

PENNSYLVANIA BULLETIN

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Pages 2739—2854

See Part II page 2851
for the Department of Conservation
and Natural Resources' proposed rulemaking
concerning State Forest Picnic Areas

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Turnpike Commission

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No. 331, June 2002

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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.

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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.

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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.

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THE GOVERNOR

Amendment to Proclamation of Disaster Emergency

May 20, 2002

Whereas, on February 27, 2002, I extended the Proclamation of Disaster Emergency that was issued on September 11, 2001 in response to the acts of terrorism in New York City, New York, Washington, D.C., and Somerset County, Pennsylvania; and

Whereas, there continues to be a need for the Commonwealth to provide supplementary personnel and other resources at critical facilities in Pennsylvania, such as airports and nuclear power plants, in order to provide additional security, monitoring and other measures to protect the safety and well-being of the citizens of Pennsylvania; and

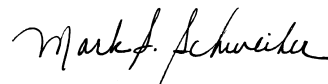
Whereas, the Federal government, through the Office of Homeland Security and the Department of Justice, has asked all state and municipal governments to commit additional resources, in the form of National Guard and law enforcement personnel, urban search and rescue and hazardous materials response teams and other resources, in order to provide additional emergency response, security and law enforcement resources in the ongoing fight against terrorism, and

Whereas, in response to the request from the Federal government to provide law enforcement, security and other forms of assistance at critical facilities and other locations in Pennsylvania and because there is a need to provide such assistance in order to protect the health, safety and welfare of the citizens of Pennsylvania from possible future acts of terrorism;

Now Therefore, I, Mark Schweiker, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution, the Emergency Management Services Code, 35 Pa.C.S. Section 7101 et seq., as amended, and other laws of the Commonwealth, do hereby amend the Proclamation of September 11, 2001, as follows:

1. The period of the state of disaster emergency is extended from June 8, 2002 through September 5, 2002.
2. I hereby transfer an additional one million dollars in unused appropriated funds to the Pennsylvania Emergency Management Agency. The aforementioned funds shall be used for disaster-related expenses incurred by various state agencies and departments. These funds shall be credited to a special account established by the Office of the Budget. All Commonwealth agencies purchasing supplies or services in response to this emergency are authorized to utilize the emergency procurement procedures set forth in Section 516 of the Commonwealth Procurement Code, 62 Pa.C.S. Section 516. This Proclamation shall serve as the written determination of the basis for the emergency under Section 516; and
3. I hereby authorize the Adjutant General of Pennsylvania to place on state active duty for the duration of the emergency such individuals and units of the Pennsylvania National Guard as may be needed to provide security and other public safety measures at critical facilities in Pennsylvania and to alleviate the danger to public health and safety caused by the aforementioned emergency; and
4. I hereby authorize the Commissioner of the Pennsylvania State Police to use all available equipment, resources and personnel of the Department, in whatever manner he deems necessary, to ensure that the public health, safety, and welfare of the Commonwealth's citizens are protected at this time of emergency; and
5. I hereby direct that the other operational provisions of the September 11, 2001 Proclamation that remain applicable to the current emergency circumstances in Pennsylvania shall continue in full force and effect.
6. This Proclamation amendment shall take effect immediately from the date of this amendment.

Given under my hand and the Seal of the Governor, at the city of Harrisburg, this twentieth day of May in the year of our Lord, two thousand and two and of the Commonwealth, the two hundred and twenty-sixth.



Governor

[Pa.B. Doc. No. 02-972. Filed for public inspection June 7, 2002, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

[204 PA. CODE CH. 209]

Record Retention Schedule Amendments

Pursuant to the Judicial Code, 42 Pa.C.S. § 4301(b) and 4321, the following regulation has been approved by the Supreme Court and is hereby promulgated for the Appellate Court's Retention Schedule Amendment.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

CHAPTER 209. PENNSYLVANIA APPELLATE COURTS RECORDS RETENTION SCHEDULE

APPENDIX A

<i>Series</i>	<i>Description</i>	<i>Retention</i>	<i>Retained by Archives (Historical Value)</i>
Section I—Appellate Courts (General)			
(Original Jurisdiction case files not included in this schedule)			
		* * * * *	
4.	These files include papers filed in civil matters both at law and equity including but not limited be to affidavits, agreements, answers, assignments, awards, bills, bonds, certificates, complaints, decrees, executions, exemplifications, memoranda, notes, notices, opinions, orders, petitions, petitions for review, powers of attorney, praecipes, reports, returns of service, rules, subpoenas, stipulations, transfers, waivers, writs of summons, petitions to enforce, petitions for access to confidential information.	<ol style="list-style-type: none"> 1. All matters involving title to real estate shall retained permanently. 2. Equity, declaratory judgment, mandamus. Retain for two (2) years after final disposition. 3. Matters marked withdrawn or discontinued. Retain for one (1) year after disposition. 4. Matters dismissed for failure to prosecute. Retain for one (1) year after disposition. 5. Matters filed pursuant to the Election Code. Retain for one (1) year after disposition. 6. Liquidation and Rehabilitation matters under the Insurance Department Act. Retain for two (2) years after final discharge of the Insurance Commissioner as rehabilitator or liquidator. 	*Petitions for liquidation and/or rehabilitation and petitions for final discharge to be reviewed for historical value.

This regulation shall be effective immediately.

Filed in the Administrative Office of Pennsylvania Court on May 20, 2002.

ZYGMENT A. PINES,
Court Administrator of Pennsylvania

[Pa.B. Doc. No. 02-973. Filed for public inspection June 7, 2002, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE [210 PA. CODE CHS. 1 AND 21]

Proposed Amendments to Pa.R.A.P. 124, 2135 and 2171

The Appellate Court Procedural Rules Committee proposes to amend Pennsylvania Rules of Appellate Procedure 124, 2135 and 2171. The amendments are being submitted to the bench and bar for comments and suggestions prior to their submission to the Supreme Court.

Proposed new material is bold while deleted material is bold and bracketed.

All communications in reference to the proposed amendments should be sent not later than July 20, 2002 to the Appellate Court Procedural Rules Committee, c/o Dean R. Phillips, Esquire, P. O. Box 3010, 925 Harvest Drive, Blue Bell, PA 19422.

An Explanatory Comment follows the proposed amendments and has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules nor will it be officially adopted or promulgated.

By the Appellate Court Procedural Rules Committee
HONORABLE JOSEPH M. AUGELLO,
Chair

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER 1. GENERAL PROVISIONS

DOCUMENTS GENERALLY

Rule 124. Form of Papers; Number of Copies.

(a) *Size and other physical characteristics.*—[**No paper or other document may be filed in an appellate court on any paper other than paper approximating 8 1/2 inches by 11 inches in size. Any paper or other document filed in an appellate court shall be sufficient as to format and other physical characteristics if it substantially complies with the following requirements:**] All documents filed in an appellate court shall be on 8 1/2 inch by 11 inch paper and shall comply with the following requirements:

(1) [**Prepared**] The document shall be prepared on white paper (except for covers, dividers and similar sheets) of good quality [**with typed or printed matter 6 1/2 inches by 9 1/2 inches**].

* * * * *

(3) [**The lettering shall be clearly legible and, except as otherwise prescribed in Rule 2171 (method of reproduction) for printed paperbooks, shall be not smaller than typewriting pica with line spacing (except for quotations) not closer than typewriting double spacing.**] The text must be double spaced, but quotations more than two lines long may be indented and single spaced. Except as

provided in subdivision (2), margins must be at least one inch on all four sides.

(4) **The lettering shall be clear and legible and no smaller than point 11.** The lettering shall be on only one side of a page, except that exhibits and similar supporting documents and paperbooks may be lettered on both sides of a page.

(5) [**Firmly bound.**] Any metal fasteners or staples must be covered. **Documents and papers must be firmly bound.**

* * * * *

(c) *Copies.*—Except as otherwise prescribed by these rules:

* * * * *

(2) An original and [**seven**] **eight** copies of any other application in the Supreme Court and an original and three copies of any other application in the Superior Court or the Commonwealth Court shall be filed but the court may require that additional copies be furnished.

[**Official Note:** Subdivision (a) is intended to provide a “safe harbor” upon which the bar may rely in preparing appellate papers. The effect of the 8 1/2 inch by 11 inch requirement will be to effectively mandate the future use of letter-size paper throughout the unified judicial system, since the requirement extends to original records filed pursuant to Chapter 19 (preparation and transmission of record and related matters). The requirement is prospective only, however. It will not be necessary or appropriate to transcribe any existing legal-size or printed brief-size (6 inch by 9 inch) documents onto letter-size paper. Moreover, it is anticipated that a reasonable time (approximately six months after the requirement takes effect) will be required to permit the exhaustion of existing supplies of legal-size forms and other documents. After March 1, 1980 the clerk of a court should accept a document (whether an order, opinion, transcript, pleading, brief, reproduced record or otherwise) on other than letter-size paper only upon a showing of exceptional circumstances.

Paragraph (a)(5) is based on Third Circuit Rule 21(2)A(b).

Under these rules a reference to “two copies” or the like does not imply that a third document is required; the terminology is used so as to permit the filing party to retain the executed original and file only photocopies. Thus under Rule 905 (filing of notice of appeal) an original and two copies of the notice of appeal are not required; only two photocopies.

Explanatory Note: Supreme Court “short paper” (i.e. 11 inch rather than 13 or 14 inch legal size) rule is extended to the entire Pennsylvania judicial system. This result follows from a new requirement that all papers filed in an appellate court, *including the original record made before the trial court*, be submitted on short paper. The change also applies to printed paperbooks (briefs and reproduced records). The note to the rule makes clear that the change is prospective only, but that by early 1980 it is anticipated that the bar and all elements of the Pennsylvania judicial system will have converted over to the use of modern letter-size paper.]

ARTICLE II. APPELLATE PROCEDURE
CHAPTER 21. BRIEFS AND REPRODUCED
RECORD

CONTENT OF BRIEFS

Rule 2135. Length of Briefs.

[Except by permission of the court, briefs (exclusive of pages containing the table of contents, tables of citations and any addendum containing opinions, *etc.*, or any other similar supplementary matter provided for by these rules) shall not exceed:

(1) 50 pages of conventional typographical printing or 70 pages of reproduction by any other process of duplicating or copying, in the case of principal briefs.

