

# PENNSYLVANIA BULLETIN

Volume 32

Number 22

Saturday, June 1, 2002 • Harrisburg, Pa.

Pages 2661—2738

**Agencies in this issue:**

The General Assembly

The Courts

Department of Banking

Department of Conservation and Natural  
Resources

Department of Environmental Protection

Department of General Services

Department of Health

Department of Revenue

Environmental Hearing Board

Environmental Quality Board

Independent Regulatory Review Commission

Insurance Department

Liquor Control Board

Pennsylvania Public Utility Commission

Turnpike Commission

**Detailed list of contents appears inside.**



PRINTED ON 100% RECYCLED PAPER



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

**No. 331, June 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 . . . . . 2669

## THE COURTS

### LOCAL COURT RULES

#### Crawford County

Adoption of rules applicable to the Orphans Court; 2002-96 . . . . . 2670

## EXECUTIVE AGENCIES

### DEPARTMENT OF BANKING

#### Notices

Action on applications . . . . . 2696

### DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

#### Notices

Increase of boat dock permit fee . . . . . 2697  
 Pennsylvania Recreational Trails Advisory Board meeting . . . . . 2697

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

*See also ENVIRONMENTAL QUALITY BOARD*

#### Notices

Applications, actions and special notices . . . . . 2697

### DEPARTMENT OF GENERAL SERVICES

#### Notices

Contract awards . . . . . 2737  
 State contracts information . . . . . 2733

### DEPARTMENT OF HEALTH

#### Notices

Newborn screening specimen collection standards . . . 2724

### DEPARTMENT OF REVENUE

#### Notices

Pennsylvania Bee A Winner instant lottery game . . . 2726

### ENVIRONMENTAL HEARING BOARD

#### Notices

ExxonMobil Oil Corporation v. DEP; EHB doc. no. 2002-108-R . . . . . 2727  
 Tinticum Township v. DEP and Delaware Valley Concrete Co., Inc.; EHB doc. no. 2002-101-L . . . . . 2728

### ENVIRONMENTAL QUALITY BOARD

#### Rules and Regulations

Coal mine permits/road requirements . . . . . 2686  
 Stream redesignations (Little Bush Kill, et al.) . . . . 2691

### INDEPENDENT REGULATORY REVIEW COMMISSION

#### Notices

Notice of comments issued . . . . . 2728

### INSURANCE DEPARTMENT

#### Notices

Insurance coverages or risks eligible for export by Insurance Commissioner . . . . . 2730

### LIQUOR CONTROL BOARD

#### Notices

Expiration of leases . . . . . 2730

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

#### Notices

Service of notice of motor carrier applications . . . . . 2731

### TURNPIKE COMMISSION

#### Notices

Retention of engineering firms for the Mon/Fayette Expressway transportation project . . . . . 2731

---

**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>		90 .....	2686
<b>Adopted Rules</b>		93 .....	2691
6 .....	2109	121 .....	2327
		126 .....	2327
<b>Statements of Policy</b>		901 .....	878
9 .....	255, 948, 1227, 1412, 1539, 1879, 2224, 2598	977 .....	1515
68 .....	615		
95 (with correction) .....	1643, 1723	<b>Proposed Rulemaking</b>	
		86 .....	2217
<b>6 Pa. Code (Aging)</b>		93 .....	427, 2219
<b>Adopted Rules</b>		96 .....	428
15 .....	2412	271 (with correction) .....	564, 882
		287 (with correction) .....	564, 882
<b>7 Pa. Code (Agriculture)</b>		901 .....	1661, 1868
<b>Proposed Rulemaking</b>		1021 .....	1980
21 .....	66		
31 .....	1046	<b>28 Pa. Code (Health)</b>	
35 .....	1046	<b>Adopted Rules</b>	
41 .....	1046	23 .....	1305
43 .....	1046	27 .....	491, 2435
45 .....	1046	28 .....	2435
46 .....	1046	211 .....	491
47 .....	1046	501 .....	2435
49 .....	1046	701 .....	1183
53 .....	1046	705 .....	1183
55 .....	1046	709 .....	1183
61 .....	1046	711 .....	1183
63 .....	1046	713 .....	1183
78 .....	1046		
79 .....	1046	<b>Proposed Rulemaking</b>	
80 .....	1046	6 .....	796
81 .....	1046		
106 .....	2468	<b>31 Pa. Code (Insurance)</b>	
130d .....	1965	<b>Adopted Rules</b>	
138 .....	775	65 .....	1516
138e .....	775	89 .....	1475, 1847
1381 .....	775	89a .....	1475
<b>10 Pa. Code (Banks and Banking)</b>		<b>Proposed Rulemaking</b>	
<b>Adopted Rules</b>		83a .....	1869
44 .....	1180	115 .....	609
		146b .....	1406
<b>17 Pa. Code (Conservation and Natural Resources)</b>		148 .....	1873
<b>Proposed Rulemaking</b>		148a .....	1873
11 .....	1611		
		<b>34 Pa. Code (Labor and Industry)</b>	
<b>22 Pa. Code (Education)</b>		<b>Adopted Rules</b>	
<b>Adopted Rules</b>		401 (with correction) .....	1849, 2114
4 .....	17		
73 .....	1844	<b>Proposed Rulemaking</b>	
213 .....	2326	111 .....	1518
		131 .....	1518
<b>Proposed Rulemaking</b>			
4 .....	882, 905	<b>49 Pa. Code (Professional and Vocational Standards)</b>	
		<b>Adopted Rules</b>	
<b>Statements of Policy</b>		13 .....	423
233 .....	2226	16 .....	249
		18 .....	249
<b>25 Pa. Code (Environmental Protection)</b>		27 .....	1194
<b>Adopted Rules</b>		29 .....	561
86 .....	2686	31 .....	1861
87 .....	2686	35 .....	1644
88 .....	2686	40 .....	1658
		41 .....	424, 2114

47 ..... 1197  
 48 ..... 1197  
 49 ..... 1197

**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

**246 Pa. Code (Minor Court Civil Rules) Adopted Rules**  
 200 ..... 2199  
 300 ..... 1176, 2199, 2206  
 400 ..... 2199, 2207

**2668**

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, 2670



# 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 044 through 051</b>					
044	May 16	SB1240	PN1972	immediately	Pennsylvania Election Code—appointment of watchers, restrictions on election district alteration and Statewide Uniform Registry of Electors Advisory Board
045	May 16	HB1459	PN1741	60 days	Open Work Force Law—enactment
046	May 16	HB0247	PN3793	immediately	Community Services Block Grant Act—enactment
047	May 16	HB2087	PN3684	60 days	Sheriff Fee Act—fee establishment and modification and counties of second class additional fee
048	May 16	HB0402	PN0419	60 days	Crimes Code (18 Pa.C.S.)—gambling devices
049	May 16	SB1007	PN1956	60 days	Acupuncture Registration Act—acupuncture educational program and regulations
050	May 16	SB1014	PN1431	immediately*	Probate, Estates and Fiduciaries Code (20 Pa.C.S.)—omnibus amendments
051	May 16	SB0771	PN0863	60 days	Second Class Township Code, The—compensation of auditors for conference, institute, school and convention attendance

\* 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. 02-953. Filed for public inspection May 31, 2002, 9:00 a.m.]

# THE COURTS

## Title 255—LOCAL COURT RULES

### CRAWFORD COUNTY

#### Adoption of Rules Applicable to the Orphans Court; No. 2002-96

##### Order

*And Now*, May 15, 2002 it is ordered as follows:

1. The revisions and amendments to the rules designated as the Crawford County Orphans Court Rules are hereby approved, adopted and promulgated as Rules of the Court.

2. These Rules shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

3. Upon the effective date of these rules all prior local Orphans Court Rules of the Court of Common Pleas of Crawford County Pennsylvania, are vacated and shall no longer thereafter be effective or applicable, but no right acquired thereunder shall be disturbed.

4. The Clerk of Courts of Crawford County is ordered and directed to do the following:

a. File seven (7) certified copies of this Order and Rules with the Administrative Office of Pennsylvania Courts.

b. File two (2) certified copies of this Order and Rules with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a diskette reflecting the text of the hard copy version.

c. File one (1) certified copy of this Order and Rules with the Pennsylvania Orphans Court Procedural Rules Committee.

d. Keep continuously available for public inspection, copies of this Order and Rules.

e. Keep continuously available for purchase by attorneys, members of the public and the like, copies of this Order and Rule.

5. The Court Administrator of Crawford County is ordered and directed to publish a copy of this Order and Rules on the Internet web page maintained by Crawford County as well as the Internet web page maintained by the Administrative Office of Pennsylvania courts that lists local Common Pleas rules.

GORDON R. MILLER,  
*President Judge*

#### RULE 1. JUDGES—LOCAL RULES

**Rule 1.2.1** These rules shall be known as the Crawford County Orphans' Court Rules.

##### Rule 1.2.2 Argument.

Matters requiring argument shall be scheduled and heard in the manner set forth in the Crawford County Civil Rules.

##### Rule 1.2.3 Attorneys.

(a) *Attorneys as Surety.* An attorney shall act as surety only by special order.

(b) *Notice to Counsel.* Notice by or to attorneys shall be in writing, given to the attorney of record or to an

employee of the attorney's office, and shall be considered notice to the party represented unless personal notice to the party is required.

(c) *Removal of Records.* No records shall be removed from the office of the Clerk without a written order from Court. The Clerk shall report to the court any failure to comply with this order.

(d) *Appearance.* Any attorney representing a party in any proceeding in the Orphans' Court Division shall file a written appearance with the Clerk of the Orphans Court which shall state the attorney's Pennsylvania Supreme Court Identification Number, fax number, telephone number and an address within the Commonwealth at which papers may be served. Written notice of entry of appearance shall be given forthwith to all parties.

##### Rule 1.2.4 Sureties. Individual—Corporate.

(a) *Individual Sureties.* Individuals proposed as sureties on bonds of fiduciaries shall file affidavits on the printed forms supplied by the Clerk. The affidavits and bond shall be filed for approval.

(b) *Bond Without Surety.* The Court may permit a party in interest to execute an individual bond, without surety upon such conditions as the Court requires.

(c) *Corporate Sureties.* Every surety company duly authorized to do business in Pennsylvania may become surety on any bond or obligation required to be filed by the Orphans' Court; provided, that a currently effective certificate issued to it by the Insurance Department of the Commonwealth of Pennsylvania, evidencing the surety's right, is filed of record.

(d) *Duty of fiduciary.* It is the duty of the fiduciary to determine that its surety remains responsible and that any bond remains continuously in effect.

##### Rule 1.2.5 Legal Periodical.

The *Crawford County Legal Journal* is the legal periodical for the publication of legal notices in Crawford County.

##### Rule 1.2.6 Return Days.

Return days shall be on such day as may be fixed by Order of Court unless otherwise provided by statute or Rule of the Supreme Court.

#### RULE 2. CONSTRUCTION AND APPLICATION OF RULES

##### Rule 2.1.1 Construction of Rules.

The principles of interpretation and rules of construction embodied in Pa. O.C.R. 2.1 and Pa. R.C.P. 102 to 153, inclusive, shall apply to these rules, with the substitution in each case of the words "Crawford County Orphans' Court" for the words "Supreme Court" where appropriate.

##### Rule 2.3.1 Definitions.

The following words, when used in these Rules, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

(a) "Business days" shall be deemed to include Mondays through Fridays excepting weekdays when the Courthouse is closed.

(b) "Clerk" means the Clerk of Courts of Crawford County.

(c) "Common Pleas" means the Court of Common Pleas of Crawford County.

(d) "Exceptions" shall mean written objections to a ruling of the Court.

(e) "Local Rule" shall mean the Crawford County Orphans' Court Rules.

(f) "Objections" shall mean written objections to actions of a fiduciary.

(g) "PEF Code" shall mean the Pennsylvania Probate, Estates and Fiduciaries Code as found in 20 Pa.C.S.A. § 101, et seq., as shall be amended from time to time.

(h) "Register" means the Register of Wills of Crawford County.

(i) "State Rule" shall mean the Pennsylvania Supreme Court Orphans' Court Rules.

### RULE 3. PLEADING AND PRACTICE

#### Rule 3.1.1 Conformity to Equity.

The pleading and practice procedures shall conform to the pleading and practice in equity in the local Court of Common Pleas and in accordance with Crawford County Civil Rules, unless otherwise provided herein.

#### Rule 3.2.1 Pleadings.

The pleadings in matters before the Orphans' Court are limited to a petition, (including a petition for a citation or for declaratory relief), an answer (which may include new matter), a reply, preliminary objections and an answer to preliminary objections.

(a) *New Matter.* Any defense which is not a denial of the averments of fact in the petition shall be set forth under the heading "New Matter."

(b) *Reply.* A reply shall be required when New Matter is set forth in the answer.

(c) *Preliminary Objections.*

(1) Preliminary objections are available to any party, but shall be limited to questions of:

- (i) law;
- (ii) form; or
- (iii) jurisdiction.

(2) An answer to preliminary objections is limited to the averments of fact set forth in the preliminary objections.

#### Rule 3.2.2 Disposition of Pleadings.

(a) *Failure to Answer.* If the respondent fails to file a timely answer, all averments of fact within the petition may be deemed by the Court to be admitted.

(b) *Failure to Reply.* If the petitioner fails to file a reply to an answer which contains new matter, the averments of fact set forth under the new matter may be deemed admitted and the case will be at issue.

(c) *Failure to File an Answer to Preliminary Objections.* If the petitioner fails to file an answer to preliminary objections the averments of fact set forth in the preliminary objections may be deemed admitted and the case will be at issue on the preliminary objections.

#### Rule 3.4.1 Form. Additional Requirements.

(a) *Typing, Endorsements.* Every pleading shall be endorsed with the name, address, Pennsylvania Supreme Court Identification Number and telephone number and fax number (if any) of counsel and, where practicable,

typewritten and double-spaced or printed. If a party is not represented by counsel every pleading shall be endorsed with the name, address and telephone number of that party.

(b) *Notice to Plead.* Every pleading to which a response is required shall have endorsed thereon, or included therein as the first page thereof, in a conspicuous place, a notice to defend and notice to plead addressed specifically to each party from whom a response is required. The form as required by Pa. RCP 1018.1 and Pa. RCP 1361 (as said Rules may be in force or hereafter amended) shall be used.

(c) *Signature and Verification.* All pleadings shall be signed by the attorney (if any) and verified by at least one of the parties involved. If this is impracticable, they may be signed and verified by someone familiar with the facts, in which case the reason for the failure of the parties to verify shall be set forth.

(d) *Decree.* Every proposed decree shall bear the caption of the case and shall be attached to the petition.

(e) *Consents.* The petition shall recite that all necessary consents are attached or shall set forth the names and addresses of the persons who do not consent. The Court may direct that notice be given or that a citation be directed to persons who do not consent to show cause why the prayer of the petition shall not be granted.

(f) *Paper Size.* No paper or other document may be filed in the Register of Wills or Clerk of Orphans' Court Division other than paper 8 1/2" x 11" in size. The only exception to this Rule is the filing of a Will or Trust.

(g) *Cover Sheet.* All motions presented at motion court shall include a completed motion court cover sheet in the form required by the Court.

(h) *Notice Requirements Prior to Presentation at Motion Court.* Prior to the presentation to the Court of any motion or petition requesting an immediate Order of Court, other than a Rule to Show Cause which grants no relief, opposing counsel and unrepresented parties must be given notice, subject to the following:

(1) *Contents of Notice.* The notice must give the date and time when the motion or petition will be presented to the Court and must be accompanied by a copy of the proposed motion and Order.

(2) *Certification of Notice.* The motion or petition must contain a certificate signed by counsel verifying that proper notice was given under this Rule. The certificate shall be in the same or substantially same form as the form contained in the appendix to these rules.

(3) *Length of notice required.* Except where otherwise required under the Local Rules and except in cases of an emergency as determined by the court, the following notice shall be required:

(i) Two (2) full business days' notice must be given by personal delivery or facsimile transmission to each party or their counsel's office<sup>1</sup>, or

(ii) Five (5) full business days' notice must be given if notice is by mail<sup>2</sup>.

(4) *Failure to give notice.* The Court will not enter an Order on a petition or motion without the Certificate of Notice being attached unless a special cause is shown to the Court.

<sup>1</sup>Notice is deemed given when it is received.

<sup>2</sup>Mail notice is deemed given when delivered to the postal authorities.

**RULE 6. ACCOUNTS AND DISTRIBUTION****Rule 6.1.1 Form of Accounts, Additional Requirements.**

In addition to complying with the requirements of the Supreme Court Rules, each account shall conform to the following:

(a) Each account shall be prepared and filed in substantial conformity with either (i) any form approved by the Supreme Court of Pennsylvania or (ii) the specimen local account forms contained in the appendix to these rules.

(b) Each account shall be on paper eight and one-half (8 1/2) inches wide by eleven (11) inches long with pages numbered consecutively at the bottom and fastened together at the top. A margin of at least one and one-half (1.5) inches shall be provided at the top of the first page and a margin of at least one (1) inch shall be provided at the top of all other pages.

(c) Accounts shall:

(1) Begin with a title page;

(2) Include a Summary which shall reflect (i) total receipts of principal and income, (ii) gains or losses on conversions to cash, (iii) disbursements from principal and income, and (iv) balance for distribution;

(3) Include an itemized statement of the assets comprising the balance for distribution, and when necessary to effect proper distribution, or when otherwise appropriate, show assets at current values as well as acquisition values;

(4) Segregate principal receipts from income receipts (the Inventory filed may be incorporated by reference as a part of the statement of principal receipts, provided a full copy of the Inventory is attached);

(5) Whenever applicable, include a statement of principal conversions to cash;

(6) Segregate disbursements of principal from disbursements of income insofar as practicable;

(7) Whenever applicable, be accompanied by a statement of proposed distribution, or a request that distribution be determined by the Court or an auditor;

(8) Have attached at the end thereof the affidavit or verification of one or more of the fiduciaries joining in the account which shall include a statement that the account is true and correct and any required advertisement of the grant of letters has been duly made;

(9) Have attached a certificate of the attorney for the accountant (or the accountant if accountant is not represented by counsel) that the notice required by local rule L.6.3.1 has been given to all parties in interest which certificate shall conform substantially to the specimen form contained in the Appendix to these Rules.

**Rule 6.3.1 Contents of Notice. Additional Requirements.**

In addition to the requirements of the Supreme Court Rules, the notice to parties in interest shall:

(a) Conform substantially to the specimen form contained in the Appendix to these rules;

(b) State the date on which the account will be presented to the Court for confirmation nisi and that the account will be confirmed finally ten (10) days thereafter unless written objections are filed;

(c) Be mailed by certified mail, postage prepaid, to the last known address of the persons to be notified or be served by handing a copy to the persons to be notified or to an adult member of their household;

(d) Be accompanied by a copy of the account, a copy of the statement of proposed distribution, if any, a copy of the request for the appointment of an auditor, if any, and a copy of the Will, if any; and

(e) If the notice is to a claimant, state whether or not the claim is disputed.

**Rule 6.3.2 When Notice Required.**

For the purpose of this rule, neither a beneficiary whose only interest in the estate is that of a specific monetary legatee who has accepted payment of the full amount bequeathed to said beneficiary under the Will prior to the filing of the account, nor a beneficiary whose only interest in the estate is that of legatee of specific personal property who has accepted delivery of all personal property specifically bequeathed to the beneficiary under a Will prior to the filing of the final account, shall be deemed a beneficiary entitled to notice.

**Rule 6.3.3 Notice Prior to Filing Excused.**

The court, on petition of an accountant or counsel, setting forth the reasons therefore, may excuse the giving of the notice to any party in interest pursuant to this rule prior to the filing of an account; provided that no such account shall be confirmed finally until notice has been given to such interested party as provided by this rule, and proof thereof duly filed or a determination is made that the giving of such notice is impossible, or unnecessary and proper disposition of the matter is made either after hearing, audit or otherwise.

**Rule 6.3.4 Advertisement of Accounts.**

All accounts shall be advertised by the Clerk in the manner prescribed by law. The advertisement shall include the date that the account will be presented for confirmation nisi and shall also state that unless objections are filed within ten (10) days after confirmation nisi, the account will be confirmed absolutely and that thereafter distribution may be made in accordance with any statement of proposed distribution filed with the account.

**Rule 6.6.1 Accounts of Personal Representatives to be Filed in Duplicate.**

Accounts of personal representatives shall be filed with the Clerk in duplicate. Following final confirmation, one copy of the accounts of personal representatives, with the dates of confirmation nisi and final confirmation noted thereon, shall be forwarded to the Register for indexing and filing with records of the proceeding in the Register's Office for that decedent.

**Rule 6.9.1 Statement of Proposed Distribution. Additional Requirements.**

Statements of proposed distribution shall:

(a) Indicate whether distribution is proposed under the intestate laws or under Will or other instrument and, if under the intestate laws, the relationship of each distributee to the decedent;

(b) Where necessary for proper distribution, indicate the date(s) on which assets have been valued for distribution; and

(c) Indicate clearly the names of all proposed distributees, the exact amount of shares to be awarded to each, and whether the proposed distribution is in cash or in kind.

**Rule 6.9.2 Distribution of Real Estate.**

Where distribution of real estate is proposed, the statement of proposed distribution shall describe the real estate to be distributed adequately to clearly identify it.

**Rule 6.10.1 Objections to Account. Time for Filing.**

Objections to an account or statement of proposed distribution shall be filed with the Clerk any time prior to final confirmation. Each objection shall be set forth precisely in a separately numbered paragraph without discussion or argument.

**Rule 6.11.1 Confirmation Nisi.**

All accounts and statements of proposed distribution filed therewith, except partial accounts of guardians, after being duly advertised, shall be presented by the Clerk of Courts for confirmation nisi on the first Monday of the month following completion of advertising not less than thirty (30) days following the date of filing unless objections thereto have been filed, provided that the no account shall be presented for confirmation nisi unless the certificate of service required by local Rule 6.3.1 has been filed in relation thereto. In the event the first Monday of any month is a holiday, accounts shall be presented for confirmation nisi on the first Court day following such holiday.

**Rule 6.11.2 Confirmation Absolute.**

The confirmation of accounts and approval of statements of proposed distribution which have been confirmed or approved nisi shall be made absolute by the Clerk, without further order of the court, unless objections are filed in accordance with local Rule 6.10.1 within ten (10) days after confirmation nisi.

**Rule 6.11.3 Disposition of Objections.**

When objections to an account or a statement of proposed distribution have been filed, the Court, sua sponte, or on motion of any party in interest, shall schedule a hearing on the objections or appoint an auditor or master to hear the matter and make report thereon.

**Rule 6.11.4 Certification. Real Estate Distributed in Kind.**

When distribution of real estate in kind is awarded pursuant to a statement of proposed distribution, the Clerk, following confirmation absolute and at the request of any party in interest, shall excerpt those portions of the decree affecting title to real estate and certify the same for recording in the office of the Record of Deeds of the county in which such real estate is situated.

**RULE 7. EXCEPTIONS****Rule 7.1.1 Exceptions.**

(a) Except as provided in these rules, no exceptions shall be filed to orders or decrees of the Court unless the right to except thereto is expressly conferred by Act of Assembly, by general rule, or by special order, and all decrees other than those to which exceptions are so allowed to be taken, shall be final and definitive.

(b) Exceptions shall set forth the grounds for each exception in separately numbered paragraphs without discussion or argument.

(c) Exceptants shall promptly serve a copy of the exceptions on all parties in interest including the auditor or master if the exceptions are to the report of an auditor or master.

(d) Exceptions to decrees nisi, findings of fact or conclusions of law shall be filed within ten (10) days after entry of the decree or the filing of findings or conclusions.

**RULE 8. AUDITORS AND MASTERS****Rule 8.1.1 Notice of Hearings.**

(a) *Original Hearing.*—Ten days notice of the time and place of the first hearing before the auditor or master shall be served in writing on all known heirs, devisees, unpaid legatees, and distributees, or their attorneys, and to all others by advertisement in one newspaper of general circulation within the county and the Crawford County Legal Journal once a week for three consecutive weeks prior to the day of the hearing, unless notice be dispensed with by agreement of all parties in interest or by order of Court. Auditors and masters shall state in their report the manner and to whom notice was given.

(b) *Subsequent Hearings.*—Notice of succeeding hearings given by the auditor or master at a hearing, of which proper notice has been given, shall constitute sufficient notice of such succeeding hearing.

(c) The hearing shall be held at a time and place indicated and not later than forty-five (45) days after the appointment of the auditor or master and shall be extended only upon application to the Court for good cause shown.

**Rule 8.1.2 Appointment.**

(a) *Auditors, Master.* A Master may be appointed by the Court, on its own motion, or upon the petition of the accountant, or of any party in interest.

(b) Auditors and Masters shall be members of the Bar of this Court.

**Rule 8.6.1 Notice of Filing and Exceptions Thereto.**

The auditor or master shall notify all parties of the filing of the report and furnish all parties with a copy thereof. Return of notice shall be filed in accordance with State Rule 5.4.

Any party in interest shall have the right to file exceptions to an auditor's report or to a master's report within twenty days after the date of service upon that party.

**Rule 8.7.1 Confirmation.**

If no exceptions are filed within twenty days after service thereof, the Court may enter a decree confirming the auditor's report or approving the master's report following the adoption of its recommendations, unless the time to file exceptions has been extended by the Court.

If exceptions are filed the matter shall go on the argument list as provided for in the Crawford County Civil Rules of Court.

**Rule 8.8.1 Absolute Confirmation. Auditor's and Master's Expenses and Fees.**

No nisi confirmation or decree nisi shall be confirmed absolutely by the Clerk until all expenses and auditor's or master's fees have been paid to the Clerk. Upon absolute confirmation, the Clerk shall pay all expenses and the balance of the auditor's or master's fee to the auditor or master. (See 20 Pa.C.S.A. § 752).

**Rule 8.8.2 Compensation of Auditor or Master.**

Any auditor or master appointed by the Court under these Rules shall be compensated by reasonable fees as fixed by the Court and paid from such sources as the

auditor or master shall recommend and the Court shall direct. The Court may require payment of the auditor's or master's fees in advance.

#### **RULE 9. OFFICIAL EXAMINERS**

##### **Rule 9.1.1 Examiners—Appointment and Ordinary Duties.**

The Court may appoint by special Order an examiner or examiners who shall examine the assets held by a fiduciary and make full written report thereon to the Court showing what assets belong to the estate, how they are registered or otherwise earmarked as the property of the estate to which they belong, and where and how the cash belonging to the estate is kept or deposited.

##### **Rule 9.1.2 Examiners—Special Duties.**

The Court may, in any Order appointing an examiner or examiners, also request the examiner or examiners to accomplish one or more of the following:

- (a) Determine, in the case of a trust, if its purposes are being carried out;
- (b) Determine, if the funds and assets in the hands of the fiduciary are being used or applied in accord with any trust instrument, will, applicable statute, regulation or court order.
- (c) Make a written report including findings of fact, conclusions of law; and, when appropriate, recommendations for the consideration of the Court; and
- (d) Such other matters as the Court may designate.

##### **Rule 9.1.3 Examiners—Compensation.**

Examiners shall be allowed such fees from principal or income, or apportioned between principal and income, as may be directed by the Court.

#### **RULE 10. REGISTER OF WILLS**

##### **Rule 10.2.1 Notice of Appeal.**

Any person desiring to appeal from a judicial act or decision of the Register of Wills shall file a written notice thereof with the Register of Wills, specifying generally the act or decision complained of, accompanied by an affidavit or verification that said appeal is not taken for delay but because appellant believes that appellant has suffered injustice by the act or decision from which appellant appeals.

##### **Rule 10.2.2 Petition for Appeal.**

Within thirty days from the filing of the Notice of Appeal, the appellant shall present a petition to the court which shall set forth:

- (a) the caption;
- (b) a heading indicating briefly the purpose of the petition;
- (c) the nature of the proceedings before the Register;
- (d) a copy of any will or instrument in controversy;
- (e) a statement of the facts and circumstances upon which appellant relies;
- (f) a precise statement of the questions of law or of fact involved;
- (g) the names and addresses of all parties in interest;
- (h) a prayer for the relief desired.

