effective thirty days after publication in the *Pennsylvania Bulletin*.

The Prothonotary of Schuylkill County is Ordered and Directed to do the following:

- 1) File ten (10) certified copies of this Order and Rule with the Administrative Office of Pennsylvania Courts.
- 2) File two (2) certified copies of this Order and Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a diskette reflecting the text in the hard copy version.
- 3) File one (1) certified copy of this Order and Rule with the Pennsylvania Civil Procedural Rules Committee.
- 4) Forward one (1) copy to the Schuylkill County Law Library for publication in the *Schuylkill Legal Record*.
- 5) Keep continuously available for public inspection copies of this Order and Rule.

It is further Ordered that said rule as it existed prior to the amendment is hereby repealed and annulled on the effective date of said rule as amended, but no right acquired thereunder shall be disturbed.

*By the Court*

WILLIAM E. BALDWIN,  
*President Judge*

### Sch.R.C.P.2039. Compromise, Settlement, Discontinuance and Distribution.

(b) The distribution issue of civil case settlements involving minors or estates shall be forwarded to the President Judge. The petition will be filed with the Prothonotary and shall be accompanied by a praecipe to transmit pursuant to Sch.R.C.P.205.3.

[Pa.B. Doc. No. 02-932. Filed for public inspection May 24, 2002, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that Patrick M. Casey, having been suspended from the practice of law in the State of New Jersey for a period of three months, the Supreme Court of Pennsylvania issued an Order dated May 8, 2002 suspending Patrick M. Casey from the practice of law in this Commonwealth consistent with the Order of the Supreme Court of New Jersey. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 02-933. Filed for public inspection May 24, 2002, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [4 PA. CODE CH. 9]

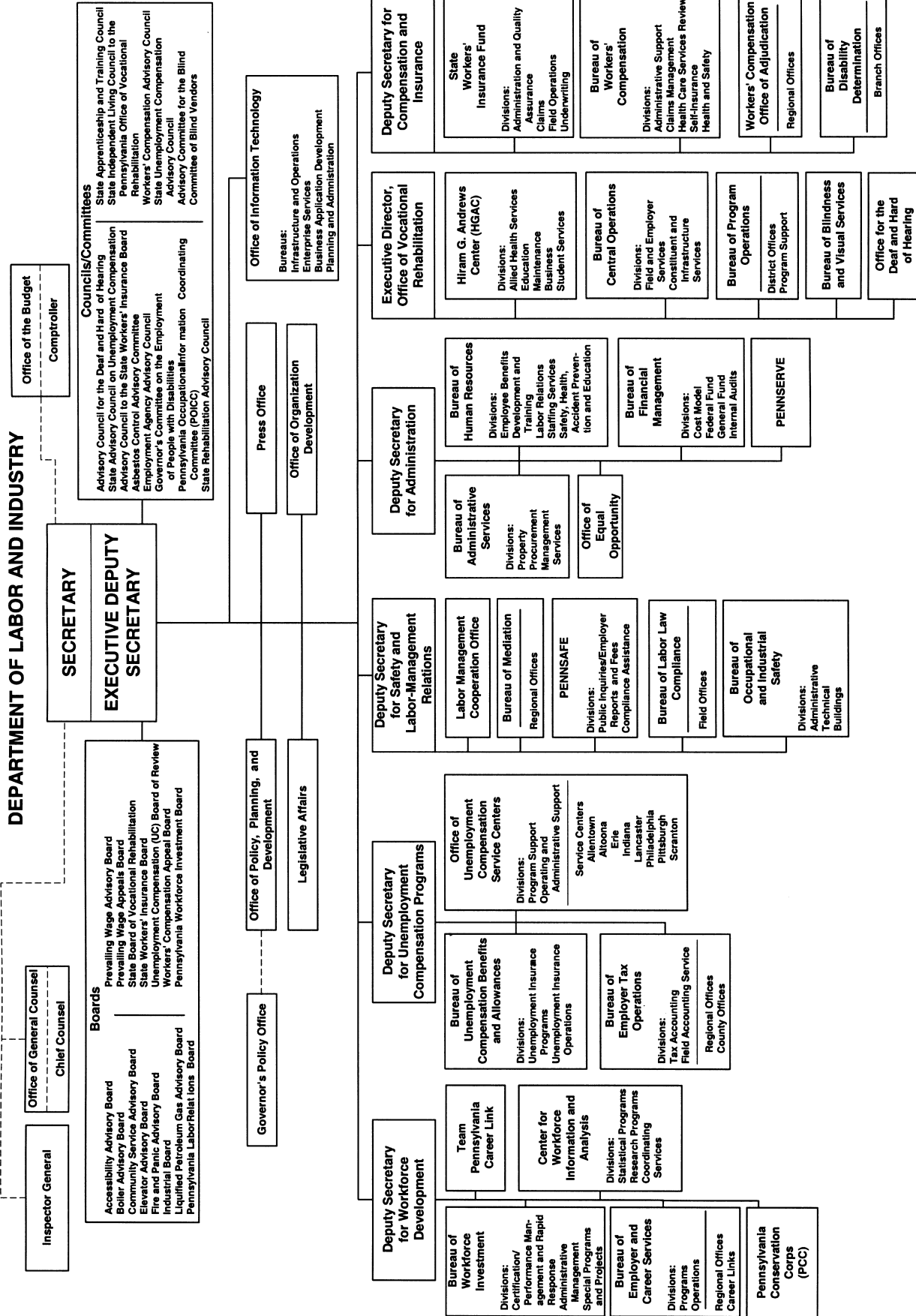
#### Reorganization of the Department of Labor and Industry

The Executive Board approved a reorganization of the Department of Labor and Industry effective May 6, 2002.

The organization chart at 32 Pa.B. 2599 (May 25, 2002) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

[Pa.B. Doc. No. 02-934. Filed for public inspection May 24, 2002, 9:00 a.m.]

---



# NOTICES

## DELAWARE RIVER BASIN COMMISSION

### Commission Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Friday, May 31, 2002. The hearing will be part of the Commission's regular business meeting. The conference session and business meeting both are open to the public. The conference session will be held at Grey Towers, 151 Grey Towers Drive, Milford, PA. The business meeting also will be held at Grey Towers, unless there is a possibility of bad weather in the afternoon or evening. In that event, the business meeting will be held at the Best Western Inn at Hunt's Landing, 120 Routes 6 and 209, Milford, PA. In case of doubt about the hearing location, contact the Commission on May 31, 2002, at (609) 883-9500. Directions to both locations are posted on the Commission's website, <http://www.DRBC.net>.

The conference among the Commissioners and staff will begin at 10 a.m. Topics of discussion will include: an update on a proposal for protecting existing water quality in the Lower Delaware River pending a possible special protection waters designation; an update on PCB TMDL development and sampling activities; a proposed resolution authorizing the Executive Director to engage a consultant to assist in development of a PCB fate and transport model for the Delaware Estuary; a proposal to engage the Chesapeake Biological Laboratory of the University of Maryland to conduct carbon analytical work in connection with development of a TMDL for PCBs in the Delaware Estuary; a report on the May meeting of the Commission's Flow Management Technical Advisory Committee; and proposed resolutions authorizing the Executive Director to renew the Commission's contract with the Northeast-Midwest Institute and to engage a consultant to perform a position classification and compensation analysis.

The subjects of the public hearing to be held during the 1 p.m. business meeting include, in addition to the following dockets, a resolution amending Article 8 of the Administrative Manual—Rules of Practice and Procedure relating to fees associated with Commission responses to Freedom of Information Act requests. In the event a resolution or docket is considered involving modification of the Commission's Comprehensive Plan to adjust releases from the New York City Reservoirs to protect tailwaters fisheries, then a hearing on the proposal also will be held. Contact the Commission Secretary after May 16, 2002, for information on the status of this item.

The dockets scheduled for public hearing are as follows:

1. *Boyertown Foundry Company. D-85-80 Renewal* 2. A renewal of a ground water withdrawal project to supply up to 3.54 million gallons (mg)/30 days of water to the applicant's foundry facility (formerly Eastern Foundry Company) from existing Well No. 1A in the Leithsville Dolomite Formation. No increase in allocation is proposed. The project is located in Boyertown Borough, Berks County, PA.

2. *Schwenksville Borough Authority. D-98-30 CP*. A project to increase the rated capacity of the applicant's existing 0.206 million gallons per day (mgd) sewage

treatment plant (STP) to 0.3 mgd. The STP will continue to provide secondary biological treatment by trickling filter and activate sludge systems to serve the Borough of Schwenksville and adjacent portions of Perkiomen and Lower Frederick Townships, all in Montgomery County, PA. The STP is situated just west of Perkiomen Creek, to which it will continue to discharge, and just east of SR 73 between Church and Maple Streets in the Borough of Schwenksville, Montgomery County, PA.

3. *McGinley Mills, Inc. D-91-55 Renewal*. A renewal of a ground water withdrawal project to continue withdrawal of 13.4 mg/30 days to supply the applicant's industrial facility from existing Wells Nos. 1 and 2 in the Allentown formation. The project is located in the Town of Phillipsburg, Warren County, NJ.

4. *Maidencreek Township Authority. D-91-58 CP Renewal*. A renewal of a ground water withdrawal project with an increase of withdrawal from 13.2 mg/30 days to 22.7 mg/30 days to supply the applicant's public water distribution system from existing Wells No. 1—3 in the Epler and Allentown formations. The project is located in Maidencreek Township, Berks County, PA.

5. *New Jersey Department of Corrections-Bayside State Correctional Facility. D-2000-10 CP*. A ground water withdrawal project to supply up to 30 mg/30 days of water to the applicant's correctional facility and farm from new Well No. 5 in the Cohansey-Kirkwood aquifer and to retain the withdrawal limit from all wells at 30 mg/30 days. The project is located in Maurice River Township, Cumberland County, NJ.

6. *Pennridge Wastewater Treatment Authority. D-2001-1 CP*. A project to expand the applicant's existing advanced secondary STP from 4.0 mgd to 4.325 mgd via trickling filter and chemical addition processes. Located in both West Rockhill Township and Sellersville Borough, both in Bucks County, PA, the STP will serve the Boroughs of Perkasio, Sellersville, Silverdale and Telford, and the Townships of East Rockhill, Hilltown and West Rockhill, all in Bucks County. Treated effluent will continue to be discharged to the adjacent East Branch Perkiomen Creek through an existing outfall.

7. *West Vincent Township. D-2001-60*. A project to construct a 0.11 mgd aerated-lagoon type STP and effluent spray irrigation system to serve proposed housing and commercial office development on the northeast corner of Routes 100 and 401 in West Vincent Township, Chester County, PA. Following secondary treatment, effluent will be sprayed on 22 acres of adjacent farm and wooded lands. During inclement weather, STP effluent can be stored in onsite lagoons, so no discharge to nearby Birch Run Creek in the French Creek watershed is required.

8. *Tidewater Utilities, Inc. D-2002-4 CP*. A ground water withdrawal project to supply up to 7.95 mg/30 days of water to the applicant's public water distribution system from new Wells Nos. L5 and L9 in the Columbia Formation. Wells Nos. L5 and L9 will be interconnected with the applicant's 11 other wells, which are located outside the Delaware River Basin. The project is located in the Broadkill River watershed in Lewes/Rehoboth, Sussex County, DE.

9. *Philadelphia Suburban Water Company. D-2002-5 CP*. A ground water withdrawal project to supply a combined total of 6.26 mg/30 days of water to the applicant's public water supply distribution system from

new Kay Wells B and C, to be interconnected with nine existing wells currently comprising the Pennsylvania Suburban Water Company (PSW) UGS Northern Division service area, and to limit the withdrawal from all wells to 15.86 mg/30 days. Kay Well B is to be allocated at 2.80 mg/30 days and Kay Well C at 3.45 mg/30 days. The project is located in the Beaver Creek watershed in East Brandywine Township, Chester County, PA. As proposed in the Department of Environmental Protection draft water supply permit, Special Condition I, the Kay Wells would be removed from service once a water treatment plant receiving water from PSW's Cornog Quarry Project (a proposed surface water withdrawal and storage project on the East Branch Brandywine Creek in Wallace Township, Chester County) is placed into operation. At this time, the Commission's combined total allocation for the remaining wells is proposed to be limited to 9.6 mg/30 days.

10. *Kidder Township, D-2002-6 CP*. A project to expand the 0.15 mgd Split Rock STP to process 0.4 mgd, while continuing to provide a tertiary level of treatment. The applicant proposes to purchase the existing STP from Vacation Charters, Ltd. and expand the sequencing batch reactor plant to serve future development at the Split Rock Resort and current flows from properties in the Lake Harmony and Split Rock areas, all within Kidder Township, Carbon County, PA. The project is located about 2 miles west of the intersection of Interstate 80 and SR 115. The existing STP owner will retain a spray irrigation permit to apply the effluent to its resort golf course, as needed, or allow it to discharge to Shingle Mill Run, a tributary of Tobyhanna Creek in the Lehigh River Watershed.

In addition to the public hearing items, the Commission will address the following at its 1 p.m. business meeting: minutes of the April 3, 2002, business meeting; announcements; a report on Basin hydrologic conditions; reports by the Executive Director and General Counsel; discussion

and possible Commission response to requests for a hearing to review the Commission's action on Docket D-98-11 CP of the PSW (formerly Philadelphia Suburban Water Company); and resolutions: (1) authorizing the Executive Director to engage a consultant to assist in development of a PCB fate and transport model for the Delaware Estuary; (2) authorizing the Executive Director to engage the Chesapeake Biological Laboratory of the University of Maryland to conduct carbon analytical work in connection with development of a TMDL for PCBs in the Delaware Estuary; (3) authorizing the Executive Director to renew the Commission's contract with the Northeast-Midwest Institute; (4) authorizing the Executive Director to engage a consultant to performing a position classification and compensation analysis; (5) providing for election of the Commission Chair, Vice Chair and Second Vice Chair for the year 2002-03, commencing July 1, 2002; and (6) honoring N.G. Kaul. The meeting will conclude with an opportunity for public dialogue.

Documents relating to the dockets and other items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Contact Thomas L. Brand at (609) 883-9500 ext. 221 with docket-related questions. Persons wishing to testify at this hearing are requested to register in advance with the Commission Secretary at (609) 883-9500 ext. 203.

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

PAMELA M. BUSH,  
*Secretary*

[Pa.B. Doc. No. 02-935. Filed for public inspection May 24, 2002, 9:00 a.m.]

## 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 14, 2002.

#### BANKING INSTITUTIONS

##### New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-14-02	Berkshire Bank Wyomissing Berks County	1101 Woodland Road Wyomissing Berks County	Approved

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-6-02	Northwest Savings Bank Warren Warren County	950 E. Main Street Bradford McKean County	Opened
5-8-02	Commonwealth Bank Norristown Montgomery County	Giant Supermarket 2910 Springfield Rd. Broomall Delaware County	Filed

## NOTICES

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-8-02	Jersey Shore State Bank Jersey Shore Lycoming County	1665 N. Atherton Pl. State College Patton Township Centre County	Opened
5-9-02	Community Bank and Trust Company Clarks Summit Lackawanna County	92 Brooklyn Street Carbondale Lackawanna County	Approved
5-9-02	Firsttrust Savings Bank Conshohocken Montgomery County	133 Lancaster Ave. Devon Chester County	Approved
5-9-02	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Four Branch Offices Within Giant Eagle Stores at the Following Locations:	Approved
	Eastgate Shopping Center 1120A E. Pittsburgh Street Greensburg Westmoreland County	1521 North Main Street Butler Butler County	
	2650 Constitution Blvd. Beaver Falls Beaver County	700 Moraine Point Plaza Butler Butler County	
5-10-02	Patriot Bank Pottstown Montgomery County	4930 5th Street Highway Muhlenburg Township Berks County	Filed
5-14-02	AmeriServ Financial Bank Johnstown Cambria County	Corner of Benner Pike and Shiloh Road State College College Township Centre County	Filed

**Branch Relocation/Consolidation Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-6-02	Northwest Savings Bank Warren Warren County	<i>To:</i> 1048 E. Main St. Palmyra North Londonderry Twp. Lebanon County  <i>From:</i> 1044 E. Main St. Palmyra North Londonderry Twp. Lebanon County	Effective
5-9-02	SunBank Selinsgrove Snyder County	<i>Into:</i> 90 Maynard Street Williamsport Lycoming County  <i>From:</i> 2 E. Mountain Ave. South Williamsport Lycoming County	Approved

*Note:* This relocation was originally approved as relocating *from* 1048 E. Main Street *to* 1054 E. Main Street; however, the post office made a change in the address designations resulting in the new location receiving the number "1048."

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

JAMES B. KAUFFMAN, Jr.,  
*Secretary*

# 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 aids, service, including TDD users or other accommodations to seek additional information, should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

#### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0052434	Pantos Corporation 202 Black Matt Road Douglassville, PA 19518	Delaware County Chester Heights Borough	UNT to West Branch of Chester Creek	Y
PA0057134	George and Elyse Norton 41 Locust Farm Drive Thornton, PA 19373	Delaware County Concord Township	Tributary to Chester Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0080268	Regency Woods Mobile Home Park 1104 Fernwood Avenue Camp Hill, PA 17011	Cumberland County Middlesex Township	UNT to Conodoquinet Creek 7-B	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0010251	United States Army Carlisle Barracks 330 Engineer Avenue Carlisle, PA 17013-5020	Cumberland County Carlisle Borough North Middleton Township	Letort Spring Run 7-B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0115363	Buffalo Township Municipal Sewer Authority R. R. 2, Box 284A Lewisburg, PA 17837	Union County Buffalo Township	Buffalo Creek SWP 10C	Y

## 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. PA0050598**, Sewage, **Bethel Baptist Church**, 754 East Rockhill Road, Sellersville, PA 18960. This application is for renewal of an NPDES permit to discharge treated sewage from Bethel Baptist Church STP in East Rockhill Township, **Bucks County**. This is an existing discharge to an unnamed tributary to Bog Run.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.0075 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Total Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Phosphorus (as P)	0.5	1.0
Total Residual Chlorine	0.5	1.3
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	Monitor/Report	
pH	Within limits of 6.0—9.0 Standard Units at all times	

Other Conditions:

The EPA Waiver is in effect.

**No. PA0058530**, Industrial Waste, **Georgia-Pacific Corporation**, 133 Peachtree Street Northeast, P. O. Box 105605, Atlanta, GA 30303. This application is for issuance of an NPDES permit to discharge treated groundwater from groundwater remediation system in Lower Merion Township, **Montgomery County**. This is new discharge to Schuylkill River.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.014 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>
Oil and Grease	15		30
pH	Within limits of 6.0—9.0 Standard Units at all times		
Benzene	0.001	0.002	0.0025
TPH	Monitor/Report	Monitor/Report	Monitor/Report
Naphthalene	Monitor/Report	Monitor/Report	Monitor/Report
Phenanthrene	Monitor/Report	Monitor/Report	Monitor/Report
Pyrene	Monitor/Report	Monitor/Report	Monitor/Report
Chrysene	Monitor/Report	Monitor/Report	Monitor/Report

The EPA Waiver is in effect.

**No. PA0052078**, Sewage, **Elverson Borough Municipal Authority**, P. O. Box 266, 101 South Chester Street, Elverson, PA 19520. This application is for renewal of an NPDES permit to discharge treated sewage from Elverson Borough Municipal Authority STP in Elverson Borough, **Chester County**. This is an existing discharge to an unnamed tributary to East Branch Conestoga River.



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

The proposed effluent limits for Outfall 001, based on an average flow of 0.125 MGD are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	15	23	30
(11-1 to 4-30)	25	38	50
Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	4.5		9.0
Phosphorus (as P)	2.0		4.0
Total Residual Chlorine	0.02		0.07
Copper, Total	Monitor/Report		Monitor/Report
Fecal Coliform			
(5-1 to 9-30)		200 colonies/100 ml as a geometric average	
(10-1 to 4-30)		200 colonies/100 ml as a geometric average	
Dissolved Oxygen		minimum of 5.0 mg/l at all times	
pH		Within limits of 6.0—9.0 Standard Units at all times	

Other Conditions:

The EPA Waiver is in effect.

---

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

**Application No. PA 0246638**, CAFO, **Franklin-View Farms**, 2232 Franklin Road, Columbia, PA 17512. Franklin-View Farms has submitted an application for an individual NPDES permit for an individual expanding CAFO known as Franklin-View Farms, 2232 Franklin Road, Manor Township, **Franklin County**.

The CAFO is situated near Staman and Strickler Runs in Watershed 7-G, which is classified for WWF. The CAFO will be designed to maintain an animal population of approximately 1,073.4 animal equivalent units consisting of 500 milking cows, 50 dry cows, 230 heifers, 120 calves, 3 bulls and 34,000 broilers. The animals will be housed in free stall and enclosed buildings. Manure will be collected in concrete under house, concrete underground and one aboveground metal storage tank. The total capacity of the manure storage facilities will be 3.73 MG. Prior to operation of the manure storage facilities, the design engineer will be required to submit certification that the facilities were constructed in accordance with appropriate Pennsylvania Technical Guide Standards. A release or discharge to waters of this Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

The permit application and draft permit are on file at the Southcentral Regional Office of the Department. Individuals may make an appointment to review the files by calling the File Review Coordinator at (717) 705-4732.

Persons wishing to comment on the proposed permit are invited to submit written comments to the previous address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based.

Following the 30-day comment period, the 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 the determination may be appealed to the Environmental Hearing Board.

The EPA permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

---

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

**PA0006297**, Sewage, **Menasha Packaging, LLC**, Route 70, P. O. Box 418, Yukon, PA 15698-0418. This application is for renewal of an NPDES permit to discharge treated sewage, process wastewater and uncontaminated stormwater runoff in Sewickley Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Sewickley 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 McKeesport Municipal Water Authority.

*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 <sub>5</sub>	25			50
Suspended Solids	30			60
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	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

*Outfalls 002—007:* existing discharge to Sewickley Creek.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
The discharge via these outfalls shall consist of uncontaminated stormwater runoff from building roofs and paved plant areas only.					

The EPA waiver is in effect.

**PA0218499**, Industrial Waste, SIC, 2022, **Mahoning Swiss Cheese Cooperative**, R. D. 1, Box 71, Smicksburg, PA 16256. This application is for issuance of an NPDES permit to discharge treated process water from cheese making facility in West Mahoning Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary of Little Mahoning Creek, classified as a HQ-CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Armstrong Power Station, located at the Allegheny River, 9.5 miles below the discharge point.

*Outfall 001:* new discharge, design flow of 0.002 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Monitor and Report				
BOD <sub>5</sub>	2.55	5.09	153	305	
TSS	3.79	7.58	227	454	
Dissolved Oxygen	3.0 (minimum)				
TRC			0.5	1.0	
Phosphorus			15	30	
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA0025950**, Sewage, **Municipal Authority of the City of Monongahela**, 521 West Main Street, Monongahela, PA 15063. This application is for Renewal of an NPDES permit to discharge treated sewage from City of Monongahela STP in Monongahela, **Washington 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—Aldrich Station.

*Outfall 001:* existing discharge, design flow of 1.5 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	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			

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Total Residual Chlorine (1st Month to 36th Month)	1			3.3
(37th Month to Expiration)	0.5			1.6
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

**PA0028703**, Sewage, **Peters Township Sanitary Authority**, 3244 Washington Road, McMurray, PA 15317-3153. This application is for renewal of an NPDES permit to discharge treated sewage from the Donaldson's Crossroads Water Pollution Control Plant in Peters Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Chartiers 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 West View Municipal Authority located on the Ohio River.

*Outfall 001*: existing discharge, design flow of 1.200 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub> (5-1 to 10-31)	15.0	22.5		30.0
(11-1 to 4-30)	25.0	37.5		50.0
Suspended Solids	30.0	45.0		60.0
Ammonia Nitrogen (5-1 to 10-31)	9.0	13.5		18.0
(11-1 to 4-30)	20.0	30.0		40.0
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 (1st Month to 12th Month)	1.0			3.3
(13th Month to Expiration)	0.5			1.6
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

**PA0031844**, Sewage, **Kiski Area School District**, 200 Poplar Street, Vandergrift, PA 15690. This application is for renewal of an NPDES permit to discharge treated sewage from North Washington Elementary School STP in Washington Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of 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 0.0058 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	4.4			8.8
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	.2			.5
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.

**PA0037044**, Sewage, **Ford City Borough Municipal Sewage Disposal Authority**, P. O. Box 66, Ford City, PA 16226. This application is for renewal of an NPDES permit to discharge treated sewage from the Ford City Wastewater Treatment Plant in Ford City Borough, **Armstrong 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 Cadogen Township Water Works.

*Outfall 001:* existing discharge, design flow of 1.3 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	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				
(1st Month to 36th Month)	Monitor and Report			
(37th Month to Expiration)	0.5			1.6
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: Outfalls 002—004 discharge to the Allegheny River and 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.