(2) 15 pages of conventional typographical printing or 25 pages of reproduction by any other process of duplicating or copying, in the case of reply briefs.]

Unless otherwise provided by an appellate court:

(a) a principal brief shall not exceed 70 pages of production when produced on a word processor/computer or typewriter.

(b) a reply brief shall not exceed 25 pages of production when produced on a word processor/computer or typewriter.

Official Note: The 2002 amendment eliminates a confusing distinction between typewritten, word processor/computer and conventional offset printing methods of production which are no longer meaningful. In light of the 1979 amendments eliminating paperbooks and the advances in word processor/computer technology, offset printing of briefs has become obsolete as a method for production of briefs. The 2002 amendment permits typewritten briefs despite the fact that the vast majority of briefs are produced on word processor/computers.

A principal brief is any party's initial brief and, in the case of a cross appeal, the appellant's second brief, which responds to the initial brief in the cross appeal. See the notes to Pa.R.A.P. 2136. Reply briefs permitted by Rule 2113 and any subsequent brief permitted by leave of court are subject to the page limit set by this rule.

It is important to note that each appellate court has the option of reducing the number of pages allowed for a brief, either by general rule, see Chapter 33 (Business of the Supreme Court), Chapter 35 (Business of the Superior Court), and Chapter 37 (Business of the Commonwealth Court), or by order in a particular case.

FORM OF BRIEFS AND REPRODUCED RECORD

Rule 2171. Method of Reproduction. Separate Brief and Record.

(a) *General Rule.*—Briefs and reproduced records may be [produced] reproduced by [conventional typographical printing or by] any duplicating or copying process which produces a clear black image on white paper. [Briefs and records reproduced by conventional typographical printing shall be printed throughout from type at least as large as point 11 with 2 point lead. Briefs and records not repro-

duced by conventional typographical printing shall be firmly bound at the left margin so that they may be conveniently bound together as a volume.] Briefs and records shall comply with the requirements of Rule 124 and shall be firmly bound at the left margin.

(b) *Separate brief and record.*—In all cases the reproduced record may be [reproduced] bound separately, and must be if it and the brief together contain more than 100 pages.

* * * * *

[*Explanatory Note:* Conforming changes are made to this rule.]

Explanatory Comment

Internal Recommendation 48

Proposed Amendments to Pa.R.A.P. 124, 2135 and 2171

The proposed amendments to Pa.R.A.P. 124, 2135 and 2171 eliminates a confusing distinction between typewritten, word processors or computers and conventional offset printing methods of production which are no longer meaningful and provides for a uniform general approach to the number of pages permitted in all appellate courts. However, an appellate court may adopt a different page limit, either by general rule or by order in a particular case. See Note to Rule 2135.

The proposed amendments permit typewritten briefs despite the fact that the vast majority of briefs are produced on word processors or computers. It should be understood that a typewriter yields fewer characters per line due to the process of "kerning" by word processors which is the subtraction of space between two characters making them closer together. These proposed amendments, however, do not allow a commensurate expansion of page limits for typed briefs, without leave of court.

A principal brief is any party's initial brief, and, in the case of a cross appeal, the appellant's second brief, which responds to the initial brief in the cross appeal. Reply briefs permitted under Rule 2113 and any subsequent brief permitted by leave of court are subject to the page limit set by these proposed amendments.

Counsel should also note that the Supreme Court is requesting an original and eight copies of any application filed with the Court. Previously, only seven copies were required.

[Pa.B. Doc. No. 02-974. Filed for public inspection June 7, 2002, 9:00 a.m.]

[210 PA. CODE CH. 13]

Proposed Adoption of New Pa.R.A.P. 1316

The Appellate Court Procedural Rules Committee proposes to adopt new Rule 1316 of the Pennsylvania Rules of Appellate Procedure.

The proposed new Rule is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court.

An Explanatory Comment follows the proposed new Rule.

Proposed new material is bold.

All communications in reference to the proposed adoption should be sent not later than July 20, 2002 to the

Appellate Court Procedural Rules Committee c/o Dean R. Phillips, Esquire, P. O. Box 3010, 925 Harvest Drive, Blue Bell, PA 19422.

The Explanatory Comment which appears in connection with the proposed new rule has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rule nor will it be officially adopted or promulgated by the Court.

By the Appellate Court Procedural Rules Committee

HONORABLE JOSEPH M. AUGELLO,
Chair

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 13. INTERLOCUTORY APPEALS BY PERMISSION

Rule 1316. Incorrect Use of Petition for Permission to Appeal or Petition for Review.

A timely petition for permission to appeal from an order which is, in fact, immediately appealable as of right may be deemed to be a timely notice of appeal.

Official Note: This Rule permits the appellate court to treat a timely, but erroneous, petition pursuant to Pa.R.A.P. 1311 for permission to appeal an order which is, in fact, immediately appealable as of right, as a timely notice of appeal. This Rule supersedes *Thermo-Guard, Inc. v. Cochran*, 598 A.2d 188 (Pa. Super. 1991) which had stated, as dictum, that "in the future, where a petition for permission to appeal seeking review of a final order, appealable as of right, or of an interlocutory order made appealable as of right . . . is filed, this court should simply deny the petition." However, under Rule 1311 a party may not file a petition for permission to appeal an interlocutory order unless the order contains the statement prescribed in 42 Pa.C.S. § 702(b). Where the trial court refuses an application to amend an order to set forth expressly the statement specified in 42 Pa.C.S. 702(b) and that order was in fact appealable as of right, the appellate court may not treat a Chapter 15 petition for review of the trial court's refusal as a notice of appeal.

Explanatory Comment

Internal Committee Recommendation 47

Proposed new Pa.R.A.P. 1316 would permit the appellate court to treat a timely Petition for Permission to Appeal as a Notice of Appeal where appellant sought permissive review of an order immediately appealable as of right. The proposed new Rule avoids the harsh result of waiver of appellate rights where appellant erroneously files a Petition for Permission to Appeal from a final order (see Pa.R.A.P. 341(b)), or an order otherwise immediately appealable as of right. See Pa.R.A.P. 311, 313 and 341.

See proposed Note to Rule 1316 for a more detailed explanation of the Recommendation.

[Pa.B. Doc. No. 02-975. Filed for public inspection June 7, 2002, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1910]

Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters

Recommendation 60

The Domestic Relations Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rule of Civil Procedure 1910.16. Following the text of the proposed amendments is an explanatory Report which highlights the Committee's considerations in formulating this recommendation. The Report should not be confused with explanatory comments or notes to the rules. The Report, notes and explanatory comments will not constitute part of the rules and will not officially be adopted or promulgated by the Supreme Court.

The Committee solicits comments and suggestions from all interested persons prior to submission of this proposal to the Supreme Court of Pennsylvania. Written comments relating to the proposed rules must be received no later than Friday, August 16, 2002. Please direct comments to:

Patricia A. Miles, Esquire
Counsel, Domestic Relations Procedural Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, Pennsylvania 17055
Fax (717) 795-2116
e-mail patricia.miles@supreme.court.state.pa.us

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.16. Support Order. Allocation.

* * * * *

(b) An **allocated** or unallocated order in favor of [the] a spouse and/or one or more children shall be a final order as to all claims covered in the order. No motion for post-trial relief may be filed to the final order.

* * * * *

Explanatory Comment 2002

The amendments to subdivision (b) of this rule are intended to allow immediate appeal of an alimony pendente lite order or a spousal support order entered during the pendency of a divorce matter, overruling *Fried v. Fried*, 501 A.2d 211 (Pa. 1985), and its progeny. See Pa.R.A.P. 1731(b) regarding supersedeas on appeal of certain domestic relations orders.

RECOMMENDATION 60 COMMITTEE REPORT

Proposed Amendments to Pa.R.C.P. 1910.16 Relating to the Appeal of Spousal Support and Alimony Pendente Lite Orders

Members of the family law bar asked the Domestic Relations Procedural Rules Committee to address the long-standing problems created by the inability to appeal certain spousal support or alimony pendente lite orders.

The proposed amendments to Rule 1910.16(b) are intended to overrule *Fried v. Fried*, 501 A.2d 211 (Pa. 1985), and its progeny.

In *Fried*, the Pennsylvania Supreme Court held that interim orders in divorce cases, including orders granting or denying alimony pendente lite, are interlocutory and thus cannot be reviewed until final disposition of the divorce action. The *Fried* court reasoned that “[i]n the event that an initial award of interim relief is granted in error, the court has the power to make adjustments in the final settlement via the equitable distribution of marital property, permanent alimony, and/or the final award of attorney’s fees and costs.” The Superior Court has applied the same logic since the mid-1980s to hold that an award or denial of spousal support entered during the pendency of a divorce action cannot be appealed until all claims connected with the divorce action are resolved. See, e.g., *Shellhamer v. Shellhamer*, 688 A.2d 1219 (Pa. Super. 1997); *Ritter v. Ritter*, 518 A.2d 319 (Pa. Super. 1986). In *Leister v. Leister*, 684 A.2d 192 (Pa. Super. 1996), the court held that even if the support action is filed separately from the divorce action, a spousal support award cannot be appealed until final disposition of the divorce action.

When *Fried* was decided, the Divorce Code of 1980 had been in effect only five years. In *Fried*, the Supreme Court noted that under the prior divorce law, “Pennsylvania courts held that an award of alimony pendente lite and counsel fees made during the pendency of a divorce action was a final and appealable order based upon the theory that the money paid pursuant to the order was unrecoverable, i.e. irreparably lost.” 501 A.2d at 214 (citations omitted). In deciding to reexamine the issue under the new divorce law, the Supreme Court also referenced the Superior Court’s reasoning in *Sutliff v. Sutliff*, 474 A.2d 599 (1984), decided only one year earlier, “that both grants and denials of such interim relief are final, appealable orders because the relief is not part of the merits of the main cause of action; the matter is too important to be denied review; and, if postponed, the claimed right would be irreparably lost.” *Id.* at 213 (citation omitted). However, because the Divorce Code of 1980, unlike prior law, provided for equitable distribution of marital property, permanent alimony and a final award of counsel fees and costs, the *Fried* court determined that a court could make adjustments in the final award such that the inability to immediately appeal an interim financial award would not result in the irreparable loss of claimed rights.