##### **Rule 10.2.3 Certification of Record and Citation to Parties.**

(a) If the averments of the petition for appeal appear to be prima facie sufficient, the court shall award a citation and, if it has not been done by the Register of Wills on his/her own motion, order certification of the entire record of the Register of Wills to the court. The citation shall be directed to all parties in interest and shall require them to file a complete answer under oath or verification to the averments of the petition, on or before a day certain which shall not be less than ten days after the service thereof, and to show cause as the decree of the court shall provide.

(b) Proof of service of the citation shall be filed with the Register of Wills on or before the return date of the citation.

(c) The court may issue a citation and direct that the Register of Wills certify the record to the Court, without regard to whether or not testimony has been taken before the Register.

##### **Rule 10.2.4 Bond.**

If the court requires that a bond be furnished the appellant shall file a bond and secure its approval by the Register of Wills. If the bond is not presented within the time indicated by the Court the Clerk of the Orphans' Court, upon praecipe of the appellee(s), shall order a judgment of non pros.

##### **Rule 10.2.5 Jury Trial.**

A party or person entitled to and desiring a trial by jury shall make timely demand therefore in accordance with P.E.F. Code.

##### **Rule 10.2.6 Depositions, Discovery, Production of Documents and Perpetuation of Testimony.**

The practice relating to depositions, discovery, production of documents and perpetuation of testimony shall conform to the practice prescribed by State Rule 3.6.

##### **Rule 10.2.7 Subpoenas.**

Subpoenas, with or without a clause of duces tecum, shall be issued by the Clerk of the Orphans Court.

#### **RULE 12. SPECIAL PETITIONS**

##### **Rule 12.0.1 Settlement of Small Estates.**

(a) Form of Petitions. Contents. Petitions under PEF Code § 3102, as amended, for the settlement of small estates shall set forth:

(1) The name and address of the petitioner and the relationship of the petitioner to the decedent.

(2) The name, date of death and domicile of decedent, whether the decedent died testate or intestate, the date of the probate of the Will and of the grant of letters, if any, and whether the personal representative has been required to give bond and, if so, the amount.

(3) The names and relationship of all beneficiaries entitled to any part of the estate under the Will or intestate laws, a brief description of their respective interests, whether any of them has received or retained any property of the decedent by payment of wages under PEF Code § 3101 and whether any of them are minors, incapacitated or deceased with the names of their fiduciaries.

(4) The person or persons, if any, entitled to the family exemption; whether or not the individual was a member of the same household as the decedent at the time of

decendent's death; and, if a claim thereof is made in this petition, any additional facts necessary to establish the prima facie right thereto.

(5) An inventory of the real and personal estate of the decedent, with values ascribed to each item, either incorporated in the petition or attached as an exhibit.

(6) An itemization of all administrative costs, funeral expenses and debts of the decedent and whether or not any of these have been paid.

(7) A list showing the nature, amount and preference of all unpaid claims against the estate and indicating which are admitted.

(8) A calculation of the inheritance tax due, if any.

(9) That ten (10) business days' written notice of intention to present the petition has been given to every unpaid beneficiary, heir or claimant who has not joined in the petition, or to the Attorney General, if the decedent's heirs are unknown, and to every unpaid claimant or creditor.

(10) A prayer for distribution of the property, setting forth the persons entitled and their distributive shares.

(b) Required Exhibits.

The following exhibits shall be attached to the petition.

(1) The original of the decedent's Will, if it has not been probated, or a copy if the original has been probated.

(2) Joinders of unpaid beneficiaries, heirs, claimants and creditors insofar as they are obtainable.

(3) A statement from the inheritance tax department showing the status of the inheritance tax, if any tax is due.

(4) A certification that a copy of the proposed petition and decree has been given to all beneficiaries and unpaid creditors at least ten (10) business days prior to presentation of the petition.

(5) Written confirmation by the Pennsylvania Department of Public Welfare of the amount of any claim for assistance provided to the decedent.

**Rule 12.1.1 Family Exemption. Additional Requirements.**

(a) Contents of Petition—In addition to complying with the Supreme Court Rules, a petition for a family exemption shall also set forth in separate paragraphs:

(1) the name, residence and date of death of decedent;

(2) the name, address and relationship of the petitioner to the decedent, and whether the petitioner formed a part of decedent's household at the date of decedent's death;

(3) if petitioner be the surviving spouse, the date and place of the ceremonial marriage; or, in case of a common-law marriage; and whether the surviving spouse forfeited spousal rights.

(4) whether the decedent died testate or intestate; where, when, and to whom letters were granted; and if decedent died intestate, the names, relationship and addresses of those interested as next of kin;

(5) the location and valuation of the property claimed;

(6) that ten (10) days prior notice of the filing of the petition has been given to the personal representative, or, when no letters have been granted, to all parties in interest; and

(7) a request for appraisers when an appraisal is required.

(b) Exhibits—The following exhibits shall be attached to the petition;

(1) a copy of the will;

(2) a copy of the inventory and appraisal showing the valuation of the property claimed, when the exemption is claimed from personal property, and the gross estate exceeds the statutory amount of the family exemption; and

(3) an affidavit or verification of service/return.

**Rule 12.1.2 Voluntary Distribution.**

When the personal representative, at his/her own risk delivers assets of the estate in satisfaction of the exemption, he/she shall set forth the same as a credit in the account. The same may be the subject of objection by any claimant or party in interest.

**Rule 12.2.1 Allowance to Surviving Spouse of Intestate-Additional Requirements.**

(a) Contents of petition—In addition to complying with the Supreme Court Rules, a petition for the allowance to the surviving spouse of an intestate shall also set forth in separate paragraphs:

(1) the information required in a petition for family exemption under Local Rule 12.1.1, as far as appropriate; and

(2) that ten (10) days prior notice of the intended presentation of the petition has been given to the personal representative; or, if no personal representative has been appointed, to those interested as next of kin; and, if there be no next of kin, to the Attorney General.

(b) Exhibits—The following exhibits shall be attached to the petition;

(1) a copy of the inventory and appraisal; and

(2) an affidavit or verification of service/return of notice.

**Rule 12.2.2 Conclusiveness of Averments.**

If the averments of the petition are contested by any party in interest as to the right of the spouse to the allowance being claimed, the matter may be referred to an auditor, or to a Hearing Judge.

**Rule 12.2.3 Appraisal. Notice. Practice and Procedure.**

(a) *Filing of Appraisal*—The appraisers shall, within thirty (30) days after their appointment, file with the Clerk an appraisal of the property claimed.

(b) *Notice of Appraisal*—Upon the filing of the appraisal, notice thereof shall be given to the personal representative, and to the next of kin, and if there be neither personal representative nor the next of kin, to the Attorney General. The notice shall contain a copy of the petition and the appraisal, and a statement that nisi confirmation of the appraisal and the setting apart of the real estate to the surviving spouse will be requested and may be allowed by the Court at a stated time, and unless exceptions are filed thereto, confirmed absolutely ten (10) days thereafter. Said notice shall be given not less than (10) days prior to the date set for nisi confirmation. If the address or whereabouts of any of the next of kin is unknown, notice shall be given in such manner as the Court shall direct.

(c) *Confirmation and Setting Apart of Allowance*—Unless exceptions are filed to the nisi confirmation, the

appraisal and award of real estate shall be confirmed absolutely by the Clerk without further order of Court.

(d) *Exceptions*—Exceptions to an appraisal shall be filed with the Clerk within ten (10) days after nisi confirmation. Copies of the exceptions shall be served on the fiduciary, if any, and on the spouse or the attorney for the spouse, within five (5) days after filing. If exceptions are filed, the matter may be placed on the Argument list in accordance with the Crawford County Civil Rules.

**Rule 12.3.1 Extension of Time. Contents of Petition.**

A petition for the extension of time in which the surviving spouse may file an election to take against the Will shall set forth:

(a) the information required to be set forth in a petition under Supreme Court Rule 12.3(a), paragraphs (1) through (7), inclusive, as may be appropriate, and

(b) the facts relied upon to justify an extension of time in which to file the election.

**Rule 12.3.2 Extension of Time. Practice and Procedure.**

The petitioner shall file the petition with the Clerk and thereafter give ten (10) days written notice of intention to request the extension at a stated day to all persons in interest who do not join in the prayer of the petition. In the absence of objection, upon the presentation of an affidavit or verification of return of notice on or after said day, an appropriate decree may be entered by the Court.

**Rule 12.4.1 Guardians and Trustees Ad Litem. Appointment and Compensation.**

Each estate shall be liable for the compensation of the guardian ad litem or the trustee ad litem as determined by the Court.

**Rule 12.5.1 Exhibits to Petition, for Appointment of Guardian of Person or Estate of a Minor.**

The following exhibits shall be attached to the petition:

(a) *Consent of Parents or Person in Loco Parentis*—Written consent of the parents or the surviving parent of the minor to the appointment of a guardian for the minor's estate or person is required. If both parents are deceased, such consent is required of the adult person with whom the minor resides or of the superintendent or other official in charge of the institution having custody of the minor and, the spouse of the minor if the minor is married. If such consent is not obtained, the petitioner shall set forth the reasons and give such notice of the filing of the petition as the Court may direct.

(b) *Consent of Guardian. Individual*—When the proposed guardian is an individual, the proposed guardian's written consent to act as such shall contain, in addition, the following statement:

(1) his/her business and domicile;

(2) that he/she is a citizen of the United States, able to speak, read and write the English language.

(3) that he/she is not the fiduciary or an officer or employee of the corporate fiduciary of an estate in which the minor has an interest nor the surety or any officer or an employee of the corporate fiduciary of an estate in which the minor has an interest nor the surety or any officer or an employee of the corporate surety of such a fiduciary; and that he/she has no interest adverse to the minor.

(c) *Consent of Guardian. Corporate*—When the proposed guardian is a corporate fiduciary, its written con-

sent to act as such shall contain, in addition, a statement that it is not the fiduciary of an estate in which the minor has an interest nor the surety of such a fiduciary; and that it has no interest adverse to the minor.

(d) *Funds Arising From Litigation*—If any part of the minor's estate was obtained as a result of litigation or compromise of litigation in a Court of record a copy of the order or decree approving the compromise and distribution of the proceeds of the suit shall be attached to the petition.

**Rule 12.5.2 Guardian of Minors. Appearance Before the Court.**

(a) *Appearance. Minor over Fourteen*—If the minor is over fourteen (14) years of age, the minor shall appear in person at the presentation of the petition and verify his/her nomination of a guardian as set forth in the petition. The Court may excuse the minor's appearance upon good cause shown.

**Rule 12.5.3 Information Required from Counsel.**

In addition to the information required by the Supreme Court Rules the petition for the appointment of a guardian shall contain the following information:

(a) the total amount of the assets; and

(b) whether or not the minor resides in the same household with the proposed guardian.

**Rule 12.5.4 Minor's Estate. Allowance.**

When a petition is necessary for an allowance from a minor's estate, the petition shall set forth:

(a) The manner of the guardians' appointment and qualification, and the dates thereof;

(b) The age and residence of the minor, whether the minor's parents are living, the name of the person with whom the minor resides, and the name and age of the minor's spouse and children if any;

(c) The value of the minor's estate, real and personal, where located and the net annual income;

(d) The circumstances of the minor, whether employed or attending school; and, if the minor's parents are living, the reason why the parents are not discharging their duty of support or able to pay the requested allowance for the minor.

(e) The date and amount of any previous allowance by the Court;

(f) The financial requirements of the minor and the minor's family unit, in detail, and the circumstances making such allowance necessary; including whether there is adequate provision for the support and education of the minor, spouse and children.

(g) If the petition is presented by someone other than the guardian, that demand was made upon the guardian to act, and the reason, if known, for the guardian's failure to do so, together with proof of notice to the guardian of the filing of the petition.

**Rule 12.6.1 Appointment of a Trustee. Exhibits.**

The following exhibits shall be attached to the petition:

(a) a copy of the trust instrument; and

(b) the written consent of the trustee or trustees.

**Rule 12.7.1 Discharge of a Fiduciary. Additional Provisions.**

(a) *Affidavit or Verification*—The affidavit or verified statement to the petition shall include an averment that



the parties who have signed the consents to discharge are all the parties interested in the estate, or the reason for the failure of any party to consent. If any party shall fail to consent, the Court may, if the circumstances require, direct the issuance of notice by citation or otherwise.

(b) *Exhibits. Consents*—Written consent of all parties in interest, and of the surviving or successor fiduciary, shall be attached to the petition. Such consent may be included in a satisfaction of award attached to the petition.

(c) *Discharge of a Personal Representative*.—When the value of the gross real and personal estate of a decedent does not exceed the value of the statutory limitation, the personal representative, after the expiration of one (1) year from the first complete advertisements of the grant of letters, may present a petition to the Court with an account attached under the provisions of Section 3531 of the Probate, Estates and Fiduciaries Code (20 Pa.C.S.A. § 3531). The petition shall conform as far as practicable to the requirements of a petition under Supreme Court Rule 12.7.

**Rule 12.9.1 Public Sale. Contents of Petition. Additional Requirements.**

(a) *Personal Representative*. A petition by a personal representative to sell real property at public sale, under Section 3353 of the PEF Code shall set forth in separate paragraphs:

(1) The name, residence and date of death of the decedent, whether the decedent died testate or intestate and the date of the grant of letters;

(2) That the personal representative is not otherwise authorized to sell by the PEF Code; or is not authorized or is denied the power to do so by the Will; or that it is desirable that the sale have the effect of a judicial sale, stating the reasons;

(3) Whether an inventory and appraisal have been filed, the total value of the property shown therein; and the value at which the real property to be sold was included therein;

(4) If the personal representative entered bond with the Register, the name of the surety and the amount of such bond;

(5) The names and relationships of all parties in interest; a brief description of their respective interests; whether any of them are minors, adjudicated incapacitated or deceased, or, if so, the names and the record of the appointment of their fiduciaries, if any;

(6) A full description of the real property to be sold, the improvements thereon, by whom it is occupied, its rental value and current common level ratio value; and

(7) Sufficient facts to enable the Court to determine that the sale is desirable for the proper administration and distribution of the estate.

(b) *Trustee*. A petition by a trustee to sell real property at public sale, under PEF Code § 3353, shall also set forth in separate paragraphs:

(1) How title was acquired, stating the date and place of probate of the Will or recording of the deed;

(2) A recital of the relevant provisions of the Will or deed pertaining to the real property to be sold, and the history of the trust;

(3) The names and relationships of all parties in interest; a brief description of their respective interest; whether any of them are minors, adjudicated incapaci-

tated or deceased, and if so, the names and record of appointment of their fiduciaries if any;

(4) A full description of the real property to be sold, the improvements thereon, by whom it is occupied, its rental value and current common level ratio value;

(5) That the trustee is not otherwise authorized to sell by the PEF Code, or is denied the power by the trust instrument; or that it is advisable that the sale have the effect of a judicial sale, stating the reason; and

(6) Sufficient facts to enable the Court to determine that the proposed sale is for the best interests of the trust.

(c) *Guardian of Minor*. A petition by a guardian to sell real property at public sale, under PEF Code § 3353, shall set forth in separate paragraphs:

(1) The age of the minor;

(2) The names of the minor's next of kin and the notice given them of the presentation of the petition.

(3) How title was acquired, stating the date and place of probate of Will or recording of the deed;

(4) A recital of the provisions of the Will or deed relating to the real property to be sold;

(5) The nature and extent of the interest of the minor, of the guardian and of third persons in the real property;

(6) A full description of the real property to be sold, the improvements thereon, by whom it is occupied, its rental value and current common level ratio value;

(7) Sufficient facts to enable the court to determine that the proposed sale will be in the best interest of the minor.

(d) *Guardian of Incapacitated Person*. A petition by a guardian to sell real property at public sale, under PEF Code § 3353, shall set forth in separate paragraphs the same information as required for the sale by a guardian of a minor with sufficient additional facts to enable the Court to determine that the proposed sale will be in the best interest of the incapacitated person.

**Rule 12.9.2 Public Sale. Exhibits.**

The following exhibits shall be attached to the petition by a personal representative, trustee or guardian, to sell real property at public sale:

(a) Certification that ten (10) business days' notice has been given to those parties who do not consent or join; and

(b) Consent by any mortgagee whose lien would otherwise not be discharged by the sale.

**Rule 12.9.3 Public Sale of Real Property. Notice. Confirmation.**

(a) *Notice*. After the allowance of a petition for public sale, notice in approved form of the proposed sale shall be given in the manner provided by State Rule 5.1.

(b) *Confirmation*. If no objection is filed the Court may enter a decree confirming the sale upon submission of a return of sale.

**Rule 12.9.4 Public Sale. Security.**

On the return day of the sale, the Court, in the decree approving or confirming the sale, may fix the amount of security or additional security which the personal representative, trustee or guardian may be required to enter or will excuse the fiduciary from entering additional security.

**Rule 12.10.1 Private Sale. Contents of Petition. Additional Requirements.**

Where the power to sell real property is not granted by will, trust instrument or statute, a petition by a personal representative, trustee or guardian, to sell real property at private sale shall also conform as closely as practicable to all requirements of these Rules with regard to a petition to sell real property at public sale by the fiduciary.

**Rule 12.10.2 Private Sale. Exhibits.**

*Personal Representative, Trustee, Guardian.* The following exhibits shall be attached to the petition by a personal representative, trustee or guardian to sell real property at private sale:

- (a) Certification that ten (10) business days notice has been given to those parties who do not consent or join;
- (b) A copy of the agreement of sale; and
- (c) Affidavits in the form required by State Rule 12.10(b) unless otherwise ordered by the Court.

**Rule 12.10.3 Private Sale. Security.**

The Court, in the decree approving or confirming the sale, may fix the amount of security or additional security which the personal representative, trustee or guardian may be required to enter, or will excuse the fiduciary from entering additional security

**Rule 12.10.4 Petition to Fix or Waive Additional Security. Personal Representatives.**

(a) *Form of Petition.* In a sale, whether public or private, of real estate by a personal representative acting without benefit of an Order of Court, directing or authorizing such sale, but who was required to give bond, the personal representative shall present a petition to the Court before the proceeds of the sale are paid by the purchaser setting forth:

- (1) The date of death of the decedent;
- (2) The date of the grant of letters to the petitioner;
- (3) The amount of the bond or bonds filed by the petitioner, the date of such filing and the name or names of the surety;
- (4) The total valuation of the personal estate as shown on the inventory and appraisal, if any; and the total proceeds of any real estate sold previously;
- (5) A short description of the real property sold, the name of the purchaser, the amount of the consideration to be paid and the terms of the sale;
- (6) A list of all liens of record known to petitioner, including mortgages, delinquent taxes, judgments, etc.; and the names and relationships of all parties in interest, with a brief description of their respective interests; and
- (7) A prayer for an Order fixing the amount of additional security or for an Order excusing the filing of additional security.

(b) *Surety on Additional Bond.* The surety on any additional bond, except for cause shown, shall be the same as on the original bond.

**Rule 12.12.1 Inalienable Property.**

In addition to the requirements of PEF Code Chapter 83 and State Rule 12.12, in the case of

(a) *Public Sale.* The content of the petition, required exhibits, notices, confirmation and security shall conform to the requirements of Rule 12.9.1 through 12.9.4.

(b) *Private Sale.* The content of the petition, required exhibits, provisions as to higher offers, security and petitions to fix or waive additional security shall conform to the requirements of Rule 12.10.1 through 12.10.4.

**RULE 13. DISTRIBUTION—SPECIAL SITUATIONS**

**Rule 13.3.1 Unknown Distributee. Contents of Report.**

The report contemplated by State Rule 13.3 shall be submitted in compliance with the following requirements. Whenever the identity or whereabouts of a distributee is unknown, or that if distribution is made, the beneficiary would not have the actual benefit, use, enjoyment or control of the money or other property awarded, and the court is requested to withhold distribution or to make a provisional award thereof to the accountant, to the Clerk of Courts, or the State Treasurer through the Department of Revenue, or in manner other than to the distributee or the nominee of said distributee, the fiduciary or counsel shall submit to the court or auditor, as the case may be, a written report outlining the investigation made and the facts upon which the request is based.

(a) *Unknown Distributee*—If it appears that the existence, identity or whereabouts of a distributee is unknown, or if there are no known heirs:

(1) The report shall be filed together with a petition for rule to show cause, seeking permission of the Court to publish service by publication addressed to any known distributee(s), or if none are known, then to the heirs, beneficiaries, successors and assigns of the decedent, trust or fund. Publication, if authorized by the Court, shall be carried out in accordance with Pa. State Rule 5.1(c). The return date and time of the rule to show cause shall be included in the publication of notice. If persons shall appear in response to said notice, the Court may conduct an evidentiary hearing to determine identity of the proper distributee(s).

(2) The contents of said report shall include:

(i) The nature of the investigation made to locate the distributee(s) in full detail;

(ii) If applicable to the determination of distributee(s) identity, a complete family tree in as much detail as possible, supported by as much documentary evidence as the petitioner has been able to obtain; and

(iii) A statement that investigation was made by as many of the following means as are available and feasible: questioning of members of the household of the decedent or settlor, and/or friends, neighbors and/or known relatives thereof; officers and members of groups, unions, social or fraternal organizations to which decedent or settlor belonged; contacting employers and/or co-workers' examining church, insurance, school and voters registration records; Veteran's Administration and Social Security records; naturalization records if not a native born citizen; telephone and electronic media such as internet listings; and such other sources as the circumstances suggest;

(iv) The petition and report shall be verified by the fiduciary and/or by counsel where counsel conducted the investigation; and

(3) If, after notice by publication, such evidentiary hearing as the Court may choose to conduct, the distributee cannot be ascertained, the Court shall cause distribution to be made to the Clerk of Courts of Crawford County, with notice to the Attorney General of the Commonwealth and the fund shall be considered

subject to escheat under 27 P. S. § 332 or such similar act as may then be in effect; or the Court may make such other distribution that is proper under the law and rules.

b. *Non-resident or Foreign Distributee.* If the fiduciary determines that a non-resident distributee shall not be able to receive or to enjoy the actual benefit of the interest due thereto, the fiduciary shall submit a petition and report setting forth:

(1) Identity, relationship and address for the distributee;

(2) Such supporting information as the circumstances require, such as a family tree in as much detail as possible, supported by as much documentary evidence as the petitioner has been able to obtain;

(3) Reason(s) for the request that distribution be withheld or postponed, together with a proposed plan for the securing of the fund, identity of a continuing fiduciary and when possible, the time or event the occurrence of which will make distribution possible;

(4) To the extent possible, notice shall be given to the distributee or where applicable, to the guardian, parent, next friend or party having custody of the distributee, and any other party required by rule or statute; and

(5) Continuing custody or distribution shall be decided in keeping with 20 Pa.C.S. § 4111 and 4112 and/or such other act as may then be in effect.

#### **RULE 14. GUARDIANSHIP OF INCAPACITATED PERSONS**

##### **Rule 14.1.1 Testamentary Writings.**

All testamentary writings of the incompetent found by the guardian or in the possession of any other person shall forthwith be presented to the court by the guardian or such other person for the inspection of the court and the court shall make such order concerning the safekeeping thereof as it may deem appropriate.

##### **Rule 14.2.1 Petition for Adjudication of Incapacity and for Appointment of a Guardian.**

A petition to adjudicate a person incapacitated and to appoint a guardian shall set forth<sup>3</sup>:

(a) All matters required by State Rule 14.2;

(b) Whether the petition seeks limited or plenary guardianship, and what powers are sought for a limited guardian.

(c) Whether the proposed guardian wishes approval of any initial expenditures of funds at the hearing.

(d) Whether the alleged incapacitated person executed a durable Power of Attorney and the name and current address of the attorney in fact.

(e) Whether the alleged incapacitated person executed a Will or other testamentary document and the location of the original document.

(f) Whether the alleged incapacitated person executed a Living Will, advance health care directive or similar document and the location of the original document.

(g) The name of the attorney who has represented the person in the recent past.

##### **Rule 14.2.2 Hearing.**

The Court shall fix a date for hearing which shall not be less than ten (10) days after the service of the petition and citation.

<sup>3</sup>The court may prepare and furnish to the Clerk to be made available to interested persons copies of suggested petition, order and decree forms.

##### **Rule 14.2.3 Qualifications of the Guardian.**

(a) The class of persons from which a guardian may be appointed shall be as set forth at 20 Pa.C.S.A. § 5511(f).

(b) Non-residents: The Court, except in special circumstances, will not appoint non-residents as guardians of the estate of incapacitated persons residing within this county.

##### **Rule 14.3.1 Petition for Review Hearing.**

A petition to adjudicate whether there has been any significant change in the capacity of a person who was formerly adjudicated to be incapacitated shall set forth:

(a) All matters required by State Rule 14.3;

(b) The name and location of the court which adjudicated incapacity;

(c) Whether the former incapacitated person is capable of conducting his own affairs and whether he would be beyond reach of designing persons.

The petitioner may be the incapacitated person, the guardian, the spouse of the incapacitated person, a relative, a creditor, a debtor, or any person interested in the welfare of the incapacitated person.

##### **Rule 14.3.2 Hearing.**

A hearing shall be set by the court not less than ten (10) days after service of the petition and notice of hearing.

#### **RULE 15. ADOPTIONS**

##### **Rule 15.1 Local Rules.**

The practice and procedure with respect to adoptions shall be as provided by Act of Assembly and to the extent not inconsistent therewith shall conform either with the pertinent general rule or special order of the local Orphans' Court or, in the absence thereof, with this Rule 15.

##### **Rule 15.1.1 Forms and Instructions.**

(a) The court has prepared the suggested forms and instructions as hereinafter listed. A supply of said forms and instructions are available in the Clerk's office. The court may from time to time amend those forms and instructions as well as add new ones. The court desires and suggests, but does not require, that these forms be used.

(b) The forms and instructions which the court has prepared and suggests be used are as follows:

(1) Instructions for completing adoption petition.

(2) Adoption petition form.

(3) Final adoption decree.

(4) Instructions for completing a petition for voluntary relinquishment of parental rights.

(5) Petition for voluntary relinquishment of parental rights.

(6) Preliminary decree setting a hearing on a petition for voluntary relinquishment of parental rights.

(7) Petition for involuntary termination of parental rights.

(8) Preliminary decree setting a hearing on petition for involuntary termination of parental rights.

(9) Final Decree granting involuntary termination of parental rights.

(10) Petition to confirm consent to adoption.

(11) Preliminary decree scheduling a hearing on a petition to confirm consent to adoption.

**Rule 15.2.1 Waiver.**

Any waiver by a parent of the right to notice of hearing shall be in writing and shall include both a waiver of the right to notice of hearing and a waiver of the right to appear at the hearing. See 23 Pa.C.S.A. § 2503 (c).

**Rule 15.2.2 Counsel.**

Although not required by the Adoption Act, if there are competing interests the Court shall appoint counsel to represent the child sua sponte or on motion of any party.

**Rule 15.3.1 Voluntary Relinquishment to Adult Intending to Adopt Child.**

The Court may in its discretion at the conclusion of the hearing enter a final decree terminating the parental rights, but not the parental duties, of a parent or parents as in a voluntary relinquishment to an agency. See 23 Pa.C.S.A. § 2503(c).

**Rule 15.3.2 Waiver.**

Any waiver by a parent of the right to notice of hearing shall be in writing and shall include both a waiver of the right to notice of hearing and a waiver of the right to appear at the hearing.

**Rule 15.3.3 Petition to Confirm Consent to Adoption.**

(a) *Form of Petition. Contents.* The petition to confirm consent shall include the following:

(1) Attached to the petition shall be the following exhibits:

- (a) the original consent;
- (b) a birth certificate or certification of registration of birth of the said child;
- (c) the written consent of a parent or guardian of a petitioner who has not reached 18 years of age, and
- (d) the joinder of the Agency having care of the child and its consent to accept custody of the child until such time as the child is adopted.