**PA0091782**, Sewage, **West Hills Area Water Pollution Control Authority**, Linde Road, R. D. 7, Box 3, Kittanning, PA 16201. This application is for renewal of an NPDES permit to discharge treated sewage from West Hills Sewage Treatment Plant in North Buffalo Township, **Armstrong 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 Cadogen Township Water Works.

*Outfall 001:* existing discharge, design flow of 1.3 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	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.

**PA0096067**, Sewage, **Mt. Pleasant Area School District**, R. D. 4, Box 2222, Mt. Pleasant, PA 15666. This application is for renewal of an NPDES permit to discharge treated sewage from Westmoreland Homesteads STP in Mt. Pleasant Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Sewickley 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 McKeesport Municipal Water Authority.

*Outfall 001:* existing discharge, design flow of 0.02 mgd.

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

The EPA waiver is in effect.

**PA0096091**, Sewage, **Aleppo Township Authority**, P. O. Box 81, Sewickley, PA 15143-0081. This application is for amendment of an NPDES permit to discharge treated sewage from the I-79 North STP in Aleppo Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Kilbuck 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 Arco Chemical Company BV Plant.

*Outfall 001*: existing discharge, design flow of 0.05 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
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				
(1st Month to 36th Month)	Monitor and Report			
(37th Month to Expiration)	0.4			0.9
Dissolved Oxygen	not less than 4 mg/l			
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 0.095 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.5			5.0
(11-1 to 4-30)	7.5			15.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2000/100 ml as a geometric mean			
Total Residual Chlorine	0.2			0.5
Dissolved Oxygen	not less than 4 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0219207**, Sewage, **Lincoln Township Municipal Authority**, P. O. Box 162, Sipesville, PA 15561. This application is for issuance of an NPDES permit to discharge treated sewage from Sipesville-Quecreek Area Wastewater Treatment Plant in Lincoln Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Quemahoning 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 Quemahoning Reservoir.

*Outfall 001*: new discharge, design flow of 0.1 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>				
(5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	6.5	9.8		13.0
(11-1 to 4-30)	19.5	29.3		39.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	5,000/100 ml as a geometric mean			
Total Residual Chlorine	0.4			0.9

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

## WATER QUALITY MANAGEMENT PERMITS

### CONTROLLED INDUSTRIAL WASTE AND SEWAGE WASTEWATER

#### APPLICATIONS UNDER THE CLEAN STREAMS LAW

##### PART II PERMITS

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

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)

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

**WQM Permit No. 0102405**, Sewerage, **Adams County Board of Commissioners**, 111-117 Baltimore Street, Gettysburg, PA 17325. This proposed facility is located in Straban Township, **Adams County**.

Description of Proposed Action/Activity: Approval for the construction of wastewater collection and conveyance facilities.

**WQM Permit No. 0602405**, Sewerage, **Centre Township Municipal Authority**, 449 Bucks Hill Road, Mohrsville, PA 19541. This proposed facility is located in Centre Township, **Berks County**.

Description of Proposed Action/Activity: Approval for the construction of a wastewater treatment plant.

**WQM Permit No. 3102401**, Sewerage, **Dudley-Carbon-Coalmont Joint Municipal Authority**, P. O. Box 276, Dudley, PA 16634. This proposed facility is located in Carbon Township, Dudley and Coalmont Boroughs, **Huntingdon County**.

Description of Proposed Action/Activity: Approval for the construction of a wastewater collection and treatment system.

**WQM Permit No. 3492401**, Amendment 02-1, **Port Royal Municipal Authority**, P. O. Box 236, Port Royal, PA 17082-0236. This proposed facility is located in Port Royal Borough, **Juniata County**.

Description of Proposed Action/Activity: Authorization for construction of a belt filter press at the treatment plant.

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

**Application No. 0202202**, Industrial Waste, **Viacom Inc.**, 11 Stanwix Street, Pittsburgh, PA 15222. Application for the construction and operation of a wastewater treatment plant to serve the Trafford Commerce Center located in Trafford Borough, **Allegheny County**.

**Application No. 1102201**, Industrial Waste, **Saint Francis University**, P. O. Box 600, Loretto, PA 15940. Application for the construction and operation of a water treatment plant to serve the Saint Francis University located in Loretto Borough, **Cambria County**.

**Application No. 0302401**, Sewerage, **Heidi Schaffhauser**, R. D. 1 Box 162, Ford City, PA 16226. Application for the construction and operation of a small flow single residence sewage treatment plant to serve the Schaffhauser Residence located in Plumcreek Township, **Armstrong County**.

**Application No. 3002401**, Sewerage, **Dana Mining Company of PA Inc.**, P. O. Box 1209, Morgantown, PA 26507. Application for the construction and operation of a sewage treatment plant to serve the Titus Mine located in the Dunkard Township, **Greene County**.

**Application No. 3202402**, Sewerage, **John Gribus**, 19 Chestnut Street, P. O. Box 117, Coral, PA 15731. Application for the construction and operation of a small flow single residence sewage treatment plant to serve the Gribus Residence located in Center Township, **Indiana County**.

**Application No. 3202403**, Sewerage, **Glen Campbell Borough**, P. O. Box 43, Glen Campbell, PA 15706. Application for the construction and operation of a sewerage collection and treatment system to serve the Borough of Glen Campbell located in Glen Campbell Borough, **Indiana County**.

The Pennsylvania Investment Authority which administers the Commonwealth's State Revolving Fund has been

identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

**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 determina-

tion 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 PAS10G156-R**, Stormwater, **David L. Pierce**, 880 Pennsgrove Road, Lincoln University, PA 19352, has applied to discharge stormwater associated with a construction activity located in Upper Oxford Township, **Chester County** to UNT to East Branch Big Elk Creek (HQ-TSF-MF).

**NPDES Permit PAS10G515**, Stormwater, Correction, **Heritage Building Group, Inc.**, 3326 Old York Road, Suite A-100, Furlong, PA 18925, has applied to discharge stormwater associated with a construction activity located in South Coventry Township, **Chester County** to French Creek (EV).

**NPDES Permit PAS10G525**, Stormwater, **Charles A. Dobson**, 101 Marchwood Road, Exton, PA 19341, has applied to discharge stormwater associated with a construction activity located in West Nantmeal Township, **Chester County** to Perkins Run (HQ-TSF-MF) and UNT to Each Branch Brandywine Creek (HQ-TSF-MF).

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

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

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10U170	Timothy Faust Hidden Tall Oaks II, L.P. T. J. F. Land Development L.L.C. General Partner 4383 Hecktown Road Suite J Bethlehem, PA	Northampton County Lower Nazareth Township	Monocacy Creek HQ-CWF

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

*Clearfield Conservation District: 650 Leonard St., Clearfield, PA 16830, (814) 765-2629.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS101718	Dennis Raybuck International Custom Products Oklahoma-Salem Rd. P. O. Box 527A DuBois, PA 15801	Clearfield County Sandy Township	Reisinger Run CWF

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

*Cambria County Conservation District: 401 Candlelight Drive, Suite 221, Ebensburg, PA 15931, (814) 472-2120.*

**NPDES Permit PAS101023-1**, Stormwater, **Portage Borough Municipal Authority**, 606 Cambria Street, Portage, PA 15946 has applied to discharge stormwater associated with a construction activity located in Portage Township, **Cambria County** to Bens Creek Watershed (EV).

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

*Butler Conservation District: 122 McCune Drive, Butler, PA 16001-6501.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10E077	Palm Investments, LLC 108 Scott Ave Glenshaw, PA 15116	Butler County Buffalo Township	Tributary to Little Buffalo Creek HQ—TSF

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

**NPDES Permit PAS102706**, Stormwater, **Pennsylvania General Energy Corporation**, 208 Liberty Street, Warren, PA 16365 has applied to discharge stormwater associated with a construction activity located in Jenks Township, **Forest County** to Little Salmon Creek (HQ-CWF).

**NPDES Permit PAS104114**, Stormwater, **Keane Development**, 12 Keane Lane, Bradford, PA 16701 has applied to discharge stormwater associated with a construction activity located in Lafayette Township, **McKean County** to Turnup Run (HQ-CWF) and unnamed tributaries to Turnup Run (HQ-CWF).

**PUBLIC WATER SUPPLY (PWS) PERMIT**

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

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

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

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

Persons with a disability that require an auxiliary aids, 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)**

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

**Permit No. 6302502**, Public Water Supply.

Applicant	<b>Pennsylvania American Water Company</b> 800 West Hersheypark Drive Hershey, PA 17033
Township or Borough	Chartiers Township
Responsible Official	William Kelvington, Vice President—Operations Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Type of Facility	WTP
Consulting Engineer	Gwin, Dobson & Foreman, Inc. 3121 Fairway Drive Altoona, PA 16602
Application Received Date	April 25, 2002
Description of Action	Construction of a 1.6 mgd packaged water booster pumping station within the Washington distribution system.

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

**Permit No. 4302501**, Public Water Supply.

Applicant	<b>Pennsylvania Suburban Water Company—Shenango Valley Division</b> 665 South Dock Street Sharon, PA 16146-1835
Township or Borough	Sharon, <b>Mercer County</b>
Responsible Official	Kenneth W. Baumann, Vice President, Division Manager
Type of Facility	PWS
Consulting Engineer	Jack N. Walter, P.E. Pennsylvania-Suburban Water Company Shenango Valley Division
Application Received Date	May 8, 2002



Description of Action Replace two hydro constant pumps with one large pump at the Lakewood Booster Station.

**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. 2400066**, Minor Amendment.

Applicant **Pennsylvania-Suburban Water Company**  
 Township or Borough Conyngham Township **Luzerne County**  
 Responsible Official Richard T. Subasic, Exec. V.P. Pennsylvania-Suburban Water Company  
 204 East Sunbury Street  
 Shamokin, PA 17872-4859  
 Type of Facility Community Water System  
 Application Received Date April 8, 2002  
 Description of Action Suburban Water Company requests issuance of an emergency PWS permit to incorporate a new well source to replace the existing supply.

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

**Application No. Minor Amendment.**

Applicant **New Albany Borough**  
 Responsible Official David Hindman, Council President  
 New Albany Borough  
 P. O. Box 67  
 New Albany, PA 18833  
 Type of Facility PWS  
 Consulting Engineer Stiffler, McGraw, & Associates  
 19 N. Juniata Street  
 P. O. Box 462  
 Hollidaysburg, PA 16648  
 Application Received Date May 8, 2002  
 Description of Action Replacement of distribution system.

**Application No. Minor Amendment.**

Applicant **Shamokin Dam Borough**  
 Responsible Official Thomas A. McBryan, Jr. Borough Manager  
 Shamokin Dam Borough  
 144 West Eighth Street  
 Shamokin Dam, PA 17876  
 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 Addition of DelPAC 2020 as a coagulant at the existing filter plant

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

**Application No. 6188501-MA2**, Minor Amendment.

Applicant **Barkeyville Municipal Authority**  
 1610 Barkeyville Road  
 Grove City, PA 16127  
 Township or Borough Barkeyville Borough, **Venango County**  
 Responsible Official James Coursen, Chairperson  
 Type of Facility PWS  
 Consulting Engineer Hickory Engineering, Inc.  
 3755 East State Street  
 Hermitage, PA 16148  
 Application Received Date May 8, 2002  
 Description of Action Installation of a 380,000 gallon standpipe.

**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 after which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

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

**Brenntag Northeast, Inc.—Frazer Facility**, East Whiteland Township, **Chester County**. Jeremy W. Bolyn, Earth Data Northeast Inc., 924 Springdale Dr., Exton, PA 19341, on behalf of Brenntag Northeast, Inc., Huller Lane and Pottsville Pike, P. O. Box 13788, Reading, PA 19612-3788, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with BTEX and solvents. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Daily Local News* on April 26, 2002.

**Greene, Tweed & Co.**, Towamencin Township, **Montgomery County**. Charlie McGuth, P.G., Environmental Maintenance Co., Inc., 1420 E. Mermaid Lane, Glenside, PA 19038, on behalf of Greene, Tweed & Co., 2075 Detwiler Rd., Kulpville, PA, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with heating oil #2, #4 and #6. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Reporter* on April 24, 2002.

**Nappen & Associates**, Towamencin Township, **Montgomery County**. Charlie McGuth, P.G., Environmental Maintenance Co., Inc., 1420 E. Mermaid Lane, Glenside, PA 19038, on behalf of Nappen & Associates, 119 Keystone Dr., Montgomeryville, PA 18936, has submitted a Notice of Intent to Remediate site soil and surface water contaminated with heating oil #2, #4 and #6. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Reporter* on April 24, 2002.

**Bethlehem Pike Property**, Montgomery Township, **Montgomery County**. Darryl D. Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Neil C. Hopkins, Clark Hopkins and Craig Hopkins d/b/a CNC Investment Group, 107 N. Broad St., Doylestown, PA 18901, has

submitted a Notice of Intent to Remediate site soil and groundwater contaminated with BTEX, PAHs, MTBE and naphthalene. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Record* on April 26, 2002.

**Wawa, Inc.**, Yeadon Borough, **Delaware County**. Joseph W. Standen, Jr., Leggette, Brashears & Graham, Inc., 426 Brandywine Parkway, West Chester, PA 19380, on behalf of Wawa, Inc., 260 W. Baltimore Pike, Wawa, PA 19063-5699, has submitted a Notice of Intent to Remediate site groundwater contaminated with BTEX. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Delaware County Daily Times* on May 1, 2002.

**Jeca Corporation**, City of Philadelphia, **Philadelphia County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Rd., King of Prussia, PA 19406, on behalf of Jeca Corp., 3375 Richmond St., Philadelphia, PA 19134, has submitted a Notice of Intent to Remediate site soil contaminated with lead and BTEX. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Inquirer* on April 18, 2002.

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

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

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

**PAD086673407. Safety Kleen Systems, Inc.**, 1606 Pittsburgh Avenue, Erie, PA 16505, City of Erie, **Erie County**. Application for a permit renewal of a commercial hazardous waste storage facility was received in the Northwest Regional Office on May 10, 2002.

**PAD005033055. General Electric Transportation Systems**, 2901 East Lake Road, Erie, PA 16531, Lawrence Park Township, **Erie County**. An application for a permit renewal of a captive hazardous waste storage facility, was determined to be complete in the Northwest Regional Office on April 8, 2002.

#### **AIR QUALITY**

#### **PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS**

#### **NEW SOURCES AND MODIFICATIONS**

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

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

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

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

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

**48-399-050: Connectiv Bethlehem, Inc.** (Christiana Building, 252 Chapman Road, P. O. Box 6066, Newark, DE 19714-6066) for procurement of Emission Reduction Credits (ERCs) from the Bethlehem Steel Corporation. The ERCs will be utilized in the operation of Connectiv's Bethlehem Site Power Plant Project in Bethlehem, **Northampton County**.

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

**06-05121A: William's Metal Finishing, Inc.** (870 Commerce Street, Sinking Spring, PA 19608) for construction of a vapor degreaser controlled by a refrigerated chiller in Sinking Spring Borough, **Berks County**. The source will be subject to 40 CFR Part 63, Subpart T—National Emission Standards for Halogenated Solvent Cleaning.

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

**60-303-003: Eastern Industries, Inc.** (P. O. Box 177, Winfield, PA 17889) for construction of a drum mix asphalt plant and associated air cleaning device (a fabric collector) in Buffalo Township, **Union County**. This plant is subject to Subpart I of the Federal Standards of Performance for New Stationary Sources.

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

**43-310F: Duferco Farrell Corp.** (15 Roemer Boulevard, Farrell, PA 16121-2299) for reactivation of existing Slab Reheat Furnace #3 incorporating best available technology in Farrell, **Mercer County**.

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

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

**23-0074: GS Roofing Production Co., Inc.** (800 West Front Street, Chester, PA 19013) in the City of Chester, **Delaware County** for the increase in production of two asphalt roofing production lines and installation of a replacement thermal oxidizer (regenerative) that will control emissions from the aforementioned production lines. This facility is a non-Title V facility. The following is a summary of potential annual emissions from the two production lines:

VOCs	Less than 10 tons
Particulate matter	Less than 27 tons
Sulfur oxides	Less than 33 tons
Carbon monoxide	Less than 7 tons
Nitrogen oxides	Less than 6 tons
Hazardous air pollutants	Less than 6 tons

The facility shall be required to operate the thermal oxidizer at all times when either of the two production lines are in operation. The plan approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

**39-317-028: Kraft Foods North America, Inc.** (7352 Industrial Boulevard, Allentown, PA 18106) for modification of a mustard seed storage and transfer operation at their production facility in Upper Macungie Township, **Lehigh County**. This facility is a Non-Title V facility. The modification will convert existing starch storage silos into the mustard seed storage and transfer operation, utilizing two baghouses to reduce particulate emissions. The modification will result in emissions of 0.27 ton per year of particulate matter. The plan approval will include all appropriate monitoring, record keeping and reporting requirements designed to keep the source operating within all applicable air quality requirements.

**54-310-028: Lehigh Asphalt Paving and Construction Co.** (P. O. Box 549, Tamaqua, PA 18252) for modification stone crushing plant by adding a cone crusher and increasing the plant throughput capacity in West Penn

Township, **Schuylkill County**. This facility is a non-Title V facility. Fugitive dust will be controlled by the water spray system to the extent that the operation will have no fugitive dust. The company will monitor and visually inspect the process daily during operating hours to ensure all wet suppression equipment is working properly. Any defects will be corrected immediately and the equipment will be operated as per vendor's specifications to assure the compliance with Department regulations.

**40-303-011A: Slusser Brothers Trucking and Excavating Co., Inc. (Evans Asphalt)** (125 North Warren Street, West Hazleton, PA 18201) to utilize waste derived liquid fuel in the asphalt plant in Hanover Township, **Luzerne County**. The fuel will be heated in a preheater prior to being used in the mix. The installation will not emit particulate emissions more than 0.02 grain/dscf. 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 Synthetic Minor Operating Permit 40-00056. This plan Approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Synthetic Minor 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.*

**01-03024: Tucker Industrial Liquid Coatings, Inc.** (407 North Avenue, East Berlin, PA 17316) for construction of three spray paint booths each controlled by a dry panel filter at its facility in East Berlin Borough, **Adams County**. The potential emissions from this source are approximately 10 TPY. The source is subject to 25 Pa. Code § 129.52. The plan approval will contain additional emission restrictions, work practice standards and testing, monitoring, record keeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**ERC-36-05117: Dart Container Corp. of Pennsylvania** (60 East Main Street, Leola, PA 17540) to authorize the transfer and use of certified VOC emission reduction credits (ERCs) to offset the net increase in the potential-to-emit VOCs from the construction and operation of a cup manufacturing plant at Pitney Road in East Lampeter Township, **Lancaster County**. The transfer of the VOC ERCs will be subject to the following Plan Approval conditions:

1. This plan approval authorizes the transfer and use of 406.72 tons of VOC ERCs for offset purposes from the following ERC-generating facilities to Dart Container in accordance with 25 Pa. Code § 127.208(2).

*ERC—Generating Facilities Total ERCs Transferred*

Ball Corporation, Heekin  
Can Inc.  
Allegheny County, PA

48.00 tpy of VOCs

Caparo Steel Co.  
Mercer County, PA

28.80 tpy of VOCs

Bethlehem Structural  
Products Corp.  
Bethlehem, Northampton  
County

305.00 tpy of VOCs

Delphi Harrison Thermal  
Systems

13.87 tpy of VOCs

*ERC—Generating Facilities Total ERCs Transferred*  
Lockport, Niagara County,  
NY

Dart Container  
Leola, Lancaster County

11.05 tpy of VOCs

2. The 48.00 tpy of VOC ERCs were generated from the shutdown of sources at the Ball Corp., Heekin Can Inc., at the Roswell Drive Plant in Allegheny County on April 10, 1996. The Department certified and registered the 48.00 tpy of VOC ERCs on August 22, 1997. AES Ironwood, LLC is a holder of these credits.

3. The 28.80 tpy of VOC ERCs were generated from the shutdown of sources at the Caparo Steel Co. at the Farrell Plant in Mercer County, Pittsburgh, PA on November 30, 1992. The Department certified and registered the 28.80 tpy of VOC ERCs on February 21, 1997. AES Ironwood, LLC is a holder of these credits.

4. The 305.00 tpy of VOC ERCs previously registered to Bethlehem Structural Products Corp. were generated from the shutdown of sources at the Bethlehem Plant in Northampton County on March 28, 1998. The Department certified and registered the 305.00 tpy of VOC ERCs on June 26, 2000.

5. The 13.87 tpy of VOC ERCs previously registered to Delphi Harrison Thermal Systems were generated from the shutdown of the unit at Lockport, Niagara County, NY on August 1, 1992.

6. The 11.05 tpy of VOC ERCs previously registered to Dart Container were generated from the change over to nonvolatile UV cured inks at the Leola facility in Lancaster, PA on October 15, 1999. The Department certified and registered the 11.05 tpy of VOC ERCs on April 17, 2002.

7. The offsetting VOC ERCs identified in this plan approval are approved for use at Dart Container's Pitney Road facility in East Lampeter Township, Lancaster County. This approval is in accordance with the requirements of 25 Pa. Code Chapter 127, Subpart E including 25 Pa. Code §§ 127.205(4), 127.210 and 127.211.

8. Under 25 Pa. Code § 127.208(2), upon the issuance of this plan approval, the 395.67 tpy of VOC ERCs not generated by the over-control of emissions are no longer subject to the 10-year expiration date under 25 Pa. Code § 127.206(f), except as specified in 25 Pa. Code § 127.206(g). If the VOC ERCs identified in this plan approval are not used and are subsequently reentered into the ERC registry, the applicable 10-year expiration date for ERCs generated from the shutdown of sources will not be extended.

9. This plan approval is granted solely for the transfer and use of ERCs according to 25 Pa. Code § 127.208(2) and does not authorize a person to construct, modify or reactivate an air contaminant source or allow for the installation of an air cleaning device on an air contaminant source.

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

**41-302-042B: The Federal Bureau of Prisons** (USP Allenwood, P. O. Box 3500, White Deer, PA 17887-3500) for modification of two existing 12.55 million Btu per hour boilers at the Allenwood Federal Prison Camp in Brady Township, **Lycoming County** by utilizing landfill gas from the Lycoming County Landfill as fuel in the

boilers in addition to the natural gas and #2 fuel oil which the boilers are currently approved to use.

The boilers are expected to destroy at least 98% of the nonmethane organic compounds present in the landfill gas, or, alternately, achieve a nonmethane organic compound concentration in the boilers' exhaust gas of 20 parts per million or less (on a dry volume basis, expressed as hexane, corrected to 3% oxygen). This level of nonmethane organic compound control complies with the landfill gas destruction efficiency requirements of Subpart WWW of the Federal Standards of Performance for New Stationary Sources (40 CFR 60.750—60.759, Standards of Performance for Municipal Solid Waste Landfills), even though the respective boilers are not subject to said requirements and is also the same level of control proposed by the EPA on November 7, 2000, as maximum achievable control technology for the control of hazardous air pollutants in landfill gas from municipal waste landfills.

The use of landfill gas as fuel in the respective boilers is also expected to result in the emission of up to .44 pound of nitrogen oxides, .45 pound of carbon monoxide and .38 pound of sulfur oxides per hour from each boiler. These nitrogen oxides and carbon monoxide emission rates are approximately equivalent to the emission rates which result from the use of natural gas in the boilers but lower than the rates which result from the use of #2 fuel oil. The sulfur oxides emission rate resulting from the use of landfill gas will be higher than that resulting from the use of natural gas but significantly lower than that resulting from the use of #2 fuel oil.

A preliminary review of the information contained in the application indicates that the respective boilers, as modified, will meet all applicable requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on the information currently in its possession, the Department intends to issue plan approval for the modification of the respective boilers.

A public meeting and hearing will be scheduled by the Department for this application. An announcement containing the exact date, time and location of this meeting and hearing will be published by the Department in a newspaper of general circulation in Lycoming County.

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

1. At any time that either of the respective two boilers is firing landfill gas, that boiler shall achieve a nonmethane organic compound destruction efficiency of at least 98% or, alternately, achieve a nonmethane organic compound concentration in the boiler flue gas of 20 parts per million or less (on a dry volume basis, expressed as hexane, corrected to 3% oxygen).

2. Each boiler shall be equipped with a flue gas recirculation system.

3. The nitrogen oxides, carbon monoxide and sulfur oxides emission rates from each boiler shall not exceed .44, .45 and .38 pound per hour, respectively, when firing landfill gas.

4. Within 90 days of the initial firing of landfill gas in a boiler, stack testing shall be performed on that boiler to determine the nonmethane organic compound destruction

efficiency in the boiler as well as the nonmethane organic compound concentration in the boiler's exhaust.

5. Records shall be maintained of the amount of landfill gas burned in each boiler each month.

6. The boilers shall burn only landfill gas from the Lycoming County Landfill, natural gas or virgin #2 fuel oil. Additionally, only one of these fuels may be burned in a boiler at any given time.