Over the years since *Fried* was decided, it became clear to the matrimonial bar that trial courts were not, in general, reviewing interim spousal support or alimony pendente lite awards or making adjustments in equitable distribution or post-divorce alimony orders at the final disposition in the divorce action. Moreover, in some cases it would never be possible to remedy the damage done when a spouse’s claim for spousal support or alimony pendente lite is wrongly denied early in the case. That spouse may forfeit rights simply because he or she is financially unable to proceed.

In practice, the result of *Fried* is consistent with the predictions in now-Chief Justice Zappala’s dissenting opinion in that case. In his dissent, he asserted that the court-created presumptions upon which the majority based its opinion were flawed and inconsistent with the economic realities of most divorces. Those presumptions are that a spouse who was improperly denied interim relief under the Divorce Code would be entitled to

permanent alimony, and that there would be sufficient marital property from which a spouse could recoup his or her loss. He also asserted that the majority ignored the divergent purposes behind the various types of interim economic relief. Further, he correctly predicted that the practical effect of the majority’s decision was that a spouse wrongfully denied interim economic relief would be unable to maintain or defend the divorce action, thereby thwarting the purpose of the relief.

The *Fried* court stated that its decision reflected the policy against piecemeal litigation. However, *Fried* has had the opposite effect in cases in which orders are allocated between a child and a spouse. Pa.R.C.P. 1910.16(b) currently provides that an unallocated order in favor of a spouse and one or more children is a final order as to all claims covered in the order. Unallocated orders are appealable because the child support portion is indistinguishable. The spousal support portion of an allocated order is not. *Ritter*, *supra*. An allocated order is almost always the result of a single proceeding with a single record and based upon identical facts as to the incomes and financial circumstances of the parties. The child support portion of the order is final and appealable, while the spousal support or alimony pendente lite portion may not be appealable until months or years later when the divorce action is concluded. Requiring two separate appeals is costly for the litigants and contrary to the goal of judicial economy.

The Committee believes that the rationale for permitting appeals of orders awarding or denying spousal support and alimony pendente lite under prior divorce law is equally applicable now. Therefore, the Committee intends to recommend to the Pennsylvania Supreme Court that it amend Rule 1910.16 to provide that such orders are final and thus appealable.

[Pa.B. Doc. No. 02-976. Filed for public inspection June 7, 2002, 9:00 a.m.]

Title 25—LOCAL COURT RULES

FAYETTE COUNTY

Local Rule 303—Arraignment; Criminal Division; No. 63 CV 2002

Order

And Now, this 10th day of May, 2002, pursuant to Rule 6 of the Pennsylvania Rules of Criminal Procedure, it is hereby ordered that Fayette County Rule of Criminal Procedure 303(d) be amended as follows.

The Clerk of Courts is directed as follows:

- (1) Seven certified copies of the Local Rule shall be filed with the Administrative Office of Pennsylvania Courts.
- (2) Two certified copies of the Local Rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
- (3) One certified copy of the Local Rule shall be sent to the State Criminal Procedural Rules Committee.
- (4) One certified copy shall be sent to the Fayette County Law Library.

(5) One certified copy shall be sent to the Editor of the *Fayette Legal Journal*.

This amendment shall be effective 30 days after the date of publication in the *Pennsylvania Bulletin*.

By the Court

WILLIAM J. FRANKS,
President Judge

Rule 303. Arraignment.

(d) The waiver of arraignment and entry of plea shall be in substantially the following form:

**IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA**

CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA	:	
	:	
VS.	:	
	:	
_____	:	
NAME	:	
	:	
_____	:	
ADDRESS	:	
	:	
_____	:	
CITY, STATE, ZIP	:	NO.

WAIVER OF ARRAIGNMENT AND ENTRY OF PLEA

I, _____, Defendant, in the above case, being advised of the offense charged in the Information, of my rights to an Arraignment, and of my right to file certain pretrial motions (including a Request for a Bill of Particulars) within seven (7) days of this Waiver, a Request for Pretrial Discovery and/or Inspection within fourteen (14) days of this Waiver, and any Omnibus Pretrial Motions within thirty (30) days of this Waiver, do hereby waive Court Arraignment, enter a plea of _____ and request a _____ trial.

_____	_____
Date	Defendant
_____	_____
Witness	Attorney for Defendant (print)

ENTRY OF APPEARANCE

TO THE CLERK OF COURTS: Enter my Appearance as attorney for the above-named defendant and please forward a copy of the Information(s) filed against the defendant in accordance with P.A.R.Crim.P. 120 in the above case.

ATTORNEY FOR DEFENDANT (signature)
I D. NO. _____
ADDRESS: _____

PHONE NO. _____

[Pa.B. Doc. No. 02-977. Filed for public inspection June 7, 2002, 9:00 a.m.]

LACKAWANNA COUNTY

**Repeal and Adoption of Rules of Civil Procedure;
No. 94-CV-102**

Order

And Now, this 16th day of May, 2002, it is hereby Ordered and Decreed that the following Lacka. Co. R.C.P. 212.5 is adopted to govern the court-annexed mediation program in civil cases in the Court of Common Pleas of Lackawanna County.

The adoption of Lacka. Co. R.C.P. 212.5 shall become effective thirty (30) days from the date of its publication in the *Pennsylvania Bulletin* pursuant to Pa. R.Civ.P. 239. The Lackawanna County Court Administrator shall file seven (7) certified copies of the new local rule with the Administrative Office of the Pennsylvania Courts and shall forward two (2) certified copies of the same to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One certified copy of Lacka. Co. R.C.P. 212.5 shall be filed with the Civil Procedural Rules Committee for the Supreme Court of Pennsylvania and new Local Rule 212.5 shall be available for public inspection and copying in the office of the Clerk of Judicial Records, Civil Division.

By the Court

CHESTER T. HARHUT,
President Judge

Lacka. Co. R.C.P. 212.5

(a) *Mediation.* With the consent of the parties, the Court Administrator or a judge may submit a civil case to the court-annexed Mediation Program.

(b) *Certification of Mediators.* The President Judge shall certify as many mediators as determined to be necessary under this Rule. An individual may be certified as a mediator only if [s]he has been admitted to practice law in Pennsylvania for at least ten years and has been determined by the President Judge to be competent to perform the duties of a mediator. The Court Administrator shall maintain a list of all persons who have been certified as mediators.

(c) *Compensation of Mediators.* The services of the mediators shall be provided pro bono and no mediator shall be called upon more than twice in a single calendar year to act as a mediator without prior approval of the mediator.

(d) *Application for Mediation.* The parties may request mediation by submitting a written application to the Court Administrator in the form attached as Form No. 6.

(e) *Assignment for Mediation.* If the parties have jointly requested mediation, the Court Administrator shall designate the assigned mediator, and shall direct the mediator to establish the date, time and place for the initial mediation session within thirty days from the date of the referral order. The Clerk of Judicial Records shall make the original case file available to the mediator for purposes of the mediation session.

(f) *Mediation Session.* The mediator shall establish the date, time and place of the mediation session. Unless specifically requested by the mediator, the parties shall not contact or forward documents to the mediator. Counsel who are primarily responsible for the case and any unrepresented party shall attend the mediation session. All parties, insurers and principals of parties with decision-making authority must attend the mediation

session in person, unless their attendance is excused by the mediator for good cause shown, in which event they must be available by telephone during the entire mediation session. All parties, insurers, principals and counsel must be prepared to discuss all liability and damage issues and to participate in meaningful settlement negotiations.

(g) *Confidentiality.* All mediation proceedings, including any statement made or writing submitted by a participant, shall not be disclosed to any person who is not directly involved with the mediation session. The parties' settlement positions and statements during mediation shall not be disclosed to the trial judge unless mutually agreed to by the parties, but in the event that the case involves a non-jury trial, under no circumstances shall the parties' settlement positions and statements be disclosed to the assigned judge. No transcript or other recording may be made of the mediation session and the mediation proceedings shall not be used by any adverse party for any reason in the litigation at issue.

(h) *Mediation Report.* The mediator shall submit a confidential report to the assigned judge indicating whether a settlement has been reached. In the event that a settlement has not been achieved, the mediator's report shall include a recommendation as to whether further mediation should be ordered.

FORM NO. 6

JOINT REQUEST FOR MEDIATION

PLAINTIFF(S): _____

DEFENDANT(S): _____

INSURER(S): _____

PLAINTIFF'S ATTORNEY: _____

DEFENDANT'S ATTORNEY: _____

ASSIGNED JUDGE: _____

TYPE OF CASE: _____

STATUS OF CASE: _____

THE REASON THE PARTIES REQUESTING MEDIATION BELIEVE THIS CASE IS APPROPRIATE FOR MEDIATION: _____

Respectfully submitted,

Counsel for _____

[Pa.B. Doc. No. 02-978. Filed for public inspection June 7, 2002, 9:00 a.m.]

SOMERSET COUNTY

Consolidated Rules of Court; No. 41 Misc. 2002

Adopting Order

And Now, this 15th day of May, 2002, it is hereby Ordered:

1. The following designated Somerset County Rule of Civil Procedure (Som.R.C.P.), copy of which is attached hereto, is adopted as a rule of this Court, effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

Som.R.C.P. 1915.4 Scheduling Of Custody Hearings.

2. The following designated Somerset County Rules of Civil Procedure (Som.R.C.P.) are amended to read in their entirety, as reflected in copies of Rules attached hereto, effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

Som.R.C.P. 1910.51. Notice Of Intent To Report To Consumer Credit Agency.

Som.R.C.P. 1910.60. Review of Domestic Relations Orders.

3. Som.R.C.P. 1910.12, paragraph E., relating to procedure for scheduling of hearings before the Domestic Relations Hearing Officer, is amended to read as follows, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

4. The Somerset County Court Administrator shall:

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

B. Distribute two (2) certified copies of this Order and the following Rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

C. File one (1) certified copy of this Order and the following Rules with the Pennsylvania Civil Procedural Rules Committee and one (1) certified copy of this Order and the following Rules with the Pennsylvania Domestic Relations Procedural Rules Committee.

D. File proof of compliance with this Order in the docket for these Rules, which shall include a copy of each transmittal letter.

By the Court

EUGENE E. FIKE, II,
President Judge

Som.R.C.P. 1910.12.