(2) If the petitioner is an agency the petition shall conform to the requirements of State Rule 15.2(a)(1) through (9).

(3) If the petitioner is an adult intending to adopt a child the contents of the petition shall conform to the requirements of State Rule 15.3(a) and (b).

(b) *Procedure.*

(1) A Petition to Confirm Consent to Adoption may be filed no less than forty (40) days after a written consent has been signed by a birth parent.

(2) Notice shall be in the form provided in 23 Pa. C.S.A. Section 2512(b), and service shall be as provided in State Rule 15.6. Notice shall be given to the birth parents

and putative father, if applicable, and to the parents or guardians of a consenting parent who has not reached age 18.

(3) Following hearing, the Court may issue such decree as clearly sets forth that the consent to adoption is confirmed and that all rights of the consenting birth parent are terminated or in the case of an agency that all rights and duties of the consenting birth parent are terminated.

**Rule 15.4.1 Involuntary Termination.**

At the conclusion of the hearing under State Rule 15.4, the Court may enter a final decree.

**Rule 15.5.1 Adoption.**

A petition for adoption shall have attached thereto a proposed preliminary order scheduling the adoption hearing. At the time of the hearing the attorney for petitioner shall submit to the Court a proposed decree of adoption.

(See 23 Pa.C.S.A. 2530 as to requirements for Home Study and Preplacement Report and 23 Pa.C.S.A. 2531 as to requirements for Report of Intention to Adopt. See 23 Pa.C.S.A. 2711 consents necessary.) Rule 15.5.2 Notice need not be provided to any parent whose parental rights have been terminated by petition to confirm adoption.

(See 23 Pa.C.S.A. Section 2535, Section 2724 and Section 2533.)

**Rule 15.6.1 Notice, Method and Time.**

(a) In proceedings under Rule 15.4 the attorney for petitioners shall make a good faith effort to determine the address and identity of each parent and to provide notice of the proceedings. In adoption proceedings under State Rule 15.5 notice of the proceedings shall also be given to any persons who have custody pursuant to a valid Court Order.

(b) Notice of the involuntary termination petition and hearing shall be served on the natural or putative father whose identity and/or whereabouts cannot be ascertained or on a mother whose identity and/or whereabouts cannot be ascertained by publication in the form and manner approved by the Court following presentation of a separate Motion for Service by Publication and Affidavit of Diligent Search as required by Pa.R.C.P. 430.

(c) A motion for service by publication upon a natural or putative father must aver that the natural mother does not know the identity and/or whereabouts of the natural or putative father; must include his last known address, if known; and must also specify all attempts made by the petitioner to determine the correct identity and/or address of the natural or putative father. (See also 23 Pa.C.S.A. Section 2512(c)).

(d) Publication shall include, as a minimum, the contents of the notice required by 23 Pa.C.S.A. 2513(b). Proof of Publication shall be submitted to the Court prior to the hearing.

APPENDIX TO RULE 3.4.1(h)(2)

NOTICE

You are hereby notified that the attached motion/petition will be presented by me on \_\_\_\_\_ 20 \_\_\_\_ .

( ) to the Court Administrator as an uncontested matter;

( ) in Motion's Court at 8:45 o'clock a.m.

CERTIFICATION OF NOTICE AND SERVICE

The undersigned represents that prior notice and a copy of this motion and proposed order have been served by ( ) first class mail posted five days prior to the presentation and by ( ) fax or ( ) hand delivery at least two days prior to the date of presentation. Notice was given on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_ upon all parties or their counsel of record.

INFORMATION FOR COURT ADMINISTRATOR

- A. Is this an original filing in this case? \_\_\_\_\_ Yes \_\_\_\_\_ No
B. Has any judge heard this matter previously? \_\_\_\_\_ Yes \_\_\_\_\_ No
C. If yes, name of judge who presided over previous matter: \_\_\_\_\_ Miller \_\_\_\_\_ Vardaro \_\_\_\_\_ Spataro \_\_\_\_\_ Other/Name
D. Estimated court time required if this matter is granted: \_\_\_\_\_ Minutes \_\_\_\_\_ Hours \_\_\_\_\_ Days
E. Is this motion/petition opposed by another party? \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Unknown

UNCONTESTED MOTION CERTIFICATION

The undersigned represents that:

- \_\_\_\_\_ 1. All parties or counsel have consented.
\_\_\_\_\_ 2. Consents of all parties or counsel are attached.
\_\_\_\_\_ 3. The Order seeks only a return hearing or argument date and no other relief.
\_\_\_\_\_ 4. The Order seeks only the appointment of a master, auditor or the like and no other relief.

Opposing Counsel: \_\_\_\_\_

(if opposing party is unrepresented, list his/her current address and telephone):

\_\_\_\_\_ (Phone) \_\_\_\_\_

I HEREBY CERTIFY ALL OF THE ABOVE STATEMENTS ARE TRUE AND CORRECT.

By: \_\_\_\_\_

Attorney for: \_\_\_\_\_

APPENDIX TO RULE NO. 6.1

COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA ORPHANS' COURT DIVISION

Clerk of Courts Number:

Name of Estate (Trust or other):

First and Final (or other) Account of (identify and include type of fiduciary)

Date of Appointment: \_\_\_\_\_ Date of Death (if applicable): \_\_\_\_\_

Date of First Advertisement of Letters (if applicable):

Register's File No. (if applicable):

Account Stated From \_\_\_\_\_ To \_\_\_\_\_

PURPOSE OF ACCOUNT

The accountant(s) offer this account to acquaint interested parties with the transactions that have occurred during the accountant's administration.

The account also contains a Statement of Proposed Distribution\*.

It is important that the account be carefully examined. Requests for additional information or questions or objections can be discussed with:

Name and address of attorney

Name and address of accountant

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

Telephone: \_\_\_\_\_

\* If applicable

Name of Estate, Trust, etc:

SUMMARY

PRINCIPAL

Receipts

Net Gain or (Loss) on Conversions

Adjusted Balance

Less Disbursements

Balance before Distributions

Distributions to Beneficiaries

Principal Balance Remaining

INCOME

Receipts

Less Disbursements

Balance before Distributions

Distribution to Beneficiaries

Income Balance Remaining

COMBINED BALANCE REMAINING

Name of Estate, Trust, etc:

COMPOSITION OF ASSET BALANCES

PRINCIPAL

Total Principal

INCOME

Total Income

Total principal and income

Name of Estate, Trust, etc.:

PRINCIPAL RECEIPTS

Total principal receipts

Name of Estate, Trust, etc.:

INCOME RECEIPTS

Total income receipts

Name of Estate, Trust, etc.:

PRINCIPAL CONVERSIONS TO CASH

Gain (Loss) On Conversions

GAIN

LOSS

Total Gain (Loss) on Conversions

Name of Estate, Trust, etc.:

DISBURSEMENTS  
(Separate as to Principal and Income)

Date	Payee	Remarks	Amount
------	-------	---------	--------

Total disbursements

Name of Estate, Trust, etc.:

DISTRIBUTIONS TO BENEFICIARIES  
(Segregate as to Principal and Income)

Total distributions

Name of Estate, Trust, etc.:

STATEMENT OF PROPOSED DISTRIBUTION

Under Intestate Law (State relationships to decedent)  
Under Decedent's Will - See Will Book , Page

THE COURTS

APPENDIX TO RULE 6.1

CERTIFICATE OF ATTORNEY

I/we hereby certify that to the best of my/our knowledge, information and belief, the debits and credits in the foregoing account and any statement of proposed distribution filed herewith, are correct and proper, and in that required legal advertising has been duly published. If this is the account of a personal representative, the first complete insertion of advertisements of grant of Letters was published more than four (4) months prior to the date of filing this account.

I/we hereby further certify that to the best of my/our knowledge, information and belief, notice was duly served personally or by certified mail upon every unpaid creditor who has given notice of this claim to the accountant(s), and to every other person of whom the accountant's has/have notice or knowledge who claim an interest in the estate or trust as beneficiary or next of kin (except beneficiaries of specific bequests who have received payment or distribution in kind), together with a copy of this account, a copy of the proposed statement or decree of distribution\*, a copy of the request for appointment of an auditor\*, and a copy of the will, if any, all in accordance with the requirements of Rules of the Orphans' Court of Crawford County, Pennsylvania. Said notices were given to the following, in the following manner:

NAME	ADDRESS	METHOD OF SERVICE
		Name and address of Attorney For Accountant(s)
		_____
		_____
		_____

\*Strike out if not applicable

I/We \_\_\_\_\_ hereby

(indicate fiduciary relationship, i.e. executor, administrator, trustee, etc.)

verifies that foregoing First and Final Account is true and correct and fully discloses all significant transactions occurring during the accounting period and (if a decedent's estate) that the Grant of Letters and the first complete advertisement thereof occurred more than four (4) months before the filing of the Account. I understand that false statements herein made are subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

Date \_\_\_\_\_

Filed this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
Clerk of Courts

COMMONWEALTH OF PENNSYLVANIA )  
COUNTY OF CRAWFORD ) SS

I, \_\_\_\_\_ Clerk of the Orphans' Court in and for said County, do hereby certify the above and foregoing to be a true copy of said account as filed in the Clerk of the Orphans' Court Office of Crawford County on the \_\_\_\_\_ day of \_\_\_\_\_, 200 \_\_, of which legal publication has been made.

WITNESS my official signature and the seal of the Clerk of the Orphans' Court Office of said County this \_\_\_\_\_ day of \_\_\_\_\_, 200 \_\_\_\_.

\_\_\_\_\_  
Clerk

NISI CONFIRMATION

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 200 \_\_, the foregoing Account and Statement of Proposed Distribution, if any, is confirmed nisi.

FINAL CONFIRMATION

NOW, \_\_\_\_\_, 200 \_\_, no exceptions having been filed, the within Account and Statement of Proposed Distribution are hereby confirmed finally.

\_\_\_\_\_  
Clerk



APPENDIX TO RULE NO. 6.3.1

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY,  
PENNSYLVANIA  
ORPHANS' COURT DIVISION

NOTICE OF FILING ACCOUNT

ESTATE OF:

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attached is a true and correct copy of the Account of \_\_\_\_\_  
\_\_\_\_\_

which will be filed in the Office of the Clerk of Courts in the Courthouse, Meadville, Pennsylvania on \_\_\_\_\_ ,  
20 \_\_\_\_ .

Also attached is (1) a statement of proposed distribution\*, (2) copy of the decedent's Will\*, and (3) request for  
appointment of auditor\*.

The account and/or statement of proposed distribution will be presented to the Court for confirmation nisi  
on \_\_\_\_\_ , 20 \_\_\_\_ .

Unless objections to the account and/or statement of proposed distribution are filed in the Office of the Clerk of Courts,  
the account and statement of proposed distribution, if any, will be confirmed absolutely and finally ten (10) days after  
confirmation nisi.

If this Notice is addressed to a claimant, the claim is - is not (strike out one) disputed.\*

Dated this \_\_\_\_\_ day of \_\_\_\_\_ , 20 \_\_\_\_ .

\_\_\_\_\_  
Attorney for Accountant  
Attorney's address:

\_\_\_\_\_

\_\_\_\_\_  
Telephone (            ) \_\_\_\_\_ -

\* Cross out if applicable.

\_\_\_\_\_

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD

#### [25 PA. CODE CHS. 86—88 AND 90]

#### Coal Mine Permits/Road Requirements

The Environmental Quality Board (Board) by this order amends Chapters 86—88 and 90 to read as set forth in Annex A. The amendments address criteria for approval/denial of coal mine permits and performance standards concerning roads used in conjunction with coal surface mines and coal refuse disposal operations.

This order was adopted by the Board at its meeting of February 19, 2002.

#### A. Effective Date

These amendments will go into effect upon publication in the *Pennsylvania Bulletin* as final-form rulemaking.

#### B. Contact Persons

For further information, contact Evan Shuster, Chief of Permits Division, Bureau of Mining and Reclamation, P. O. Box 8461, Rachel Carson State Office Building, Harrisburg, PA 17105-8461, (717) 787-5103 or Bo Reiley, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This rulemaking is available electronically through the Department of Environmental Protection's (Department) website (<http://www.dep.state.pa.us>).

#### C. Statutory Authority

This final-form rulemaking is adopted under the authority of section 4.2 of the Surface Mining Conservation and Reclamation Act (52 P. S. § 1396.4b(a)); section 3.2 of the Coal Refuse Disposal Control Act (52 P. S. § 30.53b); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

#### D. Background and Summary

This final-form rulemaking amends existing provisions relating to criteria for approval/denial of coal mine permits and performance standards concerning haul roads and access roads used in conjunction with coal surface mines and coal refuse disposal operations. Approximately 600 operators of anthracite and bituminous surface mines and coal refuse disposal operations will be affected by this final-form rulemaking. This final-form rulemaking is necessary to clarify the existing regulations and to make the regulations consistent with Federal regulations.

During the surface coal mining permit application approval process under § 86.37 (relating to criteria for permit approval or denial), it is established practice for a mining permit applicant to submit a permit application that included a mining plan for the entire permit area. Any necessary waiver approvals related to distance limitations (such as waiver for mining activities within 300 feet of an occupied dwelling) were typically included in the mining plan for the initial bonding increment. The mining permit applicant would provide bonding to cover the initial increment of mining, and the Department, in

issuing the mining permit, authorized mining activities only for that initial increment. When the permittee provided bonding for subsequent increments to be mined and obtained the necessary waiver approvals for that increment, the Department authorized mining activities for that specific increment.

The Environmental Hearing Board (EHB) in *Peter Blose vs. DEP and Seven Sisters Mining Company, Inc.* (No. 98-034-R) held that this established practice was contrary to § 86.37(a)(2) and (5), and that the Department may not approve a permit if any coal mining activities are proposed within 300 feet of an occupied dwelling located on the entire permit area if the waiver for allowing mining activities had not been obtained.

The regulatory change under § 86.37(a)(5) allows the Department to continue to review and approve mining permits following those procedures in place prior to the EHB's decision in *Blose*. These procedures, while still fully protective of occupied dwellings, have the additional benefits of ensuring that both the amount of bond calculated to ensure proper reclamation of the site and all erosion and sedimentation plans are as current as possible.

Sections 87.160(a), 88.138(a), 88.231(a), 88.335(a) and 90.134(a) are changed by deleting the requirement for a road maintenance plan for roads to be retained (upon completion of the mining and reclamation activities) as part of the postmining land use. This requirement for a road maintenance plan is deleted because it is more stringent than the corresponding Federal requirements, and because, as a practical matter, is unnecessary since the landowner has agreed to be responsible for any future maintenance of the road. Therefore, the Board deleted this requirement because it is unnecessary.

Section 90.134(a) (relating to haul road and access roads: general) is also changed to include a requirement that haul roads and access roads used in conjunction with coal refuse disposal activities must be designed, constructed and maintained to control or prevent erosion. This amendment addresses a condition placed on the Commonwealth's approved coal mining regulatory program by the Federal Office of Surface Mining. The amendment makes this specific requirement consistent with the requirements for other coal mining operations.

These regulatory changes were reviewed and discussed with the Mining and Reclamation Advisory Board (MRAB), the Department's advisory body for regulations pertaining to the surface mining of coal. A draft of the proposed rulemaking was reviewed and discussed with the MRAB at its meeting on April 26, 2001. The MRAB supported the proposed rulemaking. The MRAB reviewed and concurred with the final-form rulemaking at its meeting on October 25, 2001.

#### E. Summary of Comments and Responses on the Proposed Rulemaking

The Board approved publication of the proposed amendments at its July 17, 2001, meeting. The proposed amendments were published at 31 Pa.B. 4538 (August 18, 2001). A 30-day public comment period was provided. The Pennsylvania Coal Association, which was the only party that provided comments, expressed support for the amendments. No further changes have been made to these regulations from the proposed amendments as published at 31 Pa.B. 4538.

F. *Benefits, Costs and Compliance*

Executive Order 1996-1 requires a cost/benefit analysis of the final-form regulations.

*Benefits*

The coal mining industry and the Department will benefit from this final-form rulemaking. In the case of amendments to § 86.37, a permit applicant would benefit by avoiding the costs to prepare and publicize a permit revision should the specific types of activities proposed in barrier areas after permit issuance require public notice. The cost savings for that would not be easily quantifiable because of the inability to estimate or predict with much degree of accuracy the number of proposals that would be submitted that require public notice. In the case of amendments to §§ 87.160, 88.138, 88.231, 88.335 and 90.134, a permittee would benefit by reduction in costs of preparing maintenance plans for mining roads to be retained (upon completion of the mining and reclamation activities) as part of the postmining land use. The Department will benefit by reduction in the amount of staff time needed to review the plans. The estimated cost savings related to deleting the requirement for road maintenance plans is \$47,750 annually for the industry and \$19,100 annually for the Department.

*Compliance Costs*

This final-form rulemaking will impose no additional compliance costs on the regulated community.

*Compliance Assistance Plan*

The Department will provide written notification of the changes to the coal mining industry.

*Paperwork Requirements*

This final-form rulemaking will not result in additional paperwork. Paperwork will be reduced by eliminating the requirement for providing a maintenance plan for mining roads that remain as part of the postmining land use.

G. *Sunset Review*

This final-form rulemaking will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 26, 2002, the Department submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC), and the Chairpersons of the Senate and House Environmental Resources and Energy Committees.

Under section 5(c) of the Regulatory Review Act, the Department also provided IRRC and the Committees with a copy of the comments as well as other information. The Committees and IRRC did not submit comments. In preparing these final-form regulations, the Department has considered the comments received.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d) on April 15, 2002, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 19, 2002, and approved the final-form regulations.

I. *Findings*

The Board finds that:

(1) Public notice of the proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202), and regulations promulgated thereunder in 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposed amendments published at 31 Pa.B. 4538.

(4) This final-form rulemaking is necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this Preamble.

J. *Order*

The Board, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 25 Pa. Code Chapters 86—88 and 90, are amended by amending §§ 86.37, 87.160, 88.138, 88.231, 88.335 and 90.134 to read as set forth in Annex A.

(b) The Chairperson shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form, as required by law.

(c) The Chairperson of the Board shall submit this order and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

(d) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau, as required by law.

(e) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

DAVID E. HESS,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 32 Pa.B. 2285 (May 11, 2002).)*

**Fiscal Note:** Fiscal Note 7-367 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION**  
**PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Subpart C. PROTECTION OF NATURAL RESOURCES**  
**CHAPTER 86. SURFACE AND UNDERGROUND COAL MINING: GENERAL**  
**Subchapter B. PERMITS**  
**REVIEW, PUBLIC PARTICIPATION AND APPROVAL, DISAPPROVAL OF PERMIT APPLICATIONS AND PERMIT TERMS AND CONDITIONS**

**§ 86.37. Criteria for permit approval or denial.**

(a) A permit or revised permit application will not be approved unless the application affirmatively demonstrates and the Department finds, in writing, on the basis

of the information in the application or from information otherwise available, which is documented in the approval, and made available to the applicant, that the following apply:

(1) The permit application is accurate and complete and that the requirements of the acts and this chapter have been complied with.

(2) The applicant has demonstrated that the coal mining activities can be feasibly accomplished as required by the act and this chapter under the operation and reclamation plan contained in the application.

(3) The applicant has demonstrated that there is no presumptive evidence of potential pollution of the waters of this Commonwealth.

(4) The assessment of the probable cumulative impacts of all anticipated coal mining in the general area on the hydrologic balance as described in § 87.69, § 88.49, § 89.36 or § 90.35 has been made by the Department, and the activities proposed under the application have been designed to prevent material damage to the hydrologic balance outside the proposed permit area.

(5) The area covered by the operator's bond and upon which the operator proposes to conduct surface mining activities within the boundary of the proposed surface or coal mining activities permit is not one of the following:

(i) Included within an area designated unsuitable for mining under Subchapter D (relating to areas unsuitable for mining).

(ii) Within an area which has been included in a petition for designation under § 86.124(a)(6) (relating to procedures: initial processing, recordkeeping and notification requirements).

(iii) On lands subject to the prohibitions or limitations of Subchapter D.

(iv) Within 100 feet (30.48 meters) of the outside right-of-way line of any public road, except as provided for in Subchapter D.

(v) Within 300 feet (91.44 meters) from any occupied dwelling, except as provided for in Subchapter D.

(vi) Within 100 feet (30.48 meters) of a stream, except as provided for in § 86.102 (relating to areas where mining is prohibited or limited).

(6) The proposed activities will not adversely affect any publicly owned parks or places included on the National Register of Historic Places, except as provided for in Subchapter D. The effect of the proposed coal mining activities on properties listed on or eligible for listing on the National Register of Historic Places has been taken into account by the Department. This finding may be supported in part by inclusion of appropriate permit conditions or operational plan changes to protect historic resources, or a documented decision that no additional protective measures are necessary.

(7) Prior to approval of the bond under Subchapter F (relating to bonding and insurance requirements), a right of entry has been obtained from the landowner for each parcel of land to be affected by the coal mining activities in accordance with § 86.64 (relating to right of entry).

(8) The applicant has submitted proof that a violation related to the mining of coal by the applicant, a person owned or controlled by the applicant or a person who owns or controls the applicant under the definition of "owned or controlled" or "owns or controls" in § 86.1 (relating to definitions) or by a related party of the acts, a

rule, regulation, permit or license of the Department has been corrected or is in the process of being corrected to the satisfaction of the Department, whether or not the violation relates to an adjudicated proceeding, agreement, consent order or decree, or which resulted in a cease order or civil penalty assessment. A permit issued under this paragraph on the basis that a violation is in the process of being corrected or pending the outcome of an appeal, and the appropriate regulatory authority program having jurisdiction over the violation provides for a stay of execution of the abatement procedure or a court of competent jurisdiction has issued a supersedes providing that relief, will be issued conditionally.

(9) A statement from the applicant that all reclamation fees required by 30 CFR Part 870 (relating to abandoned mine reclamation fees) have been paid.

(10) There are no past or continuing violations which show the applicant's, a person owned or controlled by the applicant or a person who owns or controls the applicant under the definition of "owned or controlled" or "owns or controls" in § 86.1, lack of ability or intention to comply with the acts or the regulations promulgated thereunder, whether or not the violation relates to an adjudicated proceeding, agreement, consent order or decree, or which resulted in a cease order or civil penalty assessment. If the Department makes a finding that the applicant or the operator specified in the application or a person who owns or controls the applicant or operator or a person owned or controlled by the applicant or operator, has demonstrated a pattern of willful violations of the acts of a nature and duration and with resulting irreparable damage to the environment as to indicate an intent not to comply with the acts, a permit will not be issued.

(11) The applicant has submitted proof that a violation by the applicant or by a person owned or controlled by the applicant or by a person who owns or controls the applicant under the definition of "owned or controlled" or "owns or controls" in § 86.1, of a law, rule or regulation of the United States or a state—other than the law of the Commonwealth—law, rule or regulation pertaining to air or water environmental protection enacted under Federal law, has been corrected or is in the process of being satisfactorily corrected. A permit issued under this paragraph on the basis that a violation is in the process of being corrected or pending the outcome of an appeal, and the appropriate regulatory authority program having jurisdiction over the violation provides for a stay of execution of the abatement procedure or a court of competent jurisdiction has issued a supersedes providing that relief, will be issued conditionally.

(12) The applicant shall submit the bond required under Subchapter F prior to the issuance of the permit.

(13) The applicant has satisfied the requirements of § 87.53, § 88.32, § 88.491(k), § 89.121 or § 90.22.

(14) The proposed postmining land use of the permit area meets the requirements of § 87.159, § 88.89, § 88.183, § 88.289, § 88.493, § 89.88 or § 90.166.

(15) The proposed activities would not affect the continued existence of endangered or threatened species or result in the destruction or adverse modification of their critical habitats as determined under the Endangered Species Act of 1973 (16 U.S.C.A. §§ 1531—1544).

(16) A statement from the applicant that State and Federal final civil penalty assessments have been paid. Final civil penalty assessments are civil penalty assessments which have not been appealed within 30 days of assessment or appealed civil penalty assessments which

have been adjudicated by the EHB or other applicable judicial forum. For purposes of this subsection, civil penalty assessments include State and Federal civil penalty assessments related to coal mining activities which are assessed by one of the following:

- (i) The Department under the authority of the acts.
  - (ii) The Federal Office of Surface Mining Reclamation and Enforcement (OSMRE) under the authority of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C.A. §§ 1201—1328).
  - (iii) A State regulatory authority which has been granted primary jurisdiction by OSMRE to implement the Federal coal mining regulatory program within its boundaries.
- (b) An incremental phase approval of the permit will not be granted to conduct mining or reclamation operations or to expand mining or reclamation operations within a permit area if the Department has already issued an incremental phase approval for the area to another permittee, except for an area used for access or haul roads. An incremental phase approval of the permit will not be granted to conduct mining or reclamation operations, or permission to expand mining or reclamation operations within a permit area which has been limited to a portion or phase of the entire area until the applicant:

(1) Has filed with the Department a bond in accordance with § 86.143 (relating to requirements to file a bond).

(2) Meets the requirements of subsection (a)(7)—(9).

(c) After an application is approved, but before the permit is issued, the Department will reconsider its decision to approve the application, based on the compliance review required by subsection (a)(8), (10) and (11) in light of new information submitted under §§ 86.62(d) and 86.63(c) (relating to identification of interests; and compliance information).

**CHAPTER 87. SURFACE MINING OF COAL**

**Subchapter E. SURFACE COAL MINES: MINIMUM ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS**

**§ 87.160. Haul roads and access roads.**

(a) Haul roads and access roads shall be designed, constructed and maintained to control or prevent erosion and contributions of sediment to streams or runoff outside the affected area; air and water pollution; damage to fish and wildlife or their habitat; flooding; and damage to public or private property. To ensure environmental protection appropriate for their planned duration and use, including consideration of the type and size of equipment used, the design and construction or reconstruction of roads shall incorporate appropriate limits for grade, width, surface materials, surface drainage control, culvert placement and culvert size, in accordance with current, prudent engineering practices and necessary design criteria established by the Department. Upon completion of the associated surface mining activities, the area disturbed by the road shall be restored in accordance with § 87.166 (relating to haul roads and access roads: restoration) unless retention of the road is approved as part of the postmining land use.

(b) The haul or access road may not be located in or within 100 feet (30.48 meters) of a perennial or intermittent stream except in accordance with § 86.102 (relating to areas where mining is prohibited or limited). A crossing

of a perennial or intermittent stream shall be made using bridges, culverts or similar structures. Bridges, culverts or other encroachment or water obstruction shall meet the requirements of Chapter 105 (relating to dam safety and waterway management).

(c) Each road shall have a drainage system that is compatible with the natural drainage system, is structurally stable, and which will pass safely the peak flow from a 10-year, 24-hour precipitation event or larger event if required by the Department. The drainage system shall include a sloped or crowned road surface, cross drains or culverts, stabilized ditches, erosion-resistant surfacing, sediment traps and other appropriate sediment control measures as required by § 87.106 (relating to hydrologic balance: sediment control measures).

(d) Roads shall be constructed on stable areas that avoid wet or unstable soils.

(e) Prior to the construction of the road, topsoil shall be removed, stored on a stable site and protected against erosion and compaction until restoration of the haul road.

(f) Disturbed areas adjacent to the road shall be vegetated or otherwise stabilized to prevent erosion.

(g) Haul roads shall be surfaced with material sufficiently durable for the anticipated volume of traffic and the weight and speed of vehicles using the road. Acid or toxic-forming material may not be used for surfacing or construction of a road except where the road is within the confines of a coal refuse disposal or reprocessing area and the effluent meets the requirements of § 87.102 (relating to hydrologic balance: effluent standards).

(h) A road damaged by a catastrophic event, such as a flood or earthquake, shall be repaired or reclaimed as soon as practicable after the damage has occurred.

(i) Haul roads and roads approved as part of the postmining land use shall be certified by a qualified registered professional engineer or qualified registered land surveyor that the roads have been constructed or reconstructed as designed in accordance with the approved plan.