**60-0001B: Bucknell University** (Department of Physical Plant, Lewisburg, PA 17837) for construction of a 5.5 megawatt natural gas/#2 fuel oil-fired (dual fuel) combustion turbine equipped with dry low NOx combustors in Lewisburg Borough, **Union County**. The proposed dual fuel combustion turbine will replace a natural gas-fired combustion turbine currently operating at the facility.

Bucknell University is currently a synthetic minor facility for which a State only operating permit (60-00001) has been issued. However following startup of the combustion turbine, Bucknell University will become a major facility and will need to submit an application for a Title V operating permit.

The information provided by the applicant, as well as the Department's own analysis, indicates that construction of the dual fuel combustion turbine will increase the facility's potential emission of nitrogen oxides (NOx, expressed as NO<sub>2</sub>) by 11.13 tons per year and their emission of sulfur oxides (SOx, expressed as SO<sub>2</sub>) by 10.10 tons per year. The facility's potential emission of all other air contaminants will remain relatively unchanged.

A preliminary review of the information submitted by the applicant indicates that the proposed turbine will meet all applicable air quality requirements including the "best available technology" requirements of 25 Pa. Code §§ 127.1 and 127.12 and the requirements of Subpart GG of the Federal Standards of Performance for Stationary Gas Turbines (NSPS) specified in 40 CFR 60.330—60.335. Based on this finding, the Department proposes to approve the application and issue a plan approval.

To ensure compliance with all applicable standards, the Department proposes to place the following requirements in the respective plan approval.

1. The air contaminant emissions from the combustion turbine shall not exceed the respective limitations as listed:

*Firing natural gas*

Nitrogen oxides (NOx, expressed as NO <sub>2</sub> )	25 ppmdv @ 15% O <sub>2</sub> and 6.58 pounds per hour
Carbon monoxide	50 ppmdv @ 15% O <sub>2</sub> and 8.02 pounds per hour
VOC (expressed as methane)	25 ppmdv @ 15% O <sub>2</sub> and 2.30 pounds per hour
Sulfur oxides (SOx, expressed as SO <sub>2</sub> )	0.09 pound per hour

*Firing #2 fuel oil*

Nitrogen oxides (NOx, expressed as NO <sub>2</sub> )	90 ppmdv @ 15% O <sub>2</sub> and 22.04 pounds per hour
Carbon monoxide	50 ppmdv @ 15% O <sub>2</sub> and 6.99 pounds per hour
VOC (expressed as methane)	25 ppmdv @ 15% O <sub>2</sub> and 2.00 pounds per hour

*Firing natural gas*

Sulfur oxides (SO<sub>x</sub>, expressed as SO<sub>2</sub>) 14.12 pounds per hour

2. The air contaminant emissions from the combustion turbine shall not exceed the respective limitations as listed during any 12 consecutive month period:

Nitrogen oxides (NO <sub>x</sub> , expressed as NO <sub>2</sub> )	39.95 tons
Carbon monoxide	34.39 tons
VOC (expressed as methane)	9.86 tons
Sulfur oxides (SO <sub>x</sub> , expressed as SO <sub>2</sub> )	12.82 tons
Particulate matter	10.50 tons

3. The combustion turbine is to be fired only on natural gas or #2 fuel oil, to which there has been no reclaimed or waste oil or other waste materials added. Additionally, the sulfur content of the #2 oil fired in the turbine shall not at any time exceed 0.2% (by weight).

4. The combustion turbine shall not be operated more than 1,440 hours in any 12 consecutive month period while being fired on #2 fuel oil.

5. The University shall maintain accurate, comprehensive records of the number of hours the combustion turbine is operated each month while firing natural gas and while firing #2 fuel oil, as well as fuel supplier certifications for each shipment of fuel oil received to demonstrate that the oil used complies with the 0.2% sulfur content limitation.

6. The University shall perform concurrent nitrogen oxides (NO<sub>x</sub>, expressed as NO<sub>2</sub>), carbon monoxide and VOC (expressed as methane) testing using test methods and procedures approved by the Department. The testing shall be performed while the turbine is being fired on natural gas, as well as when being fired on #2 fuel oil and operating under maximum load conditions. The university shall submit a test report containing the results of the testing to the Department for review.

7. Two years after the performance of the initial compliance testing and every 2 years thereafter, the University shall perform nitrogen oxides (NO<sub>x</sub>, expressed as NO<sub>2</sub>) and carbon monoxide testing using test methods and procedures approved by the Department. The testing shall be performed while the turbine is being fired on natural gas, as well as when being fired on #2 fuel oil and operating under maximum load conditions. The University shall submit a test report containing the results of the testing to the Department for review.

**17-00001A: Reliant Energy Mid-Atlantic Power Holdings, LLC** (1001 Broad Street, Box 1050, Johnstown, PA 15907-1050) for modification of an existing ash disposal facility at the Shawville Generating Station in Bradford Township, **Clearfield County**. The proposed modification will consist of an 86 acre expansion of the disposal facility. Additionally, ash generated by coal-fired boilers other than those at the Shawville Generating Station will be disposed of in the respective disposal facility.

The Shawville Generating Station is a major facility which has been issued a Title V Operating Permit (#17-00001). The proposed modification is expected to result in actual emission increases of 14.06 tons per year total particulate matter of which 3.11 tons per year will be particulate matter sized at 10 microns or below (PM-10).

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

1. The amount of ash disposed at the ash disposal facility identified in condition 2 herein shall not exceed 261,000 tons in any 12 consecutive month period.

2. The total amount of soil transferred from the facility property to the ash disposal facility and soil transported from offsite locations to the ash disposal facility (soil borrow) shall not exceed 18,121 tons in any 12 consecutive month period.

3. All disposal areas shall be covered with soil and/or bottom ash and vegetated upon cessation of active use.

4. The Shawville Generating Station's raw water supply system shall provide an adequate supply of water to the ash unloaders and paddle mixer associated with the Station's ash silos under all plant operating conditions.

5. The only wastes to be disposed of at the ash disposal facility shall be ash from the Shawville Generating Station or ash from offsite coal-fired power generation plants unless prior Department approval is obtained to dispose of additional wastes.

6. All ash disposed of in the ash disposal facility shall be properly conditioned with water prior to disposal. All ash from the Shawville Generating Station shall be conditioned with water in the ash unloaders and paddle mixer associated with the ash silos.

7. The trucks transporting ash from all offsite locations shall be fully tarped (affixed with a tarp covering the entire truck bed opening) during all times of transport.

8. All ash hauled to the ash disposal facility during the course of a day shall be dumped, spread and compacted by the end of that day.

9. There shall be no fugitive emissions from the loads in the trucks serving the Shawville Station other than what the Department determines to be of minor significance.

10. A water truck equipped with both a pressurized spray bar and a pressurized hose or spray nozzle shall be maintained onsite at all times. The water truck shall be used as necessary to minimize fugitive particulate matter emissions from all roadways. The permittee shall implement all winterization measures necessary to render this water truck capable of use under all weather conditions.

**53-00005B: Dominion Transmission Corp.** (625 Liberty Avenue, Pittsburgh, PA 15222-3199) for construction of a 4,735 horsepower, four-stroke lean burn, natural gas-fired, internal combustion compressor engine, the air contaminants from which shall be controlled by an LEC system and a catalytic exhaust silencer, at their Greenlick Compressor Station located in Stewardson Township, **Potter County**.

Dominion Transmission Corporation's Greenlick Compressor Station is a major facility for which a Title V operating permit (53-00005) has been issued.

The information provided by the applicant, as well as the Department's own analysis, indicates that construction of the compressor engine will increase the facility's potential emission of nitrogen oxides (NO<sub>x</sub>, expressed as NO<sub>2</sub>) by 22.34 tons per year, the emission of carbon monoxide by 6.98 tons per year and the emission of VOCs by 6.98 tons per year, as well as increase the facility's potential emission of hazardous air pollutants by 2.20

tons per year, of which 1.42 tons will be formaldehyde. The potential increase of all other air contaminants will be insignificant.

The de minimis accumulation of NOx and VOC emission increases at this facility has been 38.38 tons and 0.13 ton per year respectively to date. To prevent the total accumulation of de minimis NOx emission increases from equaling or exceeding 40 tons per year when the NOx emission increase associated with the proposed engine is added to the 38.38 ton per year NOx value, the company requested that 20.73 of the 39.94 tons per year of NOx emission reduction credits (ERCs) generated from the earlier shutdown of sources at this facility be applied towards internal netting, thereby escaping the need for emissions offsets as required by the New Source Review provisions of 25 Pa. Code §§ 127.201—127.217. The company did not request that any VOC ERCs be applied. As a result, the total de minimis accumulation of NOx and VOC emission increases at this station will now be 39.99 and 7.11 tons per year respectively. Additionally, the total NOx and VOC ERCs remaining will be 19.21 tons and 0.60 ton per year respectively. Since the potential emissions from the engine are under the significance threshold for all pollutants, prevention of significant deterioration also has no applicability.

A preliminary review of the information submitted by the applicant indicates that the proposed engine will meet all applicable air quality requirements including the “best available technology” requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to approve the application and issue a plan approval.

To ensure compliance with all applicable standards, the Department proposes to place the following requirements in the respective plan approval.

1. The compressor engine shall not emit air contaminants in excess of the following limitations:

Pollutant	Emission Rates	
	(hourly)	(annual)
NOx	8.35 pounds per hour	22.34 tons per 12 consecutive month period
CO	2.61 pounds per hour	6.98 tons per 12 consecutive month period
VOCs	2.61 pounds per hour	6.98 tons per 12 consecutive month period
HAPs	0.82 pound per hour	2.20 tons per 12 consecutive month period
Formaldehyde	0.53 pound per hour	1.42 tons per 12 consecutive month period
PM		Less than 1.0 ton per 12 consecutive month period
SOx		Less than 1.0 ton per 12 consecutive month period

2. Operation of the compressor engine shall not exceed 5,350 hours in any 12 consecutive month period.

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

4. The permittee shall maintain accurate, comprehensive records of the number of hours the compressor engine is operated each month.

5. The permittee shall perform concurrent nitrogen oxides (NOx, expressed as NO<sub>2</sub>), carbon monoxide, VOC (expressed as methane) and formaldehyde testing using test methods and procedures approved by the Department. The testing shall be performed while the engine is operating under maximum load conditions. The permittee shall submit a test report containing the results of the testing to the Department for review.

6. Six months after the performance of the initial compliance testing and every 6 months thereafter, the permittee shall perform nitrogen oxides (NOx, expressed as NO<sub>2</sub>) testing using portable NOx testing equipment. Additionally, 4 years after the performance of the initial compliance testing, the permittee shall perform concurrent nitrogen oxides (NOx, expressed as NO<sub>2</sub>), carbon monoxide, VOC (expressed as methane) and formaldehyde testing using reference test methods. All testing shall be performed while the engine is operating under maximum load conditions using test methods and procedures approved by the Department. The permittee shall submit a test report containing the results of the testing to the Department for review.

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

**63-00641D: Regal Industrial Corp.** (P. O. Box 291, Donora, PA 15033) for installation of a shot blasting area and baghouse at the Donora facility in Donora Borough, **Washington 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 63-00641D*

1. This Plan Approval is for the installation of a shot blast operation and baghouse at the Regal Industrial Corporation facility located in Donora Borough, Washington County (25 Pa. Code § 127.12(b)).

2. The Owner/Operator shall not permit the emission into the outdoor atmosphere of particulate matter in a manner that the concentration of particulate matter exceeds 0.02 grain per dry standard cubic foot (25 Pa. Code § 127.1).

3. The Owner/Operator shall not permit the emission to the outdoor atmosphere of visible emissions from the baghouse, in a manner that the opacity of the emission is greater than 10% (25 Pa. Code §§ 127.1 and 127.12(b)).

4. The Owner/Operator shall perform a daily inspection of the baghouse and its emissions and keep on file written statements describing all actions taken to maintain baghouse performance. This inspection shall include following:

A visual inspection of the exhaust from the dust collector for emissions.

A visual inspection of the baghouse interior for dislodged bags, bag wear and tear and dust build-up in the baghouse.

A visual inspection of the baghouse dust storage drums for additional capacity.

The inspection log shall be maintained onsite for a minimum of 5 years and shall be made available to the Department upon request (25 Pa. Code § 127.12(b)).

5. The Owner/Operator shall permanently install a device to continuously monitor the pressure drop across the baghouse. Records of pressure drop shall be taken a

minimum of once per shift. These records shall be maintained onsite for a minimum of 5 years and shall be made available to the Department upon request (25 Pa. Code § 127.12(b)).

6. The Owner/Operator shall not conduct shot blast operations during periods when the baghouse is not operating (25 Pa. Code § 127.12(b)).

7. Spare bags for the baghouse, as recommended in the manufacturer's literature, shall be kept onsite and be available for use at all times (25 Pa. Code § 127.12(b)).

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

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.

(a) 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.

(b) 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).

(c) 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.

(d) 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.

#### OPERATING PERMITS

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

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

**01-005: Philadelphia Naval Business Center—PAID Steam Boiler Plant** (2000 Constitution Avenue, Philadelphia, PA 19112) for operation of a facility that acquires, holds, constructs, improves, maintains, operates, owns, finances and leases, either in the capacity of lessor or lessee, industrial, commercial or specialized development projects in the City of Philadelphia, **Philadelphia County**. The Title V facility's air emission sources include a 100 HP diesel powered water pump and three 217/207 mmBtu/hr boilers that can burn natural gas/#6, #2 or waste oil controlled by low NOx burners with associated flue gas recirculation.

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

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

**09-00021: MRI Flexible Packaging** (122 Penns Trail, Newtown, PA 18940) in Newtown Township, **Bucks County**. The facility's major emission points include four flexographic printing presses, an ink dispenser and a plate processor which have a potential to emit major levels of VOC before taking limitations.

**23-00093: Bryn Hill Industries** (Price and Pine Streets, Holmes, PA 19043) in Ridley Township, **Delaware County**. The facility's major emission points include the foam product line has a potential to emit major levels of VOC before taking limitations.

**46-00107: ITW Philadelphia Resins** (130 Commerce Drive, Montgomeryville, PA 18936) in Montgomery Township, **Montgomery County**. The facility's major emission points include seven mixers and seven filling stations which have a potential to emit major levels of VOCs and hazardous air pollutants before taking limitations.

**09-00149: M and M Stone Co.** (2840 Clymer Avenue, Telford, PA 18969) in West Rockhill Township, **Bucks County**. The permit is for a non-Title V (State Only) facility. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility within all applicable air quality requirements.

**46-00134: The Hill School** (717 East High Street, Pottstown, PA 19464) for operation of the school campus in Pottstown Borough, **Montgomery County**. The permit is for a non-Title V (State only) facility. The Hill School's has the potential to emit 24.9 TPY of NOx. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the school operating within all applicable air quality requirements.

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

**39-318-106: Allen Organ Co.** (150 Locust Street, P. O. Box 36, Macungie, PA 18062) for operation of 11 paint spray booths and associated air cleaning devices in Macungie Borough, **Lehigh County**.

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

**38-03025: TYCO Electronics Corp.** (3155 State Route 72, Jonestown, PA 17038) for operation of two natural gas fired boilers, 8 mmBtu/hr each and an emergency natural gas fired generator for electroplating and connector component production in Union Township, **Lebanon County**. The annual emissions of VOC and NOx from the operation are approximately 10 tons each and the annual emissions of PM and SOx are about 1 ton each. The Natural Minor Operating Permit will contain 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.

**67-03079: Health Chem Co., formerly Hercon Laboratories Corp.** (101 Sinking Spring Lane, Emigsville, PA 17318-0467) for operation of a solvent coater controlled by a natural gas fired, 2.1 mmBtu/hr



incinerator in Manchester Township, **York County**. The annual emissions of the VOC, NO<sub>x</sub> and PM from the operation are less than 1 ton each. The Natural Minor Operating Permit will contain recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

**65-00807, Hanson Aggregates PMA, Inc.** (400 Industrial Boulevard, New Kensington, PA 15068) a renewal for a Limestone Crushing Plant in Unity Township, **Westmoreland County**.

## MINING ACTIVITY APPLICATIONS

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

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

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

**17000106 and NPDES Permit No. PA 0242934. G & S Timber, Inc.**, R. R. 3, Box 213, Clearfield, PA 16830. Revision to an existing bituminous surface mine permit, located in Bigler Township, **Clearfield County**, for a change in land use from forestland to unmanaged natural habitat. Application received April 8, 2002.

**17960114 and NPDES Permit No. PA 0220400. Larry D. Baumgardner Coal Co., Inc.**, P. O. Box 186, Lanse, PA 16849. Revision to an existing bituminous surface mine permit for a change in permit acreage from 97.9 to 101.3 acres. The permit is located in Brady Township, **Clearfield County**. Receiving streams: unnamed tributary to Luthersburg Branch, Laborde Branch. Application received April 11, 2002.

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

**65890104. 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 88.5 acres. Receiving streams: unnamed run to Barren Run to Jacobs Creek to the Youghiogheny River and an unnamed run to the Youghiogheny River. Application received April 25, 2002.

**63860110 and NPDES No. PA0589136. Raccoon Coal Co.** (200 Neville Road, Neville Island, PA 15225). Renewal application to continue reclamation of a bituminous surface mine located in Robinson Township, **Washington County**, affecting 187.9 acres. Receiving streams: unnamed tributary to Little Raccoon Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received May 2, 2002.

**03970107 and NPDES No. PA0202070. Seven Sisters Mining Co., Inc.** (200 Route 22, Suite 300, Delmont, PA 15626-1678). Renewal application to continue reclamation of a bituminous surface mine located in South Bend Township, **Armstrong County**, affecting 13.6 acres. Receiving streams: unnamed tributary to Fagley Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received May 6, 2002.

**26970105 and NPDES No. PA0202011. Purco Coal, Inc.** (22 Van Voorhis Lane, Monongahela, PA 15063). Renewal application to continue reclamation of a bituminous surface mine located in North Union Township, **Fayette County**, affecting 53 acres. Receiving streams:

unnamed tributaries to Redstone Creek to the Monongahela River, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received May 7, 2002.

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

**32000103 and NPDES Permit No. PA0235300. S & M Mining, Inc.**, 15 Rayne Run Road, Marion Center, PA 15759 from S & M Mining, 15 Rayne Run Road, Marion Center, PA 15759. Permit transfer for continued operation of a bituminous surface and auger mine and for existing discharge of treated mine drainage in Cherryhill Township, **Indiana County**, affecting 64.0 acres. Receiving streams: unnamed tributaries of Allen Run and Penn Run and Allen Run classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is Pennsylvania American Water Company. Application received May 6, 2002.

**11960109 and NPDES Permit No. PA0234320. Paul F. Becker Coal Company**, 1593 Old Route 22, Duncansville, PA 16635. Permit revision to change the post-mining land use from forestland to cropland on a portion of the site and from forestland to pastureland or land occasionally cut for hay in Elder Township, **Cambria County**, affecting 27.0 acres. Receiving streams: unnamed tributary to Brubaker Run classified for the following uses: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 8, 2002.

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

**56021301. NPDES Permit # N/A, Elk Lick Energy, Inc.** (P. O. Box 240, Friedens, PA 15541) to operate the Roytown Mine in Lincoln Township, **Somerset County** to operate the mine, Surface Acres Proposed 67.2, Underground Acres Proposed 1,133, SCP Acres Proposed 1,133, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, North Branch Quemahoning Creek, classified for the following uses: CWF, Homer Run, classified for the following uses CWF. The first downstream potable water supply intake from the point of discharge is N/A. Application received April 3, 2002.

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

**16020102 and NPDES Permit No. PA 0242128. Ancient Sun, Inc.** (P. O. Box 129, Shippensburg, PA 16254). Commencement, operation and restoration of a bituminous surface strip operation in Toby Township, **Clarion County** affecting 27.9 acres. Receiving streams: One unnamed tributary to Cherry Run and one unnamed tributary to Little Licking Creek, classified for the following uses: Statewide water uses: CWF. No public water supplies are within 10 miles downstream of this proposed operation. Application received May 3, 2002.

*Noncoal Applications Received*

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

**58970864. Harold Bolcavage** (R. R. 1 Box 93A, Forest City, PA 18421). Stage I and II bond release of a small quarry operation in Lenox Township, **Susquehanna**

**County** affecting 1.0 acre for \$1,000 on property owned by Lee Walker. Application received May 2, 2002.

**8275SM5C5. Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506). NPDES #PA0595381 renewal application in East Cocalico Township, **Lancaster County**, affecting 149.5 acres. Receiving streams: Stoney Run to Cocalico Creek and Conestoga Creek, classified for the following uses: WWF. The first downstream potable water supply intake from the point of discharge is Ephrata Area Joint Authority. Application received May 3, 2002.

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

**Permit No. 07020801. George's Lawn Care**, P. O. Box 156, Hollidaysburg, PA 16648, commencement, operation and restoration of a small noncoal surface (topsoil) mine in Frankstown Township, **Blair County**, affecting 4.9 acres. Receiving streams: Frankstown Branch Juniata River classified for the following uses: TSF. There are no potable water supply intakes within 10 miles downstream. Application received May 3, 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 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.

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

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E54-296. Keith Seigfried**, 83/85 Harris Avenue, Pine Grove, PA 17963-1200, in Pine Grove Borough, **Schuylkill County**, U. S. Army Corps of Engineers, Baltimore District.

To remove an existing mobile home and to construct and maintain an aboveground 18-foot x 36-foot oval swimming pool in the floodway of Swatara Creek. The project is located along Harris Avenue, approximately 300 feet southwest of Wake Street (Pine Grove, PA Quadrangle N: 10.0 inches; W: 2.5 inches).

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

**E08-389. Clyde and Jeanne Applegate**, P. O. Box, Soper Drive, Burlington, PA 18814. Stream Restoration, in Smithfield Township, **Bradford County**, ACOE Baltimore District (East Troy, PA Quadrangle N: 10.95 inches; W: 2.0 inches).

To construct and maintain 50 feet of channel change and 1,500 feet of stream bank stabilization in Tom Jack Creek 200 feet north of the intersection of Soper Drive with the Berwick Turnpike (SR 4013) in Smithfield Township, Bradford County. The project will not impact wetlands while impacting approximately 1,600 feet of waterway. Tom Jack Creek is a TSF stream.

**E14-421. Pennsylvania Department of Transportation, Engineering District 2-0**, 1924-30 Daisy Street, Clearfield, PA 16830. SR 3006 Section A02 Buffalo Run bridge replacement, in Benner Township, **Centre County**, ACOE Susquehanna River Basin District (Bellefonte, PA Quadrangle N: 22.1 inches; W: 14.4 inches).

To remove existing structure and construct and maintain a 42 foot by 28 foot prestressed concrete adjacent box beam bridge on a skew of 75° in Buffalo Run located 0.5 mile northwest of the intersection of SR 0550 and SR 3006 along SR 3006, in Benner Township, Centre County. This project proposes to have a minimal impact on Buffalo Run, which is designated HQ-CWF. Buffalo Run is a designated Wild Trout Stream. This project does not propose to impact any jurisdictional wetlands.

**E14-422. Lala M. Hall**, 1242 Rattlesnake Pike, Julian, PA 16844. Wood Lot Bridge, in Union Township, **Centre County**, ACOE Baltimore District (Bear Knob, PA Quadrangle N: 9.88 inches; W: 4.38 inches).

To 1) remove the existing bridge, 2) to construct and maintain a single span steel I-beam/wood bridge with 15 foot clear span and 5.7 foot underclearance on concrete abutments over Dewitt Run located 3,000 feet northwest of the Rattlesnake Pike and Baney Road intersection. This project proposes to permanently impact 40 linear feet of Dewitt Run, which is classified as a HQ-CWF.

**E17-367. Reliant Energy Northeast Management Company**, 1001 Broad Street, Box 1050, Johnstown, PA 15907-1050. Expansion of Disposal Site, in Bradford

Township, **Clearfield County**, ACOE Baltimore District (Leontes Mills, PA Quadrangle N: 15.4 inches; W: 10.5 inches).

The applicant is proposing an 86 acre expansion of the Shawville flyash disposal area to increase the life of the site. Two palustrine emergent wetlands, totaling 0.17 acre, will be impacted by the project.

**E18-338. SBA Communications Corp.**, 239 Main Street, Dickson City, PA 18519. Small Projects Water Obstruction and Encroachment Joint Permit Application, in Bald Eagle Township, **Clinton County**, ACOE Susquehanna River Basin District (Mill Hall, PA Quadrangle N: 21.0 inches; W: 6.1 inches).

To construct and maintain a 190' monopole wireless communications tower located on the Clinton Country Club grounds. This project proposes to have a no impact on Bald Eagle Creek, which is, designated a WWF and does not propose to impact any jurisdictional wetlands.

**E18-339. Pennsylvania Department of Transportation, Engineering District 2-0**, 1924-30 Daisy Street, Clearfield, PA 16830. SR 0477 Section 000 Mill Creek culvert replacement, in Green Township, **Clinton County**, ACOE Susquehanna River Basin District (Loganton, PA Quadrangle N: 7.56 inches; W: 8.13 inches).