D. If an agreement for support is reached at the conference, the written Order and recommendation referred to in Som.R.C.P. 1910.11(d) shall be transmitted to the Court in accordance with established assignment and Motions Judge practice. Upon receipt of the written Order and recommendation, the Judge shall either approve the recommendation and enter the Order, or disapprove the recommendation. Upon approval, the Domestic Relations Section shall promptly distribute a copy of the Order to each party and counsel.

E. If the parties do not reach agreement at the conference, or if the responding party does not appear at the conference, the Conference Officer shall submit to the Court, in accordance with established assignment and Motions Judge practice, a recommended Interim Order, to be entered by the Court as required by Pa.R.C.P. 1910.12, and unless the parties advise the Domestic Relations Section that a hearing is not requested, the case shall be

scheduled for a hearing before the Hearing Officer. However, the parties, also, shall retain the option of agreeing to the Interim Order, and if the Domestic Relations Section is so notified in writing prior to the hearing, the hearing will be canceled and the Interim Order will be entered as the final Order.

F. When a hearing is to be scheduled before the Hearing Officer, the Domestic Relations Section shall schedule the hearing, issue a scheduling order, and distribute a copy thereof to all parties and counsel.

Domestic Relations

Som.R.C.P. 1910.51. Notice Of Intent To Report To Consumer Credit Agency.

The notice to be given to a support obligor of intent to report arrearages to a consumer credit agency, pursuant to the provisions of 23 Pa.C.S.A. § 4303(a)(2), shall be in the following form:

IN THE COURT OF COMMON PLEAS OF SOMERSET
COUNTY, PENNSYLVANIA
DOMESTIC RELATIONS SECTION

Plaintiff Name:
Defendant Name:
Defendant SSN:
Docket Number:
PACSES Case Number:
Other State ID Number:
Please note: All correspondence must include the
PACSES Case Number.

NOTICE OF CREDIT BUREAU REPORTING

Dear

By the authority of Federal, 42 U.S.C. Section 666, and State Law, 23 Pa.C.S. § 4303(a)(2), the Domestic Relations Section of Somerset County is empowered to report information regarding your support account(s) to any consumer credit bureau. From this point forward this agency will be providing a report of the amount of arrears you owe as support to credit bureaus monthly. Once the arrears have been paid, a report will be sent to the credit bureaus effectively terminating the reporting. The delinquency was calculated based on the balance at the end of the previous month which was \$ _____. This balance may have been adjusted since that date. The amount of your arrears are \$ _____ as of _____.

You have the right to contest the accuracy of the information to be provided within twenty (20) days of the date appearing on Notice. To contest the information, you must, in writing or in person, state your objections. The information that can be contested is name, SSN, address, or balance due. The objections must be received by this office within the twenty (20) day period. If you do not contest the accuracy of the information within the specified time frame or pay the balance due in full, informa-

tion about your arrears will begin to be reported to the credit bureau.

Sincerely,

Support

Som.R.C.P. 1910.60. Review Of Domestic Relations Orders.

A. When a right of review is not provided otherwise by statute or rule of court, a person or entity aggrieved by an order or other action of the Domestic Relations Section shall have the right to contest the order or action by filing a written request for review with the Domestic Relations Section within ten (10) days after the entry of the order or other action. Upon receipt of the written request for review, the Domestic Relations Section shall schedule a conference before a Conference Officer to determine whether the order or other action was properly taken. Promptly after the conference, the Domestic Relations Conference Officer shall issue a decision either upholding or reversing the order or action.

B. A person or entity may appeal from a decision by the Domestic Relations Conference Officer, by filing a notice of appeal with the Domestic Relations Section, within ten (10) days after entry of the decision by the Domestic Relations Conference Officer. Hearing will then be scheduled before the Permanent Hearing Officer in accordance with the procedure for scheduling hearings challenging support orders. After hearing, the Permanent Hearing Officer shall promptly issue recommendation and proposed order for approval by the Court.

C. A person or entity may file exceptions to the order entered on the Permanent Hearing Officer's recommendation, by filing exceptions with the Domestic Relations Section, within ten (10) days after entry of the order. Argument on the exceptions will be scheduled in accordance with the procedure for scheduling exceptions to support orders.

Custody

Som.R.C.P. 1915.4. Scheduling Of Custody Hearings.

When a custody case is ready to be scheduled for hearing, the case will be placed on the next available civil trial list as a nonjury case for scheduling pursuant to Som.R.J.A. 1020. Counsel for the parties shall appear at the Call of the Civil Trial List pursuant to Som.R.J.A. 1022. Hearings will be placed on the civil trial schedule prepared pursuant to the provisions of Som.R.J.A. 1023, if time is available during the trial session. If time is not available during the trial session, the hearing will be scheduled as soon as reasonably practical. If the case cannot be scheduled prior to the next civil trial session, the case will automatically be placed on the next civil trial list.

[Pa.B. Doc. No. 02-979. Filed for public inspection June 7, 2002, 9:00 a.m.]

RULES AND REGULATIONS

Title 61—REVENUE

DEPARTMENT OF REVENUE

[61 PA. CODE CH. 871]

Powerball

The Secretary of Revenue (Secretary), under the authority contained in section 303 of the State Lottery Law (72 P.S. § 3761-303), adopts Chapter 871 (relating to Powerball) to read as set forth in Annex A.

Because of time constraints associated with the establishment, operation and administration of lottery games, the Department of Revenue (Department), under section 204 of the act of July 31, 1968 (P.L. 769, No. 240) (CDL) (45 P.S. § 1204) and the regulations thereunder, 1 Pa. Code § 7.4 (relating to omission of notice of proposed rulemaking), finds that notice of proposed rulemaking is under the circumstances impracticable and, therefore, may be omitted.

The Department's justification for utilizing the proposed rulemaking omitted process is based upon the time constraints associated with the establishment, operation and administration of lottery games. The efficient and successful operation of the Lottery requires that the Lottery implement the latest innovations and trends in the lottery industry. The inability to adapt marketing strategies quickly may lead to a reduction in lottery revenues. The necessity of the Lottery to react quickly to market forces has been recognized in the past as an appropriate justification for utilizing the proposed rulemaking omitted process as evidenced by the approval of these types of regulations in the past.

Purpose of Regulations

The regulations establish and detail the procedures that will be followed in operating and administering the Powerball game.

Powerball is a multi-state lottery game that combines a big jackpot with the chance to win eight other prizes. The minimum jackpot is \$10 million. Currently, Powerball is sold in the following states: Arizona, Colorado, Connecticut, Delaware, District of Columbia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Mexico, Oregon, Rhode Island, South Dakota, West Virginia and Wisconsin.

The Powerball game is administered by the Multi-State Lottery Association, a nonprofit government-benefit association entirely owned and operated by the member state lotteries. Powerball is a 50% prize payout game which means that 50 cents of every \$1 is paid out in prizes. The State lottery pays the cash prizes directly to the players in its state and then sends the percentage share for the jackpot prize back to the association where it is held until there is a winner. The state that sells a ticket keeps all of the profit from that ticket. Profits from Powerball tickets go for the purposes required by state law.

Explanation of Regulatory Requirements

As provided for in § 871.2 (relating to game description and purpose), the objective of the Powerball game is for a player to select in a single play on a ticket five numbers and the Powerball number that match the numbers and the Powerball number drawn for the game in which the

ticket is participating. A Powerball ticket shall cost \$1 per play. The power play option may be exercised, at the discretion of the player, for an additional \$1 per play. The power play option as provided for in § 871.20 (relating to power play promotion), can increase all set prizes as much as five times.

Individual ticket prize payments will be paid entirely in cash with the exception of the grand prize category as provided in § 871.9 (relating to Powerball prize payments). The grand prize shall be paid by an annuity except that a player may elect to receive the grand prize in a single cash payment provided the cash election is made by the player within 60 days of the date the Lottery determines the player is entitled to the prize.

Fiscal Impact

The Department has determined that the regulations will have no adverse fiscal impact on the Commonwealth and that the game described by the regulations could increase revenues available to older Pennsylvanians.

Paperwork

The regulations will not generate substantial paperwork for the public or the Commonwealth.

Effectiveness/Sunset Date

The regulations will become effective upon publication in the *Pennsylvania Bulletin*. The regulations are scheduled for review within 5 years of final publication. No sunset date has been assigned.

Contact Person

The contact person for an explanation of the regulations is Anita M. Doucette, Office of Chief Counsel, PA Department of Revenue, Dept. 281061, Harrisburg, PA 17128-1061.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P.S. § 745.5a(c)), on April 11, 2002, the Department submitted a copy of the regulations with proposed rulemaking omitted to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Finance and the Senate Committee on Finance. On the same date, the final-omitted regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P.S. §§ 732-101—732-506).

In accordance with section 5.1(d) of the Regulatory Review Act (71 P.S. § 745.5a(d)), the regulations were deemed approved by the Committees on May 1, 2002. IRRC met on May 9, 2002, and approved the regulations under section 5.1(e) of the Regulatory Review Act (71 P.S. § 745.5a(e)).

Findings

The Department finds that the regulations are necessary and appropriate for the administration and enforcement of the authorizing statute. Under section 204 of the CDL, the Department also finds that the proposed rulemaking procedures in sections 201 and 202 of the CDL (45 P.S. §§ 1201 and 1202) are impracticable because of the time constraints associated with the establishment, operation and administration of lottery games.

Order

The Department, acting under the authorizing statute, orders that:

(a) The regulations of the Department, 61 Pa. Code, are amended by adding Chapter 871 to read as set forth in Annex A.

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

(c) The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

LARRY P. WILLIAMS,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 32 Pa.B. 2646 (May 25, 2002).)

Fiscal Note: 15-420. No fiscal impact; (8) recommends adoption. Any costs to initiate the Powerball Lottery in the Commonwealth are expected to be minimal and would be offset by additional Lottery Fund revenue for programs for senior citizens.

Annex

TITLE 61. REVENUE

PART V. STATE LOTTERIES

CHAPTER 871. POWERBALL

Sec.	
871.1.	Creation.
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§ 871.1. Creation.

Under the act and this part, there is created a numbers game, called Powerball, which will commence at the discretion of the Secretary, and will continue until the Secretary publicly announces a suspension or termination date.

§ 871.2. Game description and purpose.

(a) Powerball is a five out of 49 plus one out of 42 on-line lottery game which pays the grand prize on an annuitized, parimutuel basis. Except as provided in this chapter, all other prizes are paid on a set cash basis.