**CHAPTER 88. ANTHRACITE COAL**

**Subchapter B. SURFACE ANTHRACITE COAL MINES: MINIMUM**

**ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS**

**§ 88.138. Haul roads and access roads: general.**

(a) Haul roads and access roads shall be designed, constructed and maintained to control or prevent erosion and contributions of sediment to streams or runoff outside the affected area; air and water pollution; damage to fish and wildlife or their habitat; flooding; and damage to public or private property. Upon completion of the associated surface mining activities, the area disturbed by the road shall be restored in accordance with § 88.144 (relating to haul roads and access roads: restoration) unless retention of the road is approved as part of the postmining land use.

(b) The haul road may not be located in or within 100 feet (30.48 meters) of a perennial or intermittent stream except in accordance with § 86.102 (relating to areas where mining is prohibited or limited). Any crossing of a perennial or intermittent stream shall be made using bridges, culverts or similar structures. Bridges, culverts or other encroachment or water obstruction shall meet the requirements of Chapter 105 (relating to dam safety and waterway management).

(c) Each road shall have a drainage system that is compatible with the natural drainage system, structurally stable and which will pass safely the peak flow from a 10-year precipitation event or larger event if required by the Department. The drainage system shall include sloped or crowned road surfaces, cross drains or culverts, stabilized ditches, erosion resistant surfacing, sediment traps and other appropriate sediment control measures as required by § 88.96 (relating to hydrologic balance: sediment control measures).

(d) Roads shall be constructed on stable areas that avoid wet or unstable soils.

(e) Prior to the construction of the road, all topsoil shall be removed, stored on a stable site and protected against erosion and compaction until restoration of the haul road.

(f) Any disturbed area adjacent to the road shall be vegetated or otherwise stabilized to prevent erosion.

(g) Acid-forming or toxic-forming material may not be used for surfacing or construction of a road except where the road is within the confines of a road refuse disposal or reprocessing area and the effluent meets the requirements of § 88.92 (relating to hydrologic balance: effluent standards).

**Subchapter C. ANTHRACITE BANK REMOVAL  
AND RECLAMATION: MINIMUM  
ENVIRONMENTAL PROTECTION PERFORMANCE  
STANDARDS**

**§ 88.231. Haul roads and access roads: general.**

(a) Haul roads and access roads shall be designed, constructed and maintained to control or prevent erosion and contributions of sediment to streams or runoff outside the affected area; air and water pollution; damage to fish and wildlife or their habitat; flooding; and damage to public or private property. Upon completion of the associated surface mining activities, the area disturbed by the road shall be restored in accordance with § 88.237 (relating to haul roads and access roads: restoration) unless retention of the road is approved as part of the postmining land use.

(b) The haul road may not be located in or within 100 feet (30.48 meters) of a perennial or intermittent stream except in accordance with § 86.102 (relating to areas where mining is prohibited or limited). Any crossing of a perennial or intermittent stream shall be made using bridges, culverts or similar structures. Bridges, culverts or other encroachments or water obstructions shall comply with Chapter 105 (relating to dam safety and waterway management).

(c) Each road shall have a drainage system that is compatible with the natural drainage system, structurally stable and which will pass safely the peak flow from a 10-year precipitation event or larger event if required by the Department. The drainage system shall include sloped or crowned road surfaces, cross drains or culverts, stabilized ditches, erosion resistant surfacing, sediment traps and other appropriate sediment control measures as required by § 88.191 (relating to hydrologic balance: sediment control measures).

(d) Roads shall be constructed on stable areas that avoid wet or unstable soils.

(e) Prior to the construction of the road, all topsoil shall be removed, stored on a stable site and protected against erosion and compaction until restoration of the haul road.

(f) Any disturbed area adjacent to the road shall be vegetated or otherwise stabilized to prevent erosion.

(g) Acid-forming or toxic-forming material may not be used for surfacing or construction of a road except where the road is within the confines of a coal refuse disposal or reprocessing area and the effluent meets the requirements of § 88.187 (relating to hydrologic balance: effluent standards).

**Subchapter D. ANTHRACITE REFUSE DISPOSAL:  
MINIMUM ENVIRONMENTAL PROTECTION  
PERFORMANCE STANDARDS**

**§ 88.335. Haul roads and access roads: general.**

(a) Haul roads and access roads shall be designed, constructed and maintained to control or prevent erosion and contributions of sediment to streams or runoff outside the affected area; air and water pollution; damage to fish and wildlife or their habitat; flooding; and damage to public or private property. Upon completion of the associated surface mining activities, the area disturbed by the road shall be restored in accordance with § 88.341 (relating to haul roads and access roads: restoration) unless retention of the road is approved as part of the postmining land use.

(b) The haul road may not be located in or within 100 feet of a perennial or intermittent stream except in accordance with § 86.102 (relating to areas where mining is prohibited or limited). Any crossing of a perennial or intermittent stream shall be made using bridges, culverts or similar structures. Bridges, culverts or other encroachment or water obstruction shall meet the requirement of Chapter 105 (relating to dam safety and waterway management).

(c) Each road shall have a drainage system that is compatible with the natural drainage system, structurally stable and which will pass safely the peak flow from a 10-year precipitation event or larger event if required by the Department. The drainage system shall include sloped or crowned road surface, cross drains or culverts, stabilized ditches, erosion resistant surfacing, sediment traps and other appropriate control measures as required by § 88.296 (relating to hydrologic balance: sediment control measures).

(d) Roads shall be constructed on stable areas that avoid wet or unsuitable soils.

(e) Prior to the construction of the road, all topsoil shall be removed, stored on a stable site and protected against erosion and compaction until restoration of the haul road.

(f) Any disturbed area adjacent to the road shall be vegetated or otherwise stabilized to prevent erosion.

(g) Acid or toxic-forming material may not be used for surfacing or construction of a road except where the road is within the confines of a coal refuse disposal or reprocessing area and the effluent meets the requirements of § 88.292 (relating to hydrologic balance: effluent standards).

**CHAPTER 90. COAL REFUSE DISPOSAL**

**Subchapter D. PERFORMANCE STANDARDS FOR  
COAL REFUSE DISPOSAL**

**§ 90.134. Haul roads and access roads: general.**

(a) Haul roads and access roads shall be designed, constructed and maintained to control or prevent: erosion

and contributions of sediment to streams or runoff outside the affected area; flooding; air and water pollution; damage to fish and wildlife or their habitat; and damage to public or private property. To ensure environmental protection appropriate for their planned duration and use, including consideration of the type and size of equipment used, the design and construction or reconstruction of roads shall incorporate appropriate limits for grade, width, surface materials, surface drainage control, culvert placement and culvert size, in accordance with current, prudent engineering practices, and necessary design criteria established by the Department. Upon completion of the associated surface mining activities, the area disturbed by the road shall be restored in accordance with § 90.140 (relating to haul roads and access roads: restoration), unless retention of the road is approved as part of the postmining land use.

(b) The haul road or access roads may not be located in or within 100 feet (30.48 meters) of a perennial or intermittent stream except in accordance with § 86.102 (relating to areas where mining is prohibited or limited). Crossing of a perennial or intermittent stream shall be made using bridges, culverts or similar structures. Bridges, culverts or other encroachment or water obstruction shall meet the requirements of Chapter 105 (relating to dam safety and waterway management).

(c) Each road shall have a drainage system that is compatible with the natural drainage system, structurally stable and will pass safely the peak flow from a 10-year, 24-hour precipitation event, or larger event if required by the Department. The drainage system shall include sloped or crowned road surface, cross drains or culverts, stabilized ditches, erosion-resistant surfacing, sediment traps and other appropriate sediment control measures as required by § 90.106 (relating to hydrologic balance: erosion and sedimentation control).

(d) Roads shall be constructed on stable areas that avoid wet or unstable soils.

(e) Prior to the construction of the road, all topsoil shall be removed, stored on a stable site and protected against erosion and compaction until restoration of the haul road.

(f) Disturbed areas adjacent to the road shall be vegetated or otherwise stabilized to prevent erosion.

(g) Haul roads shall be surfaced with material sufficiently durable for the anticipated volume of traffic and the weight and speed of vehicles using the road. Acid or toxic-forming material may not be used for surfacing or construction of a road except when the road is within the confines of a coal refuse disposal or reprocessing area, and the effluent meets the requirements of § 90.102 (relating to hydrologic balance: water quality standards, effluent limitations and best management practices).

(h) A road damaged by a catastrophic event, such as a flood or earthquake, shall be repaired or reclaimed as soon as practicable after the damage has occurred.

(i) Haul roads and roads approved as part of the postmining land use shall be certified by a qualified registered professional engineer or qualified registered land surveyor that the roads have been constructed or reconstructed as designed in accordance with the approved plan.

[Pa.B. Doc. No. 02-955. Filed for public inspection May 31, 2002, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### [25 PA. CODE CH. 93]

#### Stream Redesignations (Little Bush Kill, et al.)

The Environmental Quality Board (Board) by this order amends §§ 93.9c, 93.9d, 93.9l and 93.9p to read as set forth in Annex A.

This order was adopted by the Board at its meeting of February 19, 2002.

#### A. *Effective Date*

These amendments are effective upon publication in the *Pennsylvania Bulletin* as final-form rulemaking.

#### B. *Contact Persons*

For further information, contact Edward R. Brezina, Chief, Division of Water Quality Assessment and Standards, Bureau of Water Supply and Wastewater Management, 11th Floor, Rachel Carson State Office Building, P. O. Box 8467, 400 Market Street, Harrisburg, PA 17105-8467, (717) 787-9637 or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available electronically through the Department of Environmental Protection's (Department) website (<http://www.dep.state.pa.us>).

#### C. *Statutory Authority*

This final-form rulemaking is being made under the authority of sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402), which authorizes the Board to develop and adopt rules and regulations to implement the provisions of The Clean Streams Law, and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), which grants to the Board the power and duty to formulate, adopt and promulgate rules and regulations for the proper performance of the work of the Department. In addition, section 303 of the Federal Clean Water Act (33 U.S.C.A. § 1313) sets forth requirements for water quality standards and 40 CFR 131.32 (relating to Pennsylvania) sets forth certain requirements for portions of the Commonwealth's antidegradation program.

#### D. *Background of the Amendments*

The Commonwealth's Water Quality Standards, which are set forth in part in Chapter 93 (relating to water quality standards), implement sections 5 and 402 of The Clean Streams Law and section 303 of the Federal Clean Water Act. Water quality standards are in-stream water quality goals that are implemented by imposing specific regulatory requirements (such as treatment requirements and effluent limits) on individual sources of pollution.

The Department considers candidates for High Quality (HQ) or Exceptional Value (EV) Waters designation in its ongoing review of water quality standards. In general, HQ and EV waters shall be maintained at their existing quality, and wastewater treatment requirements shall ensure the attainment of designated and existing uses. The Department may identify candidates for redesignation during routine waterbody investigations. Requests for consideration may also be initiated by other agencies, such as the Fish and Boat Commission (FBC). Organizations, businesses or individuals may submit a rulemaking petition to the Board.

These streams were evaluated in response to three petitions, as well as requests from the FBC and Department staff as follows:

*Petitions:* Little Bush Kill (Bushkill Falls); Lizard Creek (West Penn Township); Smithtown Creek (Smithtown Creek Watershed Association).

*FBC:* Oswayo Creek

*Department:* Buck Hill Creek and Slate Run (corrective amendments).

Aquatic surveys were conducted by the Department's Bureau of Water Supply and Wastewater Management. The physical, chemical and biological characteristics and other information on these waterbodies were evaluated to determine the appropriateness of the current and requested designations using applicable regulatory criteria and definitions. Based upon the data collected in these surveys, the Board has made the designations in Annex A.

Copies of the Department's stream evaluation reports for these waterbodies are available from Edward R. Brezina whose address and telephone number are listed in Section B of this Preamble.

#### E. *Summary of Comments and Responses on the Proposed Rulemaking*

The Board approved the proposed rulemaking on March 20, 2001, and it was published at 31 Pa.B. 2375 (May 5, 2001) with provision for a 45-day public comment period that closed on June 19, 2001. The proposed redesignation of Browns Run (Warren County) included in the package became controversial during the public comment period, and has been removed from the final-form rulemaking package.

A total of six sets of comments were received on the proposed rulemaking, excluding Browns Run. Two provided comments on the proposed redesignation of the Little Bush Kill. Three were in response to the recommendation for Smithtown Creek. The Independent Regulatory Review Commission (IRRC) provided general comments on the redesignation process, the Little Bush Kill and Smithtown Creek (in addition to Browns Run).

The Brodhead Chapter of Trout Unlimited supported the redesignation of portions of the Little Bush Kill to EV. Staff of the Pike County Conservation District expressed concern for the protection of the lower EV segment because there would be an HQ segment upstream. IRRC questioned the reasonableness of segmenting the Little Bush Kill designation. The "biological test" and percent comparison criteria are included in the antidegradation regulation. Two sampling stations in the middle portion of the basin did not score 92% or greater in comparison to the reference stations. In addition, no other EV qualifiers were found to apply to this stream reach. As a result, the Department cannot recommend it for EV designation. Section 93.4a (relating to antidegradation) protects EV waters from degradation. Discharge permits or other approval actions in the middle HQ portion of the Little Bush Kill basin will include protection for the downstream EV segment.

Senator Joseph Conti, the Smithtown Creek Watershed Association (the petitioner) and the Tincum Township supervisors expressed opposition to the Department's recommendation to retain the current designation of Smithtown Creek rather than redesignating it EV as requested in the petition. Tincum Township included a consultant's report that critiqued the Department's evaluation and included stream survey data they believe

demonstrates that Smithtown Creek meets the biological qualifier for EV designation. The consultant used sampling methods and biological metrics that differ from those applied by the Department. The Department has not received documentation to show that the metrics and scoring criteria used by the consultant have been completely analyzed for the purpose of evaluating candidates for EV designation in this Commonwealth. IRRC questioned the reference stations used in the evaluation of Smithtown Creek. The Department believes the reference stations used to evaluate Smithtown Creek represent best available biological conditions in this part of this Commonwealth and thus are appropriate. The Department's recommendation regarding Smithtown Creek has not been changed.

#### F. *Summary of Changes to the Proposed Rulemaking*

The proposed redesignation of Browns Run (Warren County) became controversial during the public comment period. It has been removed from this package and will be considered as a separate final-form rulemaking.

The Department found a minor error in one of the Buck Hill Creek entries in the proposed rulemaking. The entry for the Buck Hill Creek basin from Griscom Creek to Buck Hill Falls should have noted the deletion of the word "Mouth" from the existing entry in the regulation, but did not. This has been corrected in the final-form regulations.

#### G. *Benefits, Costs and Compliance*

Executive Order 1996-1 requires a cost/benefit analysis of the amendments.

1. *Benefits*—Overall, the citizens of this Commonwealth will benefit from these recommended changes because they will reflect the appropriate designated use and maintain the most appropriate degree of protection for each stream in accordance with the existing use.

2. *Compliance Costs*—Generally, the changes should have no fiscal impact on, or create additional compliance costs for the Commonwealth or its political subdivisions. The streams are already protected at their existing use, and therefore the designated use changes will have no impact on treatment requirements. No costs will be imposed directly upon local governments by this recommendation. Political subdivisions that add a new sewage treatment plant or expand an existing plant in these basins may experience changes in cost in the discussion of impacts on the private sector.

Persons conducting or proposing activities or projects that result in new or expanded discharges to streams shall comply with the regulatory requirements relating to designated and existing uses. These persons could be adversely affected if they expand a discharge or add a new discharge point since they may need to provide a higher level of treatment to meet the designated and existing uses of the stream. These increased costs may take the form of higher engineering, construction or operating costs for wastewater treatment facilities. Treatment costs are site-specific and depend upon the size of the discharge in relation to the size of the stream and many other factors. It is therefore not possible to precisely predict the actual change in costs.

3. *Compliance Assistance Plan*—The regulatory revisions have been developed as part of an established program that has been implemented by the Department since the early 1980s. The revisions are consistent with and based on existing Department regulations. The revisions extend additional protection to selected waterbodies that exhibit exceptional water quality and are consistent



with antidegradation requirements established by the Federal Clean Water Act and The Clean Streams Law. All surface waters in this Commonwealth are afforded a minimum level of protection through compliance with the water quality standards, which prevent pollution and protect existing water uses.

The amendments will be implemented through the National Pollutant Discharge Elimination System (NPDES) permitting program since the stream use designation is a major basis for determining allowable stream discharge effluent limitations. These permit conditions are established to assure water quality criteria are achieved and designated and existing uses are protected. New and expanding dischargers with water quality based effluent limitations are required to provide effluent treatment according to the water quality criteria associated with existing and designated water uses.

4. *Paperwork Requirements*—The regulatory revisions should have no direct paperwork impact on the Commonwealth, local governments and political subdivisions or the private sector. These regulatory revisions are based on existing Department regulations and simply mirror the existing use protection that is already in place for these streams. There may be some indirect paperwork requirements for new or expanding dischargers to streams upgraded to HQ or EV. For example, NPDES general permits are not currently available for new or expanded discharges to these streams. Thus, an individual permit, and its associated additional paperwork, would be required. Additionally, paperwork associated with demonstrating social and economic justification may be required for new or expanded discharges to certain HQ waters, and the nonfeasibility of nondischarge alternatives will be required for new or expanded discharges to certain HQ and EV Waters.

H. *Pollution Prevention*

The antidegradation program is a major pollution prevention tool because its objective is to prevent degradation by maintaining and protecting existing water quality and existing uses. Although the antidegradation program does not prohibit new or expanded wastewater discharges, nondischarge alternatives are encouraged and required when they are environmentally sound and cost-effective. Nondischarge alternatives, when implemented, remove impacts to surface water and reduce the overall level of pollution to the environment by remediation of the effluent through the soil.

I. *Sunset Review*

This final-form rulemaking will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

J. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on April 23, 2001, the Department submitted a copy of the notice of proposed rulemaking, published at 31 Pa.B. 2375, to IRRC and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, the Department also provided IRRC and the Committees with

copies of the comments received, as well as other documentation. In preparing this final-form rulemaking, the Department has considered all comments received from IRRC and the public. The Committees did not provide comments on the proposed rulemaking.

Under section 5.1(d) of the Regulatory Review Act (71 P.S. § 745.5a(d)), on April 15, 2002, this final-form rulemaking was deemed approved by the House and Senate Committees. IRRC met on April 19, 2002, and approved this final-form rulemaking in accordance with section 5.1(e) of the Regulatory Review Act.

K. *Findings*

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law, and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposal published at 31 Pa.B. 2375.

(4) This final-form rulemaking is necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this Preamble.

(5) This final-form rulemaking does not contain standards or requirements that exceed requirements of the companion Federal regulations.

L. *Order*

The Board, acting under authorizing statutes, orders that:

(a) The regulations of the Department, 25 Pa. Code Chapter 93, are amended by amending §§ 93.9c 93.9d, 93.9l and 93.9p to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval and review as to legality and form, as required by law.

(c) The Chairperson shall submit this order and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

(d) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau, as required by law.

(e) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

DAVID E. HESS,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 32 Pa.B. 2287 (May 4, 2002).)*

**Fiscal Note:** Fiscal Note 7-362A remains valid for the final adoption of the subject regulations.

## Annex A

## TITLE 25. ENVIRONMENTAL PROTECTION

## PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Subpart C. PROTECTION OF NATURAL RESOURCES

## ARTICLE II. WATER RESOURCES

## CHAPTER 93. WATER QUALITY STANDARDS

## ANTIDegradation Requirements

## § 93.9c. Drainage List C.

## Delaware River Basin in Pennsylvania

*Delaware River*

Stream	Zone	County					Water Uses Protected	Exceptions To Specific Criteria
		*	*	*	*	*		
4—Sand Hill Creek	Basin				Monroe		HQ-CWF	None
4—Little Bush Kill	Basin, Source to Unnamed Tributary (UNT) 05067				Pike		EV	None
5—Unnamed Tributary 05067 to Little Bush Kill	Basin				Pike		EV	None
4—Little Bush Kill	Basin, UNT 05067 to UNT 05059				Pike		HQ-CWF	None
5—Unnamed Tributary 05059 to Little Bush Kill	Basin				Pike		EV	None
4—Little Bush Kill	Basin, UNT 05059 to UNT 05057				Pike		EV	None
5—Unnamed Tributary 05057 to Little Bush Kill	Basin				Pike		HQ-CWF	None
4—Little Bush Kill	Basin, UNT 05057 to Mouth				Pike		EV	None
		*	*	*	*	*		
3—Buck Hill Creek	Basin, UNT 05026 to Griscom Creek				Monroe		EV	None
4—Griscom Creek	Basin				Monroe		HQ-CWF	None
3—Buck Hill Creek	Basin, Griscom Creek to Buck Hill Falls				Monroe		HQ-CWF	None
3—Buck Hill Creek	Basin, Buck Hill Falls to Mouth				Monroe		HQ-CWF, MF	None
3—Goose Pond Run	Basin				Monroe		HQ-CWF	None
		*	*	*	*	*		

## § 93.9d. Drainage List D.

## Delaware River Basin in Pennsylvania

*Lehigh River*

Stream	Zone	County					Water Uses Protected	Exceptions To Specific Criteria
		*	*	*	*	*		
3—Lizard Creek	Basin, Source to T-922 Bridge				Schuylkill		CWF	None
3—Lizard Creek	Basin, T-922 Bridge to Mouth				Carbon		TSF	None
3—Aquashicola Creek	Basin, Source to Buckwha Creek				Carbon		CWF, MF	None
		*	*	*	*	*		

§ 93.9l. Drainage List L.

**Susquehanna River Basin in Pennsylvania**

***West Branch Susquehanna River***

<b>Stream</b>	<b>Zone</b>	<b>County</b>	<b>Water Uses Protected</b>	<b>Exceptions To Specific Criteria</b>
		* * * * *		
4—Slate Run	Basin	Lycoming	EV	None
4—Little Slate Run	Basin	Lycoming	HQ-CWF	None
		* * * * *		

§ 93.9p. Drainage List P.

**Ohio River Basin in Pennsylvania**

***Allegheny River***

<b>Stream</b>	<b>Zone</b>	<b>County</b>	<b>Water Uses Protected</b>	<b>Exceptions To Specific Criteria</b>
		* * * * *		
3—Oswayo Creek	Basin, Source to Brizzee Hollow	Potter	CWF	None
4—Brizzee Hollow	Basin	Potter	HQ-CWF	None
3—Oswayo Creek	Basin, Brizzee Hollow to South Branch Oswayo Creek	Potter	HQ-CWF	None
4—South Branch Oswayo Creek	Basin	Potter	EV	None
3—Oswayo Creek	Basin, South Branch Oswayo Creek to Clara Creek	Potter	HQ-CWF	None
		* * * * *		
3—Oswayo Creek	Main Stem, Clara Creek to Honeoye Creek	Potter	CWF	None
4—Unnamed Tributaries to Oswayo Creek	Basins, Clara Creek to Honeoye Creek	Potter	CWF	None
4—Clara Creek	Main Stem	Potter	CWP	None
		* * * * *		

[Pa.B. Doc. No. 02-956. Filed for public inspection May 31, 2002, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending May 21, 2002.

### BANKING INSTITUTIONS

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-9-01	Leesport Bank Leesport Berks County	237 Route 61 South Schuylkill Haven North Manheim Twp. Schuylkill County	Opened
7-30-01	Leesport Bank Leesport Berks County	One West Broad St. Hazleton Luzerne County (Drive-Up Facility)	Opened
12-17-01	Leesport Bank Leesport Berks County	350 W. Main Street Birdsboro Berks County	Opened
5-13-02	First Heritage Bank Wilkes-Barre Luzerne County	685 Wyoming Ave. Kingston Luzerne County	Opened
5-16-02	PEOPLESBANK, A Codorus Valley Company York York County	Susquehanna Commerce Center 221 W. Philadelphia St. York York County	Filed
5-17-02	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Giant Eagle 9001 Frankstown Road Pittsburgh Allegheny County	Filed

#### Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-5-01	Leesport Bank Leesport Berks County	<i>To:</i> 100 Plaza Drive Blandon Maidencreek Twp. Berks County  <i>From:</i> US Route 222 Blandon Berks County	Effective
5-17-02	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> Paoli Shopping Center Store #3 10 E. Lancaster Ave. Paoli Chester County  <i>From:</i> One West Lancaster Ave. Paoli Chester County	Filed

### SAVINGS INSTITUTIONS

No activity.

**CREDIT UNIONS**

No activity.

JAMES B. KAUFFMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-957. Filed for public inspection May 31, 2002, 9:00 a.m.]

**DEPARTMENT OF  
CONSERVATION AND  
NATURAL RESOURCES****Increase of Boat Dock Permit Fee**

Under the authority of the section 314 of the Conservation and Natural Resources Act (71 P. S. § 1340.314), the Department of Conservation and Natural Resources hereby gives notice of an increase in the annual fee for boat dock permits issued by the Bureau of Forestry. The current fee is \$5. The new fee, effective with the 2003 Commonwealth boating season, which begins on April 1, 2003, is \$20.

Inquires may be directed to Matt Beaver, Recreation Section, Operations and Recreation Division, Bureau of Forestry, P. O. Box 8552, Harrisburg, PA 17105-8552, (717) 783-7941, fax (717) 783-5109, mbeaver@state.pa.us. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD).

JOHN C. OLIVER,  
*Secretary*

[Pa.B. Doc. No. 02-958. Filed for public inspection May 31, 2002, 9:00 a.m.]

**Pennsylvania Recreational Trails Advisory Board  
Meeting**

The Pennsylvania Recreational Trails Advisory Board of the Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation will meet on Monday, June 24, 2002, 7 p.m. and on Tuesday, June 25, 2002, at 9 a.m. in the Bailey Room, Clarion Hotel and Convention Center, 1700 Harrisburg Pike, Carlisle, PA.

Questions concerning this meeting or agenda items can be directed to Scott J. Cope, CPRP, CPSI, Recreation and Park Advisor, Grants Project Management Division at (717) 772-3319.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Scott J. Cope at (717) 772-3319 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN C. OLIVER,  
*Secretary*

[Pa.B. Doc. No. 02-959. Filed for public inspection May 31, 2002, 9:00 a.m.]

**DEPARTMENT OF ENVIRONMENTAL PROTECTION****Applications, Actions and Special Notices****APPLICATIONS****NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES)  
PERMITS****NPDES APPLICATIONS****PART I PERMITS**

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement, to the office noted before the application within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. The comments should include the

name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant. Following the comment period, the Department's Water Management Program Manager will make a final determination regarding these applications. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

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

### I. NPDES Renewal Applications

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0056928	H. Fred Read 30 Slitting Mill Road Glen Mills, PA 19342	Delaware County Thornbury Township	UNT of Chester Creek	Y
PA0028614	Borough of Spring City 6 South Church Street Spring City, PA 19475	Chester County Spring City Borough	Schuylkill River	Y
PA0052744	Concordville Hotel Inc. 780 Baltimore Pike P. O. Box 607 Concordville, PA 19331-0607	Delaware County Concord Township	UNT of West	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0062847	Creditech Inc. 1883 Jory Road Pen Argyl, PA 18072	Northampton County Plainfield Township	Waltz Creek 1F	Yes

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

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

**PA0044997**, Sewage, **Mount Pocono Municipal Authority**, 303 Pocono Boulevard, Mt. Pocono, PA 18344. This proposed facility is located in Mt. Pocono Borough, **Monroe County**.