To remove existing structure and construct and maintain a 14 foot by 8 foot prestressed reinforced concrete box culvert in Mill Creek located along SR 0477 Segment 0280 Offset 1255, in Green Township, Clinton County. This project proposes to have a minimal impact on Mill Creek, which is designated HQ-CWF. This project does not propose to impact any jurisdictional wetlands.

**E49-261. Pennsylvania Department of Transportation, Engineering District 3-0**, P. O. Box 218, Montoursville, PA 17754-0218. Water Obstruction and Encroachment Permit Application, in Rush Township, **Northumberland County**, ACOE Susquehanna River Basin District (Danville, PA Quadrangle N: 6.3 inches; W: 15.2 inches).

To extend an existing 84-inch corrugated metal culvert pipe approximately 10 additional feet in an unnamed tributary to Logan Run along SR 2004 Seg. 0010. This project proposes to permanently impact 10 linear feet of the unnamed tributary, which is, designated a CWF and does not propose to impact any jurisdictional wetlands.

**E49-262. Pennsylvania Department of Transportation, Engineering District 3-0**, P. O. Box 218, Montoursville, PA 17754-0218. Water Obstruction and Encroachment Permit Application, in Point Township, **Northumberland County**, ACOE Susquehanna River Basin District (Northumberland, PA Quadrangle N: 9.5 inches; W: 5.1 inches).

To remove three existing corrugated metal culvert pipes and construct and maintain three 36"2" by 24" by 42" concrete arch culverts in an unnamed tributary to Johnson Creek along SR 1024, Seg. 0030. This project proposes to permanently impact 36 linear feet of the unnamed tributary, which is, designated a CWF and does not propose to impact any jurisdictional wetlands.

**E60-155. Pennsylvania Department of Transportation, Engineering District 3-0**, P. O. Box 218, Montoursville, PA 17754-0218. SR 3004, Segment 140, Offset 2349 UNT to Penns Creek culvert replacement, in Lewis Township, **Union County**, ACOE Susquehanna River Basin District (Hartleton, PA Quadrangle N: 3.6 inches; W: 0.7 inch).

To remove existing culvert and construct and maintain 41 linear feet of 64 inch by 42 inch corrugated metal arch culvert in an unnamed tributary to Penns Creek located along SR 3004 Segment 0140, Offset 2349, in Lewis Township, Union County. This project proposes to have a minimal impact on the unnamed tributary to Penns Creek, which is designated TSF. This project does not propose to impact any jurisdictional wetlands.

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

**E03-408. Borough of North Apollo**, 1624 Sixteenth Street, North Apollo, PA 15673. Borough of North Apollo, **Armstrong County**, ACOE Pittsburgh District.

To construct and maintain a 60-inch diameter storm sewer outfall with rock protection along the Kiskiminetas River (WWF) as part of the North Apollo Sanitary Sewer Separation/Extension Project. The outfall is located off of the intersection of SR 0056 and Third Street. (Vandergrift, PA Quadrangle N: 17.7 inches; W: 8.0 inches).

**E56-315. Department of Conservation and Natural Resources, Bureau of Forestry**, Rachel Carson State Office Building, P. O. Box 8451, Harrisburg, PA 17105-4892. Jefferson Township, **Somerset County**, ACOE Pittsburgh District.

To remove the existing Department of Conservation and Natural Resources Bridge 4-0006 and to construct and maintain a 23.75-foot long box culvert having a normal clear span of 20 feet and an underclearance of 5 feet (invert depressed 1 foot) in Jones Mill Run (EV). The project includes construction and maintenance of a temporary 36-inch diameter pipe culvert during construction and rock rip rap at the culvert's approaches. The structure is located on Jones Mill Run Road in Forbes State Forest. (Seven Springs, PA Quadrangle N: 7.3 inches; W: 2.0 inches).

**E65-800. Dominion Transmission, Inc.**, 445 West Main Street, Clarksburg, WV 26301. Salem Township, Delmont Borough and Murrysville Borough, **Westmoreland County**, ACOE Pittsburgh District.

To operate and maintain approximately 10.5 miles of an existing 20-inch diameter natural gas pipeline (LN 25). The pipelines cross the following streams: two tributaries to Beaver Run (HQ-CWF), five tributaries to Turtle Creek (TSF), Steels Run (HQ-CWF) and eight of its tributaries (HQ-CWF) and Haymakers Run (HQ-CWF) and five of its tributaries (HQ-CWF). The LN 25 pipeline extends from the Oakford Pumping Station in Salem Township, northwest to the Allegheny/Westmoreland County border in the Borough of Murrysville (Begins: Slickville, PA Quadrangle N: 4.8 inches; W: 8.4 inches; Ends: Murrysville, PA Quadrangle N: 21.7 inches; W: 10.7 inches).

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

**E25-645, Amity Township Supervisors**, 15030 Casler Road, Union City, PA 16438. Lowe Road Culvert Replacement, in Amity Township, **Erie County**, ACOE Pittsburgh District (Waterford, PA Quadrangle N: 20.6 inches; W: 2.2 inches).

To remove the existing bridge superstructure and to construct and maintain three 33-foot long, 7-foot diameter culverts in the Lake Pleasant Outlet (HQ-CWF) on Lowe Road (Township Road T-555) approximately 0.5 mile west of the intersection of Lowe Road (Township Road T-555) and Arbuckle Road. The project will disturb less than 0.01 acre of wetland.

**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.

**E25-651, City of Erie, Bureau of Engineering**, 626 State Street, Room 400, Erie, PA 16501-1128. Proposed Cascade Creek Storm Sewer, in Erie, **Erie County**, ACOE Pittsburgh District (Erie South, PA Quadrangle N: 20.1 inches; W: 15.2 inches).

To partially remove the existing structure and to install and maintain, a 781 foot long, 102 inch diameter centrifugally cast fiberglass reinforced polymer mortar culvert in Cascade Creek (WWF; MF). The project is adjacent to the southeast corner of West 12th Street and Veshecco Drive.

## ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.*

**D22-067EA. Hershey Foods Corporation**, 1025 Reese Avenue, Hershey, PA 17033-0805. South Hanover and Derry Townships, **Dauphin County**. ACOE Baltimore District.

To breach and remove the Hershey Dam across Swatara Creek (WWF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 900 feet downstream of the SR 0039 Bridge across Swatara Creek (Hershey, PA Quadrangle N: 7.4 inches; W: 7.1 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.*

**WQM Permit No. 2301412**, Sewerage, **Thornbury Township**, 6 Township Drive, Cheyney, PA 19319. This proposed facility is located in Thornbury Township, **Delaware County**.

Description of Proposed Action/Activity: Construction and operation of a gravity collection system, pump station and forcemain.

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

**NPDES Permit No. PA-0063126**, Industrial Waste, **Artex, Inc.**, Route 54 and Lakeview Road, Barnesville, PA 18214. This proposed facility is located in Rush Township, **Schuylkill County**.

Description of Proposed Action/Activity: Renewal NPDES Permit.

**NPDES Permit No. PA-0021555**, Sewage, **Weatherly Municipal Authority**, 10 Wilbur Street, Weatherly, PA 18255. This proposed facility is located in Borough of Weatherly, **Carbon County** and discharges to Black Creek.

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

**NPDES Permit No. PA-0053872**, Sewage, **Red Hill Water Authority**, Box 26, Red Hill, PA 18076. This proposed facility is located in Upper Milford Township, **Lehigh County**.

Description of Action: Renewal NPDES Permit.

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

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

Description of Proposed Action/Activity: Authorization for construction/operation of the Gehman School Pumping Station.

**NPDES Permit No. PA0011371**, Industrial Waste, **Baldwin Hardware Corporation**, 841 East Wyomissing Boulevard, Box 15048, Reading, PA 19612. This proposed facility is located in Reading City, **Berks County**.

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

**NPDES Permit No. PA0246935**, Industrial Waste, **Michael Frey, Integrity Plastics, Inc.**, Ten Industrial Way, Denver, PA 17517. This proposed facility is located in East Cocalico Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization for discharge to Stony Run (Watershed 7J).

**WQM Permit No. 3602201**, CAFO, **James Brene-man, Franklin-View Farms**, 2232 Franklin Road, Columbia, PA 17512. This proposed facility is located in Manor Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization for construction and operation of manure storage facilities for a 1,073.4 AEU CAFO at the Franklin-View Farms. The facilities approved for construction and operation under this permit are described as follows: A free-stall barn and milking parlor facility to handle 500 milking cows, including holding area, special needs barn and two under-house manure Storage facilities that will hold approximately 2.6 MG of manure with 6 inches freeboard.

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

**NPDES Permit No. PA0094226**, Industrial, **Wilkinsburg-Penn Joint Water Authority**, 2200 Robinson Boulevard, Wilkinsburg, PA 15221-1193 is authorized to discharge from a facility located at Wilkinsburg Water Treatment Plant, Penn Hills Township, **Allegheny County** to receiving waters named Allegheny River.

**NPDES Permit No. PA0217280**, Industrial, **American Video Glass Corporation**, 777 Technology Drive, Mount Pleasant, PA 15666-2715 is authorized to discharge from a facility located at American Video Glass Corporation, East Huntingdon and Hempfield Townships, **Westmoreland County** to receiving waters named Sewickley Creek (001) and Belson Run (002, 003).

**NPDES Permit No. PAS116105**, Industrial Waste, **Kennametal, Inc.**, Chestnut Ridge Road, P. O. Box 231, Latrobe, PA 15650 is authorized to discharge from a facility located at Chestnut Ridge Facility, Derry Township, **Westmoreland County** to receiving waters named Miller Run.

**NPDES Permit No. PA0021156**, Sewage, **Bullskin Township**, 178 Shenandoah Road, Connellsville, PA 15425, is authorized to discharge from a facility located at Merit Manor STP, Bullskin Township, **Fayette County** to receiving waters named Whites Run.

**NPDES Permit No. PA0217506**, Sewage, **Mary Ann Turner Parish**, 38 Shorty Lane, Rochester, PA 15074 is authorized to discharge from a facility located at Black's Mobile Home Park STP, New Sewickley Township, **Beaver County** to receiving waters named unnamed tributary of Brush Creek.

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

**NPDES Permit No. PA0037923**, Industrial Waste Amendment No. 1, **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 Action/Activity: This facility is authorized to discharge to Sixteen Mile Creek.

**NPDES Permit No. PA0002674**, Industrial Waste Amendment No. 2, **American Refining Group**,

Bradford Refinery, 77 North Kendall Avenue, Bradford, PA 16701. This proposed facility is located in City of Bradford, **McKean County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Tunungwant Creek and Foster Brook.

**NPDES Permit No. PA0222151**, Industrial Waste, **Crompton Corporation—Bradford Refinery**, One American Lane, Greenwich, CT 06831. This proposed facility is located in City of Bradford, **McKean County**.

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

**NPDES Permit No. PA0092819**, Sewage, **Fair Winds Manor, Inc.**, 126 Ironbridge Road, Sarver, PA 16055. This proposed facility is located in Winfield Township, **Butler County**.

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

**NPDES Permit No. PA0034738**, Sewage, **Howard Johnson Motor Lodge, McClelland Jervis, Inc.**, 835 Perry Highway, Mercer, PA 16137. This proposed facility is located in East Lackawannock Township, **Mercer County**.

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

**PA0222160**, Sewage, **Hemlock Mobile Home Park**, R. D. 6, Box 604, New Castle, PA 16101. This proposed facility is located in Wolf Creek Township, **Mercer County**.

Description of Proposed Action/Activity: This facility is

authorized to discharge to an unnamed tributary to East Branch Wolf Creek.

**WQM Permit No. 1000201**, Industrial Waste Amendment No. 1, **AK Steel Corporation—Butler Works**, P. O. Box 832, Route 8 South, Butler, PA 16003-0832. This proposed facility is located in Butler Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the addition of calcium chloride and aluminum chloride system for fluoride removal and post neutralization system for pH control.

**WQM Permit No. 1001202**, Industrial Waste Amendment No. 1, **AK Steel Corporation—Butler Works**, P. O. Box 832, Route 8 South, Butler, PA 16003-0832. This proposed facility is located in Butler Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the addition of calcium chloride and aluminum chloride system for fluoride removal.

**WQM Permit No. 4201201**, Industrial Waste, **Crompton Corporation—Bradford Refinery**, One American Lane, Greenwich, CT 06831. This proposed facility is located in City of Bradford, **McKean County**.

Description of Proposed Action/Activity: This project is for groundwater treatment system upgrades.

**WQM Permit No. 1001414**, Sewerage, **WJ Blumen-shein & Sons**, 9640 Babcock Boulevard, Allison Park, PA 15101. This proposed facility is located in Butler Township, **Butler County**.

Description of Proposed Action/Activity: This project is for a pump station and sewer extension to serve a residential subdivision.

**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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10J052	Thornbury Investors, LP 1541 East Strausberg Road West Chester, PA 19380-6380	Delaware County	Thornbury Township	West Branch Chester Creek TSF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10U166	Oakhurst Business Services, Inc. 824 Eighth Ave. Bethlehem, PA 18018	Northampton County	Upper Nazareth Township	Bushkill Creek HQ-CWF
PAS10V038	The Home Depot USA 3096 Hamilton Blvd. South Plainfield, NJ 07080	Pike County	Westfall Township	Delaware River MF, WWF
PAS107424	James A. Forti Lobilito, Inc. SR 507, P. O. Box 225 Gouldsboro, PA 18424	Wayne County	Lehigh Township	Lehigh River 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 the Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations. Monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permits for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in this Commonwealth; (3) General NPDES Permit Authorizing the Discharge of Stormwater Associated with Construction Activities to Waters of the Commonwealth; (4) Notification for First Use Application of Sewage Sludge.

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

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

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

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

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

#### General Permit Type—PAG-1

<i>Facility Location &amp; Municipality</i>	<i>Approval No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Venango County President Township	6194001 (Outfalls 005 and 006)	James L. Beck 15852 Pleasant Valley Drive Pleasantville, PA 16341	Muskrat Run CWF Pine Run CWF	Northwest Regional Office 230 Chestnut Street Meadville, PA 16335 (814) 332-6860

*General Permit Type—PAG-2*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Radnor Township Delaware County	PAR10J235	Deirdre Blain 777 Harrison Road Villanova, PA 19085	UNT to Ithan Creek CWF-MF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Towamencin Township Montgomery County	PAR10T841	Pennsylvania Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406	UNT to Skippack Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Providence Township Montgomery County	PAR10T829	GlaxoSmithKline 1250 South Collegeville Road Collegeville, PA 19426	Doe Run TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Montgomery Township Montgomery County	PAR10T427-1	General Hancock Partnership 2312 North Broad Street Colmar, PA 18915	Little Neshaminy Creek WF-M	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Gwynedd Township Montgomery County	PAR10T791	Moulton Builders, Inc. 301 North Broad Street Lansdale, PA 19446	Wissahickon Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Abington Township Montgomery County	PAR10T821	John Barnes Trustees, Inc. 520 Meetinghouse Road Jenkintown, PA 19046	Jenkintown Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Salford Township Montgomery County	PAR10T837	TH Properties 345 Main Street Harleysville, PA 19438	UNT to Skippack Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Whitemarsh Township Montgomery County	PAR10T823	SEPTA 1234 Market Street Philadelphia, PA 19107	Sandy Run TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Hatfield Township Montgomery County	PAR10T807	Macoby Run, LP 404 Sumneytown Pike North Wales, PA 19454	Neshaminy Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Luzerne County Duryea Borough	PAR10R250	Blueberry Hill, LLC c/o Mark Popple 202 Main St. Laflin, PA 18702	Lackawanna River WWF	Luzerne County Conservation District (570) 674-7991



## NOTICES

2629

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Northampton County City of Bethlehem	PAR10U177	Joseph Riding Conectiv Bethlehem, Inc. 2254 Applebutter Road Bethlehem, PA 18015	Saucon Creek CWF Lehigh River WWF	Northampton County Conservation District (610) 746-1971
Washington Township Dauphin County	PAR10I302	Donald and Lois Miller 1 Dawn Dr. Millersburg, PA 17061	Wiconisco Creek WWF	Richard Snyder Dauphin County Conservation District (717) 921-8100
Susquehanna Township Dauphin County	PAR10I298	Susquehanna Township School District 3550 Elmerton Ave. Harrisburg, PA 17110	Spring Creek WWF	Steven Frey Dauphin County Conservation District (717) 921-8100
Halifax Township Dauphin County	PAR10I293	William A. Wert Deer Run Ph. III 1927 Gulfview Dr. Holiday, PA 34691	Armstrong Creek WWF	Steven Frey Dauphin County Conservation District (717) 921-8100
Allegheny and Logan Townships Blair County	PAR100729	Daniel Klock 1812 Timberline Rd. Altoona, PA 16601	UNT Burgoon Run WWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648
Logan Township Blair County	PAR100730	17th Street Logan Township L.P. P. O. Box 1252 Altoona, PA 16603	Bruch Run WWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648
Clearfield County Sandy Township	PAR101775	Gary Hennen 767 Treasure Lake DuBois, PA 15801	Sandy Lick Creek CWF	Clearfield County Conservation District 650 Leonard St. Clearfield, PA 16830 (814) 765-2629
Lycoming County Muncy Township	PAR103952	Pennsylvania Department of Transportation 715 Jordan Ave. Montoursville, PA 17754	Turkey Run WWF Margaret Run WWF	Lycoming County Conservation District 542 County Farm Rd. Suite 202 Montoursville, PA 17754 (570) 433-3003
Lycoming County Muncy Creek Township	PAR103953	Pennsylvania Department of Transportation 715 Jordan Ave. Montoursville, PA 17754	Muncy Creek TSF Little Muncy Creek CWF	Lycoming County Conservation District 542 County Farm Rd. Suite 202 Montoursville, PA 17754 (570) 433-3003
Allegheny County South Fayette Township	PAR10A558	MHM Partners, L.P. 20 Stanwix Street Suite 600 Pittsburgh, PA 15222	Millers Run WWF Coal Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County South Park Township	PAR10A570	T & R Properties, Inc. 3895 Stoneridge Road Dublin, OH 43017	Catfish Run TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Collier Township	PAR10A571	Paragon Homes, Inc. 5945 Steubenville Pike McKees Rocks, PA 15136	UNT Thoms Run TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County West Deer Township	PAR10A572	Links Development Company, Inc. Murray Professional Building 1060 Corporate Lane Murray Corporate Park Export, PA 15632	Deer Creek WWF	Allegheny County Conservation District (412) 241-7645

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Armstrong County East Franklin Township	PAR10B046	Brian Swank North Park Drive R. D. 8, Box 27 Kittanning, PA 16201	UNT Glade Run TSF	Armstrong County Conservation District (724) 548-3425
Butler County Butler Township	PAR10E185	Marcus Steadman Target Stores 1000 Nicollet Mall TPN-12i Minneapolis, MN 55403	Sullivan Run (WWF)	Butler County Conservation District (724) 284-5270
Butler County Jackson Township	PAR10E163	Jon Schlegel Butler Auto Auction 21095 Route 19 Cranberry Township, PA 16066	Tributary to Connoquenessing Creek WWF	Butler County Conservation District (724) 284-5270
Lawrence County Hickory Township	PAR103750	Fred Bartsch 567 Wible Run Road Pittsburgh, PA 15209	Neshannock Creek TSF	Lawrence County Conservation District (724) 652-4512
<i>General Permit Type—PAG-3</i>				
<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
York County Penn Township	PAR113523	ESAB Welding & Cutting Products 801 Wilson Avenue Hanover, PA 17331	Oil Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
<i>General Permit Type—PAG-4</i>				
<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Bedford County West Saint Clair Township	PAG043581	Gregory N. Miller 5890 Courtland Road Alum Bank, PA 15521	Dunning Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4700
Daugherty Township Beaver County	PAG046134	Sherry Shaffer and Mary Ann December 143 Florence Road New Brighton, PA 15066	Blackhouse Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
<i>General Permit Type—PAG-6</i>				
<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Coal Township Northumberland County	PAG064802	Coal Township 805 W. Lynn St. Coal Township, PA 17866-1900	Shamokin Creek WWF Coal, Quaker, Carbon and Furnace Runs CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Shamokin Northumberland County	PAG064801	City of Shamokin Box Q, City Hall Shamokin, PA 17872	Shamokin Creek WWF Coal and Carbon Runs CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

*General Permit Type—PAG-7*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Telephone No.</i>
New Martinsville, WV	PAG079911	Wetzel County Landfill and Composting Facility Rt. 1 Box 156A New Martinsville, WV 26155	Wetzel County Landfill and Composting Facility Rt. 1 Box 156A New Martinsville, WV 26155	BWSWM (717) 787-8184

*General Permit Type—PAG-9 (SSN)*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Telephone No.</i>
Eldred Township Monroe County	PAG092207	J. R. Borger, Inc. R.D. 1, Box 1473 Saylorsburg, PA 18353	Glenn Kleintop Farm Eldred Township Monroe County	NERO 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511

**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).**

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

**Operations Permit** issued to **Pinecrest Lake Trust Water Co.**, P. O. Box 760, Pocono Pines, PA 18350, PWS I. D. #2450141, Tobyhanna Township, **Monroe County**, on May 1, 2002, for the operation of facilities approved under Construction Permit #4599504.

**Operations Permit** issued to **Pipeline Petroleum, Inc.**, P. O. Box 159, Macungie, PA 18062, PWS I. D.

#3390954, Weisenberg Township, Lehigh County, on April 29, 2002, for the operation of facilities approved under Construction Permit #3901504.

**Operations Permit** issued to **Pennsylvania Suburban Water Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, PWS I. D. #2400108, White Haven Borough, **Luzerne County**, on April 25, 2002, for the operation of facilities approved under Construction Permit #4091510.

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

**Permit No. 3002501**, Public Water Supply.

Applicant	<b>Southwestern Pennsylvania Water Authority</b> P. O. Box 187 1442 Jefferson Road Jefferson, PA 15344
Borough or Township	German and Washington Townships
County	<b>Fayette and Greene</b>
Type of Facility	Tank
Consulting Engineer	Bankson Engineers, Inc.
Permit to Construct Issued	May 2, 2002

**Permit No. 3002501**, Public Water Supply.

Applicant	<b>Somerset Township Municipal Authority</b> 2209 North Center Avenue Somerset, PA 15501
Borough or Township	Somerset Township
County	<b>Somerset</b>
Type of Facility	Listie storage tank #2
Consulting Engineer	Crouse & Company
Permit to Construct Issued	May 10, 2002

**Operations Permit** issued to **Crystal Springs Water Company**, 44 West Noblestown Road, Carnegie, PA 15106, PWSID #5026048 Collier Township, **Allegheny County** on May 2, 2002, for the operation of facilities approved under Construction Permit # 5026048.

**Permit No. 3202503, Minor Amendment.** Public Water Supply.

Applicant **Pennsylvania American Water Company**  
800 West Hersheypark Drive  
Hershey, PA 17033-0888

Borough or Township White Township

County **Indiana**

Type of Facility Purification unit

Permit to Construct Issued May 2, 2002

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

**Permit No. 3302501, Public Water Supply.**

Applicant **Pennsylvania-American Water Company—Punxsutawney District**  
800 West Hersheypark Drive  
P. O. Box 888  
Hershey, PA 17033-0888

Borough or Township Punxsutawney Borough

County **Jefferson**

Type of Facility PWS

Consulting Engineer Jerry Hankey, P.E.  
Pennsylvania American Water Company  
1909 Oakland Avenue  
Indiana, PA 15701

Permit to Construct Issued May 2, 2002

**Operations Permit issued to Concordia Lutheran Ministries,** 134 Marwood Road, Cabot, PA 16032, 5100025 Jefferson Township, **Butler County** on May 13, 2002, for the operation of facilities approved under Construction Permit 1097503-MA1.

#### WATER ALLOCATIONS

**Actions taken on applications received under the Act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth.**

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

**WA 10-374E, Water Allocations, Evans City Borough,** 220 Wahl Avenue, Evans City, PA 16033, Evans City Borough, **Butler County.** Subsidiary Water Allocation Permit granting the right to purchase up to 300,000 gpd from the Township of Cranberry, based on a water purchase limit contained in the water service agreement between Evans City and the Township of Cranberry.

#### STORMWATER MANAGEMENT

**Action on plans submitted under the Stormwater Management Act (32 P. S. §§ 680.1—680.17).**

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

**Plan No. SWMP 045:21, Cedar Run Stormwater Management Plan,** as submitted by **Cumberland County,** was approved on May 7, 2002.