(b) The purpose of the Powerball game is to determine winners from ticket holders matching five numbers from

1 through 49, and matching the separately drawn Powerball number, or a designated combination thereof, within a single play, with the five winning numbers and the Powerball number to be randomly drawn. Drawings will be conducted twice a week or as publicly announced by the Secretary.

(c) The object of the game is for a player to select, in a single play on a ticket, five numbers and the Powerball number that match the numbers and the Powerball number drawn for the game in which the ticket is participating. Correctly matching the six winning numbers consisting of the five numbers drawn plus the Powerball number drawn, and meeting other validation criteria, entitles the ticket holder to the grand prize identified in § 871.8 (relating to expected prize payout percentages).

§ 871.3. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Apparent winning ticket—A ticket which has not been validated by the Lottery.

Basic play—Each set of six numbers consisting of five numbers from 1 through 49 and the Powerball number on a ticket purchased without the selection of any promotion, representing a single entry for a Powerball drawing and designated by a letter from A to E on a Powerball ticket.

Cash election—A method of payment that the player selects, within 60 days of the date the Lottery determines the player is entitled to the Powerball grand prize, to receive a parimutuel share of the prize money allocated to the grand prize category as a one-time, lump-sum cash payment rather than as an annuity.

Drawing—The process of selecting winning numbers that determines the winners for each prize category of the game.

First set numbers—The first group of numbers, from 1 through 49, appearing in the top grid of a Powerball game panel.

Grand prize winnings pool—An amount constituting 29.1942% of gross sales from all participating states for a particular Powerball game drawing for the purpose of paying winning grand prizes in that drawing. The grand prize winnings pool includes prize money allocated to the grand prize category from prior Powerball game drawings in which there were no winning grand prize tickets. A portion of this pool is used to fund prize reserve accounts until those accounts achieve maximum balances.

Gross sales—The total amount of sales from all participating states for a particular Powerball game drawing for the purpose of determining the grand prize winnings pool and the set prize winnings pool in that drawing.

MUSL—The Multi-State Lottery Association.

MUSL Board—The governing body of the MUSL which is comprised of the chief executive officer of each party lottery.

MUSL Powerball Product Group—The group of lotteries that have joined together to offer the Powerball lottery game under the terms of the MUSL agreement and MUSL Powerball Product Group rules.

On-line retailer—A person who is properly licensed and authorized by the Lottery to sell Powerball tickets.

Panel or game panel—One of five areas of the Powerball bet slip that contains two number grids. The upper grids (first set numbers) contain 49 squares, each numbered 1 through 49 and the lower grids (second set numbers) contain 42 squares, each numbered 1 through 42. Each panel is lettered either A, B, C, D or E, and when used to purchase a ticket, corresponds to the numbers selected and printed on the ticket adjacent to that letter.

Party lottery—A State lottery or lottery of a political subdivision or entity which has joined the MUSL and, in the context of the Powerball Group Rules, which has joined in selling the Powerball game.

Powerball bet slip—A card having five game panels labeled A through E, used by a player to select numbers to play the game.

Powerball number or second set number—The number selected from the second group of numbers, from 1 through 42, appearing in the lower grid of a Powerball game panel.

Promotion—A method used by the Lottery to aid in the sale of its products; for example, an option a player may exercise by purchase to increase the prize paid on a winning ticket or to increase the chance of winning a prize.

Quick pick—The random selection by the Lottery's computer system of five numbers from 1 through 49 and a Powerball number from 1 through 42 that appear on a ticket in the Powerball game.

Second set numbers—The second group of numbers, from 1 through 42, appearing in the lower grid of a Powerball game panel.

Set prize tiers—All prizes except the grand prize that are advertised to be paid by a single lump-sum payment and, except in instances outlined in this chapter, will be equal to the prize amount established by the MUSL Board for the prize level.

Set prize winnings pool—An amount constituting 20.8058% of gross sales for the current drawing and any monies carried forward from previous draws.

Terminal—A device which is authorized by the Lottery to function in an on-line, interactive mode with the Lottery's computer system, for the purpose of issuing lottery tickets and entering, receiving and processing lottery transactions, including making purchases, validating tickets and transmitting reports.

Ticket—A Powerball ticket, produced by an on-line terminal from a licensed on-line retailer in an authorized manner, containing a letter prefix followed by five selected numbers from 1 through 49 and a single selected Powerball number from 1 through 42 for each basic play, ticket validation number data, drawing date, amount bet and any applicable promotion exercised by the player. Each set of five numbers and the Powerball number constitutes a basic play of which there may be one or more, up to five on a ticket.

Winning numbers—Six numbers, the first five numbers from 1 through 49, and the Powerball number from 1 through 42, selected at a Powerball drawing and subsequently validated by the MUSL, which shall be used to determine the winning Powerball plays.

Winnings pool—Constitutes 50% of each prize drawing period gross sales. A portion of the pool is contributed to

the grand prize winnings pool. The remainder constitutes the set prize winnings pool. Monies carried forward from previous draws are combined with the pool as directed in the MUSL rules.

§ 871.4. Ticket sales retailers.

(a) Powerball game ticket sales may only be made through licensed on-line retailers the Director will appoint and contract with as provided in § 815.42 (relating to ticket sales agents).

(b) The Lottery may terminate sales by a retailer without prior notice to the retailer if the retailer becomes delinquent in payment of proceeds due the Lottery, fails to handle Lottery funds in the prescribed manner, if the retailer breaches the contract or an addendum thereof, this part or procedures established governing the sale of tickets or if the Lottery deems it to be in the best interest of the Commonwealth.

§ 871.5. Ticket price.

A Powerball ticket shall cost \$1 per play. The power play option may be exercised, at the discretion of the player, for an additional \$1 per play.

§ 871.6. Powerball bet slip and ticket characteristics and restrictions.

(a) For each basic play the player shall select, or request quick pick selection by the computer, five numbers and a single Powerball number, in one or more of the game panels on a Powerball bet slip. Powerball bet slips shall be available at no cost to the player. The minimum entry is \$1. For \$1, play game A; for \$2, play games A and B; for \$3, play games A, B and C; for \$4, play games A, B, C and D; for \$5, play games A, B, C, D and E. Players are also given the option to select a promotion verbally or on the bet slip at the time of purchase for an additional \$1 for each play. Game panels shall be played in alphabetical order in accordance with the instructions printed on the Powerball bet slip. A Powerball bet slip has no pecuniary or prize value and does not constitute evidence of the purchase of a ticket or the numbers selected.

(b) To purchase a ticket, players shall, in addition to the purchase price, submit a completed Powerball bet slip, or request number selections either by quick pick or manual terminal entry to an on-line retailer to have a ticket issued. The ticket shall contain five selected numbers and a single selected Powerball number for each play, ticket validation number data, drawing date, amount bet and any applicable promotion exercised by the player. This ticket shall be the only valid receipt for claiming a prize. The ticket shall only be valid for the drawing date or dates printed on the ticket. Retailers are not permitted to allow the attachment of any remote devices to a lottery terminal to enter plays except as otherwise provided in the MUSL rules.

(c) If Powerball bet slips are unavailable, number selections may be given to an on-line retailer in groups of five number selections and one Powerball number selection per game section for each \$1 wagered as a basic play. The retailer shall manually enter the selections into the computer terminal.

(d) A Powerball ticket may not be canceled or voided once printed by the Lottery terminal, even if the ticket is printed in error.

(e) It shall be the sole responsibility of the player to verify the accuracy of the game play or plays and other data printed on the ticket. The placing of plays is done at the player's own risk through the on-line retailer who is

acting on behalf of the player in entering the play or plays.

(f) A player may select numbers for up to 26 drawings, specifically the next drawing and the 25 subsequent drawings.

(g) A ticket may not be issued for a drawing after the specified sales cut-off time prior to the drawing, as announced by the Secretary or a designee.

§ 871.7. Time, place and manner of conducting drawing.

(a) *Time of drawing.* A Powerball drawing will be held twice a week or as publicly announced by the Secretary.

(b) *Place of drawing.* A Powerball drawing will be conducted in a location selected by the MUSL in West Des Moines, Iowa, or other location selected by the MUSL for promotional or other reasons.

(c) *Manner of conducting drawings.* The MUSL will draw at random five numbers from a set of balls numbered 1 through 49 and one Powerball number from a set of balls numbered 1 through 42 with the aid of mechanical drawing equipment. All drawings will be observed by security personnel and independent auditors and the validity of a drawing will be solely determined by the MUSL.

§ 871.8. Expected prize payout percentages.

(a) Determination of expected prize payout percentages is as follows:

<i>Tickets Containing The Following, In One Single Lettered Game Section</i>	<i>Prize Category</i>	<i>Prize Payment</i>	<i>Approximate Percentage of Winnings Pool Allocated to Prize Category**</i>
Five first set numbers and the Powerball number	Grand Prize	Grand Prize	58.3884%
Five first set numbers	Second Prize*	\$100,000	10.2386%
Four first set numbers and the Powerball number	Third Prize*	\$5,000	2.747%
Four first set numbers	Fourth Prize*	\$100	2.2524%
Three first set numbers and the Powerball number	Fifth Prize*	\$100	2.3624%
Three first set numbers	Sixth Prize*	\$7	6.7800%
Two first set numbers and the Powerball number	Seventh Prize*	\$7	2.3152%
One first set number and the Powerball number	Eighth Prize*	\$4	6.7800%
The Powerball number	Ninth Prize*	\$3	8.1360%

* Indicates a set prize.

** Fifty percent of Powerball gross sales are allocated to the winnings pool for the payment of prizes.

(b) Prize money allocated to the grand prize category will be paid on a parimutuel basis, divided equally by the number of plays determined by the MUSL to be the winners of the grand prize.

(c) The number of plays determined by the MUSL to be winners of the second through ninth prize categories will be paid as set cash prizes, except as provided in paragraphs (1) and (2).

(1) If the total of the set prizes awarded in a Powerball drawing exceeds the set prize pool which is 20.8058% of gross sales, the amount needed to fund the set prizes shall be drawn from the following sources in the following order:

(i) The amount allocated to the set prize tiers and carried forward from previous draws, if any.

(ii) An amount from the MUSL set prize reserve account, if available, not to exceed \$25,000,000 per Powerball drawing.