The receiving stream, Forest Hills Run, is in the State Water Plan watershed #1E and is classified for: HQ-CWF. The nearest downstream public water supply intake for Stroudsburg Borough is located on Brodhead Creek is 14 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.60 MGD.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Maximum Daily (mg/l)
CBOD <sub>5</sub>	10.0	15.0	20.0
Total Suspended Solids	30.0	45.0	60.0
NH <sub>3</sub> -N			
(5-1 to 10-31)	2.70		5.40
(11-1 to 4-30)	8.10		16.20
Phosphorus as "P"	1.0		2.0
Dissolved Oxygen	A minimum of 7.0 mg/l at all times.		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	.19		.44
NO <sub>2</sub> + NO <sub>3</sub> as "N"	13.80		27.60
Total Copper	Monitor and Report		
Total Lead	Monitor and Report		
Total Zinc	Monitor and Report		
Temperature	Monitor and Report		

The proposed effluent limits for Outfall 001 based on a design flow of .99 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10.0	15.0	20.0
Total Suspended Solids	30.0	45.0	60.0
NH <sub>3</sub> -N			
(5-1 to 10-31)	2.40		4.80
(11-1 to 4-30)	7.20		14.40
Phosphorus as "P"	1.0		2.0
Dissolved Oxygen	A minimum of 7.0 mg/l at all times.		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Temperature	Monitor and Report		
NO <sub>2</sub> + NO <sub>3</sub> as "N"	12.10		24.20
Total Residual Chlorine	.12		.275
Total Copper	Monitor and Report		
Total Lead	Monitor and Report		
Total Zinc	Monitor and Report		

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

**PA0001201**, Industrial Waste, SIC 3674, **Powerex, Inc.**, 200 East Hillis Street, Youngwood, PA 15697-1800. This application is for renewal of an NPDES permit to discharge treated process water and sewage from its Youngwood facility in Youngwood Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, Sewickley Creek, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is McKeesport MWA, located at Youghioghney River, 29.4 miles below the discharge point.

*Outfall 001: existing discharge, design flow of 0.198 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 Only				
CBOD <sub>5</sub>					
(5-1 to 10-30)		10	20		
(11-1 to 4-30)		20	40		
Ammonia-Nitrogen					
(5-1 to 10-30)		3	6		
(11-1 to 4-30)		9	18		
Fecal Coliform	See Condition No. 4 in Part C of the permit.				
Total Suspended Solids		30	60		
Total Residual Chlorine		0.5		1.25	
pH	not less than 6.0 nor greater than 9.0				

*Outfall 101: existing discharge to Outfall 001. (0.175 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				
Total Suspended Solids		31	60		
Chromium		1.59	3.18		
Oil and Grease		15	30		
Cadmium		0.0083	0.017		
Copper		0.175	0.35		
Lead		0.022	0.044		
Zinc		0.277	0.544		
Silver		0.0015	0.003		
Nickel		0.55	1.1		
Fluoride					
(1st Month to 36th Month)		17.4	32.0		
(36th Month to Expiration Date)		16.6	33.2		

## NOTICES

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Trichloroethylene (1st Month to 36th Month) (36th Month to Expiration Date)	Monitor and Report		Monitor and Report		
Cyanide (T)		0.162	0.342		
TTO		0.65	1.2		
pH	not less than 6.0 nor greater than 9.0				

Other Conditions: TRE/TIE added in Part C for fluoride at Outfall 101.

The EPA waiver is not in effect.

**PA0003425**, Industrial Waste, SIC, 2851, **Ranbar Technology, Inc.**, 1114 William Flinn Highway, Glenshaw, PA 15116-2657. This application is for renewal of an NPDES permit to discharge untreated boiler blowdown and stormwater from Glenshaw Plant in Shaler Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Pine Creek, classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Millvale MWW, located on the Allegheny River, 4.78 miles below the discharge point.

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

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
Temperature (°F)					110
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

*Outfall 002*: existing discharge, design flow of variable mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
The discharge via this outfall shall consist of uncontaminated stormwater runoff only.					

The EPA waiver is in effect.

**PA0041238**, Sewage, **Meyersdale-Summit Park Recreation Commission**, P. O. Box 194, Meyersdale, PA 15552-0194. This application is for renewal of an NPDES permit to discharge treated sewage from Maple Valley Park Sewage Treatment Plant in Summit Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Blue Lick Creek, 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 Ohiopyle State Park Water Authority located on the Youghiogheny River.

*Outfall 001*: existing discharge, design flow of 0.004 mgd.

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

The EPA waiver is in effect.

**PA0095044**, Sewage, **Northgate Townhouses Condo Association**, 380 Z Northgate Drive, Apollo, PA 15613. This application is for Renewal of an NPDES permit to discharge treated sewage from Northgate Townhouses 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, 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 0.0042 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)	2.0			4.0
(11-1 to 4-30)	3.2			6.4
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	.04			.09
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.

**PA0098434**, Sewage, **Pennsylvania Department of Transportation, Bureau of Design**, P. O. Box 3060, Harrisburg, PA 17105-3060. This application is for renewal of an NPDES permit to discharge treated sewage from the Pennsylvania Department of Transportation Welcome Center sewage treatment plant in Whiteley Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Whiteley 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 Masontown Borough Water Works on the Monongahela River.

*Outfall 001:* existing discharge, design flow of 0.0095 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>	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	1.9			3.8
(11-1 to 4-30)	2.7			5.4
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			
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.

## WATER QUALITY MANAGEMENT PERMITS

### CONTROLLED INDUSTRIAL WASTE AND SEWAGE WASTEWATER

#### APPLICATIONS UNDER THE CLEAN STREAMS LAW

##### PART II PERMITS

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

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

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

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

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

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

**WQM Permit No. 2387434**, Sewerage, **Springhill Farms Wastewater Treatment Facility Association**, P. O. Box 756, Chadds Ford, PA 19317. This proposed facility is located in Chadds Ford Township, **Delaware County**.

Description of Proposed Action/Activity: Installation of a dechlorination system at the existing Springhill Farm WWTP.

**WQM Permit No. 1502406**, Sewerage, **Orleans Homebuilders Inc.**, One Greenwood Square, 3333 Street Road, Suite 101, Bensalem, PA 19020. This proposed facility is located in New Garden Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of a pump station and forcemain to serve The Candlewyck at New Garden a 109-lot single residential community.

**WQM Permit No. 4689409**, Sewerage, **English Village Service Company, Inc.**, 120 South Main Street, Doylestown, PA 18901. This proposed facility is located in Horsham Township, **Montgomery County**.

Description of Proposed Action/Activity: Modification of aeration system to an anoxic-aerobic activated sludge process for nitrate removal.

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

**WQM Permit No. 3602410**, Sewerage, **Ephrata Township Sewer Authority**, 265 Akron Road, Ephrata, PA 17522. This proposed facility is located in Ephrata Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization for construction/operation of the Goodling Sewer Trunk Line Extension serving the Eastland Communities Subdivision and the Fieldcrest at Meadow Valley Road Subdivision.

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

**Application No. 0202407**, Sewerage, **Donald Andrick**, 3919 Constitution Blvd., Darlington, PA 16115. Application for the construction and operation of a small flow single residence sewage treatment plant to serve the Andrick Residence located in Bell Acres Borough, **Allegheny County**.

**Application No. 5602401**, Sewerage, **Christopher T. and Carol A. Lasky**, 130 Point Park Lane, Friedens, PA 15541. Application for the construction and operation of a small flow single residence sewage treatment plant to serve the Lasky residence located in Jenner Township, **Somerset County**.

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

**WQM Permit No. 2002410**, Sewerage, **City of Titusville**, 107 North Franklin Street, Titusville, PA 16354. This proposed facility is located in City of Titusville, **Crawford County**.

Description of Proposed Action/Activity: This project is for upgrades to the wastewater treatment facility, sewer system improvements and a parallel interceptor from Brown Street to the wastewater treatment facility.

**WQM Permit No. 2502408**, Sewerage, **City of Erie**, 626 State Street, Erie, PA 16501-1128. This proposed facility is located in City of Erie, **Erie County**.

Description of Proposed Action/Activity: This project is for the replacement of a pump station and sanitary sewers.

**WQM Permit No 2002409**, Sewerage, **David Jesse**, 2502 Lester Road, Linesville, PA 16424. This proposed facility is located in Conneaut Township, **Crawford County**.

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

**WQM Permit No 2002411**, Sewerage, **Louis Bartok 1 SRSTP**, 7458 Sugar Lake Road, Cochranon, PA 16314. This proposed facility is located in Wayne Township, **Crawford County**.

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

**WQM Permit No 2002412**, Sewerage, **Louis Bartok 2 SRSTP**, 7437 Sugar Lake Road, Cochranon, PA 16314. This proposed facility is located in Wayne Township, **Crawford County**.

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

---

#### **NPDES Stormwater Individual Permit**

---

The following parties have applied for an NPDES permit to discharge stormwater associated with a construction activity into waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices which restrict the rate and quantity of sediment discharged.

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

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

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

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

Persons with a disability that require an auxiliary aid, service or other accommodation to participate during the 30-day public comment period should contact the specified Regional Office. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

*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>
PAS10U171	Gerhard Reithmuller 82 Eagle Rock Way Montclair, NJ 07042

<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
Northampton County Palmer Township	Bushkill Creek 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 Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

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

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

**SAFE DRINKING WATER**

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

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

<b>Permit No. 1502504</b> , Public Water Supply.	
Applicant	<b>Ridgeview Mobile Home Park</b>
Township	West Nottingham
Responsible Official	Patsy Wilson 54 Pear Tree Lane Colora, MD 21917
Type of Facility	PWS

Consulting Engineer	Glance Associates, Inc. 3705 Trindle Road Camp Hill, PA 17011
Application Received Date	May 1, 2002
Description of Action	Permit existing well and distribution system to serve Ridgeview Mobile Home Park.
<b>Permit No. 0902504</b> , Public Water Supply.	
Applicant	<b>Pennsylvania Suburban Water Company</b>
Township	Middletown
Responsible Official	Morris Coulter 762 W. Lancaster Avenue Bryn Mawr, PA 19010
Type of Facility	PWS
Consulting Engineer	CET Engineering Services 1240 N. Mountain Road Harrisburg, PA 17112
Application Received Date	May 8, 2002
Description of Action	Construction of a 2 MG clearwell and a pump station at the Neshaminy Water Treatment Facility.
<b>Permit No. 5102501</b> , Public Water Supply.	
Applicant	<b>Philadelphia Water Department</b> City of Philadelphia
Responsible Official	William Wankoff 1101 Market Street Philadelphia, PA 19107
Type of Facility	PWS
Consulting Engineer	BCM Engineers 920 Germantown Pike Suite 200 Plymouth, PA 19462
Application Received Date	May 13, 2002
Description of Action	Modifications to the Belmont Water Treatment Plant. Project will include the construction of a chemical feed room in the existing chemical building and installation of four 20,000 gallon tanks for storage of sodium hypochlorite.

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

**Permit No. 2202501**, Public Water Supply.

Applicant **Williamstown Borough Authority**  
 County **Dauphin**  
 Responsible Official Jack L. Herb  
 Type of Facility PWS  
 Consulting Engineer Harry E. Bingaman, P. E.  
 Glace Assoc., Inc.  
 3705 Trindle Rd.  
 Camp Hill, PA 17011

Application Received Date May 3, 2002

Description of Action Construction of Well No. 1, installation of a small tank and booster pumps.

**Permit No. 3102502**, Public Water Supply.

Applicant **Mill Creek Area Municipal Authority**  
 Municipality Brady Township  
 County **Huntingdon**  
 Responsible Official Richard L. Wagner, Chairperson  
 P. O. Box 4  
 Mill Creek, PA 17060

Type of Facility PWS  
 Consulting Engineer David A. Hegemann, P. E.  
 Hegemann and Wray Consulting Engineers  
 429 Park Avenue  
 Cresson, PA 16630

Application Received Date April 24, 2002

Description of Action Service extension to the Village of Fousestown including the construction of a 74,000-gallon water storage tank and pumping station.

**Permit No. 6702510**, Public Water Supply.

Applicant **Borough of Hanover**  
 Municipality Conewago Township  
 County **York**  
 Responsible Official Bruce Rebert, Borough Manager  
 44 Frederick Street  
 Hanover, PA 17331

Type of Facility PWS  
 Consulting Engineer Ronald L. Orndorff, P. E.  
 44 Frederick Street  
 Hanover, PA 17331

Application Received Date April 22, 2002

Description of Action Construction Permit Application for Well No. 2. The well will be pumped at a rate not to exceed 125 gallons per minute. Treatment will be provided at the existing, previously permitted Hanover Borough surface water filtration facility.

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

**Permit No. 3702502**, Public Water Supply.

Applicant **Pennsylvania-American Water Company Ellwood City District**  
 2736 Ellwood Road  
 New Castle, PA 16101

Township or Borough **Lawrence County**  
 Responsible Official William C. Kelvington  
 Vice President—Operations  
 800 West Hersheypark Drive  
 P. O. Box 888  
 Hershey, PA 17033

Type of Facility PWS  
 Consulting Engineer Kevin Mortimer  
 Pennsylvania American Water Company  
 2763 Ellwood Road  
 New Castle, PA 16101

Application Received Date May 16, 2002

Description of Action Extension of 16" waterline from Jackson Township to Pennsylvania-American Water Company—Butler Distribution. Construct two booster stations and chloramination facilities and relocation of a water storage tank.

**Permit No. 1002501**, Public Water Supply.

Applicant **Pennsylvania-American Water Company Butler District**  
 2736 Ellwood Road  
 New Castle, PA 16101

Township or Borough **Butler County**  
 Responsible Official William C. Kelvington  
 Vice President—Operations  
 800 West Hersheypark Drive  
 P. O. Box 888  
 Hershey, PA 17033

Type of Facility PWS—Disinfection  
 Consulting Engineer Kevin Mortimer  
 Pennsylvania-American Water Company  
 2763 Ellwood Road  
 New Castle, PA 16101

Application Received Date May 16, 2002

Description of Action Installation of ammonia feed equipment to provide for disinfection by chloramination.

**MINOR AMENDMENT**

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

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

**Application No. 2302501**, Minor Amendment.

Applicant	<b>Chester Water Authority</b>
Township	Lower Oxford
Responsible Official	Robert W. Naef 415 Welsh Street Chester, PA 19106
Type of Facility	PWS
Consulting Engineer	Gannett Fleming, Inc. P. O. Box 67100 Harrisburg, PA 17106
Application Received Date	May 8, 2002
Description of Action	Construction of a surge relief station to replace three existing surge relief chambers.

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

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Permit Application No. 100932, Environmental & Recycling Services, Inc.**, 1100 Union Street, Taylor, PA 18517. A Major Permit Modification application for an expansion (Phase IV) of an existing construction/demolition landfill with attenuating soil base at average receiving rate of 1,350 tons per day. The project encompasses 50.1 acres of construction/demolition landfill with attenuating soil base, principally located over a municipal waste landfill. The project will occur entirely within the previously permitted area and no expansion of the permit area is proposed. The project will include a new sediment basin at this construction/demolition waste landfill located in Taylor Borough, **Lackawanna County**. The application was received in the Regional Office on December 9, 1999, and then it was revised and resubmitted on November 30, 2001. This Major Permit Modification was found to be administratively complete as of April 30, 2002.

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

**Permit Application No. 101676, ABC-EZ Moving Company, Inc.**, 530 Spruce Run Road, Avalon, PA 15202. An application for the operation of a construction and demolition waste transfer station in Stowe Township, **Allegheny County** was received in the Regional Office on May 3, 2002.

Comments concerning the application should be directed to David Eberle, Facilities Supervisor, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Persons interested in obtaining more information about the permit application may contact the Department Southwest Regional Office, (412) 442-4000. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

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

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

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

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

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

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

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

**PLAN APPROVALS**

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

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

**06-03038A: Bridgeview, Inc.** (1525 Chestnut Hill Road, Morgantown, PA 19543) for construction of an animal crematory in Robeson Township, **Berks County**.

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

**14-313-042: Rutgers Organics Corp.** (201 Struble Road, State College, PA 16801) for modification of a chemical process facility to manufacture a new product (ROC-8) in College Township, **Centre County**.

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

**63-00916A: Perryman Co.** (213 Vandale Drive, Houston, PA 15342) for expansion to include a new titanium wire cleaning/processing operation at the Houston facility in North Strabane Township, **Washington 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.*

**23-0021B: Congoleum Corp.** (4001 Ridge Road, Trainer, PA 19061-4396) to establish a Federally enforceable emission cap for VOC emissions from printing press related sources and operations of its plant in Trainer Borough, **Delaware County**. This facility is a Title V facility. This Federally Enforceable Emission Limit establishment will result in VOC emissions to be reduced by 17.2 tons facility wide. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

**48-309-119: ESSROC Cement Corp.** (3251 Bath Pike, Nazareth, PA 18064-8928) for installation of an air cleaning device (fabric collector) for the existing cement transfer system at the Nazareth Plant I in Lower Nazareth Township, **Northampton County**. The particulate emissions from the fabric collector will not exceed the best available technology standard of 0.01 grain/DSCFT (1.36 tons per year). The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The facility currently has a Title V Operating Permit No. 48-00004. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

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

**67-05004E: P. H. Glatfelter Co.** (228 South Main Street, Spring Grove, PA 17362) for replacement of an existing baghouse on a steel ash bin vent for the Nos. 1, 3 and 4 Power Boiler Ash Unloading System at their pulp and paper mill in Spring Grove Borough, **York County**. Since this is a replacement of an existing baghouse, no net increase of particulate matter emissions is expected from this project.

The facility currently has a Title V Operating Permit (No. 67-05004). This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating permit through an administrative amendment at a later date.

The following special conditions will be included in the plan approval:

1. The permittee shall comply with all provisions of the facility's Title V Operating Permit No. 67-05004 in the execution of the modifications authorized under this plan approval.

2. The permittee shall install a pressure gauge to monitor the pressure drop across the Nos. 1, 3 and 4 Power Boiler Ash Unloading System Baghouse. The pressure drop shall be recorded daily and a daily check of dust emissions shall be conducted in accordance with the facility's Alternative to Daily Inspection Procedure.

The Title V Operating Permit contains emission limitations, recordkeeping, monitoring reporting and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The Title V Operating Permit will be modified to include the Nos. 1, 3 and 4 Power Boiler Ash Unloading System in Source 130, Material Handling.

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

**59-304-008B: ACP Manufacturing Co., LLC** (P. O. Box 9, Blossburg, PA 16912-0068) on May 9, 2002, to incorporate conditions established in Plan Approval 59-304-008F for a phenolic urethane cold box foundry core-making machine and associated air cleaning device (a packed tower scrubber) in Lawrence Township, **Tioga County**.

**19-310-007: Sokol Quarries, Inc.** (P. O. Box 366, Bloomsburg, PA 17815) for construction of a wet sand and gravel processing operation in Fishing Creek Township, **Columbia County**. The fugitive dust emissions from the operation of the crushing, screening and conveying equipment is expected to be minimal due to the wet nature of the raw material and the amount of water which will be applied to the material throughout the operation.

The Department has determined that the proposed sand and gravel processing equipment will comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12 and the requirements of Subpart 000 of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.670—60.676. The Department consequently intends to issue plan approval for the construction of the respective equipment.

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

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

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

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

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

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

**26-00520: Dynamic Materials Corp.** (1138 Industrial Park Drive, P. O. Box 317, Mount Braddock, PA 15465) for operation of a dust collector in North Union Township, **Fayette County**.

**65-00926: Crow's Nest Synfuels, LP** (13 Elm Street, Cohasset, MA 02025) for operation of a coal prep plant in Hempfield Township, **Westmoreland County**.

---

**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.*

**46-00054: Abington Memorial Hospital** (1200 Old York Road, Abington, PA 19001) in Abington Township, **Montgomery County**. The facility's major air emission points include boilers and generators that are restricting their major source emissions of nitrogen oxides.

**15-00073: Veterans Affairs Medical Center** (1400 Blackhorse Hill Road, Coatesville, PA 19230) for operation of a hospital in Caln Township, **Chester County**. The permit is for a non-Title V (State only) facility. The hospital has the potential to emit 24.9 TPY of NO<sub>x</sub>. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the hospital operating within all applicable air quality requirements.

**46-00022: ATOFINA Chemicals, Inc.** (900 First Avenue, King of Prussia, PA 19406) for a Non-Title V Facility (State-Only Synthetic Minor Operating Permit) in Upper Merion Township, **Montgomery County**. The facility operates several pilot plant operations that are used to develop processes for other facilities that they own and operate. The sources at this location include a boiler, a few emergency generators, pilot plant operations and a laboratory. The facility has a limit of 16.41 tons of nitrogen oxides per year from a previous permit. The facility also has the potential to emit 15 tons of VOCs per year and 4.831 tons of hazardous air pollutants per year. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

**09-00053: Greif Bros. Corp.** (695 Louis Drive, Warminster, PA 18974) for operation of the manufacturing plant in Warminster Township, **Bucks County**. The permit is for a Non-Title V (State Only) facility. The facility has the potential to emit 24.9 TPY of VOCs. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

**23-00059: Lyondell Chemical Co.** (3801 West Chester Pike, Newtown Square, PA 19073) for operation of a research and development center manufacturing industrial organic chemicals in Newtown Township, **Delaware County**. The permit is for a Non-Title V (State only) facility. The facility has elected to cap their nitrogen oxides and VOCs at Minor Source threshold levels (less than 25 tons per year each). The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**15-00048: Worthington Armstrong Venture** (45 Morehall Road, Malvern, PA 19355) for a Non-Title V Facility (State-Only Synthetic Minor Operating Permit) in Aston Township, **Delaware County**. This facility manufactures metal grids and frames for hanging ceiling tile and dry wall. The sources of emissions include 21 space heaters and 15 grid forming lines. The facility has a potential to emit 2.326 tons of nitrogen oxides per year and 11.64 tons of VOCs per year. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

**15-00055: Highway Materials, Inc.** (850 Quarry Road, Downingtown, PA 19335) for operation of the asphalt paving mixture plant in East Caln Township, **Chester County**. The permit is for a Non-Title V (State only) facility. The facility has elected to cap their VOCs and nitrogen oxides at Minor Source threshold levels (less than 25 tons per year each). The permit will include monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

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

**29-05002: New Enterprise Stone and Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664) for operation of a bituminous concrete batch plant (controlled by a cyclone and two fabric collectors) at the Union Equipment Blacktop Plant in Bethel Township, **Fulton County**. Actual emissions for criteria pollutants will be below Title V thresholds. This will be accomplished by limiting the annual production of hot mix asphalt. The operating permit will contain appropriate conditions designed to keep the facility operating within all other applicable air quality requirements.

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

**12-399-017: Pennsylvania Sintered Metals, Inc. d/b/a Brownco Powder Products** (2950 Whittimore Road, Emporium, PA 15834) for operation of a powdered metal parts sintering furnace in Emporium Borough, **Cameron County**. The air contaminant emissions from the sintering furnace are controlled by an instack afterburner.

The respective sintering furnace is used to sinter various aluminum parts. The powdered aluminum used in the parts processed through the furnace will have a lubricant content of no greater than 1.5% by weight. The furnace will emit up to .66 ton of particulate matter per year.

The Department has determined that the sintering furnace was constructed and is operating, in accordance with all conditions of Plan Approval 12-399-017 as well as in compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission

of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. The Department consequently intends to issue an operating permit for the operation of the respective sintering furnace.

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

1. The air contaminants from the sintering furnace shall be controlled by an instack afterburner which is to be maintained at a minimum temperature of 1,500°F when the sintering furnace is in operation.

2. The particulate matter emission in the exhaust of each of the sintering furnace stacks shall not exceed .02 grain per dry standard cubic foot.

3. The lubricant content of the aluminum powdered metal to be processed shall not exceed 1.5% by weight. The aluminum powder shall not contain any zinc stearate, lithium stearate or any other metal-bearing, silicon-bearing or calcium-bearing lubricant.

4. The opacity from the sintering furnace stacks shall not exceed 10% at any time.

5. The sintering furnace stacks shall not be cleaned using high temperature burnout procedures.

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

**37-00126: Hickman Manufacturing, Inc.** (R. D. 2, Industrial Park Boulevard, New Beaver, PA 16141) for a Natural Minor Operating Permit to operate a roof coating manufacturing operation in New Beaver Borough, **Lawrence County**.

**25-00095: Lord Corp. MPD** (1635 West 12th Street, Erie, PA 16501) for a Synthetic Minor Operating Permit to operate a fabricated rubber products manufacturing facility in Erie City, **Erie County**.

**61-00012: OMG/Mooney Chemicals, Inc.** (P. O. Box 111, Two Mile Run Road, Franklin, PA 16323) for a Synthetic Minor Operating Permit to operate an industrial organic chemicals manufacturing facility in Sugar creek Borough, **Venango County**. The Synthetic Minor Operating Permit will limit the emission of VOCs to 49.9 TPY, emissions of any single hazardous air pollutant to 9.9 TPY and emissions from all hazardous air pollutants to 24.9 TPY. Appropriate requirements to assure compliance with those limitations have been included in the permit.

## **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 an 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.*

**17910114 and NPDES Permit No. PA 0206628. River Hill Coal Co., Inc.**, P. O. Box 141, Kylertown, PA 16847. Renewal of an existing bituminous surface mine permit located in Karthaus Township, **Clearfield County** affecting 300 acres. Receiving streams: unnamed tributaries to Dutch Hollow Run, Dutch Hollow Run, tributary to Mosquito Creek and Mosquito Creek. Application received March 19, 2002.

**17010103. K & J Coal Co., Inc.**, P. O. Box 189, Westover, PA 16692. Commencement, operation and restoration of a bituminous surface mine-auger permit in Chest and Ferguson Townships, **Clearfield County** affecting 262 acres. Receiving streams: McMasters and



Wilson Runs, classified for the following uses: CWF (sensitive streams). The first downstream potable water supply intake from the point of discharge is: none. Application received May 7, 2002.

**17010104. TDK Coal Sales, Inc.**, P. O. Box 259, Brockway, PA 15824. Commencement, operation and restoration of a bituminous surface mine-auger permit in Brady Township, **Clearfield County** affecting 86.7 acres. Receiving streams: Stump Creek, classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is: none. Application received May 9, 2002.

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

**26020102 and NPDES No. PA0250147. PURCO Coal Inc.** (22 Van Voorhis Lane, Monongahela, PA 15063). Application for commencement, operation and reclamation of a bituminous surface mine located in North Union Township, **Fayette County**, affecting 76.8 acres. Receiving streams: Gist Run to Dunbar Creek, classified for the following use: TSW. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received May 9, 2002.

**65880106 and NPDES No. PA0591220. Millwood Development, Inc.** (220 W. Second St., Derry, PA 15627). Transfer application currently issued to M. B. Energy, Inc. for continued operations and reclamation of a bituminous surface mine located in Loyalhanna and Salem Townships, **Westmoreland County**, affecting 487.7 acres. Receiving streams: unnamed tributaries to Getty Run to Loyalhanna Creek to Kiskiminetas River, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Transfer application received April 29, 2002.

**03920105 and NPDES No. PA0200115. T. C. Mining** (R. R. 2, Box 301B, Kittanning, PA 16201). Renewal application for continued reclamation only of a bituminous surface mine located in Valley Township, **Armstrong County**, affecting 114.4 acres. Receiving streams: unnamed tributaries to South Fork of Pine Creek and South Fork of Pine Creek, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Pennsylvania-American Water Company. Renewal application received May 16, 2002.

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

**32020103 and NPDES Permit No. PA0249211. S & M Mining, Inc.**, 15 Rayne Run Road, Marion Center, PA 15759, commencement, operation and restoration of a bituminous surface and auger mine and for discharge of treated mine drainage in Cherryhill Township, **Indiana County**, affecting 143.4 acres. Receiving streams: unnamed tributaries to Two Lick Reservoir (PWS) to Two Lick Creek to Blacklick Creek to the Conemaugh River classified for the following uses: WWF. The first potable water supply intake within 10 miles downstream is the Pennsylvania American Water Company intake on Two Lick Reservoir. Application received April 15, 2002. This is a correction to the notice for this application published at 32 Pa.B. 2355 (May 11, 2002).

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

**24980101 and NPDES Permit No. PA 0227706. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA

15824). Revision to an existing bituminous surface strip, auger, clay removal and water treatment plan sludge cake placement in Fox Township, **Elk County** affecting 457.0 acres. Receiving streams: unnamed tributary to McCauley Run, classified for the following uses: Statewide water uses: CWF. No public water supplies are within 10 miles downstream of this proposed operation. Revision to include beneficial use coal ash placement. Application received May 10, 2002.