**Plan No. SWMP 351:21, Yellow Breeches (Upper) Stormwater Management Plan,** as submitted by **Cumberland County,** was approved on May 7, 2002.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 2

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

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

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

The Department has received the following final reports:

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

**Former Altimari, Chapman, Dearden and McCafferty Automobile Dealerships Site,** Middletown Township, **Bucks County.** Jeffrey K. Wade, URS Corp., 2325 Maryland Rd., 2nd Fl., Willow Grove, PA 19090, on behalf of Lowes Home Center, Inc. c/o Mark Kalpin Hale and Dorr LLP, 60 State St., Boston, MA 02109, has submitted a Final Report concerning remediation of site soil contaminated with lead and polycyclic aromatic hydrocarbons and site groundwater contaminated with polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Former Faulkner Toyota,** Bensalem Township, **Bucks County.** Christopher M. Kern, P.G., Hafer Environmental Services, Inc., P. O. Box 4418, Reading, PA 19606, on behalf of Henry Faulkner, III, 2425 Lincoln Highway, Treose, PA 19053, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Rhodia, Inc.,** Falls Township, **Bucks County.** Paul Nemanic, Rhodia, Inc., 2300 S. Pennsylvania Ave., Morrisville, PA 19067, on behalf of Rhodia, Inc., Cranbury, NJ 08512-7500, has submitted a Final Report concerning remediation of site groundwater contaminated with heavy

metals. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Hill Farm**, Caln and Valley Townships, **Chester County**. Joseph W. Standen, Jr., P.G., Leggette, Brashears & Graham, Inc., 426 Brandywine Parkway, West Chester, PA 19380, on behalf of Realen Homes, 11040 Stoney Hill Rd., Suite 100, Yardley, PA 19067, has submitted an Addendum #1 to a Final Report concerning remediation of site soil contaminated with heavy metals and pesticides. The Final Report Addendum #1 is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Eckerd Drug**, Loyalsock Township, **Lycoming County**. Civil & Environmental Consultants, Inc., on behalf of Loyal Plaza Venture, L.P., 20 South Third Street, Columbus, OH 43215 has submitted a Final Report concerning remediation of soil only, contaminated with lead, solvents, BTEX and PAHs. The Final Report is intended to document remediation of the soil at the site to meet the Statewide Health Standard, although the original NIR indicated remediation to the Site-Specific Standard. An additional Final Report will be forthcoming to address the groundwater and surface water.

**Zimmer Development Company/CVS Pharmacy Site**, City of Sunbury, **Northumberland County**. Chambers Environmental Group, Inc., on behalf of Zimmer Development Company, 111 Princess Street, P.O. Box 2628, Wilmington, NC 28401, has submitted a Final Report concerning soil and groundwater contaminated with BTEX and PHCs. The Final Report is intended to document remediation of the site to meet the Statewide Health Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Act. 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 environ-

mental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following final reports:

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

**Holland Village Shopping Center—Holland Custom Cleaners**, Northampton Township, **Bucks County**. Alan R. Hirschfeld, Eastern PA Environmental Consulting, Inc., 219 Laureen Rd., Schwenksville, PA 19473, on behalf of Realty Executives, 183 Bustleton Pk., Feasterville, PA has submitted a Final Report concerning the remediation of site groundwater contaminated with solvents. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 30, 2002.

**Precision Finishing, Inc.**, Sellersville Borough, **Bucks County**. Hudson S. Green, Jr., Earth Data Northeast, Inc., 924 Springdale Dr., Exton, PA 19341, on behalf of Precision Finishing, Inc., 708 Lawn Ave., Sellersville, PA 18960, has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with lead and heavy metals. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 3, 2002.

**Lyman Property**, Parkside Borough, **Delaware County**. Martin Liebhardt, Mulry & Cresswell Environmental, Inc., 1691 Horseshoe Pike, Suite 1, Glenmoore, PA 19343, has submitted a Final Report concerning the remediation of site soil contaminated with polycyclic aromatic hydrocarbons. The report was submitted within 90 days of the release of the contaminant and was approved by the Department on April 26, 2002.

**Delaware County Emergency Services Training Center**, Darby Township, **Delaware County**. Robert M. Byer, Jr., IT Corp., 1160 McDermott Dr., Suite 102, West Chester, PA 19380-4022, has submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site soil, groundwater, surface water and sediment contaminated with undetermined contaminants. The report/cleanup plan was approved, with comments, by the Department on May 1, 2002.

**Jefferson Smurfit Corporation (US)**, Upper Providence Township, **Montgomery County**. John F. VanWagenen, P.G., Center Point Tank Services, Inc., 536 E. Benjamin Franklin Highway, Douglassville, PA 19518, has submitted a Final Report concerning the remediation of site soil contaminated with polycyclic aromatic hydrocarbons. The report demonstrated attainment of the

Statewide Health Standard and was approved by the Department on April 26, 2002.

**Maiers Bakery—Distribution Center & Thrift Store**, Pottstown Borough, **Montgomery County**. Paul R. Morin, P.G., EMP, 1131 Marshallton-Thorndale Rd., West Chester, PA 19380, on behalf of Stroehmann Bakeries, L.C., 255 Business Ctr. Dr., Horsham, PA 19044, has submitted a Final Report concerning the remediation of site groundwater contaminated with BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 9, 2002.

**WXIII/PHL, Real Estate Limited Partnership (RELP)**, City of Philadelphia, **Philadelphia County**. Randall T. Geis, Sovereign Consulting, Inc., 111-A N. Gold Dr., Robbinsville, NJ 08691, on behalf of WXIII/PHL RELP, 600 E. Las Colinas Blvd., Irving, TX 75039, has submitted a Final Report concerning the remediation of site soil contaminated with BTEX, polycyclic aromatic hydrocarbons and solvents. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 25, 2002.

**Sears Logistics Services, Inc., Option A, Former Bridge Street Warehouse**, City of Philadelphia, **Philadelphia County**. Tom Farrell, Resource Control, Corp., 1274 N. Church St., Moorestown, NJ 08057, has submitted a Final Report concerning the remediation of site groundwater contaminated with solvents, BTEX and PAHs. The report did not demonstrate attainment of Site-Specific standards and was disapproved by the Department on May 7, 2002.

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

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

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

**PAD085690592, Republic Environmental Systems of Pennsylvania, Inc.**, 2869 Sandstone Drive, Hatfield, PA 19440, Hatfield Township, **Montgomery County**. Permit issued on May 9, 2002.

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

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

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

**Permit No. 101568, University Area Joint Authority**, 1576 Spring Valley Road, State College, PA 16801-8401, for Spring Creek Composting Facility located in

College Township, **Centre County**. Major permit modification for a Radiation Protection Action Plan. The permit was issued by the Williamsport Regional Office on May 9, 2002.

Persons interested in reviewing the permit may contact John C. Hamilton, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3653. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

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

**Permit No. 101176, Deep Valley Landfill Inc.**, 711 Old Steubenville Pike, Oakdale, PA 15071. A permit renewal for the operation of a construction and demolition landfill in North Fayette Township, **Allegheny County**. The permit renewal expires on May 8, 2012. Permit renewal was issued in the Regional Office on May 8, 2002.

Persons interested in reviewing the permit may contact Land Recycling and Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

**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. 101397, Superior Greentree Landfill**, 635 Toby Road, Kersey, PA 15846, Fox Township, **Elk County**. This is an approval of a major modification for a Radiation Protection Plan for a municipal waste facility. The modification was approved by the Northwest Regional Office on May 14, 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.**

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

**35-323-021GP: Lockheed Martin Archbald** (459 Kennedy Drive, Archbald, PA 18403) for construction and operation of a burn-off oven and associated air cleaning device in Archbald Borough, **Lackawanna County**.

**48-323-009GP: Albarell Electric, Inc.** (1523 Easton Avenue, Bethlehem, PA 18017) for construction and operation of a burn-off oven and associated air cleaning device in Bethlehem, **Northampton County**.

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

**GP1-67-03057: Galaxy Tire and Wheel** (207 Redco Avenue, Red Lion, PA 17356-0110) on May 9, 2002, was authorized to operate a small gas and No. 2 oil fired combustion unit under GP1 in Red Lion Borough, **York County**.

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

**GP3-59-01: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on April 2, 2002, to authorize construction and operation of a portable stone crushing plant and associated air cleaning device (a water spray dust suppression system) under the General Plan Approval and General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at the EWR mining site in Lawrence Township, **Tioga County**.

**GP5-14-05: Mid-East Oil Co.** (P. O. Box 1378, Indiana, PA 15705) on April 2, 2002, to authorize construction and operation of a 526 horsepower natural gas-fired reciprocating internal combustion compressor engine under the General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP-5) at the Tract 706R site in Burnside Township, **Centre 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.*

**46-0037K: Cabot Performance Materials** (County Line Road, Boyertown, PA 19512) on May 7, 2002, for operation of a dust collector in Douglass Township, **Montgomery County**.

**46-0010C: Montenay Montgomery Ltd. Partnership** (1155 Conshohocken Road, Conshohocken, PA 19428) on May 10, 2002, for operation of a principal waste combustor in Plymouth Township, **Montgomery County**.

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

**07-05035: Grannas Brothers Stone and Asphalt Co., Inc.** (P. O. Box 488, Hollidaysburg, PA 16648) on May 10, 2002, for reactivation of a batch asphalt plant in Frankstown Township, **Blair County**. This source is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities.

**36-03001A: Nichia America Corp.** (3775 Hempland Road, Mountville, PA 17554) on May 9, 2002, for modification of its luminescent materials processing facility in West Hempfield Township, **Lancaster County**.

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

**14-00002B: Graymont (PA), Inc.** (P. O. Box 448, Bellefonte, PA 16823-0448) on April 2, 2002, for construction of a stone crusher to be controlled by an existing air cleaning device (a fabric collector) in Spring Township, **Centre County**. The crusher is subject to Subpart OOO of the Federal Standards of Performance for New Stationary Sources.

**14-00002C: Graymont (PA), Inc.** (P. O. Box 448, Bellefonte, PA 16823-0448) on April 2, 2002, for construction of a screen to be controlled by an existing air cleaning device (a fabric collector) in Spring Township, **Centre County**.

**55-302-012A: Conestoga Wood Specialties Corp.** (441 West Market Street, Beavertown, PA 17813) on April 2, 2002, for construction of a 9.31 million Btu/hour wood-fired boiler and associated air cleaning device (a multiclone collector) in Beavertown Borough, **Snyder County**.

**14-310-017M: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on April 23, 2002, for construction of stone conveying/screening equipment and associated air cleaning device (a water spray dust suppression system) in Spring Township, **Centre County**. This conveying/screening equipment is subject to Subpart OOO of the Federal Standards of Performance for New Stationary Sources.

**41-00010A: Andritz, Inc.** (35 Sherman Street, Muncy, PA 17756-1202) on April 30, 2002, for construction of a 6 ton per hour thermal foundry sand reclamation system and associated air cleaning device (a fabric collector) in Muncy Borough, **Lycoming County**.

**49-00007A: Merck and Co., Inc.** (P. O. Box 600, Danville, PA 17821) on April 30, 2002, for construction of various pieces of wastewater treatment equipment as well as for the installation of air cleaning devices (covers) on various existing pieces of wastewater treatment equipment in Riverside Borough, **Northumberland County**. The wastewater treatment equipment is subject to Subparts GGG and MMM of the National Emission Standards for Hazardous Air Pollutants.

---

**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.*

**46-0003A: Stroehmann Bakeries, L.C.** (1810 East Ridge Pike, Norristown, PA 19404) on May 6, 2002, for operation of a catalytic oxidizer in Plymouth Township, **Montgomery County**.

**09-0106: Vopak USA Inc.** (Steel Road, Morrisville, PA 19067) on May 6, 2002, for operation of a chemical distribution facility in Falls Township, **Bucks County**.

**15-0090: National Service Industries** (303 Eagleview Boulevard, Exton, PA 19341) on May 7, 2002,

for operation of a flexographic offset printing units in Uwchlan Township, **Chester County**.

**09-0105A: Naceville Materials** (Springfield Street and Route 309, Coopersburg, PA 19474) on May 7, 2002, for operation of an asphalt batch plant in Springfield Township, **Bucks County**.

**15-0108: Refractory Minerals Co., Inc.** (150 South Jennersville Road, West Grove, PA 19390) on May 8, 2002, for operation of a gas fired dryer in Penn Township, **Chester County**.

**23-0027: Dyneon LLC** (50 Milton Drive, Aston, PA 19014) on May 8, 2002, for operation of a thermal oxidizer in Chester Township, **Delaware County**.

**15-0099: Heckett MultiServ** (South First Avenue, Coatesville, PA 19320) on May 10, 2002, for operation of a scrap cutting torch with baghouses in South Coatesville Borough, **Chester County**.

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

**34-03001A: Green Source Power, LLC c/o Aerospace Research Corp.** (5454 Aerospace Road, Roanoke, VA 24014) on May 1, 2002, for operation of a wood fired, 112 mmBtu/hr turbine-generator controlled by a cyclone at its Off Swamp Road facility in Walker Township, **Juniata County**. This plan approval was extended.

**67-05004A: P. H. Glatfelter Co.** (228 South Main Street, Spring Grove, PA 17362) on January 15, 2002, for construction of a hardpiping system to convey process condensates to the wastewater treatment plant in Spring Grove Borough, **York County**. This facility is subject to 40 CFR Part 63, Subpart S—National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry. 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.*

**08-399-047B: OSRAM SYLVANIA Products, Inc.** (Hawes Street, Towanda, PA 18848-0504) on May 1, 2002, to modify a dimethylamine destruction/removal efficiency requirement for a phosphor coating operation from 99% destruction/removal to 98.7% destruction/removal in North Towanda Township, **Bradford County**.

**19-302-031: Dillon Floral Corp.** (P. O. Box 180, Bloomsburg, PA 17815-0180) on May 6, 2002, to extend authorization to operate two natural gas, #4 oil, #6 oil and reprocessed oil-fired boilers on a temporary basis until September 3, 2002, in the Town of Bloomsburg, **Columbia County**.

**08-0001B: Stroehmann Bakeries, L.C.** (901 North Elmer Avenue, Sayre, PA 18840) on May 3, 2002, to extend authorization to operate a bread oven and associated air cleaning device (a catalytic oxidizer) on a temporary basis until August 30, 2002, in Sayre Borough, **Bradford County**.

**41-317-005: Wenger's Feed Mill, Inc.** (P. O. Box 26, Rheems, PA 17570-0026) on May 8, 2002, to authorize use of an alternate air cleaning device (a fabric collector) for the control of particulate matter from a coarse ground

grain hammermill, to acknowledge the existence of two grain storage silos instead of four, to acknowledge the existence of one pellet mill instead of two and to delete references to two micro scales, a small natural gas/#2 fuel oil-fired boiler and various enclosed conveyors in Clinton Township, **Lycoming County**.

**49-313-032H: Merck and Co., Inc.** (P. O. Box 600, Danville, PA 17821-0600) on May 8, 2002, to authorize installation of a thermal oxidizer on two additional reaction vessels in Riverside Borough, **Northumberland County**.

---

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

---

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

**49-00021A: American Railcar Industries** (100 Clark Street, St. Charles, MO 63301-2075) on April 24, 2002, for construction of two railroad tank car flares due to failure to demonstrate that the resultant air contaminant emissions would be controlled to the maximum extent consistent with best available technology and failure to make provision in the design of the flares for the performance of stack testing in Milton Borough, **Northumberland 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.*

**07-03010: Hollidaysburg Area School District** (201 Jackson Street, Hollidaysburg, PA 16648) on May 8, 2002, for operation of its coal, oil and gas fired boilers in Hollidaysburg Borough, **Blair County**.

**34-03002: Mast Greenhouse Co.** (HC 3, Box 75-D, Mifflintown, PA 17059-9032) on May 9, 2002, for operation of a boiler in Fermanagh Township, **Juniata County**.

**67-03074: Heffner Funeral Chapel and Crematory, Inc.** (1551 Kenneth Road, York, PA 17404) on May 7, 2002, for operation of its human crematorium in West Manchester Township, **York County**.

**67-03100: Iris Energy LLC** (100 Nyala Farm, Westport, CT 06880) on May 6, 2002, for operation of its Syn-Fuel Processing Facility controlled by wet suppression in East Manchester Township, **York County**.

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

**12-327-001: Keystone Automatic Technology, Inc.** (1 South Maple Street, Emporium, PA 15834) on April 8, 2002, for operation of a batch open top vapor degreaser and associated air cleaning device (a refrigerated



freeboard chiller) in Emporium Borough, **Cameron County**. The degreaser is subject to Subpart T of the National Emission Standards for Hazardous Air Pollutants.

**47-305-002: Iris Energy, LLC**, owner (100 Nyalta Farm, West Port, CT 06880) and **DQE Synfuels, LP** (1 North Shore Center, Suite 500, 12 Federal Street, Pittsburgh, PA 15212) operator, on April 9, 2002, for operation of a synthetic fuel manufacturing facility in Derry Township, **Montour County**. Two bulk storage tanks incorporated in this facility are subject to Subpart Kb of the Federal Standards of Performance for New Stationary Sources.

**59-399-013: Truck-Lite Co., Inc.** (R. R. 7, Box 942, Wellsboro, PA 16901) on April 16, 2002, for operation of two wave soldering machines and eight associated hand soldering stations in Wellsboro Borough, **Tioga County**.

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

**01-004: Pomco Graphic Arts** (4411-27 Whitaker Avenue, Philadelphia, PA 19120) on May 14, 2002, for commercial printing in the City of Philadelphia, **Philadelphia County**. The natural minor facility's air emission sources include six nonheatset sheetfed offset lithographic printing presses and a natural gas-fired boiler rated at 5 mmBtu/hr.

**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.*

**09-00028: FiberMark, Inc.** (45 North 4th Street, Quakertown, PA 18951) on May 7, 2002, for Facility Title V Operating Permit in Quakertown Borough, **Bucks County**. The facility's major emission points include saturators and coating lines, which emit major levels of VOCs.

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

**38-05017: Greater Lebanon Refuse Authority** (1610 Russell Road, Lebanon, PA 17046-1437) for operation of refuse landfills in North Lebanon Township, **Lebanon County**. On May 9, 2002, the Title V Operating Permit was modified to allow for construction of a ground flare to control Landfill Site 100825.

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

**60-318-010: Playworld Systems, Inc.** (1000 Buffalo Road, Lewisburg, PA 17837) on May 8, 2002, to authorize operation of a PVC coating operation previously owned and operated by Nickelson Plastics, Inc. in Buffalo Township, **Union 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.*

**54793206C16. Reading Anthracite Company** (P. O. Box 1200, 200 Mahantango Street, Pottsville, PA 17901) correction to add City of Philadelphia Water Department as a biosolids source to an existing coal refuse reprocessing operation in Shenandoah Borough, West Mahanoy and Mahanoy Townships, **Schuylkill County** affecting 3038.0 acres, receiving stream: Mahanoy Creek. Application received January 7, 2002. Correction issued May 10, 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: May 6, 2002.

**11990101 and NPDES Permit No. PA02354041. Twin Brook Coal, Inc.**, P. O. Box 225, Clymer, PA 15728 from **R. J. C. Kohl, Inc.**, P. O. Box 299, Nicktown, PA 15762. Permit transfer for continued operation of a bituminous surface and auger mine and for existing discharge of treated mine drainage in Barr Township, **Cambria County**, affecting 80.0 acres. Receiving streams: unnamed tributaries to and Hopper Run and West Branch Susquehanna River classified for the following uses: CWF and WWF. There are no potable water supply intakes within 10 miles downstream. Application received January 29, 2002. Permit issued May 6, 2002.

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

**63921301. NPDES Permit #PA0214434, UMC0 Energy, Inc.** (981 Route 917, Bentleyville, PA 15314) to revise the permit for the New Century Mine in Fallowfield Township, **Washington County** to revision to add 130 acres to the underground permit and revise subsidence control plan to allow longwall mining, Surface

Acres Proposed N/A, Underground Acres Proposed 130, 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 May 6, 2002.

**33961302. NPDES Permit #PA0214868, Laurel Energy, L.P.** (One Energy Place, Suite 7500, Latrobe, PA 15650) to renew the permit for the Sandy Lands Mine in McCalmont Township, **Jefferson County**, renewal Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued May 6, 2002.

**56773708. NPDES Permit # N/A, Miller Springs Remediation Mgmt., Inc.**, 2480 Fortune Drive, Suite 300, Lexington, KY 40509) to renew the permit for the Strayer CRDA in Conemaugh Township, **Somerset County**, renewal, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued May 7, 2002.

*Noncoal Permits Actions*

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

**48970301C and NPDES Permit #PA0223808. Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034) renewal of NPDES permit in Upper Mt. Bethel Township, **Northampton County**, receiving stream: Jacoby Creek. Application received March 21, 2002. Renewal issued May 6, 2002.

**13990301 and NPDES Permit #PA0224014. Lehigh Asphalt Paving & Construction Co.** (P. O. Box 549, Tamaqua, PA 18252) commencement, operation and restoration of a quarry operation in East Penn Township, **Carbon County** affecting 104.4 acres, receiving stream: unnamed tributary to Lizard Creek. Application received July 12, 1999. Permit issued May 10, 2002.

**15830602C5. Allan A. Myers, L.P. d/b/a Independence Construction Materials** (P. O. Box 98, 1805 Berks Road, Worchester, PA 19490) correction to an existing quarry operation in Charlestown Township, **Chester County** affecting 87.74 acres, receiving stream: unnamed tributary to Pickering Creek. Application received December 13, 2001. Correction issued May 10, 2002.

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

**56020801. Thomas D. McClintock t/a Airesman Wood & Stone Products** (441 Garrett Shortcut Road, Berlin, PA 15530) commencement, operation and restoration of a noncoal mine in Brothersvalley Township, **Somerset County**, affecting 2.7 acres. Receiving streams: Laurel Run to Coxes Creek classified for the following uses: WWF. There are no potable water supply

intakes within 10 minutes downstream. Application received February 11, 2002. Permit 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.*

**06024029. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033) construction blasting in Amity Township, **Berks County** with an expiration date of May 15, 2003. Permit issued May 7, 2002.

**15024015. Explo Service, Inc.** (P. O. Box 164, 1315 Sheep Hill Road, East Earl, PA 17519) construction blasting in Upper Uwchlan Township, **Chester County** with an expiration date of March 30, 2003. Permit issued May 7, 2002.

**35024007. Holbert Explosives, Inc.** (237 Masthope Plank Road, Suite A, Lackawaxen, PA 18435) construction blasting in Springbrook Township, **Lackawanna County** with an expiration date of May 30, 2004. Permit issued May 7, 2002.

**36024041. Gerlach's Drilling & Blasting, Inc.** (172 Bender Mill Road, Lancaster, PA 17603) construction blasting in Millersville Borough, **Lancaster County** with an expiration date of June 15, 2002. Permit issued May 7, 2002.

**28024014. R & M Excavating** (403 Hilltop Road, Newburg, PA 17240) construction blasting in Guilford Township, **Franklin County** with an expiration date of September 30, 2002. Permit issued May 7, 2002.

**45024025. Ed Wean Drilling & Blasting** (112 Ravine Road, Stewartsville, NJ 08886) construction blasting in Middle Smithfield Township, **Monroe County** with an expiration date of June 6, 2005. Permit issued May 7, 2002.

**52024010. Holbert Explosives, Inc.** (237 Masthope Plank Road, Suite A, Lackawaxen, PA 18435) construction blasting in Westfall Township, **Pike County** with an expiration date of June 5, 2007. Permit issued May 7, 2002.

**52024011. Holbert Explosives, Inc.** (237 Masthope Plank Road, Suite A, Lackawaxen, PA 18435) construction blasting in Palmyra Township, **Pike County** with an expiration date of May 25, 2005. Permit issued May 7, 2002.

**46024026. Haines & Kibblehouse, Inc.** (2052 Lucan Road, Skippack, PA 19474) and **Explo-Tech/AEEI** (401 West High Street, Suite 102, Pottstown, PA 19464) construction blasting in West Conshohocken Borough, **Montgomery County** with an expiration date of August 5, 2002. Permit issued May 8, 2002.

**39024008. David H. Drury** (385 Watts Drive, Duncan, PA 17020) and **Henkels & McCoy** (P. O. Box 1742, York, PA 17405) construction blasting in Lower Milford Township, **Lehigh County** with an expiration date of June 10, 2002. Permit issued May 8, 2002.

**39024009. Horst Drilling & Blasting, Inc.** (141 Ranck's Church Road, New Holland, PA 17557) construction blasting in Lower Macungie Township, **Lehigh County** with an expiration date of July 6, 2004. Permit issued May 8, 2002.

**36024043. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033) construction blasting in Manheim Township, **Lancaster County** with an expiration date of May 31, 2003. Permit issued May 8, 2002.

**58024002. B. S. Quarries, Inc.** (R. D. 3 Box 324A-1, Montrose, PA 18801) and **M & S Blasting, L.L.C.** (R. D. 2 Box 2319, Hallstead, PA 18822) construction blasting Silverlake Township, **Susquehanna County** with expiration date of July 6, 2002. Permit issued May 8, 2002.

**36024042. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013-0608) construction blasting in Lancaster Township, **Lancaster County** with an expiration date of May 31, 2003. Permit issued May 8, 2002.

**40024009. Deleo Trucking Company** (198 Panama Street, Pittston, PA 18640) and **D. C. Guelich Explosive Company** (P. O. Box 29, Bloomsburg, PA 17815) construction blasting in Plymouth Township, **Luzerne County** with an expiration date of June 30, 2002. Permit issued May 8, 2002.