(2) If the sources set forth in paragraph (1) are depleted and there still are not sufficient funds to pay the set prizes for a particular Powerball drawing, the highest set prize shall become a parimutuel prize. If the amount of the highest set prize, when paid as a parimutuel prize, is less than or equal to the next highest set prize and

there are still not sufficient funds to pay the remaining set prizes, the next highest set prize shall become a parimutuel prize. If necessary, and under the same test conditions set forth in the preceding sentence, each succeeding set prize level shall be converted to a parimutuel prize, in order, until all set prizes become parimutuel. If all set prizes are converted to parimutuel prizes, the money available from the funding sources listed in paragraph (1) shall be divided among the winning plays in proportion to their respective prize percentages.

(3) If all, or any portion of the set prize pool is not awarded in the current Powerball drawing, that portion of the set prize pool shall be carried forward to subsequent Powerball drawings.

§ 871.9. Powerball prize payments.

(a) Individual ticket prize payments will be paid entirely in cash with the exception of the grand prize category.

(b) A grand prize shall be paid by an annuity except that a player may elect to receive the grand prize in a single cash payment provided the cash election is made by the player within 60 days of the date the Lottery determines that a grand prize winning ticket has been sold and that a player is entitled to the prize.

(1) An election to receive the grand prize by annuity or cash made by the player after the player becomes entitled to the prize is final and cannot be revoked, withdrawn or otherwise changed.

(2) Shares of the grand prize shall be determined by dividing the cash available in the grand prize pool equally among all winners of the grand prize. A winner who elected cash payment shall be paid the share in a single cash payment.

(3) The annuitized prize shall be determined by multiplying a winner's share of the grand prize by the MUSL annuity factor.

(c) The MUSL annuity factor is determined by the best total securities price obtained through a competitive bid of qualified, preapproved brokers made after it is determined that the prize is to be paid as an annuity prize or after the expiration of 60 days of the date that the player becomes entitled to the prize.

(d) Neither the MUSL nor the Lottery shall be responsible or liable for changes in the advertised or estimated annuity prize from the time the drawing occurs and the date that the player makes the election regarding method of prize payment.

(e) All annuitized prizes shall be paid in 25 annual payments with the initial payment being made in cash, to be followed by 24 equal payments funded by the annuity. The initial payment of an annuitized prize may be made by the Lottery upon validation of the winning ticket.

(f) If the individual shares of the cash held to fund an annuity is less than \$250,000, the MUSL Powerball Product Group, in its sole discretion, may elect to pay the winners their share of the cash held in the grand prize pool as a lump sum.

(g) If more than one winning ticket for the grand prize is determined, upon meeting the requirements of §§ 871.12 and 871.13 (relating to ticket validation requirements; and procedures for claiming and payment of Powerball prizes), each is entitled to a prorated payment share of the total grand prize category.

(h) A winning Powerball play is entitled only to the highest prize won by those numbers.

(i) The number of prize categories, the allocation of prize money among the prize categories and the annuity term may be changed at the discretion of the MUSL and the change will be announced by public notice. These changes will only apply prospectively to Powerball drawings as of the date specified in the public notice.

(j) Retailer incentive and marketing promotion programs, including the use of funded free tickets, may be implemented at the discretion of the Secretary. Funds for the programs, if needed, will be drawn from the Lottery fund.

(k) If the grand prize is not won in a drawing, the prize money allocated for the grand prize shall roll over and be added to the grand prize pool for the following drawing.

(l) Prize claims shall be submitted within 1 year of the drawing date.

(m) Annuitized payment of the grand prize or a share of the grand prize may be rounded to facilitate the purchase of an appropriate funding mechanism. Breakage on an annuitized grand prize win shall be added to the first cash payment to the winner or winners. Prizes other than the grand prize, which under this chapter may become single-payment, parimutuel prizes, may be rounded down so that prizes can be paid in multiples of

whole dollars. Breakage resulting from rounding these prizes shall be carried forward to the prize pool for the next drawing.

§ 871.10. Funding of guaranteed prizes.

The MUSL Powerball Product Group may offer guaranteed minimum grand prize amounts or minimum increases in the grand prize amount between drawings or make other changes in the allocation of prize money where the MUSL Powerball Product Group finds that it would be in the best interest of the game. If a minimum grand prize amount or a minimum increase in the grand prize amount between drawings is offered by the Product Group, the grand prize shares shall be determined as follows:

(1) If there are multiple grand prize winners during a single drawing, each selecting the annuitized option prize, then a winner's share of the guaranteed annuitized grand prize shall be determined by dividing the guaranteed annuitized grand prize by the number of winners.

(2) If there are multiple grand prize winners during a single drawing and at least one of the grand prize winners has elected the annuitized option prize, the best bid submitted by the MUSL's preapproved qualified brokers shall determine the cash pool needed to fund the guaranteed annuitized grand prize.

(3) If no winner of the grand prize during a single drawing has elected the annuitized option prize, the amount of cash in the grand prize pool shall be an amount equal to the guaranteed annuitized amount divided by the average annuity factor of the most recent three best quotes provided by the MUSL's preapproved qualified brokers submitting quotes.

(4) Quotes will not be used which are more than 2 weeks old, and if less than three quotes are submitted, the MUSL shall use the average of all quotes submitted.

(5) Changes in the allocation of prize money shall be designed to retain approximately the same prize allocation percentages, over a year's time, as set forth in § 871.8 (relating to expected prize payout percentages). Minimum guaranteed prizes or increases may be waived if the alternate funding mechanism as set forth in § 871.8 becomes necessary.

§ 871.11. Ticket responsibility.

(a) A ticket is a bearer document deemed to be owned by the person holding the ticket, except that if a signature is contained on the ticket, the person so named will, for all purposes, be considered the owner of the ticket.

(b) The Commonwealth will not be responsible for lost or stolen tickets.

(c) The purchaser of the ticket has the sole responsibility for checking the accuracy and condition of the data printed on the ticket.

(d) The Commonwealth will not be responsible for tickets redeemed in error.

§ 871.12. Ticket validation requirements.

(a) *Valid tickets.* To be a valid ticket, the following conditions shall be met:

(1) The ticket validation number shall be present in its entirety and shall correspond, using the computer validation file, to the selected numbers printed on the ticket for the date printed on the ticket.

(2) The ticket shall be intact.

(3) The ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The ticket may not be counterfeit or an exact duplicate of a winning ticket.

(5) The ticket shall have been issued by the Lottery through a licensed on-line retailer.

(6) The ticket may not have been stolen.

(7) The ticket shall be validated in accordance with § 871.13 (relating to procedures for claiming and payment of Powerball prizes).

(8) The player-selected or computer-selected numbers on the ticket shall be in individual groups of five first set numbers and one second set number each associated with a single letter, A, B, C, D or E. The numbers and the associated letter shall constitute a single play.

(9) The ticket data shall have been recorded on the Lottery's central computer system prior to the drawing and the ticket data shall match this computer record in every respect.

(10) The player-selected or computer-selected numbers, promotion selection, if applicable, the validation number data and the drawing date of an apparent winning ticket shall appear on the official file of the winning tickets; and a ticket with that exact data may not have been previously paid.

(11) The ticket may not be misregistered, defectively printed or printed or produced in error.

(12) The ticket shall pass other confidential security checks of the Lottery.

(13) By submitting a ticket for validation, the player agrees to abide by this chapter.

(14) There may not be another violation of this part in relation to the ticket.

(b) *Invalid or defective tickets—disputes.* A ticket not passing the validation checks in subsection (a) will be considered invalid and will not be paid.

(1) In cases of doubt, the determination of the Secretary is final and binding. The Secretary may replace an invalid ticket with a ticket of equivalent sale price from a current Lottery game.

(2) If a defective ticket is purchased or if the Secretary determines to adjust an error, the sole and exclusive remedy will be the replacement of the defective or erroneous ticket with a ticket of equivalent sale price from a current Lottery game.

(3) If a ticket is not paid by the Lottery and a dispute occurs as to whether the ticket is a winning ticket, the Lottery may replace the ticket as provided in paragraph (2). This is the sole and exclusive remedy of the holder of the ticket.

§ 871.13. Procedures for claiming and payment of Powerball prizes.

(a) Pennsylvania Powerball prizes shall be claimed only through a licensed on-line Pennsylvania Lottery retailer beginning on the day following the drawing. The Lottery is not authorized to accept claims or pay prizes for Powerball tickets purchased in other jurisdictions.

(b) An on-line retailer is authorized and required to make payment of a prize of \$2,500 or less on an individual Powerball winning ticket, if the ticket is

presented within a designated time period as announced by the Secretary and if the retailer has sufficient funds available for payment.

(c) The holder of an apparent winning Powerball ticket containing one or more winning lettered play selections representing combined prizes of \$2,500 or less will be paid by participating on-line retailers as provided in subsection (b), if the ticket validation requirements in § 871.12 (relating to ticket validation requirements) have been met, a proper validation pay ticket has been issued by the retailer's computer terminal and other retailer procedures have been met.

(d) The holder of an apparent winning Powerball ticket containing one or more winning lettered play selections representing combined prizes in excess of \$2,500, with the exception of the grand prize category, shall first validate the apparent winning ticket at the participating Pennsylvania Lottery on-line retailer to receive a validation receipt, complete a claim form and display appropriate identification and then surrender the winning ticket and the original claim form to the retailer for transmittal to Lottery Headquarters for payment under Chapter 811 (relating to prizes).

(e) The holder of an apparent winning Powerball ticket containing one or more winning lettered play selections representing a grand prize category prize shall present, in person, the apparent winning ticket to the Pennsylvania Lottery Headquarters for validation under Chapter 811.

(f) In the event of the death of a Powerball grand prize winner and upon petition of the estate of the prize winner, the MUSL Powerball Product Group may accelerate payment of all remaining proceeds from the winning ticket to the estate of the winner by transferring to the estate the securities or cash, or both, being held to satisfy the prize requirements, or paying the estate the present value of the remaining payments of the winner's prize. The valuation of the securities and determination of the present value of the accelerated lottery payments shall be at the sole discretion of the MUSL Powerball Group. The payment of a set prize to a person who dies before receiving any or all of a particular prize and to a person under 18 years of age will be paid under §§ 811.16 and 811.27 (relating to prizes payable after death of prize winner; and payment of prizes to persons under 18 years of age).