#### *Noncoal Applications Received*

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

**11020801. Laurel Sand & Stone, Inc.**, P. O. Box 629, 163 Cricket Lane, Carrolltown, PA 15722, commencement, operation and restoration of a small noncoal (shale) mine in Jackson Township, **Cambria County**, affecting 13.9 acres. Receiving streams: unnamed tributary to Laurel Run to Conemaugh River classified for the following uses: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 7, 2002.

#### **ABANDONED MINE RECLAMATION**

Under Act 181 of 1984, the Department solicits letters of interest from the landowners and/or licensed mine operators for the reclamation of the following abandoned strip mine projects:

**Project No. BF 483**, Saltlick/Bullskin Township, **Fayette County**, 51 acres.

**Project No. BF 485, CN 99-22**, Washington Township, **Dauphin County**, 6 acres.

Letters of interest must be received by Roderick A. Fletcher, P. E., Director, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, 400 Market Street, P. O. Box 8476, Harrisburg, PA 17105-8476, no later than 4 p.m. on July 1, 2002, to be considered. Telephone inquiries shall be directed to Brian Bradley, Division of Mine Hazards, (717) 783-7747.

#### **PROJECTS UNDER THE ENVIRONMENTAL GOOD SAMARITAN ACT**

The Environmental Good Samaritan Act (27 Pa.C.S. §§ 8001—8114) provides certain protections and immunities from civil liability for landowners and persons who voluntarily undertake reclamation and abatement projects to address land and water adversely affected by mining or oil or gas extraction or exploration for natural resources and left in an unreclaimed condition or left discharging water pollution. For landowners and persons to qualify for immunity, the projects must be approved by the Department of Environmental Protection (Department).

The following project proposals have been received by the Department. A copy of the proposals is available for inspection at the office indicated before each proposal.

Written comments or objections may be submitted by persons, offices or heads of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the proposal identification number; and a statement of sufficient detail to inform the Department of the basis of the comment or objection and the relevant facts upon which it is based.

*Project Proposals Received*

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

**17910114 and NPDES Permit No. PA 0206628. River Hill Coal Co., Inc.**, P. O. Box 141, Kylertown, PA 16847. Renewal of an existing bituminous surface mine permit located in Karthaus Township, **Clearfield County** affecting 300 acres. Receiving streams: unnamed tributaries to Dutch Hollow Run, Dutch Hollow Run, tributary to Mosquito Creek and Mosquito Creek. Application received March 19, 2002.

**17010103. K & J Coal Co., Inc.**, P. O. Box 189, Westover, PA 16692. Commencement, operation and restoration of a bituminous surface mine-auger permit in Chest and Ferguson Townships, **Clearfield County** affecting 262 acres. Receiving streams: McMasters Run, Wilson Run, classified for the following uses: CWF (sensitive streams). The first downstream potable water supply intake from the point of discharge is: none. Application received May 7, 2002.

**17010104. TDK Coal Sales, Inc.**, P. O. Box 259, Brockway, PA 15824. Commencement, operation and restoration of a bituminous surface mine-auger permit in Brady Township, **Clearfield County** affecting 86.7 acres. Receiving streams: Stump Creek, classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is: none. Application received May 9, 2002.

**EGS24021. Elk County Fisherman**, HCR 1, Box 199A, Ridgway, PA 15853. A project to abate mine drainage pollution in Jones Township, **Elk County**, affecting nine acres. Receiving streams: Johnson Run and East Branch of the Clarion River, classified for the following uses: Statewide water uses: CWF. No public water supplies are within 10 miles downstream of this proposed operation. Project proposal received May 16, 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.

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

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E09-010SE. Frank Kelly**, 203 Buck Road, Holland, PA 18966, Plumstead Township, **Bucks County**, ACOE Philadelphia District.

A request for an Environmental Assessment for impacts associated with the construction, operation and maintenance of the nonjurisdictional dam across an unnamed tributary to the North Branch Neshaminy Creek (WWF). The proposed dam will provide stormwater management for a residential subdivision. The proposed dam and associated components will impact about 0.02 acre of wetlands (PSS). The project is located north of the intersection of Swamp Road and Curly Hill Road. (Doylestown, PA Quadrangle N: 18.30 inches, W: 5.50 inches).

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

**E06-569. Job H. Van Leusden**, 325 Miller Road, Sinking Spring, PA 19608 in Cumru Township, **Berks County**, ACOE Philadelphia District.

To remove the existing 72-inch diameter steel pipe culvert and to construct and maintain a 72-inch diameter replacement culvert to an unnamed tributary to Wyomissing Creek (HQ-CWF) and to stabilize the driveway and embankment for a distance of approximately 70 feet with 4 inches and 3 inches of concrete respectively at a point approximately 2,200 feet northeast of the intersection of Yorkshire and Gouglersville Roads along the south side of Yorkshire Road (Sinking Spring, PA Quadrangle N: 3.5 inches; W: 0.4 inch) in Cumru Township, Berks County.

**E34-105. Sheri Franz, Dominion Transmission, Inc.**, 445 W. Main Street, Clarksburg, WV 26301 in Lack Township, **Juniata County**, ACOE Baltimore District.

To operate and maintain approximately 7.95 miles of an existing 30-inch natural gas pipeline (PL1), the pipeline crosses the following streams: George Creek (CWF), a tributary to Blair Hollow (CWF), Blair Hollow (CWF) and Tuscarora Creek (CWF) and a 10.1 acre palustrine forested wetlands that are adjacent to George Creek. The project starts at the Juniata County/Huntingdon County border near Blairs Mills (Blairs Mills, PA Quadrangle N: 5.9 inches; W: 11.8 inches) and ends near Perulack (Blairs Mills, PA Quadrangle N: 18.9 inches; W: 4.1 inches) in Lack Township, Juniata County.

**E50-212. Lisa Myers, Pennsylvania Department of Transportation 8-0**, 2140 Herr Street, Harrisburg, PA 17103 in Jackson Township, **Perry County**.

To remove the existing covered bridge and then to construct and maintain a covered bridge having a single span of 73.25 feet with a minimum underclearance of 8.84 feet across Sherman Creek (HQ-CWF) on SR 3003, Section 002, Segment 0030, Offset 0635 (Three Springs Road) located about 1 mile southwest of Blain Borough (Blain, PA Quadrangle N: 13.58 inches; W: 3.45 inches) in Jackson Township, Perry County.

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

**E53-374. Pennsylvania Department of Transportation, Engineering District 2-0**, P. O. Box 342, Clearfield, PA 16830. SR 0244, Section A03, Bridge Replacement, in Genesee Township, **Potter County**, ACOE Pittsburgh District (Ellisburg, PA Quadrangle N: 19.8 inches; W: 0.4 inch).

To remove an existing structure and construct, operate and maintain a single span prestressed concrete spread box beam bridge to carry SR 0244, Section A03, across Irish Settlement Brook (CWF) to improve public highway safety. The single span bridge shall be constructed with a minimum clear span of 38.5-feet, underclearance of 2.92-feet and a skew of 90-degrees. Since Irish Settlement Brook is a wild trout stream, no construction or future repair work shall be conducted in or along the stream channel from October 1 to April 1 without prior written approval of the Fish and Boat Commission. The bridge replacement project will not impact wetlands while impacting 75-feet of waterway that is located on SR 0244 approximately 330-feet west of SR 4016 and SR 0244 intersection.

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

**E11-297. Borough of Patton**, P. O. Box 175, Patton, PA 16668. Borough of Patton and Elder Township, **Cambria County**, ACOE Baltimore District.

To upgrade and maintain the existing wastewater treatment plant and the water treatment plant in the 100-year floodplain of Chest Creek (CWF) including upgrades to two remote pump stations, the elimination of an outfall along Chest Creek, the construction and maintenance of a utility line stream crossing in Chest Creek and a utility line stream crossing in an unnamed tributary to Chest Creek. The project is located off of SR 36. (Hastings, PA Quadrangle N: 2 inches; W: 3.5 inches).

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

**E10-359, William Klink**, 418 Kriess Road, Renfrew, PA 16053, Klink Bridge Construction, in Connoquenessing Township, **Butler County**, ACOE Pittsburgh District (Butler, PA Quadrangle N: 14.4 inches; W: 14.8 inches).

To construct and maintain a driveway and a 16-foot long single span oak-plank bridge with an under clearance of 40 inches bridge across an unnamed tributary to Connoquenessing Creek (WWF). The oak planks will be placed on four 10-inch by 14-inch steel I-beams placed on concrete abutments. The bridge will provide access from Reiber Road (T830) to a new home site on Klink property.

**E20-518, National Fuel Gas Distribution Corporation**, 1100 State Street, Erie, PA 16512. Six-inch Meadville high pressure loop—Natural Gas Pipeline, in Union and West Mead Townships, **Crawford County**,

ACOE Pittsburgh District (Geneva, PA Quadrangle N: 18.7 inches; W: 3.8 inches).

Replace and maintain a 6-inch steel, high-pressure natural gas pipeline across French Creek (WWF) and one overflow channel. The pipeline will be installed approximately 15 feet below French Creek and 17 feet below the overflow channel using the directional drill method. The total length of direction drill is approximately 2,200 feet. The location of the project is approximately 1 mile south of Meadville in West Mead and Union Townships.

**E24-219, Dominion Transmission, Inc.**, 445 West Main Street, Clarksburg, WV 26301. Existing Natural Gas Pipeline LN-280, in Benezette Township, **Elk County**, ACOE Baltimore District.

To operate and maintain an existing 20-inch natural gas pipeline in Elk County from the Cameron County border (N41°15'24"; W78°14'09") traversing southwest to the Clearfield County border (N41°14'16", W78°22'14"). The project crosses four watersheds (all HQ-CWF) and includes but is not limited to the crossing of the following EV streams and EV wetlands described in the application: Wetland 1 (N41°15'15", W78°14'57"), Beaver Run/Wetland 2 (N41°15'14", W78°15'22"), Wetland 3 (N41°15'12", W78°15'48"), Wetland 4 (N41°15'10", W78°16'02"), Wetland 5 (N41°15'11", W78°16'30"), tributary to Pebble Run/Wetland 6 (N41°15'12", W78°17'05"), Pebble Run/Wetland 7 (N41°15'12", W78°17'55"), Wetland 8 (N41°15'00", W78°19'32"), Wetland 9 (N41°14'49", W78°19'54"), Wetland 10 (N41°14'40", W78°20'47"), Wetland 10 (N41°14'40", W78°20'47"), Wetland 11 (N41°14'25", W78°21'49") and tributary to Jack Dent Branch/Wetland 12 (N41°14'16", W78°22'14"). This application is a result of an emergency permit action.

**E24-220, Jones Township**, P. O. Box 25 Wilcox, PA 15870. Jones Township Ballfield, in Jones Township, **Elk County**, ACOE Pittsburgh District (Wilcox, PA Quadrangle N: 14.4 inches; W: 8.9 inches).

To construct a ballfield and fill three shrubbed wetlands. Total wetland impact acreage is 0.15 acre. The project is located on the floodplain of the confluences of the West Branch of the Clarion River and Wilson Run within the Village of Wilcox on Old Kane Road (SR 0321). The impacted nonexceptional value wetland will be replaced onsite with a 0.16-acre system that is connected to a larger avoided wetland system.

**E25-650, Pennsylvania Department of Transportation, District 1-0**, 255 Elm Street, P. O. Box 398, Oil City, PA 16301. SR 4034, Sectional 70, across unnamed tributaries to Lake Erie, in City of Erie, **Erie County**, ACOE Pittsburgh District (Erie South, PA Quadrangle N: 22.0 inches; W: 5.8 inches) continuing westward to Broad Street Erie South, PA Quadrangle N: 22.2 inches, W: 5.8 inches.

To construct and enclose two tributaries to Lake Erie. One enclosure 320 feet of a tributary to McDaniel's Run. One enclosure of 70 feet in Cemetery Run. This project includes placement of fill in .58 acre of PFO wetland. Construction of replacement wetlands for this project was previously authorized under Permit E25-626.

**E61-253, Pennsylvania Department of Transportation, District 1-0**, 255 Elm Street, P. O. Box 398. SR 0008, Segment A-02 in Cherrytree Township, **Venango County**, ACOE Pittsburgh District

To conduct the following activities associated with the realignment of 1,400 linear feet of SR 0008, Segment A-02 in Cherrytree Townships:

1. To install and maintain a 80-foot long, 36-inch reinforced concrete culvert in a tributary of Cherrytree Run (CWF) (Titusville South, PA Quadrangle N: 12.7 inches; W: 9.1 inches).

2. To install two temporary 82-foot long, 36-inch diameter corrugated metal culverts in a tributary of Cherrytree Run (Titusville South, PA Quadrangle N: 12.9 inches; W: 9.1 inches).

3. To install and maintain a 105-foot long, 54-inch diameter reinforced concrete culvert in a tributary of Cherrytree Run (Titusville South, PA Quadrangle N: 12.9 inches; W: 9.1 inches).

4. To install a temporary 135-ft long, 48-inch diameter corrugated metal culvert in a tributary of Cherrytree Run (Titusville South, PA Quadrangle N: 12.9 inches; W: .1 inch).

5. To install and maintain an 80-foot long, 48-inch diameter reinforced concrete culvert in a tributary of Cherrytree Run (Titusville South, PA Quadrangle N: 12.9 inches; W: 9.1 inches).

6. To relocate 400-foot of the channel of a tributary of Cherrytree Run (Titusville South, PA Quadrangle N: 12.8 inches; W: 9.1 inches).

7. To impact a total of 2.45 acre of wetland

Project includes construction of 2.5 acre of replacement wetland at the Polk Wetlands Replacement Area adjacent to SR 3024 on State Game Lands No. 39 approximately 1.5 miles southeast of the intersection of SR 62 and SR 3024.

**E62-383, Allegheny Partners, LP c/o Forest Investment Associates**, P. O. Box 1474, Smethport, PA 16749. Wade Run Bridge Replacement, in Pittsfield Township, **Warren County**, ACOE Pittsburgh District (Pittsfield, PA Quadrangle N: 7.0 inches; W: 5.25 inches).

Replace and maintain a bridge on a forestry road across Wade Run (CWF). The existing wooden structure will be replaced with a structure comprised of steel stringers and concrete block abutments. The bridge will have a clear span of approximately 18 feet. The bridge will be located approximately 900 feet southwest of the confluence of Wade Run and Rattlesnake Run.

---

## ACTIONS

---

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

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service,

(800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

---

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

---

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

**NPDES Permit No. PA0050474**, Sewage, **Warwick Drainage Company**, 502 Gordon Drive, Exton, PA 19341. This proposed facility is located in Warwick Township, **Chester County**.

Description of Proposed Action/Activity: Renewal to discharge into French Creek—Manatwny-3D.

**WQM Permit No. 4601412**, Sewerage, **Charles Cobbler**, 531 Conshohocken State Road, Gladwyne, PA 19035. This proposed facility is located in Lower Merion Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the construction and operation of a small flow STP.

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

**NPDES Permit No. PA0062570**, Sewage, **Covington Township Sewer Authority**, Box 266, Moscow, PA 18444. This proposed facility is located in Covington Township, **Lackawanna County** and discharges to Roaring Brook Creek.

Description of Proposed Action/Activity: Renewal of NPDES Permit. In the Public Notice (draft permit), 0.5 mg/l was specified for phosphorus effluent limit. Most recent lake survey data indicates that 0.5 mg/l is not necessary at this time and the existing limit of 1.0 mg/l is specified in the final permit.

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

**NPDES Permit No. PA0009385**, Industrial Waste, **Con Agra Grocery Products Company**, 30 Marr Street, Milton, PA, 17847. This existing facility is located in Milton Borough, **Northumberland County**.

Description of Action/Activity: Renewal of the NPDES permit for the discharge of noncontact cooling water and stormwater to the West Branch Susquehanna River.

**NPDES Permit No. PA 0228524**, Sewage, **Duncan Township**, P. O. Box 908, Wellsboro, PA 16901. This proposed facility is located in Duncan Township, **Tioga County**.

Description of Proposed Action/Activity: Issuance of an NPDES permit for the discharge of 0.030 million gallons per day of treated sewage effluent to an unnamed tributary of Wilson Creek. Discharge is from a proposed sewage treatment plant to serve the Village of Antrim.

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

**NPDES Permit No. PA0003549**, Industrial Waste, **Dominion Transmission Corporation**, P. O. Box 2450, Clarksburg, WV 26302-2450, authorized to discharge from a facility located at Oakford Station, Salem Township, **Westmoreland County** to receiving waters named Beaver Run.

**NPDES Permit No. PA0027626**, Sewage, **Kiski Valley Water Pollution Control Authority**, 1200 Pine Run Road, Leechburg, PA 15656 is authorized to discharge from a facility located at Kiski Valley Sewage Treatment Plant, Allegheny Township, **Westmoreland County** to receiving waters named Kiskiminetas River.

**NPDES Permit No. PA0217565**, Sewage, **John and Lynae Williams**, 2212 Anthony Run Road, Indiana, PA 15701 is authorized to discharge from a facility located at Maple Valley Personal Care Home STP, Armstrong Township, **Indiana County** to receiving waters named Anthony Run.

**Permit No. 6502401**, Sewerage, **Borough of North Belle Vernon**, 503 Speer Street, North Belle Vernon, PA 15012-3804. Construction of sanitary sewers located in Borough of North Belle Vernon, **Westmoreland County** to serve Borough of North Belle Vernon.

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

**NPDES Permit No. PA0238741**, Sewage, **Don W. Neff**, 111 Beach Road, Chicora, PA 16025. This proposed facility is located in Concord Township, **Butler County**.

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

**NPDES Permit No. PA0238732**, Sewage, **Rodney J. Dinsmore**, 710 Theresa Street, St. Marys, PA 15857. This proposed facility is located in City of St. Marys, **Elk County**.

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

**WQM Permit No. 1002403**, Sewerage, **Don W. Neff**, 111 Beach Road, Chicora, PA 16025. This proposed facility is located in Concord Township, **Butler County**.

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

**WQM Permit No. 2002402**, Sewerage, **Danny P. and Shelly M. Forbes**, 21958 Hillview Road, Saegertown, PA

16433. This proposed facility is located in Cussewago Township, **Crawford County**.

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

**WQM Permit No. 2499404**, Sewerage A-1, **Rodney J. Dinsmore**, 710 Theresa Street, St. Marys, PA 15857. This proposed facility is located in City of St. Marys, **Elk County**.

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

**WQM Permit No. 1001416**, Sewerage, **Michael McKinney**, 154 Old Glade Mill Road, Valencia, PA 16059. This proposed facility is located in Middlesex Township, **Butler County**.

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

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

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

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10V032	Pike County Industrial Development Corp. P. O. Box A Milford, PA 18337	Pike	Blooming Grove Township	Shohola Creek 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-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>
Lehigh County Whitehall Township	PAR10Q167	Abe Atiyeh Brookside Comm. Const. 1177 Sixth St. Whitehall, PA 18052	Jordan Creek TSF-MF	Lehigh County Conservation District (610) 391-9583
Lehigh County North Whitehall Township	PAR10Q168	Fred Jaindl Jaindl Turkey Farms 3150 Coffeetown Rd. Orefield, PA 18069	Jordan Creek TSF-MF	Lehigh County Conservation District (610) 391-9583
Northampton County Williams Township	PAR10U178	Thomas Kreichelt 1325 Island Park Rd. Easton, PA 18042	Lehigh River WWF	Northampton County Conservation District (610) 746-1971
Schuylkill County E. Norwegian Township	PAR105839	Maley Subdivision Robert E. Maley 127 North Second St. St. Clair, PA 17970	Mill Creek CWF	Schuylkill County Conservation District (570) 622-3742
Schuylkill County Kline Township	PAR105833	Kline Township Sanitary Sewer Project Francis Patton Kline Township Municipal Authority 76 S. Kennedy St. McAdoo, PA 18237	Tributary to Catawissa Creek CWF	Schuylkill County Conservation District (570) 622-3742
Schuylkill County Tremont and Fraeley Townships Tremont Borough	PAR105841	OSM 54 (3024) 103.1 Tremont North OSM 2 Public Square, 5th Floor Wilkes-Barre, PA 18711	Bailey Run to Swatara Creek CWF	Schuylkill County Conservation District (570) 622-3742

## NOTICES

2715

<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>
Luzerne County Butler Township	PAR10R251	The Laurels LLC 240 W. Broad St. Hazleton, PA 18201	Black Creek CWF	Luzerne County Conservation District (570) 674-7991
Amity Township Berks County	PAR10C407	Robert Razler Heritage Bldg. Group Inc. 3326 Old York Rd. Suite A-100 Furlong, PA 18925	Schuylkill River WWF	Berks County Conservation District P. O. Box 520 1238 Co. Welfare Rd. Leesport, PA 19533-0520 (610) 372-4657
Upper Allen Township Cumberland County	PAR10H276	Messiah Homes, Inc. 100 Mt. Allen Dr. Mechanicsburg, PA 17055	Yellow Breeches Creek CWF	Cumberland County Conservation District 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812
Mountville Borough Lancaster County	PAR10O532	Hempfield Area School District 200 Church St. Landisville, PA 17538	Strickler Run Little Conestoga WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
E. Hempfield Township Lancaster County	PAR10O537	Theodore Risser J H Brubaker Inc. 2008 Marietta Pike Lancaster, PA 17603	Brubaker Run WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Rapho Township Lancaster County	PAR10O561	Lancaster County Bible Church 2392 Mount Joy Rd. Manheim, PA 17545	UNT to Chickies Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
West Lampeter Township Lancaster County	PAR10O570	Parkway Development Corp. 1730 Columbia Ave. Lancaster, PA 17603	UNT to Little Beaver Creek TSF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Butler County Adams Township	PAR10E186	Adams Development Group 5895 Hecket Road Bakerstown, PA 15007	Tributary to Breakneck Creek WWF	Butler County Conservation District (724) 284-5270

*General Permit Type—PAG-3*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Liberty Borough Allegheny County	PAR206129	Dura-Bond Industries P. O. Drawer 518 2658 Puckety Drive Export, PA 15632-0518	Youghiogheny River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000
Blacklick Township Cambria County	PAR226121	Rummel Lumber Co. 369 Snake Road Ebensburg, PA 15931	Conemaugh HUC #501007	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000

<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>
West Mifflin Borough Allegheny County	PAR236103	Liberty Polyglas Pultrusions 1575 Lebanon School Road West Mifflin, PA 15122	Monongahela River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000
Brothersvalley Township Somerset County	PAR326113	PBS Coals Inc. Pine Hills Plant P. O. Box 260 Friedens, PA 15541	UNT to Swamp Creek to Casselman River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000
Bullskin Township Fayette County	PAR606177	B & R Recycling 145 Bellview Road Connellsville, PA 15425	Mounts Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000
Neville Township Allegheny County	PAR806116	New Penn Motor Express P. O. Box 630 625 S. Fifth Street Lebanon, PA 17042	Ohio River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000
Jamestown Borough Mercer County	PAR158301	Jamestown Paint Company P. O. Box 157 Jamestown, PA 16134	Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Sharon Mercer County	PAR608337	Crash Brothers Auto Wrecking 329 South Dock Street Sharon, PA 16147	Storm sewers to the Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Sugarcreek Borough Venango County	PAR118322	Conair Group, Inc. P. O. Box 790 Franklin, PA 16323-0790	Municipal storm sewer leading to the Allegheny River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Parker Township Butler County	PAR308304	Thomas E. Siegel Bruin Stone Plant 208 Woodland Road Shippensville, PA 16254	Unnamed tributary to Bear Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942



*General Permit Type—PAG-4*

<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>
Mt. Pleasant Township Washington County	PAG046101	Mark Moyer 231 Walnut Road McDonald, PA 15057-3034	Tributary to Raccoon Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Somerset Township Somerset County	PAG046137	Gordon Mihalik 278 Buffalo Hollow Road Somerset, PA 15501	UNT leading to Middle Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Cussewago Township Crawford County	PAG048806	Danny P. and Shelly M. Forbes 21958 Hillview Road Saegertown, PA 16433	Unnamed tributary to French Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Middlesex Township Butler County	PAG048781	Michael McKinney 154 Old Glade Mill Road Valencia, PA 16059	Unnamed tributary to Glade Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-8 (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>
Montgomery Township Franklin County	PAG080001	Robert Weaver SynaGro Mid-Atlantic 1605 Dooley Rd. P. O. Box B Whiteford, MD 21160	Daniel Martin Farm Montgomery Township Franklin County	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
	PAG080002			
	PAG080003			
	PAG080006			
	PAG080007			
	PAG080008			
	PAG080009			
	PAG080011			
	PAG082201			
	PAG082203			
	PAG083501			
	PAG083502			
	PAG083506			
	PAG083515			
	PAG083517			
	PAG083518			
PAG083522				
PAG083535				
PAG083542				
PAG083551				
PAG083825				
PAG089903				
PAG089904				
PAG089905				

**PUBLIC WATER SUPPLY PERMITS**

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35

P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board

within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

**SAFE DRINKING WATER**

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

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

**Operations Permit** issued to **Central Bucks School District**, 320 W. Swamp Road, Doylestown, PA 18901, PWSID 1090989, Plumstead Township, **Bucks County** on May 7, 2002.

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

**Permit No. 2102501**, Public Water Supply.

Applicant **Pennsylvania American Water Company**  
 Municipality Lower Allen Township  
 County **Cumberland**  
 Type of Facility Camp Hill and Slate Hill booster pump stations  
 Consulting Engineer Gene C. Koontz, P. E.  
 Gannett Fleming, Inc.  
 P. O. Box 67100  
 Harrisburg, PA 17106-7100  
 Permit to Construct Issued May 6, 2002

**Permit No. 2199504**, Public Water Supply.

Applicant **Lindenwood Pressure Booster Station**  
 Municipality Upper Allen Township  
 County **Cumberland**  
 Type of Facility Booster pump station to serve the Lindenwood development  
 Consulting Engineer Dawood Engineering  
 P. O. Box 245  
 Enola, PA 17025  
 Permit to Operate Issued May 6, 2002

**Permit No. 3801502**, Public Water Supply.

Applicant **Pennsylvania American Water Company**

Municipality North Annville Township  
 County **Lebanon**  
 Type of Facility The operation of a booster pumping station to serve residents of the Collegeview Heights Development in North Annville Township, Lebanon County  
 Consulting Engineer Pennsylvania Water Company  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 Permit to Construct Issued May 6, 2002  
**Permit No. 0601520**, Public Water Supply.  
 Applicant **Kutztown Borough**  
 Municipality Maxatawny Township  
 County **Berks**  
 Type of Facility Construction of a new water filtration plant for existing sources  
 Consulting Engineer Steven E. Riley  
 Spotts Stevens & McCoy  
 345 North Wyomissing Boulevard  
 P. O. Box 6307  
 Reading, PA 19530-0307  
 Permit to Construct Issued May 17, 2002

**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 37-155.** Water Allocation Permit Modification Order. The Department grants Modification Order in response to **Pennsylvania American Water Company—New Castle District** request to expand service area into Mahoning and Union Townships, **Lawrence County**. This action does not increase allocation quantity, however imposes additional permit conditions. Action taken May 13, 2002.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Pleasant Township	Pleasant Township Supervisors P. O. Box 865 Warren, PA 16365	Warren
Mead Township	Mead Township Supervisors R. D. 1, Box 1226A Clarendon, PA 16313	

Plan Description: The approved plan provides for additional sewer extensions from the original Clarendon

Borough, Mead Township sewer project to include Chapman Dam Road to Chapman Dam State Park and Route 59 between Rogertstown and the Kinzua as well as three other smaller sewer extensions. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

#### DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

**Determination of Applicability for General Permit 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 Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.**

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

**General Permit Application No. WMGR038SW008, Recovery Technologies Group of PA Inc., Braddock Tire Processing Facility, 100 Talbot Avenue, Braddock, PA 15104.** Operation of a waste tire processing facility to manufacture tire derived fuel and tire derived materials in Braddock and Rankin Boroughs, **Allegheny County**, was approved by the Regional Office on May 14, 2002.