**45024026. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431) construction blasting in Middle Smithfield Township, **Monroe County** with an expiration date of April 25, 2003. Permit issued May 8, 2002.

**21024029. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013-0608) construction blasting in Monroe Township, **Cumberland County** with an expiration date of May 31, 2007. Permit issued May 8, 2002.

**45024027. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431) construction blasting in Tobyhanna Township, **Monroe County** with an expiration date of April 24, 2003. Permit issued May 8, 2002.

**35024008. Holbert Explosives, Inc.** (237 Masthobe Plank Road, Suite A, Lackawaxen, PA 18435) construction blasting in Covington Township, **Lackawanna County** with an expiration date of June 8, 2003. Permit issued May 9, 2002.

**36024044. Gerlach's Drilling & Blasting, Inc.** (172 Bender Mill Road, Lancaster, PA 17603) construction blasting in Lancaster Township, **Lancaster County** with an expiration date of January 31, 2003. Permit issued May 9, 2002.

**36024045. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543) construction blasting in Earl Township, **Lancaster County** with an expiration date of July 1, 2002. Permit issued May 9, 2002.

**36024046. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543) construction blasting in Leacock Township, **Lancaster County** with an expiration date of November 1, 2002. Permit issued May 9, 2002.

**36024047. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543) construction blasting in Ephrata Township, **Lancaster County** with an expiration date of November 15, 2002. Permit issued May 9, 2002.

**21024030. Brubacher Excavating, Inc.** (825 Reading Road, Bowmansville, PA 17507) construction blasting in South Middleton Township, **Cumberland County** with an expiration date of June 30, 2003. Permit issued May 9, 2002.

**21024031. R & M Excavating** (403 Hilltop Road, Newburg, PA 17240) construction blasting in Southampton Township, **Cumberland County** with an expiration date of July 15, 2002. Permit issued May 9, 2002.

**45024028. Labrador Construction** (P. O. Box 1379, Marshalls Creek, PA 18335), construction blasting in Hamilton Township, **Monroe County** with an expiration date of June 15, 2002. Permit issued May 9, 2002.

**13024005. Schlouch Incorporated** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510) construction blasting in Kidder Township, **Carbon County** with an expiration date of June 12, 2003. Permit issued May 9, 2002.

**48024007. Schlouch Incorporated** (Excelsior Industrial park, P. O. Box 69, Blandon, PA 19510) construction blasting in Upper Nazareth Township, **Northampton County** with an expiration date of June 12, 2003. Permit issued May 9, 2002.

**45024029. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431) construction blasting in Barrett Township, **Monroe County** with an expiration date of March 30, 2003. Permit issued May 9, 2002.

**06024023. Schlouch Incorporated** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510) construction blasting in Greenwich Township, **Berks County** with an expiration date of February 28, 2003. Permit issued May 9, 2002.

**46024025. Horst Drilling & Blasting, Inc.** (141 Rancks Church Road, New Holland, PA 17557) construction blasting in Upper Providence Township, **Montgomery County** with expiration date of July 6, 2002. Permit issued May 10, 2002.

**15024016. J. Roy's, Inc.** (Box 125, Bowmansville, PA 17507) construction blasting in West Nantmeal Township, **Chester County** with an expiration date April 22, 2003. Permit issued May 10, 2002.

**06024024. Dick Corporation** (P. O. Box 10896, Pittsburgh, PA 15236-0896) and **Explo-Tech/AEEI** (401 West High Street, Suite 102, Pottstown, PA 19464) construction blasting in Cumru Township, **Berks County** with an expiration date of September 15, 2002. Permit issued May 10, 2002.

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

**59024002. New Enterprise Stone & Lime Co., Inc.** (Box 77, New Enterprise, PA 16664) for construction blasting in Blossburg Borough, Richmond, Covington and Putnam Townships, **Tioga County**, with an expected duration of 730 days. Permit issued May 10, 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

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

**E46-904. The Rosen Organization I, Inc.,** 3625 Welsh Road, Willow Grove, PA 19090, Abington Township, **Montgomery County**, ACOE Philadelphia District.

To replace, construct and maintain a road crossing of the Meadow Brook tributary to the Pennypack Creek (TSF-MF). The project involves the removal of the existing single span structure. The proposed bridge will be a continuous triple precast concrete box culvert. It will be composed of three continuous cells, each 10 feet wide, 9 feet high and 37 feet long. The project includes a sanitary sewer utility line crossing previously authorized as GP054601323 and also proposes the construction and maintenance of gas and water utility line crossings to serve the proposed five-lot residential subdivision situated on the 6.8-acre tract. The project site is located 500 feet west of the intersection of Valley Road and Washington Lane (Frankford, PA Quadrangle N: 19.8 inches; W: 14.75 inches).

**E23-413. Thornbury Investors, L.P.,** 1541 East Strasburg Road, West Chester, PA 19380, Thornbury Township, **Delaware County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the Cherry Farms Residential Subdivision in, along and across, 1,095 linear feet of unnamed tributaries of Chester Creek (TSF) and 0.60 acre if adjacent wetlands (PFO/PEM).

1. To remove 24 linear feet of 36-inch existing driveway culvert and to construct and maintain, in its place, 30 linear feet of 36-inch RCP culvert with endwalls across an intermittent watercourse. The crossing will contain 10 linear feet of riprap and will provide improved emergency access, which will also serve as a walking trail.

2. To construct and maintain 70 linear feet of 27-inch by 42-inch RCP culvert road crossing across an intermittent watercourse for Cherry Farm Lane at Station 1+30 to provide access from Dilworthtown Road (SR 4016). The crossing will include 10 linear feet of rip rap at the downstream end and utility line stream crossings consisting of a DIP water main, gas main, telephone, electric and cable lines either above or below the culvert.

3. To construct and maintain 95 linear feet of 19-door by 6-foot 3 1/2-inch pipe arch bridge with mitered end sections across a perennial watercourse for Cherry Farm Lane at Station 15+30. The crossing will require 30 linear feet of twin 30-inch steel pipes as temporary culverts with clean stone cover to serve as an equipment crossing and a temporary stream diversion during construction. Work will include utility line stream crossings consisting of a

PVC sanitary sewer, DIP water main, gas main, telephone, electric and cable lines either above or below the culvert.

4. To relocate 160 linear feet of intermittent watercourse through a 149 linear feet of 48-inch RCP stormwater outfall, 10 linear feet of riprap at the downstream end and utility line stream crossings consisting of a PVC sanitary sewer, DIP water main, gas main, telephone, electric and cable lines above the stream enclosure.

5. To place and maintain fill in 0.05 acre of adjacent wetlands (PFO) for Cherry Farm Lane at Station 58+00. Work will include utility line wetland crossings consisting of a PVC sanitary sewer, DIP water main, gas main, telephone, electric and cable lines.

6. To construct and maintain 59 linear feet of 30-inch RCP culvert across an intermittent watercourse and 0.11 acre of adjacent wetland (PFO) for Cherry Farm Lane at Station 61+70. Work will include utility line stream crossings consisting of a PVC sanitary sewer, DIP water main, gas main, telephone, electric and cable lines either above or below the culvert.

7. To construct and maintain 70 linear feet of 18-inch RCP culvert across a perennial watercourse and 0.10 acre of adjacent wetland (PFO) for Cherry Farm Lane at Station 65+00. Work will include weep drains to convey spring seeps to the edge of fill and utility line stream crossings a PVC sanitary sewer, DIP water main, gas main, telephone, electric and cable lines either above or below the culvert.

8. To construct and maintain 112 linear feet of 18-inch RCP stream enclosure across an intermittent watercourse and 0.12 acre of adjacent wetland (PFO) for Cherry Farm Lane at Station 67+30. Work will include utility line stream crossings for lot 4 consisting of a PVC sanitary sewer, DIP water main, gas main, telephone, electric and cable lines either above or below the stream enclosure.

9. To relocate 95 linear feet of perennial watercourse through 83 linear feet of 6-foot by 12-foot arch bridge for Old Barn Lane at Station 2+00. Work will include utility line stream crossings consisting of a PVC sanitary sewer, DIP water main, gas main, telephone, electric and cable lines either above or below the culvert.

10. To relocate 153 linear feet of perennial watercourse through 126 linear feet of 84-inch RCP stream enclosure and impacting 0.23 acre of adjacent wetlands (PFO) for Old Barn Drive at Station 24+30. Work will include 20 linear feet of riprap at the downstream end, a stormwater conduit and utility line stream crossings consisting of a DIP water main, telephone, electric and cable above the stream enclosure.

11. To remove an existing 18 linear-foot long 24-inch CMP culvert located in a watercourse near Lots 112 and 76 and to construct and maintain a pedestrian bridge and 8-inch PVC sanitary sewer crossing.

The applicant has proposed to construct 1.54 acres of replacement wetlands to compensate for impacts associated with Dam Safety Permits D23-114, Pennsylvania Department of Transportation General Permit GP072302302 and PECO Energy General Permit GP052303202.

The proposed subdivision is located on a 192-acre parcel along Dilworthtown Road (SR 4016) approximately 2,000 feet east of its junction with the Wilmington-West Chester Pike (SR 0202) (West Chester, PA USGS Quadrangle N: 4.5 inches; W: 8.0 inches).

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

**E54-287. Dr. Vincent G. Dauchess**, 78 Great Oaks Drive, Nesquehoning, PA 18240-2136. Rush Township, **Schuylkill County**, Army Corps of Engineers Philadelphia District.

To maintain the following existing, private structures in Lake Hauto: (1) a boat dock consisting of two "L-shaped" floating sections having a surface area of 788 SF; (2) a 208 SF concrete bulkhead; and (3) an 88 SF concrete access ramp. The dock and associated concrete bulkhead extends approximately 44.5 feet from the original shoreline of the lake and the total impact to shallow water habitat from the three existing structures is approximately 1,084 SF. The project is located along the northern shore, approximately 3 miles northeast of the intersection of SR 0309 and SR 0054 (Tamaqua, PA Quadrangle N: 15.0 inches; W: 7.5 inches).

**E40-584. Earth Conservancy**, 101 South Main Street, Ashley, PA 18706-1506. Newport Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To modify and maintain approximately 150 linear feet of channel of a tributary to South Branch Newport Creek, locally known as Wanamie Run, at the outlet of the Wanamie Lake Dam. The project includes widening and riprap lining of the channel section, to eliminate the dam's potential to impound water and will impact a de minimis area of wetlands equal to 0.02 acre through excavation within the impoundment area. The project is located approximately 4,500 feet southeast of the intersection of SR 3004 and SR 3002 (Nanticoke, PA Quadrangle N: 7.7 inches; W: 3.2 inches).

**E48-320. Plainfield Township**, 6292 Sullivan Trail, Nazareth, PA 18064. Plainfield Township, **Northampton County**, Army Corps of Engineers Philadelphia District.

To remove the existing structure and to construct and maintain two 12-foot x 5.5-foot concrete box culverts depressed 12 inches below the streambed of Waltz Creek. The project is located along Township Road T666 (Bocce Club Road), just west of its intersection with T664 (Jory Road) (Bangor, PA Quadrangle N: 19.1 inches; W: 16.8 inches).

**E40-597. Borough of Harveys Lake**, P. O. Box 60, Harveys Lake, PA 18618. Harveys Lake Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To maintain the Harveys Lake Flood Protection Project (C40:15), in a 1,200-foot reach of a tributary to Harveys Lake known as Wordan Place Run. The project consists of a rectangular concrete channel having a bottom width of 6 feet and a depth of 4 feet, with eight 6-foot by 4-foot concrete box culverts located at SR 1415, Center Street and six driveways. The project extends from Harveys Lake eastward under SR 1415 (Lakeside Drive) and along the south side of SR 1024 (Harveys Lake, PA Quadrangle N: 20.3 inches; W: 4.4 inches).

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

**E14-407. DBW Partnership**, 1042 East Springfield Dr., Bellefonte, PA 16823. New Culvert and Channel Relocation, in Walker Township, **Centre County**, ACOE Baltimore District (Mingoville, PA Quadrangle N: 8.5 inches; W: 9.5 inches).

To: 1) remove an existing 72-inch steel pipe culvert and the associated earthen cover; 2) construct and maintain a

9-foot high by 50-foot long limestone stone retaining wall in the right stream bank of the existing channel; to construct and maintain a 70-foot long aluminum arch culvert with a 13-foot span and a 5-foot 11-inch rise with two 8-foot slope collars in Nittany Creek; 4) realign, stabilize and maintain 244 linear feet of Nittany Creek; and 5) install and maintain an 8-inch PVC sanitary sewer main and an 8-inch PVC water main under Nittany Creek, located on the south side of SR 1005 (Forest Avenue) 1 mile north of the SR1005 and SR550 intersection for a proposed residential subdivision.

**E14-411. Joseph and Elaine Skidel**, 142 Greyhound Lane, Port Matilda, PA 16870. Shadyside Kennels Bridge, in Worth Township, **Centre County**, ACOE Baltimore District (Port Matilda, PA Quadrangle N: 17.61 inches; W: 5.13 inches).

To relocate 400 linear feet of an existing channel to: 1) Swale #4, a 98-foot long 1.25-foot deep triangular R-5 riprapped channel that flows into Swale #3; 2) a 166-foot long 1.55-foot deep triangular R-3 riprapped channel that flows into; 3) two 24-inch diameter 70-foot long HDPE culverts with concrete endwalls for the kennel's driveway, that flow into; 4) Swale #2, a 165-foot long 1.31-foot deep triangular R-4 riprapped channel that flows into; and 5) a 15-foot by 15-foot R-4 riprapped spillway apron of the stormwater pond that discharges to the existing channel. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E14-416. Pennsylvania Department of Transportation**, 1924-30 Daisy Street, Clearfield, PA 16830. SR 2008 Bridge Replacement, in Gregg Township, **Centre County**, ACOE Baltimore District (Spring Mills, PA Quadrangle N: 19.4 inches; W: 10.2 inches).

To: 1) construct and maintain two temporary diversion dikes in Penns Creek; 2) remove an existing bridge; 3) construct and maintain a temporary pedestrian bridge located downstream of the existing bridge; and 4) construct and maintain a single span adjacent composite prestressed concrete box beam bridge with an 80-foot 10-inch clear span, minimum underclearance of 9-foot 11-inches on a 60° skew across Penns Creek located 200 feet southwest of the SR 2012 and SR 0045 intersection. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E17-366. Pennsylvania Department of Transportation, Engineer District 2-0**, P. O. Box 342, Clearfield, PA 16830. SR 2011, Section A01 Bridge Replacement, in Bigler Township, **Clearfield County**, ACOE Baltimore District (Ramey, PA Quadrangle N: 16.9 inches; W: 3.1 inches).

To remove an existing structure and to construct, operate and maintain a precast, reinforced concrete box culvert to carry SR 2011, Section A01, across Upper Morgan Run (CWF) for improved public roadway. The public road crossing shall have a minimum waterway opening of 10-feet (span), 6.5-feet (rise), 40-feet (length) and skew of 60-degrees. The box culvert shall be depressed 1.0-foot. Installation of the box culvert shall occur at stream low flow. The project is located along the western right-of-way of SR 0053 approximately 1.1-miles west of SR 2011 and SR 0053 intersection in Bigler Township, Clearfield County. The permit also authorizes the construction, operation, maintenance and removal of temporary road crossings, stream diversions and cofferdams. Upon completion of the construction project, all

temporary structures shall be removed, disturbed areas restored to original contours and elevations and stabilization applied. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E18-336. Stephen W. Zwald**, 1143 Fifth Avenue, Jersey Shore, PA 17740. Floodway Fill, in Pine Creek Township, **Clinton County**, ACOE Baltimore District (Jersey Shore, PA Quadrangle N: 11.29 inches; W: 6.12 inches).

To: 1) demolish and remove an 18-foot by 18-foot garage and an 8-foot by 16-foot enclosed porch of the house in the right 100-year floodway of Pine Creek; and 2) to construct and maintain an 18-foot by 20-foot addition to the house in the right 100-year floodway of Pine Creek (Jersey Shore, PA Quadrangle, N: 11.29 inches; W: 6.12 inches) in Pine Creek Township, Clinton County. This permit was issued under section 105.13(e) "Small Projects."

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

To construct, operate and maintain a minor road crossing an unnamed tributary to Ludington Run to provide access to a private, single residence. The road crossing shall be constructed with a single corrugated metal culvert pipe, depressed into the streambed 1-foot and clean rock fill. The metal culvert pipe will have a minimum diameter of 7-feet. Construction of the road crossing shall be complete during stream low flow conditions and dry work conditions by fluming or dams and pumping stream flow around the work areas. The project is located along the western right-of-way of SR 1009 approximately 600-feet north of SR 0049 and SR 1009 intersection. The project will permanently impact 0.03-acre of wetland which is de minus and the permittee will not be required to mitigate the wetland impacts with replacement wetlands.

**E53-369. The Golf Club at Wending Creek Farms, LLC**, One North Main Street, Coudersport, PA 16915. Utility line crossing unnamed tributary to Allegheny River, in Allegany Township, **Potter County**, ACOE Pittsburgh District (Sweden Valley, PA Quadrangle N: 19.0 inches; W: 0.2 inch).

To construct, operate and maintain rock and stone water features for golf course aesthetics in and along an unnamed tributary to the Allegheny River; an 8-inch diameter ductile iron pipe and two 2-inch diameter pipe beneath the channel of the same unnamed tributary for golf course irrigation. Construction and maintenance of the water features and irrigation lines shall be conducted in dry work conditions at stream low flow. Construction and maintenance of the structures authorized by this permit shall not be conducted in and along the unnamed tributary to the Allegheny River from March 1 to June 15 and October 1 to December 31 without the prior written approval of the Fish and Boat Commission. The project is located along the northern right-of-way of SR 0049 approximately 1-mile south of T-410 and SR 0049 intersection (Sweden Valley, PA Quadrangle N: 19.0 inches; W: 0.2 inch) Allegany Township, Potter County. The 400-feet of permanently impacted waterway shall be mitigated with riparian buffer restoration and enhancement along 1,500-feet of the Allegheny River. All riparian buffer restoration and enhancement shall be conducted

prior to or concurrent with construction of the waters features and utility line crossings authorized by this permit.

**E55-186**, Denied, **Scott E. Garrison**, R. R. 1, Box 2064, Beavertown, PA 17813. Water Obstruction and Encroachment Permit Application Denial, in Adams Township, **Snyder County**, ACOE Susquehanna River Basin District (Beavertown, PA Quadrangle N: 7.6 inches; W: 11.1 inches).

To relocate 110 feet of stream in an unnamed tributary to the North Branch of Middle Creek and construct and maintain 40 feet of new stream channel all of which is located 0.5 mile south of Troxelville on SR 0235 to Sheep Hill Road. This permit application has been denied by the Department.

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

**E02-1363. Allegheny County Department of Public Works**, 501 County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219. Ohio Township and Sewickley Hills Borough, **Allegheny County**, ACOE Pittsburgh District.

To remove the existing structures and to construct and maintain a 46' long, 11' x 6' reinforced box culvert (depressed 1') in a tributary to Kilbuck Run (CWF) and to remove existing structures, to replace and maintain a 292' section of retaining wall and to construct and maintain an outfall structure along the right bank side of Kilbuck Run (CWF). The project is located along Glenfield Road approximately 1/4 mile south of its intersection with Mt. Nebo Road (Emsworth, PA Quadrangle N: 8.8 inches; W: 17.1 inches).

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

**E10-351, Butler County**, P. O. Box 1208, Butler, PA 16003-1208. Rosebaugh Bridge Hammond Road Across Glade Run, in Adams Township, **Butler County**, ACOE Pittsburgh District (Valencia, PA Quadrangle N: 18.0 inches; W: 13.7 inches).

To remove the existing Rosebaugh Bridge and to construct and maintain a composite prestressed concrete spread box beam bridge having a clear span of 15.057 meters and an underclearance of 2.157 meters on an 85 degree skew across Glade Run on T-401 Hammond Road west of Three Degree Road.

**E25-641, Department of Conservation and Natural Resources, Bureau of Facility Design and Construction**, 195 Park Road, P. O. Box 387, Prospect, PA 16052-0387. East Fisher Road across Graveyard Pond and Marina Drive Across Long Pond, Presque Isle State Park in Millcreek Township, **Erie County**.

To conduct the following activities within Presque Isle State Park in Millcreek Township, Erie County:

1. To remove the existing bridge and to construct and maintain a prestressed concrete adjacent box beam bridge having a clear, normal span of 120 feet and an underclearance of 21.8 feet across Graveyard Pond and impacting a de minimis area (0.015 acre) of wetland on East Fisher Road just north of the Perry Monument (Erie North, PA Quadrangle N: 5.5 inches; W: 12.6 inches).

2. To modify, rehabilitate and maintain the existing five span prestressed concrete adjacent box beam bridge having a total structure length of 156.25 feet and an underclearance of 8.7 feet on a 60 degree skew across Long Pong on Marina Drive approximately 0.3 mile east of Peninsula Drive (Erie North, PA Quadrangle N: 6.3 inches; W: 16.1 inches).

**DAM SAFETY**

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

**D23-113. Thornbury Investors, L.P.**, 1541 East Strasburg Road, West Chester, PA 19380. To construct, operate and maintain Cherry Farm Basin #1 across West Branch Chester Creek (TSF), directly impacting 0.23 acre of wetlands (PFO) and 102 feet of stream and providing 0.23 acre of wetland mitigation, for the purpose of stormwater detention and roadway crossing for the proposed Cherry Farm residential development (West Chester, PA Quadrangle N: 4.55 inches; W: 7.05 inches) in Thornbury Township, **Delaware County**.

**D23-114. Thornbury Investors, L.P.**, 1541 East Strasburg Road, West Chester, PA 19380. To construct, operate and maintain Cherry Farm Basin #2 across a tributary to West Branch Chester Creek (TSF), directly impacting 0.37 acre of wetlands (PFO) and 205 feet of stream and providing 0.37 acre of wetland mitigation, for the purpose of stormwater detention for the proposed Cherry Farm residential development (West Chester, PA Quadrangle N: 3.8 inches; W: 7.9 inches) in Thornbury Township, **Delaware County**.

**STORAGE TANKS**

**SITE-SPECIFIC INSTALLATION PERMITS**

**The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Land Recycling and Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.**

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
02-06-004	Vincent W. Lee Jr. East Penn Manufacturing Company Inc. P. O. Box 147 Lyon Station, PA 19536	Berks	Richmond Township	4 ASTs storing sulfuric acid	25,000 gallons each

---

## SPECIAL NOTICES

---

### Multiple Permits Required for a New Water Supply in Chester County

*Permit Applications Submitted to the Department by the Philadelphia Suburban Water Company to Construct and Operate a New Water Supply in Wallace Township, Chester County*

Philadelphia Suburban Water Company, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3489 has submitted multiple permit applications to the Department. These applications will be the subject of a public hearing to be held at 7 p.m. on June 13, 2002, at the North Brandywine Middle School, 256 Reeceville Rd., Coatesville, PA 19320.

On April 18, 2002, the Department issued a water allocation permit to Philadelphia Suburban Water Company (PSW) that will allow the company to withdraw water from the East Brandywine Creek. The Delaware River Basin Commission also approved this water withdrawal on April 3, 2002.

Comments on the issued water allocation permit will not be taken at the June 13, 2002, hearing.

The withdrawal was requested by PSW as part of a proposed project that would use water from the East Brandywine Creek to serve customers in East and West Brandywine Townships. PSW's project would construct a conventional treatment plant and transmission lines. The project includes the proposed use of Cornog Quarry as a raw water reservoir.

To construct and operate this proposed water supply system, the following permits will be required by PSW and are the subjects of the hearing:

**1598513. Public Drinking Water.** This permit authorizes construction of a conventional 1.0 million gallon per day water treatment plant to be known as the Cornog Water Treatment Plant located in Wallace Township, Chester County to serve the drinking water needs of East Brandywine and West Brandywine Townships. This permit is subject to the following special condition:

The facilities authorized by this permit shall be constructed and operated within the Townships of Wallace, East Brandywine and West Brandywine in a manner consistent with franchise service areas authorized by and agreements filed with the Pennsylvania Public Utility Commission (Commission) and with municipal zoning ordinances and zoning approvals concerning new or expanded development.

**E15-589. Water Obstruction.** This permit would allow PSW to construct and maintain an approximately 26-foot wide raw water intake on the East Branch Brandywine Creek (HQ-TSF-MF) for transferring water from the East Branch Brandywine Creek to the Cornog Quarry and a 48-inch intake tunnel to pump water from the quarry to the water treatment plant for treatment before distributing to customers of PSW. The site is located about 1,500 feet east of the intersection of Marshall and Creek Roads

(Downingtown USGS Quadrangle N: 13.70 inches; W: 17.50 inches) in Wallace Township, Chester County. This permit is subject to the following special conditions:

A. Since this stream is a TSF stream, no work shall be done in the stream channel between March 1 and June 15.

B. This permit also authorizes the construction and maintenance of a surface swale and 16-inch outfall structure to direct water into Cornog Quarry, which must be done in accordance with the conditions of the Department's General Permit BDWM-GP-4. No additional notification to the Southeast Region, Field Operations, Water Management Program, Soils and Waterways Section is necessary.