(g) The Commonwealth will be discharged of liability after payment of prizes as provided in § 811.26 (relating to discharge of State liability upon payment).

(h) The Lottery may delay payment of the prize pending a final determination by the Secretary if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize; if there is any question regarding the identity of the claimant; if there is any question regarding the validity of the ticket presented for payment; or if the claim is subject to any setoff for delinquent debts owed by the claimant under Pennsylvania statute. The Lottery may delay payment of a grand prize pending a claimant election of payment method as provided under § 871.9(b) (relating to Powerball prize payments). The Lottery may delay payment of a grand prize for up to 15 days as permitted by the MUSL rules.

§ 871.14. Parimutuel prize pool.

(a) The prize pool for all prize categories shall consist of 50% of each drawing period's sales after the prize reserve accounts are funded to the amounts set by the MUSL Powerball Product Group. Any amount remaining in the prize pool at the end of the game shall be carried

forward to a replacement game or expended in a manner as directed by the MUSL Powerball Product Group in accordance with State law.

(b) An amount equal to up to 2% of a party lottery's sales shall be deducted from a party lottery's grand prize pool and placed in trust in one or more prize reserve accounts until the party lottery's share of the prize reserve accounts reaches the amounts designated by the MUSL Powerball Product Group. Once the party lottery's share of the prize reserve accounts exceeds the designated amounts, the excess shall become part of the grand prize pool. The MUSL Powerball Product Group, with the approval of the Finance and Audit Committee, may establish a maximum balance for the prize reserve accounts. The shares of a party lottery may be adjusted with refunds to the party lottery from the prize reserve accounts as may be needed to maintain the approved maximum balance and shares of the party lotteries. Any amount remaining in a prize reserve account at the end of this game shall be carried forward to a replacement prize reserve account or expended in a manner as directed by the MUSL Powerball Product Group in accordance with State law.

(c) If the prize pool for a drawing is not sufficient to fund an announced minimum grand prize, the prize pool will be increased as necessary in accordance with MUSL rules.

§ 871.15. Unclaimed prize money.

Prize money on a winning Powerball play may be retained by the Secretary for payment to the person entitled to it. If within 1 year of the drawing date on the ticket, no claim is made on a winning play, as determined by the Secretary, the right to claim prize money terminates. For set prizes, the prize money will be paid into the State Lottery Fund and used for purposes otherwise provided for by statute. Unclaimed grand prize funds will be distributed among all MUSL Lotteries in proportion to each lottery's sales for the grand prize drawing.

§ 871.16. Withholding.

Federal withholding taxes will be withheld by the Lottery for the prize payments in amounts required in accordance with applicable provisions of law.

§ 871.17. Purchase and prize restrictions.

(a) A Powerball ticket may not be purchased in this Commonwealth by, and a prize will not be paid to, an officer or employee of the Pennsylvania Lottery or any of the Lottery's professional services contractors or subcontractors who are involved in the operation of the on-line lottery games system or its associated drawings, or to a spouse, child, brother, sister or parent residing in the same household as these individuals.

(b) In addition to the individuals identified in subsection (a), the following persons are not eligible to purchase a Powerball ticket and are ineligible to be paid a prize for a Powerball ticket:

- (1) An employee, officer or director of the MUSL.

(2) A person under contract with the MUSL to conduct a financial or security audit of the MUSL.

(3) An employee, partner, shareholder or owner of an independent accounting firm under contract with the MUSL to observe drawings and site operations.

(4) A relative living in the same household of a person described in paragraph (1), (2) or (3).

(c) Except as provided in subsection (b), the individuals identified in subsection (a) are not prohibited from purchasing a ticket or winning a prize from a MUSL member lottery other than the Pennsylvania Lottery.

(d) A Lottery retailer authorized to sell lottery tickets for on-line games, or an employee of a retailer may not request, demand or accept gratuities or additional compensation from any person, or agent thereof, in exchange for the purchase of Powerball lottery tickets. A retailer authorized to sell lottery tickets for on-line games shall make Powerball lottery tickets available for sale to the public during the hours that sale of Powerball tickets are authorized to be sold and that business is open to the public. A retailer may only sell Powerball lottery tickets on the premises described in the retailer's contract, except as specially authorized in writing by the Director. No transaction, or any part thereof, of Powerball lottery tickets may be made at the general corporate office of a retailer unless that office is open to the public and has contracted with the Lottery as a separate Lottery retailer. A Lottery retailer authorized to sell lottery tickets for on-line games may not enter into any special agreement with a person, group of persons or agent thereof, for the purchase of over \$500 of Powerball lottery tickets for any one drawing. A retailer shall immediately report to the Lottery an attempt made by a person, or group of persons or an agent thereof, to purchase more than 50% of the number combinations for Powerball for any one drawing. A retailer shall obtain the name and address of any person purchasing more than \$5,000 in Powerball lottery tickets for any one drawing and report the information to the Lottery before the sale. A person may not purchase a ticket or combination of tickets and a lottery retailer may not directly or knowingly sell a ticket or combination of tickets to any person which would guarantee the purchaser a grand prize win.

§ 871.18. Governing law.

(a) In purchasing a ticket, the purchaser agrees to comply with and abide by applicable laws, this part, instructions, conditions, final decisions of the Secretary and procedures established by the Director or by the MUSL for the conduct of Powerball.

(b) Decisions made by the Secretary or the MUSL, including the declaration of prizes and the payment thereof or interpretation of this part are final and binding on players and persons making a claim in respect thereof.

§ 871.19. Probability of winning.

The probability of winning is as follows:

Tickets Containing The Following, In One Single Lettered Game Section

<i>Prize Category</i>	<i>Probability of Winning per Play</i>
Five first set numbers and the Powerball number	1:80,089,128
Five first set numbers	1:1,953,393.3659
Four first set numbers and the Powerball number	1:364,041.4909

Tickets Containing The Following, In One Single Lettered Game Section

- Four first set numbers
- Three first set numbers and the Powerball number
- Three first set numbers
- Two first set numbers and the Powerball number
- One first set number and the Powerball number
- The Powerball number

<i>Prize Category</i>	<i>Probability of Winning per Play</i>
Fourth Prize	1:8,879.0608
Fifth Prize	1:8,466.0812
Sixth Prize	1:206.4898
Seventh Prize	1:604.7201
Eighth Prize	1:117.9942
Ninth Prize	1:73.7464

§ 871.20. Power play promotion.

(a) The power play promotion shall be available in association with the Powerball game and will continue until the Secretary publicly announces a suspension or termination thereof. The power play promotion will be conducted in accordance with the Powerball rules except that players may purchase the power play option for the chance to multiply set prizes won as a result of a Powerball drawing by a number ranging from 1 to 5. The Powerball grand prize will not be eligible for multiplication under the power play promotion.

(b) At the time of purchasing a Powerball ticket from an on-line Lottery retailer, a player may choose the power play option for one additional \$1 per play for each play on the Powerball ticket. If a player chooses the power play promotion feature for any play on a ticket, every play on that ticket must participate in the promotion.

(c) At the time of each Powerball drawing, the MUSL shall conduct a power play drawing under the supervision of security and an independent auditor which shall result in the selection of the power play number from among the following series of numbers: 1, 1, 2, 2, 3, 3, 4, 4, 5, 5, 5 and 5.

(d) Powerball tickets that contain the power play option and one or more plays eligible for Powerball set prizes (but not the grand prize) identified in § 871.8(a) (relating to expected prize payout percentages) shall be entitled to a total set prize calculated by multiplying each Powerball set prize by the power play number.

(e) The prize pool for power play set prizes shall consist of up to 48.5% of power play sales after Powerball prize reserve accounts are funded to the amounts set by the MUSL. The prize pool percentage allocated to power play set prizes shall be carried forward to subsequent power play drawings if all or a portion of the percentage is not required to pay the set prizes for the current power play drawing.

(f) An additional 1.5% of power play sales may be collected and placed in prize reserve accounts until the prize reserve accounts meet the amounts designated by the MUSL. Any amount remaining in prize reserve accounts at the end of the power play promotion shall be carried forward to a replacement prize reserve account or

expended in a manner as directed by the MUSL Powerball Product Group in accordance with State law.

(g) If, with respect to a single Powerball drawing and associated power play drawing, the total of the Powerball set prizes without the power play option and the Powerball set prizes multiplied by the power play number exceeds the percentage of the prize pools allocated to the set prizes, the amount needed to fund those combined set prizes shall be drawn from the following sources in the following order:

(1) The amount allocated to the set prizes and carried forward from previous Powerball drawings and power play drawings, if any.

(2) An amount from the Powerball set prize reserve account, if available, not to exceed \$25,000,000 per drawing.

(h) If the sources set forth in subsection (g) are depleted and there still are not sufficient funds to pay the set prizes for a particular Powerball drawing and associated power play drawing, the highest set prize, including the multiplied set prize, shall become a parimutuel prize. If the amount of the highest set prize, when paid as a parimutuel prize, is less than or equal to the next highest set prize and there are still not sufficient funds to pay the remaining prizes, the next highest set prize, including the multiplied set prize, shall become a parimutuel prize. If necessary under the same test set forth in the preceding sentence, each succeeding set prize level shall be converted to a parimutuel prize, in order, until all set prizes become parimutuel. If all set prizes are converted to parimutuel prizes, the money available from the funding sources listed in subsection (g) shall be divided among the winning plays in proportion to their respective prize percentages.

(i) Power play set prizes which become parimutuel may be rounded down so that they can be paid in multiples of whole dollars. Funds remaining after rounding shall be carried forward to the prize pool for the next power play drawing.

(j) Except as otherwise provided, all power play set prizes shall be paid in single, lump-sum payments determined by multiplying the Powerball set prize by the number selected in the power play drawing as follows:

<i>Prize Level</i>	<i>Powerball Set Prize Amount</i>	<i>Powerball Play Multiplier and Set Prize Amount</i>				
		<i>5</i>	<i>4</i>	<i>3</i>	<i>2</i>	<i>1</i>
Second Prize	\$100,000	\$500,000	\$400,000	\$300,000	\$200,000	\$100,000
Third Prize	\$5,000	\$25,000	\$20,000	\$15,000	\$10,000	\$5,000
Fourth Prize	\$100	\$500	\$400	\$300	\$200	\$100
Fifth Prize	\$100	\$500	\$400	\$300	\$200	\$100

Prize Level	Powerball Set Prize Amount	Powerball Play Multiplier and Set Prize Amount				
		5	4	3	2	1
Sixth Prize	\$7	\$35	\$28	\$21	\$14	\$7
Seventh Prize	\$7	\$35	\$28	\$21	\$14	\$7
Eighth Prize	\$4	\$20	\$16	\$12	\$8	\$4
Ninth Prize	\$3	\$15	\$12	\$9	\$6	\$3

(k) When the Powerball set prizes become parimutuel, the Powerball set prize amounts will be less than the amount shown and the power play set prizes shall be a multiple of the new Powerball set prize amount.