Comments concerning the application should be directed to David Eberle, Facilities Supervisor, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Persons interested in obtaining more information about the general permit application may contact the Department Southwest Regional Office at (412) 442-4000. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

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

**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.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Permit No. 100022, Chrin Brothers, Inc., Chrin Brothers Sanitary Landfill, 635 Industrial Drive, Easton, PA 18042.** A permit approving the construction of a composite liner system for the previously permitted disposal areas which remain to be constructed at this municipal waste landfill located in Williams Township, **Northampton County**. The permit was issued in the Regional Office on May 7, 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.*

**40-310-050GP: Susquehanna Coal Co.** (P. O. Box 27, 200 East Front Street, Nanticoke, PA 18634) for construction and operation of a portable crushing plant and associated air cleaning device in Newport Township, **Luzerne County**.

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

**GP1-01-03027: Tim-Bar Corp. d/b/a Oxford Container Co.** (P. O. Box 98, Commerce Street, New Oxford, PA 17350) was authorized to operate a small gas and No. 2 oil fired combustion unit under GP1 in New Oxford Borough, **Adams 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.*

**46-0115C: Knoll, Inc.** (1235 Water Street, East Greenville, PA 18041) on May 14, 2002, for operation of a 500 kW emergency generator in East Greenville Borough, **Montgomery County**.

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

**48-309-116: ESSROC Cement Corp.** (3251 Bath Pike, Nazareth, PA 18064) on May 10, 2002, for installation of an air cleaning device to control particulate emissions from a clinker gypsum unloading hopper at the Nazareth II Plant in Nazareth Borough, **Northampton County**.

**35-399-037: WEA Manufacturing** (1400 East Lackawanna Avenue, Olyphant, PA 18447) on May 13, 2002, for construction of screen cleaner and associated air cleaning device in Olyphant Borough, **Lackawanna County**.

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

**33-055A: Glen-Gery Corp.** (Route 28, Summerville, PA 15864) on May 1, 2002, for construction of a tunnel kiln in Summerville Borough, **Jefferson County**.

**25-688B: Hamot Medical Center** (201 State Street, Erie, PA 16550) on May 10, 2002, for modification of Plan Approval 25-688A (Medical Waste Incinerator) in Erie, **Erie County**.

**20-005A: W. L. Dunn-Cochranton Plant** (180 North Franklin Street, Cochranton, PA 16314) on April 23, 2002, for modifications to the asphalt plant in East Fairfield Township, **Crawford County**.

**10-047G: Mine Safety Appliances Co.** (1420 Mars Evans City Road, Evans City, PA 16033) on April 22, 2002, for modifications to the methanol wash source in Forward Township, **Butler County**.

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

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

**67-05030A: C-P Converters, Inc.** (15 Grumbacher Road, York, PA 17402) on May 15, 2002, for construction of a Flexographic Press No. 11 encased in a permanent total enclosure controlled by a catalytic incinerator in Manchester Township, **York County**. This plan approval was extended.

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

**65-235A: Alcoa, Inc.** (100 Technical Drive, Alcoa Center, PA 15069) on May 13, 2002, for installation of pilot tunnel kiln in Upper Burrell Township, **Westmoreland County**. This plan approval was extended.

**65-817A: Hanson Aggregates** (400 Industrial Boulevard, New Kensington, PA 15068) on May 10, 2002, for construction of a recycled asphalt pavement plant in Lower Burrell City, **Westmoreland County**. This plan approval was extended.

**30-131A: Foree Oil Co.** (8235 Douglas Avenue, Suite 402 LB27, Dallas TX 75225) on May 7, 2002, for installation of combustion engines and gas heated dehydrator in Franklin Township, **Greene County**. This plan approval was extended.

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

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

**37-00059: CR/PL, L.P., Universal Rundle Plant** (East Cherry Street Extension, New Castle, PA) for a Title V Operating Permit Renewal to operate a Reinforced Plastic Plumbing Fixture Manufacturing Facility in Taylor Township, **Lawrence 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.*

**22-03018: Millersburg Area School District** (799 Center Street, Millersburg, PA 17061) on May 10, 2002, for operation of a coal fired boiler at the Lenkerville Elementary School in Upper Paxton Township, **Dauphin County**.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution**

**Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

**46-00156: Omnipac, Inc.** (1196 Easton Road, Horsham, PA 19044) revised May 16, 2002, for their facility in Horsham Township, **Montgomery County**. The facility's major emission points include flexographic printing presses, which emit major levels of VOCs.

## 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

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

**17990109 and NPDES Permit No. PA 0238325. Moravian Run Reclamation Co., Inc.**, 605 Sheridan Drive, Clearfield, PA 16830. Application for a major revision to an existing bituminous surface mine-auger permit, for an increase in the permit acreage from 95 to 103.3 acres. The permit is located in Beccarria Township, **Clearfield County**. Receiving streams: unnamed tributaries to Muddy Run to Muddy Run. Application received December 31, 2001. Permit issued May 7, 2002.

**17940115 and NPDES Permit No. PA 0219894. Hepburnia Coal Company**, P. O. Box I, Grampian, PA 16838. Transfer of an existing bituminous surface mine permit from Penn Grampian Coal Company, located in Beccarria Township, **Clearfield County** affecting 164.4 acres. Receiving streams: unnamed tributaries to Muddy Run and Muddy Run. Application received October 19, 2001. Permit issued May 9, 2002.

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

**56663135. Zubek, Inc.**, 173 House Coal Road, Berlin, PA 15530-8822. Permit revision to change the land use from pastureland to industrial-commercial land in Stonycreek Township, **Somerset County**, affecting 128.2 acres. Receiving streams: to Schrock Run classified for the following uses: CWF. There are no downstream potable water supply intakes within 10 miles of the point of discharge. Application received October 12, 2001. Permit issued May 13, 2002.

**32870101 and NPDES Permit No. PA0597899. Urey Coal Company**, 222 Forest Ridge Road, Indiana, PA 15701, permit renewal for reclamation only and for restoration of a bituminous surface and auger mine in Banks and Montgomery Townships, Glen Campbell Borough, **Indiana County**, affecting 156.4 acres. Receiving streams: unnamed tributaries to Cush Creek and Cush Creek classified for the following uses: CWF. There are no potable water supply intakes within 10 miles downstream. Application received April 22, 2002. Permit issued May 13, 2002.

**11970101 and NPDES Permit No. PA0234389. E. P. Bender Coal Company, Inc.**, P. O. Box 594, Carrolltown, PA 15722, permit revision to add augering to the bituminous surface mine in Reade Township, **Cambria County**, affecting 93.0 acres. Receiving streams: Powell Run classified for the following uses: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 22, 2002. Permit issued May 15, 2002.

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

**24970101 and NPDES No. PA0227404. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824). Renewal of an existing bituminous strip operation in Fox Township, **Elk County** affecting 44.7 acres. This renewal is issued for reclamation only. Receiving streams: Curry Run and Little Toby Creek. Application received March 11, 2002. Permit issued May 1, 2002.

**33990101 and NPDES No. PA0227951. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Renewal of an existing bituminous strip and auger operation in Winslow Township, **Jefferson County** affecting 127.8 acres. Receiving streams: unnamed tributary to Soldier Run and Soldier Run. Application received January 28, 2002. Permit issued May 9, 2002.

**33970104 and NPDES No. PA0227412. Swisher Contracting, Inc.** (P. O. Box 1223, Clearfield, PA 16830). Renewal of an existing bituminous strip and auger operation in Snyder Township, **Jefferson County** affecting 30.0 acres. Receiving streams: unnamed tributary to Walburn Run. Application received March 11, 2002. Permit issued May 8, 2002.

**33910107 and NPDES No. PA0208469. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767). Renewal of an existing bituminous strip and auger operation in Beaver Township, **Jefferson County** affecting 91.5 acres. This renewal is issued for reclamation only. Receiving streams: unnamed tributary to Red Run and unnamed tributary to Tarkiln Run. Application received March 4, 2002. Permit issued May 14, 2002.

**37910107 and NPDES No. PA0210994. The East Fairfield Coal Co.** (P. O. Box 217, 10900 South Avenue, North Lima, OH 44452). Renewal of an existing bituminous strip operation in Little Beaver Township, **Lawrence County** affecting 165.1 acres. Receiving streams: unnamed tributary to Sugar Creek. Application received April 8, 2002. Permit issued May 6, 2002.

**33920102 and NPDES No. PA0211117. Hepburnia Coal Company** (P. O. Box I, Grampian, PA 16838). Renewal of an existing bituminous strip operation in Snyder Township, **Jefferson County** affecting 195.0 acres. Receiving streams: four unnamed tributaries of Mill Creek to Mill Creek. Application received March 21, 2002. Permit issued May 15, 2002.

**33900111 and NPDES No. PA0208124. P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767).

Renewal of an existing bituminous strip and auger operation in Gaskill Township, **Jefferson County** affecting 168.6 acres. This renewal is issued for reclamation only. Receiving streams: Lost Run to Clover Run, East Branch Mahoning Creek to Mahoning Creek and two unnamed tributaries to East Branch Mahoning Creek. Application received January 24, 2002. Renewal issued May 15, 2002.

#### *Noncoal Permits Actions*

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

**08010821. Robert E. Palmer**, R. R. 2, Box 299A, Canton, PA 17724. Commencement, operation and restoration of a small industrial minerals (gravel) operation in Canton Township, **Bradford County** affecting 1 acre. Receiving streams: Towanda Creek, tributary to Susquehanna River. Application received August 24, 2001. Permit issued May 6, 2002.

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

**43020801. Patrick Timothy Kelley** (2868 Sandy Lake-Grove City Road, Stoneboro, PA 16153) Commencement, operation and restoration of a small noncoal sand and gravel operation in Millcreek Township, **Mercer County** affecting 2.0 acres. Receiving streams: Mill Creek. Application received March 11, 2002. Permit issued May 14, 2002.

**25022801. Raymond D. Showman & Sons, Inc.** (12851 Sharp Road, Edinboro, PA 16412) Commencement, operation and restoration of a small noncoal sand and gravel operation in LeBoeuf Township, **Erie County** affecting 5.0 acres. Receiving streams: French Creek. Application received February 15, 2002. Permit issued May 1, 2002.

**42020801. Dustin Johnson** (5629 Route 6, Kane, PA 16735) Commencement, operation and restoration of a small noncoal sandstone operation in Wetmore Township, **McKean County** affecting 2.9 acres. Receiving streams: Hubert Run. Application received January 31, 2002. Permit issued May 6, 2002.

**25010303. Ray Showman Jr. Excavating, Inc.** (12671 Route 19 South, P. O. Box 646, Waterford, PA 16441). Commencement, operation and restoration of a sand and gravel operation in Waterford Township, **Erie County** affecting 20.0 acres. Receiving streams: None. Application received June 25, 2001. Permit issued May 9, 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*

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

**08024002. Glenn O. Hawbaker, Inc.**, 2801 Canfield Lane, Montoursville, PA 17754, for construction blasting in Columbia Township, **Bradford County** with an expected duration of 202 days. Permit issued May 10, 2002.

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

**07024001. D. C. Guelich Explosives Company**, 456 Stouffer Hill Road, Somerset, PA 15501. Gary Miller House Foundation, Taylor Township, **Blair County**. Duration of blast approximately 14 days. Permit issued May 14, 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 P.S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).** (*Note:* Water Obstruction and Encroachment Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

*Permits Issued and Actions on 401 Certifications:*

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E46-901. County of Montgomery**, Board of County Commissioners, Courthouse, P.O. Box 311, Norristown, PA 19404-0311, West Norriton, Lower Providence Townships and Collegeville Borough, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain 2,840 linear feet of 12-foot wide, paved recreational trail within the 100-year floodplain of Perkiomen Creek (WWF, MF) and across Lamb Run (WWF), Doe Run (TSF) and Norma Run (TSF), associated with the construction of the 7.5 mile long Perkiomen Trail/Schuylkill River trail extension. The trail will begin at the existing terminus at Valley Forge National Historical site and reach its northern terminus at SR 29—2nd Avenue, USGS Quadrangle (Starting point Valley Forge, PA N: 20 inches; W: 5.4 inches; Ending point Collegeville, PA N: 9.75 inches; W: 11.5 inches, respectively).

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

**E01-230. Lake Meade Property Owners Association, Incorporated**, 4 Forrest Drive, East Berlin, PA 17316 in Reading Township, **Adams County**, ACOE Baltimore District.

To repair an existing concrete apron which was designed to prevent undermining of the nearby bridge abutment along Mud Run (WWF) (Hampton, PA Quadrangle N: 18.5 inches; W: 7.75 inches) in Reading Township, Adams County.

**E05-297. Pennsylvania Department of Transportation District 9-0**, 1620 N. Juniata Street, Hollidaysburg, PA 16648 in Snake Spring Township, **Bedford County**, ACOE Baltimore District.

To rehabilitate an existing bridge and to construct and maintain: (1) a 5 span bridge having a total length of 5,602 feet with an average underclearance of 33 feet across the Raystown Branch Juniata River (TSF) at

Route 30; (2) to impact 0.06 acre of wetlands along Route 30; and (3) to extend three existing culverts and construct one culvert in an unnamed tributary to the Raystown Branch Juniata River (WWF) by permit waiver for the purpose of upgrading Route 30 (Everette, PA Quadrangle N: 2.6 inches; W: 13.5 inches and N: 2.8 inches; W: 13.1 inches respectively) in Snake Spring Township, Bedford County. The applicant is required to provide 0.06 acre of replacement wetlands.

**E07-317. David Coppersmith**, 970 Puzzletown Road, Duncansville, PA 16635 in Freedom Township, **Blair County**, ACOE Baltimore District.

To maintain a previously constructed single span concrete T-beam bridge with concrete abutments and rock riprap bank protection having a clear span of 60.0 feet and an underclearance of about 6.5 feet across Poplar Run (CWF) for the purpose of providing access to undeveloped private property located on the north side of SR 3003 about 0.75 mile northeast of its intersection with SR 3010 at Puzzletown (Hollidaysburg, PA Quadrangle N: 1.5 inches; W: 14.25 inches) in Freedom Township, Blair County.

**E50-208. Saville Township**, 46 Butcher Shop Lane, Elliottsburg, PA 17024 in Saville Township, **Perry County**, ACOE Baltimore District.

To remove an existing bridge and to construct and maintain a bridge having a span of 48 feet and an underclearance of 6 feet across the channel of Buffalo Creek (HQ-CWF) at a point at T-324 (Valentine Road) (Spruce Hill, PA Quadrangle N: 10.8 inches; W: 5.8 inches) in Saville Township, Perry County.

**E50-209. Perry County Commissioners**, P. O. Box 37, New Bloomfield, PA 17068 in Tyrone Township, **Perry County**, ACOE Baltimore District.

To maintain the existing twin span timber covered bridge having a clear span of 114.0 feet and an underclearance of 13.1 feet, known as Perry County Bridge No. 4 (Rice's Bridge) over Sherman Creek (WWF) by constructing the installation of additional steel beams under the existing bridge deck and replacing deteriorated timbers along with constructing a temporary causeway/cofferdam in the channel of Sherman Creek on the upstream side of the bridge to facilitate construction of the bridge repairs located on Kennedy Valley Road about 0.5 mile southwest of the Landisburg Borough (Landisburg, PA Quadrangle N: 15.6 inches; W: 8.3 inches) in Tyrone Township, Perry County.

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

**E02-1351. #1 Cochran Automotive**, 4200 William Penn Highway, Monroeville, PA 15146. Monroeville Borough, **Allegheny County**, ACOE Pittsburgh District.

To construct and maintain a 48 inch CCP replacement culvert for a distance of approximately 962 feet in a tributary to Thompson Run (TSF) and to place and maintain fill in 0.34 acre of wetlands (PFO/PEM) for the purpose of constructing an automotive and service center. The project is located on the southeast corner of the SR 22 and Pennsylvania Turnpike 76 interchange. To meet the wetland requirement, the applicant will construct 0.31 acre of replacement wetlands (PSS/PEM) and contribute to the Wetland Replacement Fund. This project will also culvert approximately 3,265 feet of stream channels, these channels qualify for authorization under the Department's waiver 105.12(a)(2). (Murrysville, PA Quadrangle N: 11.5 inches; W: 17.1 inches).

**E04-282. Borough of Rochester**, 300 West Park, Rochester, PA 15074-2252. Rochester Borough, **Beaver County**, ACOE Pittsburgh District.

To abandon the existing 3.5 foot x 3.5 foot outfall structure and to construct and maintain a 48-inch diameter outfall structure on the right bank of the Ohio River (WWF) for the purpose of replacing the existing outfall structure and improving stormwater discharge. The project is located on Railroad Street, approximately 3,500 feet east from the confluence of the Beaver River and the Ohio River (Beaver, PA Quadrangle N: 13.4 inches; W: 3.75 inches)

#### WATER QUALITY CERTIFICATIONS

##### Final Action on Request for Certification Under section 401 of the Federal Water Pollution Control Act

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

Except as otherwise noted, the Department, under section 401(a) of the Federal Clean Water Act, certifies that the construction and operation herein described will comply with the applicable provisions of sections 301—303, 306 and 307 of the Federal Clean Water Act and that the construction will not violate applicable Federal and State water quality standards.

Final or proposed action on certain other certification requests for projects which require both a Water Obstruction and Encroachment permit and either a U.S. Army Corps of Engineers individual permit or a Nationwide permit 14, 18 or 26 will be published with actions of applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27).

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.

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

*Certification Request Initiated by: Erie Western Pennsylvania Port Authority, Raymond P. Schreckengost, Executive Director, 17 West Dobbins Landing, Erie, PA 16507-1424.*

*Date of Initial Pennsylvania Bulletin Notice: April 13, 2002.*

*Project Description: The Erie-Western Pennsylvania Port Authority has requested a State certification under section 401(a) of the Federal Clean Water Act (33 U.S.C.A. § 1341(a)) that the dredging of approximately*

4,300 cubic yards of basin sediments from the Coal Ore Dock Slip on the City of Erie Bayfront (Erie North, PA N: 2.7 inches; W: 11.3 inches) (42d 08m 23s N; 80d 05m 00s W) and discharging these sediments into the Lake Erie Harbor Confined Disposal Facility (Erie North, PA N: 4.7 inches; W: 10.3 inches) (42d 09m 04s N; 80d 04m 34s W) will comply with the applicable provisions of sections 301–307 of Federal Clean Water Act.

The Erie-Western Pennsylvania Port Authority has analyzed the sediments in situ using the Standard Elutriate Test, adapted from the U.S. Army Corps of Engineer's Inland Testing Manual and the document "Ecological Evaluation of Proposed Discharge of Dredged or Fill Material in Navigable Waters" so that the sediments may be discharged to the Lake Erie Harbor Confined Disposal Facility.

Based upon the modified sampling and laboratory testing, the Erie-Western Pennsylvania Port Authority indicates that the approximately 4,300 cubic yards of basin sediments dredged from the Coal Ore Dock Slip on the City of Erie Bayfront (Erie North, PA N: 2.7 inches; W: 11.3 inches) (42d 08m 23s N; 80d 05m 00s W) and then discharged into the Lake Erie Harbor Confined Disposal Facility (Erie North, PA N: 4.7 inches; W: 10.3 inches) (42d 09m 04s N; 80d 04m 34s W) will have a relatively insignificant impact on the water quality of Lake Erie. This 401 Water Quality Certification is only for this single discharge. Any subsequent dredging of permitted Port Authority facilities and use of the CDF will require separate 401 Water Quality Certification.

*Location:* Coal Ore Dock Slip on the City of Erie Bayfront (Erie North, PA N: 2.7 inches; W: 11.3 inches) (42d 08m 23s N; 80d 05m 00s W) and the Lake Erie Harbor Confined Disposal Facility (Erie North, PA N: 4.7 inches; W: 10.3 inches) (42d 09m 04s N; 80d 04m 34s W).

*Final Action on Request:* Certification granted. This is a one-time certification for the previously described project.

[Pa.B. Doc. No. 02-960. Filed for public inspection May 31, 2002, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Newborn Screening Specimen Collection Standards

Under 28 Pa. Code § 28.21(d) (relating to responsibility for collecting and testing initial and repeat specimens), the Department of Health hereby publishes the following techniques for blood collection on filter paper as developed by the National Committee for Clinical Laboratory Standards (NCCLS) (NCCLS VOL. 17, No. 16, Oct. 1997)

#### 3 Techniques for Blood Collection on Filter Paper

##### 3.1 Heelstick

###### 3.1.1 Preliminary Steps

The required information on the specimen collection kit (card) must be completed either manually or electronically. In manual applications, a ballpoint pen should be used; soft-tip pens will not copy through to the other sheets of paper. Address imprint devices should be carefully used so that imprinted data do not obscure pertinent patient information and handling does not compromise the blood collection data. A typewriter should not be used. Before and during collection of the specimen, touching the

area within the circles on the filter paper section must be avoided. After the specimen has been collected, the blood spots should not be touched. Water, feeding formulas, antiseptic solutions, glove powder or other materials should not be allowed to come into contact with the specimen card before or after use.

###### 3.1.2 Precautions

Confirm the identity of the infant and ensure linkage with the demographic data on the card. Wash hands vigorously before proceeding. All other appropriate precautions, including wearing powder-free gloves (changing gloves between infants), should be taken for handling blood and disposing of used lancets in a biohazard container for sharp objects. (See the most current version of NCCLS document M29—*Protection of Laboratory Workers from Infectious Disease Transmitted by Blood, Body Fluids, and Tissue.*)

###### 3.1.3 Site Preparation

Warming the skin-puncture site can increase blood flow. A warm, moist towel or diaper at a temperature no higher than 42°C may be used to cover the site for 3 minutes. Acceptable heel warming devices are also commercially available. This technique increases the blood flow sufficiently and will not burn the skin. In addition, positioning the infant's leg lower than the heart will increase venous pressure. (Caution: Before topical anesthetic creams are used to reduce the pain of a heel puncture, the screening laboratory should document that these creams do not produce analytic interferences.)

###### 3.1.4 Cleaning the Site

The skin should be wiped with alcohol (isopropanol/water: 70/30 by volume, 70%). Allow the skin to air-dry. Alcohol residue remaining on the skin may dilute the specimen and adversely affect test results.

###### 3.1.5 Puncture

To obtain sufficient blood flow, the infant's heel should be punctured with a sterile lancet to a depth of approximately 2.0 mm (see Table 1 in Reference 4 for lancet size) or with an automated lancet device, on the plantar surface of the heel (See the most recent edition of NCCLS document H4—*Procedures for the Collection of Diagnostic Blood Specimens by Skin Puncture.*) Scalpel blades must not be used to puncture the skin for blood collection. The first drop of blood should be wiped away with sterile gauze.

Disposable skin puncture lancets of different designs are commercially available for performing the heel stick on infants. For worker safety, disposable skin puncture devices that protect the user from unintentional self-inflicted skin punctures are also available. In small premature infants, the heel bone (calcaneus) may be no more than 2.0 mm beneath the plantar heel skin surface and half this depth at the posterior curvature of the heel. Puncturing deeper than 2.0 mm on the plantar surface of the heel on small infants may, therefore, cause bone damage. Studies indicate that for some infants (including premature infants) a puncturing depth beyond 2.0 mm may be extensive; this issue needs further study.

###### 3.1.6 Direct Application

After the heel puncture, the first drop of blood should be wiped away and a large drop of blood allowed to form. Apply gentle pressure with the thumb and ease intermittently as drops of blood form. (See Section 3.1.6.1.) The filter paper should be touched gently against the large blood drop and, in one step, a sufficient quantity of blood



allowed to soak through to completely fill a preprinted circle (Section 5.1 [11]) on the filter paper. The paper must not be pressed against the puncture site on the heel. Blood should be applied only to one side of the filter paper. Both sides of the filter paper should be examined to assure that the blood uniformly penetrated and saturated the paper. After blood has been collected from the heel of the newborn, the foot should be elevated above the body and a sterile gauze pad or cotton swab pressed against the puncture site until the bleeding stops. It is not advisable to apply adhesive bandages over skin puncture sites on newborns. (For treatment of the puncture site after specimen collection, see the current edition of NCCLS document H4).

#### 3.1.6.1 *Milking*

Milking or squeezing the puncture may cause hemolysis of the specimen or result in an admixture of tissue fluids with the specimen. These outcomes can invalidate an analytic test result.

#### 3.1.6.2 *Layering*

Layering or application of successive drops of blood to the same printed circle causes caking and/or nonuniform concentrations of blood. If blood flow diminishes so that circles are not completely filled, repeat the sampling technique in a new circle. (See Sections 3.1.3—3.1.6).

#### 3.1.7 *Collection*

The required number of blood spots should be collected. Failure to collect the appropriate number of spots may invalidate the specimen for all tests depending on screening program rules. (See Section 1.2.)

#### 3.1.8 *Drying*

Touching or smearing the blood spots must be avoided. The blood specimen should be allowed to air-dry on a horizontally level, nonabsorbent open surface for at least 3 hours at ambient temperature (15°C to 22°C) and away from direct sunlight (indirect room light is not usually detrimental). Blood spots on the filter paper should not be heated, stacked or allowed to touch other surfaces during the drying process.

#### 3.1.9 *Stacking*

When batch stacking of exposed dried blood spots cannot be avoided, the following procedure should be used. Before placing the specimens in a container for transport, the dried blood spots on the collection card should be rotated 180° from the blood spots on the cards in the stack immediately above and below unless the specimens are separated by other physical barriers, for example, fold-over-paper covers, glassine paper. (See Section 4.4.2.)

#### 3.1.10 *Transport (Mailing)*

Unless otherwise directed by the screening laboratory, the collection card should be transported or mailed to the laboratory within 24 hours after collecting the specimen and the appropriate tracking documentation maintained. Delays at collection sites should be avoided, and the shipping environment relative to possible delays should be structured to maximize transport efficiency. (See Section 4.4.1.)

#### 3.1.11 *Storage*

If residual dried blood spot specimens are to be stored by the laboratory for extended periods, they must be protected to ensure noncompromised status after storage. One method is to store the specimens in low gas-permeable, zip-closure plastic bags with desiccant and

humidity indicator cards. Humidity should be maintained below 30%. Positive and negative blood spot controls, if available, should be stored with the residual specimens so that the specimen's integrity can be checked when it is removed from storage. (See Section 6.0 for precautions if DNA analysis is anticipated.)

### 3.2 *Capillary Tube*

Although not the preferred method, applying blood collected in sterile heparinized capillary tubes (see NCCLS document H4) onto the preprinted circles of the filter paper is an acceptable alternative to applying the blood directly from the heel puncture site. (See Sections 3.1.1—3.1.5 for heel puncture.) The capillary tube method also applies to any cord blood application onto filter paper. Consult appropriate local regulations and institutional policies for specific applications.

#### 3.2.1 *Collection*

The tip of the heparinized capillary tube should be touched to the blood drop formed at the heel puncture site. (See Section 3.1.5.) Blood will flow into the tube by capillary action. Improved tube fill rates may be achieved when the tube is held in a near horizontal position to the blood drop.

Approximately 100uL of blood (See Section 5.1 [11]) should be collected into the heparinized capillary tube, using a fresh capillary tube for each blood spot that will be collected on the filter paper.

#### 3.2.2 *Application*

After filling each capillary tube (75-uL or 100-uL size) to the calibration mark, the contents of the tubes should be immediately applied to the center of a single preprinted circle on the filter paper to fill the preprinted circle completely. Waiting too long before application will allow cells and plasma to separate. Actions such as "coloring in" the circle, repeated dabbing around the circle or any technique that might scratch, compress or indent the paper should not be used.

The blood should be applied to only one side of the filter paper. Multiple applications should not be used; caking or heterogeneous spreading will occur and may adversely affect test results. The directions in Sections 3.1.7—3.1.11 should be followed to complete the procedure.