C. The facilities authorized by this permit shall be constructed and operated within the Townships of Wallace, East Brandywine and West Brandywine in a manner consistent with the franchise service areas authorized by and agreements filed with the Commission and with municipal zoning ordinances and zoning approvals concerning new or expanded development.

**PAS10G338. NPDES Stormwater.** PSW is seeking permission to discharge stormwater from a construction activity located in Wallace Township, Chester County, to East Branch Brandywine Creek. This permit is subject to the following special condition:

The facilities authorized by this permit shall be constructed and operated within the Townships of Wallace, East Brandywine and West Brandywine in a manner consistent with the franchise service areas authorized by and agreements filed with the Commission and with municipal zoning ordinances and zoning approvals concerning new or expanded development.

**1599201. Water Quality Industrial Waste Part II.** On March 19, 1999, PSW submitted an application for construction and operation of two proposed sludge lagoons to handle residual materials resulting from the water treatment plant and to discharge lagoon supernatant to the Cornog Quarry. A flow of 38,440 gallons per day of wastewater will be directed from the water treatment plant to the sludge lagoons. This permit is subject to the following special conditions:

A. The water level, within the impoundments, shall be controlled so that a freeboard of at least 24 inches is maintained at all times.

B. If there is a change in ownership of this facility or in permittee name, an application for transfer of permit must be submitted to the Department.

C. Collected screenings, slurries, sludges and other solids shall be handled and disposed of in compliance with 25 Pa. Code Chapters 262—264, 287—289, 291 and 299 and applicable Federal regulations, the Federal Clean Water Act, RCRA and their amendments.

D. Discharge limitations and monitoring requirements. The effluent from the sludge lagoons to the Cornog Quarry shall be sampled and shall be limited at all times as follows:



Parameter	Discharge Limitations (mg/l)			Monitoring Requirements	
	Average Monthly	Maximum Daily	Instantaneous Maximum	Measurement Frequency	Sample Type
Total Suspended Solids	30	60	75	1/Month	8 Hour Comp
Iron, Total	2	4	5	1/Month	8 Hour Comp
Aluminum, Total	4	8	10	1/Month	8 Hour Comp
Manganese, Total	1	2	2.5	1/Month	8 Hour Comp
Total Residual Chlorine	0.5		1.17	1/Month	Grab
pH	With in Limits of 6.0 to 9.0 Standard Units at all times			1/Month	Grab

E. The proposed facilities will be constructed and operated within the Townships of Wallace, East Brandywine and West Brandywine in a manner consistent with the franchise service areas authorized by and agreements filed with the Commission and with municipal zoning ordinances and zoning approvals concerning new or expanded development.

The public should submit verbal or written comments at the hearing. 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.

Persons with a disability or those who require special accommodations to fully participate in the public hearing should contact Deborah Fries, Community Relations Coordinator at (610) 832-6020.

[Pa.B. Doc. No. 02-937. Filed for public inspection May 24, 2002, 9:00 a.m.]

## DEPARTMENT OF REVENUE

[Correction]

### Pennsylvania Royal Riches Instant Lottery Game

Errors occurred in the document announcing public notice of the rules for the Pennsylvania Royal Riches Instant Lottery Game which was appeared at 32 Pa.B. 2167—2169 (April 27, 2002). Prize play symbols were printed incorrectly in paragraphs 4 and 7(f), (h), (j), (l), (n), (p), (q), (r), (s), (t), (u), (v) and (w). The correct version of this document is as follows, with ellipses referring to the existing text:

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

\* \* \* \* \*

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$8<sup>00</sup> (EGT DOL), \$12\$ (TWELV), \$18\$ (EGHTN), \$25\$ (TWY FIV), \$36\$ (TRY SIX), \$50\$ (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$2,500 (TWYFIVHUN) and \$25,000 (TWYFIVTHO).

7. *Determination of Prize Winners:*

\* \* \* \* \*

(h) Holders of tickets with a Diamond Symbol (DIMND) in the "Bonus Box" area, six prize play symbols of \$5<sup>00</sup> (FIV DOL), a prize play symbol of \$12\$ (TWELV) and a prize play symbol of \$8<sup>00</sup> (EGT DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$50.

\* \* \* \* \*

(j) Holders of tickets with a Diamond Symbol (DIMND) in the "Bonus Box" area, four prize play symbols of \$8<sup>00</sup> (EGT DOL) and four prize play symbols of \$1<sup>00</sup> (ONE DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$36.

\* \* \* \* \*

(l) Holders of tickets with a Diamond Symbol (DIMND) in the "Bonus Box" area, three prize play symbols of \$5<sup>00</sup> (FIV DOL), two prize play symbols of \$3<sup>00</sup> (THR DOL), a prize play symbol of \$2<sup>00</sup> (TWO DOL) and two prize play symbols of \$1<sup>00</sup> (ONE DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$25.

\* \* \* \* \*

(n) Holders of tickets with a Diamond Symbol (DIMND) in the "Bonus Box" area, six prize play symbols of \$2<sup>00</sup> (TWO DOL) and two prize play symbols of \$3<sup>00</sup> (THR DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$18.

\* \* \* \* \*

(p) Holders of tickets with a Diamond Symbol (DIMND) in the "Bonus Box" area, four prize play symbols of \$2<sup>00</sup> (TWO DOL) and four prize play symbols of \$1<sup>00</sup> (ONE DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$12.

(q) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$8<sup>00</sup> (EGT DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$8.

(r) Holders of tickets with a Diamond Symbol (DIMND) in the "Bonus Box" area and eight prize play symbols of \$1<sup>00</sup> (ONE DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$8.

(s) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$6<sup>00</sup> (SIX DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(t) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$5<sup>00</sup>

(FIV DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(u) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$3.<sup>00</sup> (THR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(v) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$2.<sup>00</sup> (TWO DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(w) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$1.<sup>00</sup> (ONE DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1.

\* \* \* \* \*

LARRY P. WILLIAMS,  
*Secretary*

[Pa.B. Doc. No. 02-760. Filed for public inspection April 26, 2002, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Finding Lawrence County

Under the provisions of section 2002(b) of The Administrative Code (71 P. S. § 2002(b)), the Secretary of Transportation makes the following written finding:

The Federal Highway Administration and the Department of Transportation plan to replace the Ewing Park Bridge, which carries Sims Street over the Connoquenessing Creek in the Borough of Ellwood City, Lawrence County.

The Ewing Park Bridge, also known as the Shelby Tube Bridge, has been determined eligible for the National Register of Historic Places and therefore qualifies as a section 2002/section 4(f) resource.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code, have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize these effects.

BRADLEY L. MALLORY  
*Secretary*

[Pa.B. Doc. No. 02-938. Filed for public inspection May 24, 2002, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, May 9, 2002, and took the following actions:

#### *Regulations Approved:*

Department of Revenue #15-420: Powerball (adds 61 Pa. Code Chapter 871).

Milk Marketing Board #47-7: Calculation of Bonding Obligation (amends 7 Pa. Code § 151.9)

Department of Health #10-164: Drug and Alcohol Facilities and Services—Standards for Approval of Prevention and Intervention Activities (amends 4 Pa. Code Chapter 259 and 28 Pa. Code Chapters 701 and 713)

Environmental Hearing Board #106-6: Practice and Procedure (amends 25 Pa. Code Chapter 1021)

### Approval Order

Public Meeting Held  
May 9, 2002

*Commissioners Voting:* Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner, by phone

*Department of Revenue—Powerball;  
Regulation No. 15-420*

On April 11, 2002, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Revenue (Department). This rule-making adds Chapter 871 to 61 Pa. Code. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted regulation establishes a multi-state lottery game, called Powerball, in the Commonwealth. This game will be played in conjunction with 21 other states and the District of Columbia.

We have determined this regulation is consistent with the statutory authority of the Department of Revenue (72 P. S. § 3761-303) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

### Approval Order

Public Meeting Held  
May 9, 2002

*Commissioners Voting:* Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner, by phone

*Milk Marketing Board—Calculation of Bonding  
Obligation; Regulation No. 47-7*

On August 4, 2000, the Independent Regulatory Review Commission (Commission) received this proposed regula-

tion from the Milk Marketing Board (Board). This rule-making amends 7 Pa. Code § 151.9. The proposed regulation was published in the August 12, 2000, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 10, 2002.

This regulation: changes the formula by which milk dealers' bonding obligations are calculated; changes the basis of the bonding obligation calculation from the license year to the calendar year; and updates a statutory reference. The Board estimates that the new bonding obligation formula will result in a slight increase in bonding obligations for an estimated 20 percent of milk dealers.

We have determined this regulation is consistent with the statutory authority of the Board (31 P. S. § 626.7(c) and 626.8) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

**Approval Order**

Public Meeting Held  
May 9, 2002

*Commissioners Voting:* Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner, by phone

*Department of Health—Drug and Alcohol Facilities and Services—Standards for Approval of Prevention and Intervention Activities*

On April 11, 2001, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Health (Department). This rulemaking amends 4 Pa. Code Chapter 259 and 28 Pa. Code Chapters 259, 701 and 713. The proposed regulation was published in the April 21, 2001, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 11, 2002.

This regulation rescinds the standards for approval of prevention and intervention activities offered by drug and alcohol facilities. The regulations are being deleted because of changes in the delivery of prevention services. As a result of the repeal, the Department will no longer approve prevention and intervention activities.

We have determined this regulation is consistent with the statutory authority of the Department (71 P. S. §§ 751-25, 751-31 and 1690.101 et seq.) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

**Approval Order**

Public Meeting Held  
May 9, 2002

*Commissioners Voting:* Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner, by phone

*Environmental Hearing Board—Practice and Procedure; Regulation No. 106-6*

On October 25, 2001, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Hearing Board (Board). This rulemaking amends 25 Pa. Code Chapter 1021. The proposed regulation was published in the November 10, 2001, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 2, 2002.

This regulation modifies a number of provisions to the Board's rules of practice and procedure. These include: adding a rule on withdrawal of appearance, a number of definitions that deal with electronic filing; authorizing electronic filing and service of specific legal documents; amending the rule on number of copies that need to be filed with the Board, the rules on reconsideration of interlocutory orders and the rules governing discovery; requiring that parties attach a proposed order to their motions and responses; and reorganizing the rules to make them more user-friendly.

We have determined this regulation is consistent with the statutory authority of the Board (35 P. S. § 7515(c)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 02-939. Filed for public inspection May 24, 2002, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). To obtain a copy of the regulation, contact the promulgating agency.

<i>Final-Form</i>		
<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
10-167	Department of Health Drugs Which May be Used by Certain Optometrists	5/14/02
10-166	Department of Health Reporting of AIDS, HIV Test Results, CD4 T-Lymphocyte Counts and Perinatal Exposure of Newborns to HIV	5/15/02

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 02-940. Filed for public inspection May 24, 2002, 9:00 a.m.]

## INSURANCE DEPARTMENT

**Highmark Inc. d/b/a Pennsylvania Blue Shield;  
Central Region Medically Underwritten Direct  
Pay PPO; Filing No. 200202**

Highmark Inc. d/b/a Pennsylvania Blue Shield requests approval of forms and rates for a new Central Region Medically Underwritten Direct Pay PPO product. The product will be marketed to individuals for issue on or after May 1, 2003.

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

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 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-941. Filed for public inspection May 24, 2002, 9:00 a.m.]

### List of Approved Guide Source Method Vendors; Notice No. 2002-05

Under the authority of the Motor Vehicle Physical Damage Appraisers Act (63 P. S. §§ 851—863), the Insurance Commissioner hereby lists guide source providers approved to calculate the replacement value of total loss or unrecovered vehicles under 31 Pa. Code § 62.3(e)(1)(i) (relating to applicable standards for appraisal).

A listing of approved guide source method providers will be published annually in the *Pennsylvania Bulletin*. In the interim, an updated listing may be obtained by contacting the Insurance Department, Bureau of Consumer Services, 1321 Strawberry Square, Harrisburg, PA 17120, ra-in-consumer@state.pa.us, (877) 881-6388 or faxed to (717) 787-8585.

#### Approved Guide Source Vendors

Automobile Red Book,  
*formerly Automobile Blue Book*  
Primedia Price Digests  
P. O. Box 12901  
Overland Park, KS 66282-2901  
(800) 654-6776  
www.pricedigests.com

CCC Information Services, Inc.  
444 Merchandise Mart  
Chicago, IL 60654-1005  
(800) 621-8070  
www.cccis.com

NADA Official Used Car Guide  
8400 Westpark Drive  
McLean, VA 22102  
(800) 544-6232  
www.nada.com/b2b

ADP Claims Solution Group, Inc.  
4211 S. E. International Way, #A  
Milwaukie, OR 97222  
(800) 959-6237  
www.adp.com

This document supersedes the notices published at 31 Pa.B. 5766 (October 13, 2001) and shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

(*Editor's Note:* For a final rulemaking affecting this notice, see 29 Pa.B. 5511 (October 23, 1999).)

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-942. Filed for public inspection May 24, 2002, 9:00 a.m.]

### Per Diem Charges for Financial Examinations; Notice No. 2002-03

Under the authority contained in section 907 of The Insurance Department Act of 1921 (40 P. S. § 323.7) and under 31 Pa. Code § 12.4 (relating to per diem charges), an updated schedule of per diem charges for financial examinations conducted by the Insurance Department (Department) is hereby adopted.

The new schedule of charges is as follows:

Examiner Trainee	\$226 per day
Examiner 1	\$294 per day
Examiner 2	\$365 per day
Examiner 3	\$444 per day
Examination Manager	\$516 per day
Actuary 1	\$340 per day

As prescribed in 31 Pa. Code § 12.4(c), the Department will calculate and bill per diem charges for financial examination costs in 1/2-hour units.

This schedule is effective July 1, 2002.

This document supersedes the notice published at 31 Pa.B. 2644 (May 19, 2001) and shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-943. Filed for public inspection May 24, 2002, 9:00 a.m.]

### Per Diem Charges for Market Conduct Examinations; Notice 2002-04

Each year, the Insurance Department (Department) updates its schedule of per diem charges for market conduct examinations conducted by the Department. These charges are authorized by section 907 of The Insurance Department Act of 1921 (40 P. S. § 323.7) and 31 Pa. Code § 12.4 (relating to per diem charges).

The new schedule of charges is as follows:

Examiner Trainee	\$228 per day
Examiner 1	\$271 per day
Examiner 2	\$336 per day
Examiner Manager	\$472 per day

As prescribed in 31 Pa. Code § 12.4(c), the Department will calculate and bill per diem charges for examination costs in 1/2-hour units.

This schedule is effective July 1, 2002.

This notice supersedes the schedule of per diem charges published at 31 Pa.B. 2644 (May 19, 2001). These new charges shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-944. Filed for public inspection May 24, 2002, 9:00 a.m.]

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 15, 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 May 19, 2002.

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

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-945. Filed for public inspection May 24, 2002, 9:00 a.m.]

### **OTR Truckers Association, Inc. and Over the Road Healthcare Fund (OTR); Prehearing**

#### **Petition of Injunctive Release under 40 P. S. § 47; Doc. No. MS02-05-012**

The proceeding in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure). A prehearing conference is scheduled for May 16, 2002, at 3 p.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. A hearing shall occur on May 20, 2002, at 10:30 a.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. At the prehearing 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.

Failure to appear at the prehearing conference will result in the preclusion of evidence at the hearing or in a judgment against the absent party or in other appropriate action. Furthermore, in the event the respondent fails to appear at the prehearing conference, absence will be presumed to constitute a waiver of the requirement in 40 P. S. § 47 to schedule a hearing within 15 days and the May 8, 2002, Order will remain in effect until further order.

On or before May 15, 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, 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.

### **Kevin Small; Hearing**

#### **Appeal of Kevin Small under the Motor Vehicle Financial Responsibility Law; Catastrophic Loss Benefits Continuation Fund; Doc. No. CF02-05-003**

A prehearing telephone conference initiated by this office is scheduled for July 3, 2002, at 10:30 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before June 3, 2002. A hearing shall occur on July 24, 2002, at 10:30 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 June 12, 2002, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office.

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

Motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed on or before June 19, 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 26, 2002.

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

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-946. Filed for public inspection May 24, 2002, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Susquehanna County, Wine & Spirits Shoppe #5801, 605 Main Street, Forest City, PA 18421-1429.

*Lease Expiration Date:* May 31, 2003

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,000 to 1,500 net useable square feet of new or existing retail commercial space within the Borough of Forest City.

*Proposals due:* June 14, 2002, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Charles D. Mooney, (717) 657-4228

Dauphin County, Wine & Spirits Shoppe #2211, Hershey Square Shopping Center, 1134 Mae Street, Hummelstown, PA 17036.

*Lease Expiration Date:* July 31, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 13,000 to 14,000 net useable square feet of new or existing retail commercial space within Derry Township.

*Proposals due:* June 14, 2002, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Charles D. Mooney, (717) 657-4228

JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 02-947. Filed for public inspection May 24, 2002, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### 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 17, 2002, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property 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-00118122, F.2. First Class Limousine, Inc.** (5420 Willows Avenue, Philadelphia PA 19172), a corporation of the Commonwealth of Pennsylvania, persons in limousine service, between points in the city and county of Philadelphia, and the counties of Berks, Bucks, Chester, Delaware and Montgomery, and from points in said city and counties, to points in Pennsylvania, and return. *Attorney:* Robert J. Sugarman, Robert Morris Building, 11th Floor, 100 North 17th Street, Philadelphia PA 19103.

**A-00118893, F.2. Your Tours, Inc.** (65 First Street, Wyoming, Luzerne County, PA 18644), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in the counties of Lackawanna, Luzerne and Wyoming, and from points in said counties, to points in Pennsylvania, and return.

**A-00118925. Johnnie R. Colbert t/d/b/a Daystar Van Services** (P. O. Box 23096, city and county of Philadelphia, PA 19124)—persons in paratransit service, between points in the city and county of Philadelphia, and the counties of Bucks, Montgomery, Chester, Delaware, Lancaster, York and Cumberland, and from points in said city and counties, to points in Pennsylvania, and return.

**Applications 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 each application.**

**A-00118917. Centennial Transport Services, Inc.** (516 East Cabot Street, Philadelphia, PA 19125), a Pennsylvania corporation—persons in paratransit service, between points in the townships of Abington, Cheltenham, Horsham, Lower Moreland and Upper Moreland, and all the boroughs contained therein, all in Montgomery County, townships of Bensalem, Lower Southampton, Upper Southampton, Middletown, New Britain, Warminster and Warrington, and all boroughs contained therein, all in Bucks County, and that portion of the city and county of Philadelphia within an airline distance of 25 statute miles of the southern limits of said counties; subject to the following condition: That no right, power or privilege is granted to provide transportation in Chester County, and to or from the Philadelphia International

Airport in the city and county of Philadelphia and the Township of Tinicum, Delaware County and North Philadelphia Airport, except for wheelchair patients in vans operated with side or rear-opening hydraulic lifts; which is to be a transfer of the rights authorized under the certificate issued at A-00114888 to Guardian Ambulance Service, Inc., subject to the same limitations and conditions.

**A-00118925. Johnnie R. Colbert t/d/b/a Daystar Van Services** (P. O. Box 23096, City and County of Philadelphia, PA 19124)—persons in paratransit service, between points in the city and county of Philadelphia, and the counties of Bucks, Montgomery, Chester, Delaware, Lancaster, York and Cumberland, and from points in said city and counties, to points in Pennsylvania, and return.

**Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under the application.**

**A-00106305, Folder 5, Am-A. Star Limousine Service, Inc.** (Sheraton Hotel/Northwest, 910 Sheraton Drive, Mars, Butler County, PA 16046), a corporation of the Commonwealth of Pennsylvania—persons in limousine service: (1) between points in the county of Butler, and from points in the county of Butler, to points in the county of Allegheny, and vice versa; and (2) from points in the counties of Butler and Allegheny, to points in Pennsylvania, on and west of US Highway Route 219, and return; subject to the following condition: That no right, power or privilege is granted to transport between points in the county of Allegheny: *So As to Permit* the transportation of persons in limousine service, between points in the county of Allegheny. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219.

**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-00108367, F.3. Executive Services, Inc.** (4920 Buttermilk Hollow Road, Pittsburgh, Allegheny County, PA 15122), a corporation of the Commonwealth, household goods in use, between points in Butler County and territory north of the city of Butler within 25 miles by the usually traveled highways of the limits of said city, and from points in said territory to points in Pennsylvania, and vice versa: which is to be a transfer of the rights authorized under the certificate issued at A-00112441 to Donald A. Fix, Jr., subject to the same limitations and conditions. *Attorney:* Louis W. Emmi, 201 Lebanon Shops, 300 Mt. Lebanon Boulevard, Pittsburgh, PA 15234

**Application of the following for approval of the right to begin to operate as a broker for the transportation of persons as described under the application.**

**A-00118932. WCU Enterprises, LLC t/d/b/a Encore Tours** (5002 Lenker Street, Mechanicsburg, Cumberland County, PA 17055), a limited liability company of the Commonwealth—brokerage license—to arrange for the transportation of persons, between points in Pennsylvania.

**Application of the following for the approval of the transfer of stock as described under the application.**

**A-00093367, F.5000. Adam Meyer, Inc.** (245 Goepf Street, Bethlehem, Lehigh County, PA 18018), a corporation of the Commonwealth of Pennsylvania—stock transfer—for the approval of the transfer of 1,000 shares of Class A stock and 1,000 shares of Class B stock, that have been issued and are outstanding, from Robert H. Pursell to Rodney H. Pursell. *Attorney:* Jacob S. Kolb, 65 East Elizabeth Avenue, Suite 804, Bethlehem, PA 18014.

**Application of the following for amendment to the certificate of public convenience approval of the right and privilege to discontinue/abandon operating as a common carrier by motor vehicle and for cancellation of the certificate of public convenience as described under the application.**

**A-00100101, Folder 1, Am-A. Herman Sheppard Detective System, Inc.** (2810 North Broad Street, City and County of Philadelphia, PA 19132), a corporation of the Commonwealth—for the discontinuance of service—persons in limousine service, between points in Pennsylvania.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-948. Filed for public inspection May 24, 2002, 9:00 a.m.]

## Telecommunications

**A-311139F7001. Verizon North Inc. and Citizens Telecom Solutions, LLC.** Joint petition for approval of the Executed MFN Adoption of the Verizon North Inc. and Level 3 Communications, LLC Interconnection, Resale and Unbundling Agreement by Verizon North Inc. and Citizens Telecom Solutions, LLC under section 252(i) of the Telecommunications Act of 1996.

Verizon North Inc. and Citizens Telecom Solutions, LLC, filed on May 6, 2002, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of the Executed MFN Adoption of the Verizon North Inc. and Level 3 Communications, LLC Interconnection, Resale and Unbundling Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

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

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

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-949. Filed for public inspection May 24, 2002, 9:00 a.m.]

# STATE BOARD OF CHIROPRACTIC

**Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs v. Ronald Gene Polcawich, D.D.; Doc. No. 0358-43-98**

Ronald Gene Polcawich, license no. DC-001774-L, of Pittsburgh, Allegheny County, was revoked and assessed a civil penalty of \$1,000, based on his practice of chiropractic while his license was unregistered or inactive (April 1, 2002).

Individuals may obtain a copy of the adjudication by writing to Alicia S. Miller, Board Counsel, State Board of Chiropractic, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Chiropractic (Board) decision in this matter. It may be appealed to the Commonwealth Court by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The contact for receiving service of appeals is the previously-named Board counsel.

JONATHAN W. MCCULLOUGH, D.C.,  
*Chairperson*

[Pa.B. Doc. No. 02-950. Filed for public inspection May 24, 2002, 9:00 a.m.]



# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.


Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:  
 The payment date specified in the contract.  
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.  
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
 PA Department of Community and Economic Development  
 374 Forum Building  
 Harrisburg, PA 17120  
 800-280-3801 or (717) 783-5700

### Reader's Guide



**Legal Services & Consultation**

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department:	General Services			
Location:	Harrisburg, Pa.			
Duration:	12/1/93-12/30/93			
Contact:	Procurement Division			
	787-0000			

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:  
 Vendor Services Section  
 717-787-2199 or 717-787-4705

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.  
  
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room G13 Finance Building  
 Harrisburg, PA 17120  
 717-787-2990  
 1-800-252-4700

BARBARA HAFER,  
*State Treasurer*

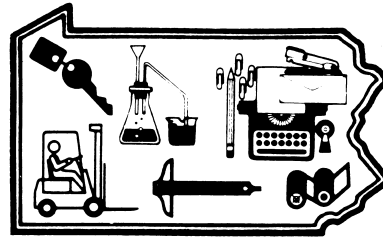
Effective April 15, 2002, the Department of General Services (Department), Bureau of Purchases, will no longer send vendors notices of the availability of invitations for bids or requests for proposals (by fax or other means). Bidding/contracting opportunities will be posted on the Department's website. Vendors who are interested in competing for a particular contracting opportunity with this Commonwealth will be able to download the particular invitation for bids or request for proposals.