### 3.3 *Dorsal Hand Vein*

Although not the method of choice, blood collected from needle puncture of the dorsal hand vein and its application directly onto the preprinted circles of the filter paper is an acceptable alternative to direct application from the heel puncture site. (For extensive details of this technique and application methods, see M. E. Clagg in *Laboratory Medicine* [1989;20: 248-250]). After venipuncture, the procedures outlined in Sections 3.1.6 and 3.1.11 for blood collection on filter paper should be followed. In some situations the hand veins may be needed for intravenous fluid (IV) use and should be avoided for specimen collection. Blood should not be drawn from an extremity (hand) into which IV fluids, including blood, are being or have been infused. Consult appropriate local regulations and institutional policies for specific applications.

*Precaution:* Syringe collection of blood for application onto a collection device (card) is not recommended because of lack of anticoagulant and time delays that could allow for clot formation and settling of cells producing heterogeneous specimens.

Some differences in the analyte concentration in skin puncture blood and venous blood have been reported and the clinical importance of this difference for neonatal screening test outcomes must be quantitatively assessed before use of dried venous blood spots for the specific analytes of interest. *Precaution:* Statistically and/or clinically important differences in the concentrations of analytes (for example, phenylalanine) important to newborn screening have been reported.

For additional information, contact the Division of Newborn Disease Prevention and Identification, (717) 783-8143.

Persons with a disability who desire a copy of the standards in an alternative format (for example, large print, audiotape or Braille) should notify the Division of Newborn Disease Prevention and Identification at (717) 783-8143; V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
Secretary

[Pa.B. Doc. No. 02-961. Filed for public inspection May 31, 2002, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Bee A Winner Instant Lottery Game

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

1. *Name:* The name of the game is Pennsylvania Bee A Winner.

2. *Price:* The price of a Pennsylvania Bee A Winner instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Bee A Winner instant lottery game ticket will contain one play area featuring a "Honey Pot Number" area and a "Your Numbers" area. The play symbols and their captions located in the "Honey Pot Number" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE) and 10 (TEN). The play symbols and their captions located in the "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN) and a Bee Symbol (BEE).

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), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$50\$ (FIFTY) and \$250\$ (TWOHUNFTY).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$5, \$10, \$15, \$20, \$50 and \$250. A player can win up to five times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Bee A Winner instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Bee Symbol (BEE), and a prize play symbol of \$250\$ (TWOHUNFTY) appears under the Bee Symbol (BEE) on a single ticket, shall be entitled to a prize of \$250.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Honey Pot Number" play symbol and a prize play symbol of \$250\$ (TWOHUNFTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$250.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Bee Symbol (BEE), and a prize play symbol of \$50\$ (FIFTY) appears under the Bee Symbol (BEE) on a single ticket, shall be entitled to a prize of \$50.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Honey Pot Number" play symbol and a prize play symbol of \$50\$ (FIFTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Bee Symbol (BEE), and a prize play symbol of \$20\$ (TWENTY) appears under the Bee Symbol (BEE) on a single ticket, shall be entitled to a prize of \$20.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Honey Pot Number" play symbol and a prize play symbol of \$20\$ (TWENTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Bee Symbol (BEE), and a prize play symbol of \$15\$ (FIFTN) appears under the Bee Symbol (BEE) on a single ticket, shall be entitled to a prize of \$15.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Honey Pot Number" play symbol and a prize play symbol of \$15\$ (FIFTN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(i) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Bee Symbol (BEE), and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appears under the Bee Symbol (BEE) on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Honey Pot Number" play symbol and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Bee Symbol (BEE), and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appears under the Bee Symbol (BEE) on a single ticket, shall be entitled to a prize of \$5.

(l) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Honey Pot Number" play symbol 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.

(m) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Bee Symbol (BEE), and a

prize play symbol of \$2<sup>00</sup> (TWO DOL) appears under the Bee Symbol (BEE) on a single ticket, shall be entitled to a prize of \$2.

(n) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Honeypot Number" play symbol 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.

(o) Holders of tickets upon which any one of the "Your Numbers" play symbols is a Bee Symbol (BEE), and a prize play symbol of \$1<sup>00</sup> (ONE DOL) appears under the

Bee Symbol (BEE) on a single ticket, shall be entitled to a prize of \$1.

(p) Holders of tickets upon which any one of the "Your Numbers" play symbols matches the "Honeypot Number" play symbol 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.

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

*When Any of Your Numbers Match the Honeypot Number, Win With Prize(s) Of:*

<i>Prize(s) Of:</i>	<i>Win</i>
\$1	\$1
\$1 w/Bee	\$1
\$1 × 2	\$2
\$2	\$2
\$2 w/Bee	\$2
\$1 × 5	\$5
\$5	\$5
\$5 w/Bee	\$5
\$2 × 5	\$10
\$5 × 2	\$10
\$10	\$10
\$10 w/Bee	\$10
\$5 × 3	\$15
\$10 + \$5	\$15
\$15	\$15
\$15 w/Bee	\$15
\$5 × 4	\$20
\$10 × 2	\$20
\$15 + \$5	\$20
\$20	\$20
\$20 w/Bee	\$20
\$10 × 5	\$50
\$50	\$50
\$50 w/Bee	\$50
\$50 × 5	\$250
\$250	\$250
\$250 w/Bee	\$250

Bee = Win that prize automatically

<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
1:17.14	350,000
1:16.67	360,000
1:37.50	160,000
1:37.50	160,000
1:37.50	160,000
1:100	60,000
1:100	60,000
1:60	100,000
1:1,500	4,000
1:1,500	4,000
1:1,500	4,000
1:750	8,000
1:3,000	2,000
1:3,000	2,000
1:3,000	2,000
1:1,500	4,000
1:3,000	2,000
1:3,000	2,000
1:3,000	2,000
1:12,000	500
1:12,000	500
1:10,909	550
1:24,000	250
1:24,000	250
1:24,000	250

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

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

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

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

LARRY P. WILLIAMS,  
*Secretary*

[Pa.B. Doc. No. 02-962. Filed for public inspection May 31, 2002, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**ExxonMobil Oil Corporation v. DEP; EHB Doc. No. 2002-108-R**

ExxonMobil Oil Corporation has appealed the issuance by the Department of Environmental Protection of

NPDES Permit No. PA0041602 (April 15, 2002) to same for a facility in Neville Township, Allegheny County.

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

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

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

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 02-963. Filed for public inspection May 31, 2002, 9:00 a.m.]

**Tinicum Township v. DEP and Delaware Valley Concrete Co., Inc.; EHB Doc. No. 2002-101-L**

Tinicum Township has appealed the renewal by the Department of Environmental Protection of an NPDES permit to Delaware Valley Concrete Co., Inc. for a facility in Tinicum Township, Bucks County.

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

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal

<i>Reg. No.</i>	<i>Agency/Title</i>
11-209	Insurance Department Privacy of Consumer Health Information (32 Pa.B. 1406 (March 16, 2002))
18-372	Department of Transportation School Buses (32 Pa.B. 1396 (March 16, 2002))

**Insurance Department Regulation No. 11-209  
Privacy of Consumer Health Information  
May 16, 2002**

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which have not been met. The Insurance Department (Department) must respond to these comments when it submits the final-form regulation. If the final-form regulation is not delivered within 2 years of the

business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

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

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 02-964. Filed for public inspection May 31, 2002, 9:00 a.m.]

**INDEPENDENT  
REGULATORY REVIEW  
COMMISSION**

**Notice of Comments Issued**

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

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
4/15/02	5/16/02
4/15/02	5/16/02

close of the public comment period, the regulation will be deemed withdrawn.

**Section 146b.2. Definitions.—Clarity.**

*Licensee*

The definition of this term excludes governmental health insurance programs. We request the Department clarify whether or not a licensee that administers a governmental health insurance program is bound by the requirements in this regulation.

*Nonpublic personal health information*

In its comments, the American Insurance Association (AIA) notes that the wording of subparagraph (i)(B) is not

parallel to subparagraph (i)(A), and suggests revised language to make the two provisions parallel. We agree that AIA's suggested revisions would add clarity.

**Section 146b.11. Authorization required for disclosure of nonpublic personal health information.—Statutory Authority; Clarity.**

*Subsection (b)*

This subsection allows disclosure of nonpublic personal health information "to the extent that the disclosure of nonpublic personal health information is necessary for the performance of . . . insurance functions . . ." This provision differs from the corresponding provision in the National Association of Insurance Commissioners (NAIC) model regulation. We have two concerns. First, for clarity, the Department should either delete the phrase "to the extent that the disclosure of nonpublic personal health information is necessary" in this section, or specify the criteria used to determine when disclosure is "necessary."

Second, the regulation is silent regarding when, and by whom, the "necessary" disclosure determination is made. We request the Department explain how this provision will be implemented.

Subsection (b)(23) lists "reporting" as an insurance function which may be exempt from the requirement to obtain authorization from the consumer prior to disclosing nonpublic personal health information. Clarity would be improved by listing examples of the types of "reporting" included in this exemption.

*Subsection (c)*

This subsection allows an insurer to "disclose nonpublic personal health information to a third party not licensed by the Department provided that the licensee enters into an agreement with the third party that prohibits the third party from disclosing or using the . . . information for a purpose other than to carry out . . . insurance functions . . ." Commentators note that this provision is not included in the NAIC model and question the Department's authority to impose requirements on third parties that are not licensed by the Department.

We request that the Department explain how it will enforce this requirement. Specifically, what enforcement authority will the Department have if a third party violates the terms of an agreement? If the Department intends to hold the licensee responsible for the acts of a third party, the regulation should specify the licensee's responsibilities and the consequences for not meeting those responsibilities.

*Subsection (d)*

This subsection provides that the Insurance Commissioner may add insurance functions to the list found in subsection (b) by publication of a notice in the *Pennsylvania Bulletin*. Substantive amendments to the regulation may only be made in compliance with the Commonwealth Documents Law, the Commonwealth Attorneys Act and the Regulatory Review Act. Therefore, any future additions to the list in subsection (b) must be made through the rulemaking process.

**Section 146b.12. Authorizations.—Need; Reasonableness.**

Subsection (d) requires licensees to retain authorizations and revocations of authorization for 6 years. Given that an authorization is valid for no more than 2 years, why is it necessary to require a 6-year record retention period?

**Section 146b.24. Compliance dates.—Consistency with Statute; Clarity.**

We have three concerns in regard to this section. First, subsections (a) and (b) refer to licensees' annual "receipts." A commentator questioned if the term "receipts" means premiums. For clarity, we suggest the final-form regulation include a definition of "receipts" in § 146b.2.

*Definitions.*

Second, subsection (a) lists the compliance date for licensees with \$5 million or more in annual receipts, while subsection (b) lists the compliance date for licensees with \$5 million or less in annual receipts. The final-form regulation should be revised to reflect one compliance date for receipts that amount to \$5 million.

Third, the regulation lists compliance dates of April 14, 2003, and April 14, 2004. These dates are consistent with the implementation dates for the Federal Health Insurance Portability and Accountability Act (HIPAA) privacy regulation. However, commentators have expressed concerns that the compliance dates for the HIPAA regulation could change after the promulgation of this regulation. This concern is due to the issuance of a Federal Notice of Proposed Rulemaking which could delay the HIPAA compliance dates relating to the requirement for agreements between licensees and third parties.

We understand that the Department intends for the compliance dates for this regulation to be consistent with HIPAA. Therefore, the Department should consider adding language which would clarify that compliance with this regulation will be required on the same dates that compliance with the HIPAA regulation is required.

**Department of Transportation Regulation No. 18-372  
School Buses  
May 16, 2002**

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which have not been met. The Department of Transportation (Department) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

**1. Section 71.3. Physical examination.—Clarity.**

Subsection (b) includes standards and procedures relating to physical qualifications for driving a school bus. Subsection (b)(2) states that a person is physically qualified when he or she "has no loss of a foot, a leg, a hand, or an arm; or has been granted a waiver by the Department after competency has been demonstrated through a driving examination." Subsections (b)(2), (4)(i) and (ii), (5)(i) and (10)(i) identify conditions under which the Department may grant waivers. Subsection (b)(5)(i)(B) uses acronyms such as "METS" and "EKG." We have three concerns.

First, the Department should add a cross-reference in subsection (b)(2) to its requirements for a driving examination. This comment also applies to the driving examination referred to in existing subsection (b)(3)(ii)(C).

Second, it is not clear how a prospective driver would apply for a waiver. The Department should consider adding information describing the waiver process as well

as how an applicant applies for a waiver or how the Department notifies an applicant or driver that they need a waiver.

Third, to enhance the readability of this regulation, the acronyms in subsection (b)(5)(i)(B) should either be defined or replaced with the words that form the acronyms.

**2. Sections 171.47; 171.55. Color; Identification.—Public safety.**

Section 171.47 states: "The roof of the school bus may be painted white." Representative Jess M. Stairs suggested a provision requiring that the school bus identification number be displayed prominently on the roof. He also suggested specific standards for the size of the letters and numbers in the identification number. This requirement would allow for quick identification of a bus involved in an accident, stolen, hijacked or lost. The Department should consider the addition of this provision to §§ 171.47 and 171.55.

**3. Section 171.52. First aid.—Clarity.**

In the existing regulation, subsection (c) reads: "*Body fluid clean-up kit.* Every school bus shall have a removable and moisture proof body fluid clean-up kit. It shall be securely placed or mounted in an easily accessible location and labeled as a body fluid clean-up kit." What are the content requirements for a "body fluid clean-up kit"? This question also applies to subsection (c) in §§ 171.123 and 171.133.

**4. Section 171.74a. Crossing control arm.—Clarity.**

This section requires school buses to be equipped with a crossing control arm consistent with the provisions contained in Act 151 of December 21, 1998. The regulation should reference the criteria found in section 4552(b.2) of the Vehicle Code (75 Pa.C.S. § 4552(b.2)) requiring the crossing control arm to be "automatically activated whenever the bus is stopped with the red visual signals in use."

**5. Section 171.123. First aid.—Clarity.**

The amendments to subsection (b)(2)—(5) and (8), relating to the contents of the first aid kit, replace specific numbers of items including sterile gauze pads, adhesive bandages and compresses, with the term "one package" of each item. This could lead to confusion regarding the required contents of "one package." In the final-form regulation, the Department should specify the minimum number of items that are to be included in the package.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 02-965. Filed for public inspection May 31, 2002, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Insurance Coverages or Risks Eligible for Export by Insurance Commissioner

Under section 1604(2)(ii) of The Insurance Company Law of 1921 (40 P.S. § 991.1604(2)(ii)), the Insurance Commissioner hereby declares the following insurance coverages to be generally unavailable in the authorized market at the present, and thus exportable, and hereby adopts the following export list. Accordingly, for those insurance coverages which are included on the export list, a diligent search among insurers admitted to do business

in this Commonwealth is not required before placement of the coverages in the surplus lines market.

#### Export List

##### Amusements

- Amusement parks and their devices
- Recreational and sporting events
- Special short term events
- Theatrical presentations

##### Aviation

- Fixed base operations
- Chemical spray and/or drift
- Day care centers liability, including sexual abuse coverage
- Demolition contractors liability
- Employment related practices liability
- Flood insurance not provided under Federal flood insurance
- Kidnapping, ransom and extortion insurance
- Liquor liability—monoline
- Nursing home liability with or without other affiliated elder care services
- Railroad liability
- Security/detective/patrol agencies
- Vacant properties

This list supersedes the list published at 31 Pa.B. 3373 (June 23, 2001), and shall remain in effect until superseded by a subsequent list as published in the *Pennsylvania Bulletin*.

Questions regarding the Export List may be directed to Cressinda E. Bybee, Office of Regulation of Companies, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 783-2144, fax (717) 787-8557, e-mail cbybee@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-966. Filed for public inspection May 31, 2002, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Allegheny County, 8454 Pittsburgh Maintenance Shop, 4709 Baum Boulevard, Pittsburgh, PA 15213.

*Lease Expiration Date:* April 30, 2004

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 15,000 to 18,000 net useable square feet of new or existing first floor warehouse space with 2,000 to 4,000 square feet of office/assembly space with an air conditioning system inclusive. The building must contain a loading dock, drive-in door (12' x 12'), maximum 14' ceilings and secure parking for 15 trucks. The building should be located convenient to the Parkway East between Rodi Road and the Oakland Exits.

*Proposals Due:* June 14, 2002, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Joseph J. Molhoek, (412) 565-5130

Armstrong County, Wine & Spirits Shoppe #0307, 206 N. Warren Avenue, Apollo, PA 15613.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,500 net useable square feet of new or existing retail commercial space within the Apollo area.

*Proposals due:* June 14, 2002, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Thomas Deal, (412) 565-5130

The Liquor Control Board seeks the following new site: Delaware County, Wine & Spirits Shoppe #2303, Lansdowne Avenue and MacDade Boulevard, Darby, PA 19023.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,500 net useable square feet of new or existing retail commercial space within 1/2-mile of the intersection of Lansdowne Avenue and MacDade Boulevard and the surrounding boroughs.

*Proposals due:* June 21, 2002, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** James M. Bradley, (215) 482-9671

JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 02-967. Filed for public inspection May 31, 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 24, 2002, as set forth at 52 Pa. Code § 3.381 (relating to the applications for the transportation of property, household goods in use and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

### Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

**A-00118938. Day Star Holding Corporation t/d/b/a Day Star Limousine** (207 Buck Road, Holland, Bucks County, PA 18966) a corporation of the Commonwealth—persons in limousine service, between points in the city and county of Philadelphia and points within an airline distance of 5 statute miles of the limits of said city and county, and from points in said territory, to points in Pennsylvania, and return.

**A-00118942. Ago Transportation Co.** (8 Atkinson Drive, #303, Doylestown, Bucks County, PA 18901) a corporation of the Commonwealth—persons in paratransit service, between points in the county of Bucks, and from points in said county, to points in Pennsylvania, and return.

### 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 as described under the application.*

**A-00118933. A. Moses, Inc.** (2587 Huntingdon Pike, Huntingdon Valley, Montgomery County, PA 19006), a corporation of the Commonwealth, household goods in use, between points in the Counties of Bucks, Chester, Delaware, Montgomery and the city and county of Philadelphia, and from points in said city and counties, to points in Pennsylvania, and vice versa.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-968. Filed for public inspection May 31, 2002, 9:00 a.m.]

## TURNPIKE COMMISSION

### Retention of Engineering Firms for the Mon/Fayette Expressway Transportation Project

The Turnpike Commission (Commission) will retain 13 engineering firms to provide preliminary and final design services for the development of 13 sections of limited access highway on new alignment, known as the Mon/Fayette Transportation Project, Route 51 to I-376. The design/construction sections are described as follows:

<i>Section</i>	<i>EIS Section</i>	<i>Section Length (Miles)</i>	<i>Construction Cost (Millions)</i>	<i>Description</i>
53A	1	3.7	\$80	Complete Rt. 51 I/C; 11 bridges; ramp toll plaza; gas substation relocation
53B	1	3.7	\$90	Dravosburg I/C; 12 bridges; ramp toll plazas; new local access road—2 miles; park and ride lot; power line relocation; sanitary sewer and USS waste line relocations

<i>Section</i>	<i>EIS Section</i>	<i>Section Length (Miles)</i>	<i>Construction Cost (Millions)</i>	<i>Description</i>
53C	1	1.6	\$90	Duquesne I/C and 1.5 mile connecting road; ten bridges; ramp toll plazas; replace Rt. 837 bridge over Union RR
53D	1	0.4	\$60	Eight-lane Mon River Bridge
53E	2	1.6	\$200	Closed three-leg I/C entirely on structure; N. Versailles I/C; ramp toll plazas; replacement of E. Pittsburgh-McKeesport Blvd. bridge
53F	2	2.3	\$90	Structures over Turtle Creek town center; mainline toll plaza; DAT involvement; relocation of Union RR
53G	2	1.3	\$90	Half I/C with Business 22; half I/C to Penn Hills; reconstruction of Business 22; full I/C with I-376
53H	3	1.7	\$75	Braddock I/C at Sixth St.; ramp toll plazas; DAT involvement; 11 bridges; park and ride lot; relocation of Braddock Ave.
53J	3	1.4	\$75	Mainline toll plaza; relocation of CSXT tracks; new access into Carrie Furnace
53K	4	2.1	\$200	2.1 miles of dual viaducts; DAT involvement
53L	5	N/A	\$10	Hayes I/C redesign
53M	5	1.1	\$130	Glenwood Bridge I/C; depressed expressway in Hazelwood with covers on some areas; DAT involvement; local frontage roads; ramp toll plazas
53N	5	1.2	\$120	Bates St./I-376 I/C; DAT involvement; extensive TCP involvement

The Commission will advertise each section separately. Three sets of advertisements will be published with each set containing four or five advertisements. The order of advertisement is anticipated to be:

Set 1—Advertising of Sections 53A, 53D, 53E, 53H and 53M—Early Summer

Set 2—Advertising of Sections 53B, 53F, 53G and 53K—Late Summer

Set 3—Advertising of Sections 53C, 53J, 53L and 53N—Late Fall

These advertisements will be published in future editions of the *Pennsylvania Bulletin*. Do not respond to this notice.

BRADLEY L. MALLORY,  
Chairperson

[Pa.B. Doc. No. 02-969. Filed for public inspection May 31, 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.

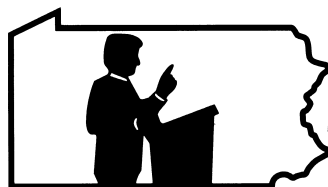
30 days after the later of the receipt of a proper invoice or receipt of goods or services.

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*

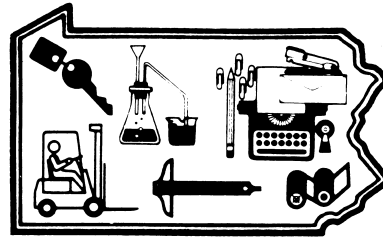
Effective April 15, 2002, the Department of General Services (Department), Bureau of Purchases, will no longer send vendors notices of the availability of invitations for bids or requests for proposals (by fax or other means). Bidding/contracting opportunities will be posted on the Department's website. 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

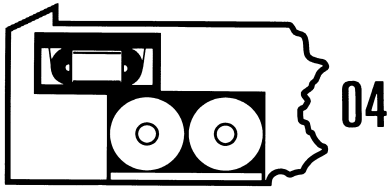
**SU-01-33** Rubbermaid base recycling can Model No. 3958-06 35 gallon Color: Blue. Imprinted on one side w/1 stock color (white). Bottle/can recycle top 2791 color: Blue. Request of bid package may be faxed to 717-477-1350.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg, PA 17257  
**Duration:** Items to be supplied by June 30, 2002  
**Contact:** Mona M. Holtry (717) 477-1386

---

## SERVICES

---



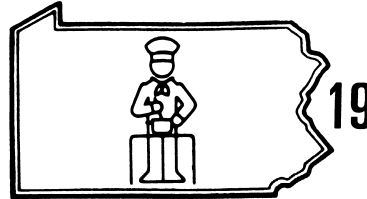
04

**Audio/Video**

**SU-01-38** Shippensburg University is seeking vendors interested in submitting bids to upgrade Codec unit at the Shippensburg University's Distance Ed room. The new system will be capable of both IP and ISDN connections, and will be fully functional with all existing peripherals presently interfacing the Vtel codec. Vendor to furnish and install system. Codec must be installed and system fully operational by July 31, 2002. Please fax your request to be added to the bidders list to Attn: Pam King at 717-477-1350. All responsible bidders are invited to participate including MBE/WBE firms.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, 1871 Old Main Dr., Shippensburg, PA 17257  
**Duration:** To be completed by July 31, 2002  
**Contact:** Pamela King (717) 477-1386

---



19

**Food**

**6500-134** Domestic hen eggs to be delivered weekly. Amount of delivery will be based on institutional menu requirements. (Approximately 450 dozen per delivery). Product will be bid on a quarterly basis.

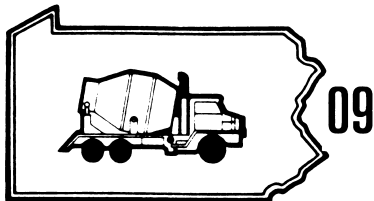
**Department:** Corrections  
**Location:** State Correctional Institution at Retreat, 660 State Route 11, Hunlock Creek, PA 18621  
**Duration:** July 1, 2002 to June 30, 2003  
**Contact:** Barbara Swiatek (570) 735-8754

---

**20135** Bread & Rolls - White & Wheat loaves, steak sandwich, hamburger, hot dog and dinner rolls (individual).

**Department:** Corrections  
**Location:** SCI-Chester, 500 E. 4th St., Chester, PA 19013  
**Duration:** July 1, 2002 - June 30, 2003  
**Contact:** Ben Jarrett, PA 1 (610) 490-5412 EXT-2030

---



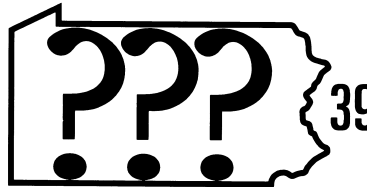
09

**Construction & Construction Maintenance**

**550003** Installing and repairing Type A and structure-mounted signs.

**Department:** Transportation  
**Location:** This service will be supplied throughout the county of Northampton.  
**Duration:** One year from date of issuance with option to renew for four one-year periods  
**Contact:** Phil Sabatine (610) 250-1841 ext. 3005

---



39

**Miscellaneous**

**SP116000-014** This contract is for the repair and start up of a failed McQueen centrifugal water chiller, Model No. PEH076, Serial No. 5QD031000, Style No. PE5842 converted to 134A refrigerant. More information will be available with bid package.

**Department:** Corrections  
**Location:** State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233  
**Duration:** Contract Expiration Date: June 30, 2002  
**Contact:** David Schultz (412) 761-1955 EXT 396

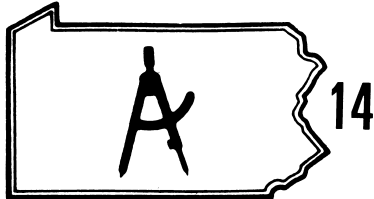
---

**S-0001** FOR SALE - SURPLUS BARLEY Sale of approximately 135 acres of barley, to be sold by the ton. The barley will be harvested by the buyer and weighed over the institution's scales. The straw will be spread back on the ground with the buyers combine. Twenty tons of the barley will be retained by the institution.

**Department:** Corrections  
**Location:** State Correctional Institution at Rockview, Rt. 26, Box A, Bellefonte, PA 16823  
**Duration:** Contract shall begin when the barley crop is ready for harvest and expire when all barley has been removed.  
**Contact:** Frank Dougherty, Business Manager (814) 355/4874, Ext. 205

[Pa.B. Doc. No. 02-970. Filed for public inspection May 31, 2002, 9:00 a.m.]

---



14

**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)

---

## 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:

<b>Requisition or Contract No.</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
3830-01	06/01/02	Bucyrus Blades	\$50,000.00
3830-01	06/01/02	Cleveland Brothers Equipment	50,000.00
3830-01	06/01/02	G C Castings Ltd	50,000.00
3830-01	06/01/02	Kennametal	50,000.00
3830-01	06/01/02	Valk Manufac- turing	50,000.00
3830-01	06/01/02	Winter Equip- ment	50,000.00
1231111-01	05/20/02	Mateer Burt	33,325.00

<b>Requisition or Contract No.</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
1290251-01	05/20/02	PPCT Prod- ucts	28,500.00
1305211-01	05/20/02	Hertz Supply	90,305.72
1315211-01	05/20/02	G R Noto Electrical Construction	54,000.00
1370111-01	05/20/02	Bonfitto	69,300.00
1396151-01	05/20/02	River's Truck Center	57,933.00
8506250-01	05/20/02	A C Miller Concrete Products	49,340.00

KELLY POWELL LOGAN,  
*Secretary*

[Pa.B. Doc. No. 02-971. Filed for public inspection May 31, 2002, 9:00 a.m.]