The website address for viewing bidding/contracting opportunities and for obtaining copies of invitations for bids and requests for proposals is [www.dgs.state.pa.us](http://www.dgs.state.pa.us). To access the information on this website, vendors must select "Procurement" followed by "Bidding Opportunities."

If a vendor wishing to participate does not have access to a computer, public libraries offer free access to the Internet. Additionally, a vendor can obtain a copy of an individual invitation for bids or request for proposals by calling Vendor Services at (717) 787-2199 or (717) 787-4705, or by visiting us at 414 North Office Building, Harrisburg, PA.

Contact Susan Plecker, Website Manager, at (717) 787-1105 or Ray Cunningham, Vendor Information Section Supervisor, at (717) 787-5862, concerning questions or problems in gaining access to bidding/contracting opportunities information or in locating and downloading invitations for bids or requests for proposals.

KELLY POWELL LOGAN,  
*Secretary*



### Commodities

**TSCT01-006** Football Equipment List—Recondition and to Purchase Shoes, Jersey, Cleats, Ball Holder, Numbers, Decal, Net, Helmet Racks, Lycra Girdles, Mouthpieces, Handwarmer, Cones, Stopwatches, Shoulder Pads, Spikes, Socks, Shorts, Galls, Rib Pads, Game Pants, Helmets, Shoulder Pads, Cleats.

**Department:** Education

**Location:** Thaddeus Stevens College of Technology, 750 East King Street, Lancaster, PA 17602

**Duration:** July 1, 2002 to December 31, 2002

**Contact:** Earla Ament (717) 396-7163

**SU-2002/10** SU-2002/10 Shippensburg University is seeking vendors interested in furnishing and installing security screens on 36 first floor, twin-windows at Harley Hall. Vendors may request bid package by faxing request to 717-477-4004.

**Department:** State System of Higher Education

**Location:** Shippensburg University, Shippensburg, PA 17257

**Duration:** Work to begin July 22, 2002

**Contact:** Deborah K. Martin (717) 477-1121

**SU-01-35** Shippensburg University is seeking vendors who are interested in providing options on a lease-to-own basis for six (6) pieces of John Deere or equivalent lawn equipment. Interested vendors may request a bid package either by fax to (717) 477-4004 or by email to [dkmart@wharf.ship.edu](mailto:dkmart@wharf.ship.edu). Bids will be due by June 10, 2002.

**Department:** State System of Higher Education

**Location:** Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257

**Duration:** 3-5 years

**Contact:** Debbie Martin (717) 477-1121

**SU-01-36** Shippensburg University is seeking vendors interested in furnishing various software packages/licensing. Bid due date will be May 29, 2002 @ 4:00 PM. Vendors interested in receiving a bid package may fax their request to (717) 477-4004 or email [kmsmit@wharf.ship.edu](mailto:kmsmit@wharf.ship.edu). The University encourages responses from small and disadvantaged, minority, and women-owned firms.

**Department:** State System of Higher Education

**Location:** Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257

**Duration:** 2 weeks after receipt of awarded order

**Contact:** Karen Smith (717) 477-1121

**8506350** Precast Concrete Culvert Box. BID OPENING DATE: 05/31/02

**Department:** Transportation

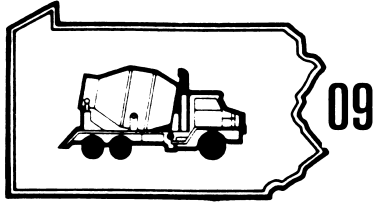
**Location:** Punxsutawney, PA

**Duration:** FY 2001-02

**Contact:** Vendor Services (717) 787-2199

**FD-08250** The PA Emergency Management Agency (PEMA) is soliciting bids for a vendor to provide one (1) TPM903 Transportable Portal Radiation Monitor manufactured by Bicon. If you are interested in receiving a bid package, contact Jill Dimpsey at (717) 651-2189 or email [jdimpsey@state.pa.us](mailto:jdimpsey@state.pa.us) with reference to FD-08250.

**Department:** PA Emergency Management Agency  
**Location:** 2605 Interstate Drive, Harrisburg, PA 17110  
**Duration:** 60 days after bid award  
**Contact:** Jill Dimpsey (717) 651-2189



## Construction & Construction Maintenance

**DGS A 251-676DBC** PROJECT TITLE: Design and Construction of a New 60' Wide X 70' Long Composite Materials Salt Storage Building. BRIEF DESCRIPTION: This request for proposal is for the design and construction of a new 60' wide x 70' long composite materials salt storage building in Allegheny County. The work must be submitted to and approved by all State governmental authorities having jurisdiction over the project. The Design Build Contractor will be the turnkey contractor for the project. ESTIMATED RANGE: \$100,000.00 to \$400,000.00. Design Build Construction. DEPOSIT: \$50.00 per set (Includes PA Sales Tax) per RFP payable to: COMMONWEALTH OF PA. This price is non-refundable. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Date for Receiving RFP, FRIDAY, June 14, 2002 at 2:00 P.M. A Pre-Proposal Conference has been scheduled for Wednesday, May 29, 2002 at 2:00 P.M. at the Department of General Services, Room 200, 2nd Floor of the Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Contact: David Keturakis, Tel: 717/705-8928. All recipients of the RFP are invited and urged to attend this Pre-Proposal Conference. All questions regarding the RFP or to clarify matters concerning the Proposers responsibilities will be addressed at the Pre-Proposers meeting to be held on May 29, 2002 at 2:00 P.M. or must be submitted in writing to 717/772-2036 by no later than 5:00 P.M. on Tuesday, May 21, 2002. Only firms requesting the RFP will receive a copy of all submitted questions and answers.

**Department:** General Services  
**Duration:** 120 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE.  
**Contact:** Contract and Bidding Unit (717) 787-6556

**DGS 948-35 PHASE 1, PART S** PROJECT TITLE: Fire Alarm Upgrades East Wing of Main Capitol. BRIEF DESCRIPTION: The work of this phase includes without limiting, modifications to the Fire Alarm System including removal of non-addressable devices and replacement with addressable devices, installing interface modules, ADA compliant strobes, new wiring, new FACP and reprogramming the systems. ESTIMATED RANGE: \$1,000,000.00 to \$5,000,000.00. Electrical Construction. PLANS DEPOSIT: \$50.00 per set payable to BRINJAC ENGINEERING, INC. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$15.00 per set or provide your express mail account number to the office listed below. Mail request to: Brinjac Engineering, Inc., 114 N. 2nd Street, Harrisburg, PA, 17110, Tel: 717/233-4502. Bid Date: WEDNESDAY, June 12, 2002 at 2:00 P.M. A Pre-Bid Conference has been scheduled for THURSDAY, May 23, 2002 at 4:30 P.M. in Room 8EA, East Wing of Main Capitol Building, Harrisburg, Dauphin County, PA. Contact: Tim Werner, Tel: 717/230-8367. A walk through will be immediately following the Pre-Bid Conference. All Contractors who have secured Contract Documents are invited & urged to attend this Pre-Bid Conference.

**Department:** General Services  
**Location:** Capitol Complex, Harrisburg, Dauphin County, PA  
**Duration:** PROPOSED DATE OF COMPLETION, APRIL 18, 2003  
**Contact:** Contract and Bidding Unit 717/787-6556

**DGS A 953-56** PROJECT TITLE: Replacement of Transformers and Secondary Switchgear. BRIEF DESCRIPTION: Remove existing Switchgear and transformers and replace with new larger units. Maintain power to Computer Rooms 209, 210. Work to be performed over a long holiday weekend between January 1st and October. ESTIMATED RANGE: \$100,000.00 to \$500,000.00. Electrical Construction. PLANS DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: 717/787-3923. Bid Date: WEDNESDAY, June 12, 2002 at 2:00 P.M.

**Department:** General Services  
**Location:** Northwest Office Building, Harrisburg, Dauphin County, PA  
**Duration:** 180 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit (717) 787-6556

**DGS A 509-109** PROJECT TITLE: Renovate Sallyport, Construct Visitors Waiting Areas, Install Locks and Security cameras, Building 51. BRIEF DESCRIPTION: Construct a new addition to provide visitors waiting area. Provide new steps and handicap ramp at new entry. Renovate existing sallyport entrance and security booth with new toilet and search area. Perform asbestos abatement to remove existing plaster ceiling. Construct a temporary sallyport to provide security during construction. Security guidelines will be enforced during construction. Provide new security cameras, intercom and electronic door locks. Extend existing mechanical, security system and electrical to new construction. ESTIMATED RANGE: \$100,000.00 TO \$500,000.00. General, HVAC and Electrical Construction. DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specification in reusable condition as construction documents within 15 days after bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, Tel: 717/787-3923. Bid Date: WEDNESDAY, June 12, 2002 at 1:00 P.M. A Pre-Bid Conference has been scheduled for Wednesday, May 29, 2002 at 10:00 A.M. at Department of General Services in Conference Room 200 of Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Contact: David Keturakis, Tel: 717/705-8928. All Contractors who have secured Contract Documents are invited and urged to attend this Pre-Bid Conference.

**Department:** General Services  
**Location:** Norristown State Hospital, Norristown, Montgomery County, PA  
**Duration:** 240 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE.  
**Contact:** Contract and Bidding Unit (717) 787-6556

**DGS 506-23 REBID** PROJECT TITLE: Renovate Building No. 17. BRIEF DESCRIPTION: Work consists of installation of piping, pumps, heat exchangers, air cooled chiller, air handlers, fan coil units and ductwork to support a new 4-pipe hydronic heating and cooling system. Scope includes renovation of bathroom areas to meet compliance with ADA. Estimate Range: \$500,000.00 to \$1,000,000.00. General Construction. PLANS DEPOSIT: \$280.00 PER SET PAYABLE TO: GILLAN & HARTMANN, INC. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Gillan & Hartmann, Inc., 140 Whitaker Avenue, Mont Clare, PA 19453. Tel: 610/935-0101. Bid Date: WEDNESDAY, May 29, 2002 at 2:00 P.M.

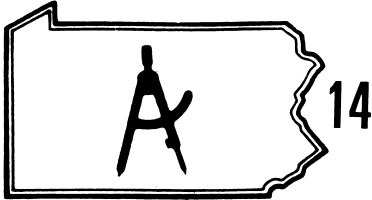
**Department:** General Services  
**Location:** Harrisburg State Hospital, Harrisburg, Dauphin County, PA  
**Duration:** 224 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE  
**Contact:** Contract and Bidding Unit 717/787-6556

**DGS A 962-14** PROJECT TITLE: Renovate Sewage System. BRIEF DESCRIPTION: Install a new comminutor vault system and related appurtenances on the facility's sanitary sewer system. ESTIMATED RANGE: Under \$100,000.00. Plumbing and Electrical Construction. DEPOSIT: \$25.00 per set payable to: COMMONWEALTH OF PA. Refundable upon return of plans and specification in reusable condition as construction documents within 15 days after bid opening date. Bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail a separate check for \$5.00 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: 717/787-3923. Bid Date: WEDNESDAY, June 12, 2002 at 11:00 A.M.

**Department:** General Services  
**Duration:** 150 CALENDAR DAYS FROM DATE OF INITIAL JOB CONFERENCE.  
**Contact:** Contract and Bidding Unit (717) 787-6556

**0210202** This contract will provide manpower, equipment and incidental guiderail materials for installation of approximately 34,000 linear feet of guiderail at various locations throughout Centre County. All guiderail material will be supplied by the Department of Transportation except for the bolts, nuts, washers, rotating brackets, bridge connection plates, anchor bolts, concrete for the end treatment and end anchorages. It will be the Contractor's responsibility to pick up the material and deliver it to work sites. A mandatory pre bid meeting (only one day) will be held to include review of the guiderail locations and a site will be determined where the guiderail will be stored. The Department shall be responsible for removal of all existing guiderail and for any grading of shoulder stabilization prior to the placement of the guiderail by the Contractor. All request for bid packages must be received by FAX 814-357-0355 or Telephone 814-355-4731.

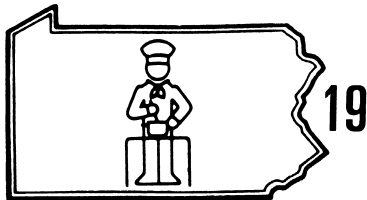
**Department:** Transportation  
**Location:** District 0210/ Various locations throughout Centre County  
**Duration:** One year contract with one year renewal  
**Contact:** Tina A. Smith (814) 355-4731



### Engineering Services

**PennDOT-ECMS** The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at [www.dot2.state.pa.us](http://www.dot2.state.pa.us).

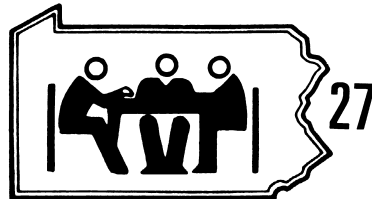
**Department:** Transportation  
**Location:** Various  
**Contact:** [www.dot2.state.pa.us](http://www.dot2.state.pa.us)



### Food

**694** Bread and bread products.

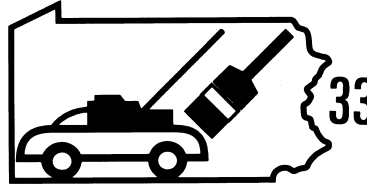
**Department:** Public Welfare  
**Location:** Polk Center, P. O. Box 94, Polk, PA 16342  
**Duration:** July 1, 2002 thru December 31, 2002  
**Contact:** Patty Frank, Purchasing Agent (814) 432-0229



### Lodging/Meeting Facilities

**LGD-2003** A hotel/banquet facility and on-site video services is sought for Wednesday, April 16, 2003, that can accommodate 1,000 people. Must be within 15-mile radius of Harrisburg, PA. One room is needed that can hold rounds of 10 for a luncheon/awards event. Lunch will be a double-entry of beef and fish, salad, dessert, beverage. A guest room is needed for the Honor Guard for entire day of event. A separate podium will be needed for the announcer; also table/chairs for computer setup. A stage with two sets of stairs, complete with podium, an awards table near the stage, room for 25 people for the purpose of award presenting and picture taking on the stage is needed. Registration tables, chairs, 6 easels for posters, tables and two punch bowls to deposit tickets, and wastebaskets will be needed outside the banquet/ceremony room. On-site video services to make a tape of entire ceremony, including taping of slide presentation, as well as the live shots of the activities on stage, along with two rear-projection jumbo screens, appropriate lighting, black drape, director/operator internal communications systems (headsets and hookup for camera personnel, computer presentation operators, events coordinator and activities coordinator), the use of two cameras for the ceremony, reproduction of 30 videos of ceremony for distribution to award winners, labor, setup and a walk through one week before event are also required. Awarding to vendor is pending upon site visit. Bids are due by Wednesday, June 12, 2002, by 5 pm. Bids will be opened on Thursday, June 13, 2002, at 10 am in the Governor's Center for Local Government Services, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA.

**Department:** Community and Economic Development  
**Location:** Within a 15-mile radius of Harrisburg, PA  
**Duration:** One Day  
**Contact:** Joseph Spielbauer 1-888-223-6837



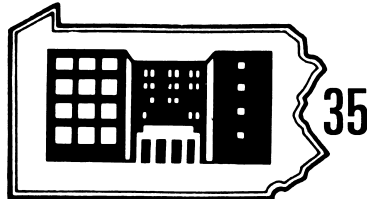
### Property Maintenance

**040157** The Pennsylvania Department of Transportation Engineering District 4-0 requires the planting of evergreens, shade trees and ornamental trees, and the preparation and planting of shrub beds in Lackawanna County. The limit of work includes roadside on Interstate 81 between exit 186, Drinker Street and Exit 194, Clarks Summit in Lackawanna County. Interested bidder must be a prequalified landscape contractor. Specifications may be obtained by faxing request to (570) 963-4245, by email at [mspaide@dot.state.pa.us](mailto:mspaide@dot.state.pa.us), or by phoning (570) 963-4048 between the hours of 8:00 am and 3:00 pm Monday through Friday.

**Department:** Transportation  
**Location:** Lackawanna County Interstate 81 Corridor  
**Duration:** Eighteen months  
**Contact:** Martha Spaide (570) 963-4048

**SU-01-37** Shippensburg University is seeking vendors who are interested in providing professional services for tree pruning, trimming, pest control and stump removal for trees at various locations on campus. Interested vendors may request bid package by sending a fax to (717) 477-4004 or email to [kmsmit@wharf.ship.edu](mailto:kmsmit@wharf.ship.edu).

**Department:** State System of Higher Education  
**Location:** Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257  
**Duration:** One year from date of award  
**Contact:** Karen Smith (717) 477-1121



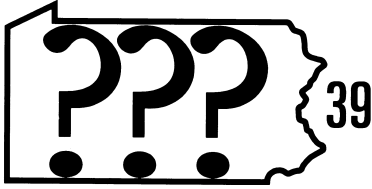
### Real Estate Services

**93436** LEASE OFFICE SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Public Welfare with 4,181 useable square feet of office space with a minimum parking for 9 vehicles (in areas where street or public parking is not available, an additional 9 parking spaces are required), within a three (3) mile radius of LaPorte, Sullivan County, PA. Downtown locations will be considered. For more information on SFP #93436 which is due on July 22, 2002 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call (717) 787-4394.

**Department:** Public Welfare  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Mrs. Cynthia T. Lentz (717) 787-0952

**93437** LEASE OFFICE/CLINIC SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the Department of Health with 2,966 useable square feet of office/clinic space in Northumberland County, PA, with a minimum parking for 10 vehicles. The offered space must be located within the city limits of Sunbury. In areas where street or public parking is not available, an additional ten (10) parking spaces are required. Downtown locations will be considered. For more information on SFP #93437 which is due on June 3, 2002 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call (717) 787-4394.

**Department:** Health  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** John Hocker (717) 787-4396



## Miscellaneous

**SU-01-34** SU-01-34 Shippensburg University is seeking vendors interested in providing a proposal to provide all Perkins, National Direct/Defense Student Loan billing and support services consistent with Federal regulations and the US Office of Education guidelines. Request RFP package by faxing request to 717-477-4004.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg, PA 17257  
**Duration:** July 1, 2002 through June 30, 2003, with the option to renew for four additional one year periods.  
**Contact:** Deborah K. Martin (717) 477-1121

**6009-01-0398/0400** Cold Rolled Sheet Steel in different gauges.

**Department:** Corrections  
**Location:** Correctional Industries, SCI Pittsburgh, 3001 New Beaver Avenue, P.O. Box 99901, Pittsburgh, PA 15233  
**Duration:** 1 Year  
**Contact:** Angela M. Corish (717) 731-7134

**064020** PENNDOT needs to dump highway trash at a transfer station. It will be dumped by our trucks. Trash excludes: tires, batteries, rubber and toxic waste. We are estimating 200 tons per year.

**Department:** Transportation  
**Location:** PENNDOT, Swede Road & Johnson Highway, Norristown, Pa. 19401  
**Duration:** Three year contract with a two year renewal  
**Contact:** Steve J. Mueller (610) 275-3540 ext. 3022

**SP4024710043** The Pennsylvania Department of Agriculture, State Farm Products Show Commission, is requesting a vendor to supply all labor, material and equipment necessary to provide quarterly preventative maintenance on the Farm Show Complex zoned Fire Suppression System. Work shall involve investigation, testing and maintenance on the main control panel, smoke detectors, heat detectors, tamper and flow switches, audio/visual components and any and all other parts of the system to assure proper Fire Suppression System function. (Additional details available upon request).

**Department:** Agriculture  
**Location:** Farm Show Complex, Cameron and Maclay Street, Harrisburg, PA 17110-9408  
**Duration:** July 1, 2002 TO June 30, 2003  
**Contact:** William Piper 787-5373

**R0013223** Millersville University is soliciting qualified vendors who can provide and install a new resilient athletic surface for an indoor track in Pucillo Gymnasium. Bidders must fax (FAX: 717/871-2000) or email (anna.stauffer@millersville.edu) their requests to be placed on a bidders list no later than 11:00 AM, Wednesday, 5/29/02. Bidders shall reference the Requisition Number (R0013223) in their request. The University encourages responses from small & disadvantaged, minority and woman-owned firms.

**Department:** State System of Higher Education  
**Location:** Millersville, PA  
**Duration:** July 1—August 23, 2002  
**Contact:** Anna Stauffer 717/872-3041

**SP3526003000** The Dept. seeks a contractor to determine the location of mussels in relation to the discharge from the Conneaut Lake Joint Municipal Authority wastewater treatment plant. In addition suitability of habitat and mixing relation between discharge and stream must be determined. Prebid conference to be held 5/24/02 at 10:30 A.M. in the Northwest Regional Office of DEP.

**Department:** Environmental Protection  
**Location:** Conneaut Lake Borough, Crawford County, PA  
**Duration:** July 30, 2002 to Dec. 31, 2002  
**Contact:** John Holden (814) 332-6942

[Pa.B. Doc. No. 02-951. Filed for public inspection May 24, 2002, 9:00 a.m.]

---

## DESCRIPTION OF LEGEND

---

- |  |   |
|--|---|
| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
|--|---|

KELLY POWELL LOGAN,  
*Secretary*

## Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of	Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
0032-03	05/14/02	GMG Publishing	\$71,276.00	7490-03 rip#1	05/14/02	Bell & Howell Mail Messaging	20,000.00
5805-56	05/14/02	Telecommunications Systems	2,635,340.59	7490-03 rip#1	05/14/02	Kwik-File LLC	20,000.00
5805-56	05/14/02	United Telephone/Sprint	4,274,390.32	7810-01 sup#1	05/14/02	Advantage Sport & Fitness	42,500.00
5850-01 sup#7	05/14/02	Anixter	20,000.00	7810-01 sup#1	05/14/02	Aluminum Athletic Equipment	42,500.00
5850-01 sup#7	05/14/02	Daly Computers	20,000.00	7810-01 sup#1	05/14/02	Flaghouse	42,500.00
5850-01 sup#7	05/14/02	Dauphin Datacom	20,000.00	7810-01 sup#1	05/14/02	Ken J. Barrick	42,500.00
5850-01 sup#7	05/14/02	GTCO Calcomp	30,000.00	7810-01 sup#1	05/14/02	Leisure Fitness	42,500.00
5850-01 sup#7	05/14/02	Hitachi America	10,000.00	7810-01 sup#1	05/14/02	Life Fitness/Brunswick	42,500.00
5850-01 sup#7	05/14/02	KGA Technologies	10,000.00	7810-01 sup#1	05/14/02	Precor	42,500.00
5850-01 sup#7	05/14/02	Kingdom Computer	10,000.00	7810-01 sup#1	05/14/02	Sport Supply Group/Passons Sports	42,500.00
5850-01 sup#7	05/14/02	Minolta—OMS	10,000.00	7810-01 sup#1	05/14/02	York Barbell	42,500.00
5850-01 sup#7	05/14/02	The Datastore	20,000.00	8305-04 rip#1	05/14/02	Douglass Industries West	20,630.00
5850-01 sup#7	05/14/02	Young Opportunities	50,000.00	8305-04 rip#1	05/14/02	Mayer-Paetz Fabrics	45,750.00
6675-02 rebid	05/14/02	Anderson Instrument/Supply	225,000.00	1149211-01	05/13/02	Mesko Glass 7 Mirror	38,200.00
6675-02 rebid	05/14/02	Corvallis Microtechnology	50,000.00	1243381-01	05/13/02	Allenwood Equipment	91,986.00
6675-02 rebid	05/14/02	Keystone Precision Instruments	25,000.00	1348151-01	05/13/02	Schelde North America	66,060.00
6675-02 rebid	05/14/02	Precise Positioning Products	300,000.00	1369211-01	05/13/02	Direct Supply	21,921.12
6675-02 rebid	05/14/02	Topcon Positioning Systems	275,000.00	1407151-01	05/13/02	Hondru Ford/Phillips Ford	74,225.00
6675-02 rebid	05/14/02	Trimble Navigation	25,000.00	1555110-01	05/13/02	C B Structures	45,690.00
6675-02 rebid	05/14/02	Tropod Data System	75,000.00	8141900-01	05/13/02	Foster Grading	394,937.10
				8141910-01	05/13/02	W L Dunn	238,401.12
				8141930-01	05/13/02	Dunbar Asphalt	974,822.34
				8141950-01	05/13/02	W L Dunn	532,152.64
				8161310-01	05/13/02	A C Miller Concrete Products	54,140.00

## STATE CONTRACTS INFORMATION

<b>Requisition or Contract No.</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
8251590-01	05/13/02	Crafco	74,880.00
8506210-01	05/13/02	Flink	96,939.00
8506270-01	05/13/02	A C Miller Products	39,925.00

KELLY POWELL LOGAN,  
*Secretary*

[Pa.B. Doc. No. 02-952. Filed for public inspection May 24, 2002, 9:00 a.m.]

---