(l) The odds of various power play numbers being selected in a power play drawing are:

Power Play Multiplier	Odds
One	1:6
Two	1:6
Three	1:6
Four	1:6
Five	1:3

§ 871.21. Future changes to Powerball.

(a) The MUSL reserves the right to modify the Powerball game in order to address changes in player

participation or population of member states. If the MUSL decides to make a change, it will be publicly announced by the MUSL and the Secretary at least 90 days before the change takes effect.

(b) The Secretary will publish notice of the change in the *Pennsylvania Bulletin* and the change will be codified in § 871.22 (relating to changes to Powerball).

§ 871.22. Changes to Powerball.

Any change to the Powerball regulations, announced by the Secretary by way of a notice published in the *Pennsylvania Bulletin*, will be codified as a new paragraph in this section.

[Pa.B. Doc. No. 02-980. Filed for public inspection June 7, 2002, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Agriculture

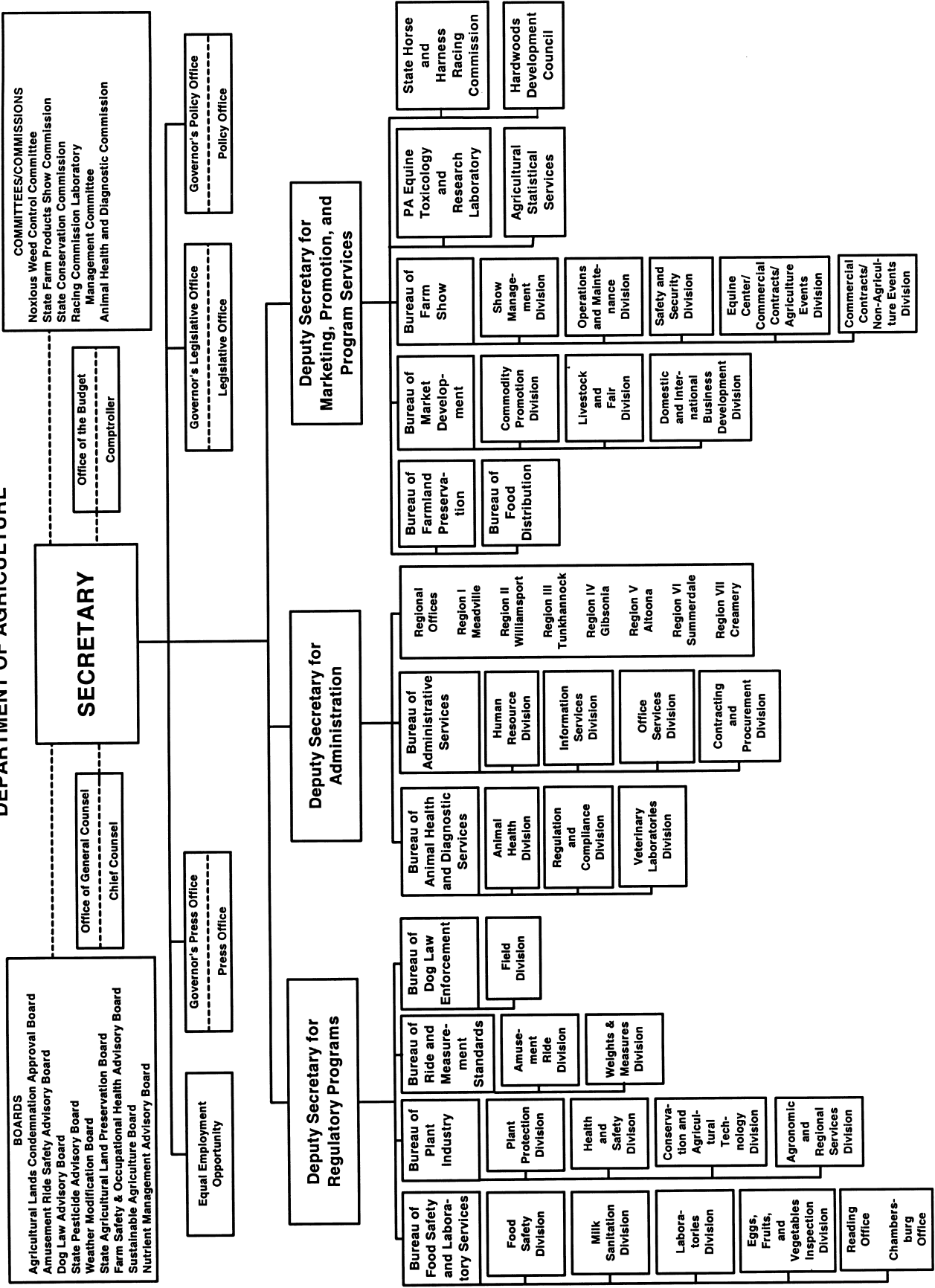
The Executive Board approved a reorganization of the Department of Agriculture effective May 24, 2002.

The organization chart at 32 Pa.B. 2768 (June 8, 2002) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the *Pennsylvania Code*.)*

[Pa.B. Doc. No. 02-981. Filed for public inspection June 7, 2002, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE



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 28, 2002.

BANKING INSTITUTIONS

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-11-02	Keystone Savings Bank Bethlehem Northampton County	Route 412 and Meadows Road Lower Saucon Township Northampton County	Opened
5-20-02	First Susquehanna Bank & Trust Sunbury Northumberland County	24 N. Cedar St. Lititz Lancaster County	Approved
5-20-02	Leesport Bank Leesport Berks County	4361 Perkiomen Ave. Reading Berks County	Opened
5-24-02	The Bryn Mawr Trust Company Bryn Mawr Montgomery County	3602 W. Chester Pike Newtown Square Newtown Township Delaware County	Approved
5-28-02	Patriot Bank Pottstown Montgomery County	4930 5th St. Highway Muhlenberg Township Berks County	Approved
5-28-02	Firsttrust Savings Bank Conshohocken Montgomery County	2nd Street Pike and Almshouse Road Richboro Bucks County	Filed
5-28-02	S&T Bank Indiana Indiana County	111 Resort Plaza Dr. Blairsville Indiana County	Filed

Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-8-02	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	<i>Into:</i> 2A Route 413 and Doubletree Rd. Langhorne Bucks County <i>From:</i> Clemens Food Market Route 413 and Doubletree Road Langhorne Bucks County	Effective
5-24-02	Three Rivers Bank and Trust Company Jefferson Borough Allegheny County	<i>To:</i> 500 Braddock Ave. Braddock Allegheny County <i>From:</i> 823 Braddock Ave. Braddock Allegheny County	Approved

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
5-22-02	The Legacy Bank of Harrisburg Harrisburg Dauphin County	Amendment to Article Sixth provides for an increase in the total number of shares of capital stock the bank is authorized to issue from 5 million shares to 6 million shares, consisting of 5 million shares of common stock at a par value of \$5 per share and 1 million shares of preferred stock at a par value of \$5 per share.	Approved and Effective

SAVINGS INSTITUTIONS**Branch Applications**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
11-21-01	East Stroudsburg Savings Association Stroudsburg Monroe County	1309 Blue Valley Dr. Pen Argyl Northampton County	Opened

CREDIT UNIONS

No activity.

JAMES B. KAUFFMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-982. Filed for public inspection June 7, 2002, 9:00 a.m.]

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

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of June 2002, is 8%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on an individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as a principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 5.5 to which was added 2.50 percentage points for a total of 8.0 that by law is rounded off to the nearest quarter at 8%.

JAMES B. KAUFFMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-983. Filed for public inspection June 7, 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.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0057151	Cynthia Robinson 1414 Newman Road Pennsburg, PA 18073	Montgomery County Upper Hanover Township	UNT to Perkiomen Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
Minor Renewal PA0062880	Kidspace Corporation 5300 Kidspace Drive Orefield, PA 18069	North Whitehall Township Lehigh County	Jordan Creek 02C	Y
Minor Renewal PA0043311	Camp Towanda, Inc. R. R. 1 Box 1105 Honesdale, PA 18431	Lebanon Township Wayne County	Unnamed tributary to Big Brook Creek 01B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0032000	Gifford Pinchot State Park Department of Conservation and Natural Resources—State Parks P. O. Box 8451 Rachel Carson State Office Building Harrisburg, PA 17105-8451	York County Warrington Township	Conewago Creek 7-D	Y
PA0031992	Greenwood Furnace State Park Department of Conservation and Natural Resources—State Parks P. O. Box 8451 Rachel Carson State Office Building Harrisburg, PA 17105-8451	Huntingdon County Jackson Township	Crooked/Standing Stone Creek 11-B	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0031950	Little Buffalo State Park Department of Conservation and Natural Resources—State Parks P. O. Box 8451 Rachel Carson State Office Building Harrisburg, PA 17105-8451	Perry County Juniata Township	Tuscarora 12-B	Y
PA0046680	Republic Services of PA, LLC 4400 Mt. Pisgah Road York, PA 17402	York County Windsor and Lower Windsor Townships	Kreutz Creek 7-I	Y

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

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

PA0030571, Sewage, SIC 8211, **New Life Youth and Family Services**, 585 Freeman School Road, Harleysville, PA 19438. This application is for renewal of a NPDES permit to discharge treated sewage from sewage treatment plant in Lower Salford Township, **Montgomery County**. This is an existing discharge to unnamed tributary to East Branch Perkiomen Creek.

The receiving stream is classified for TSF.

The proposed effluent limits for Outfall 001, based on an average flow of 22,500 gallons per day are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	1.5	3.0
(11-1 to 4-30)	4.5	9.0
Phosphorus (as P)		
(4-1 to 10-31)	2	4
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 6 mg/l at all times	
pH	Within limits of 6.0—9.0 Standard Units at all times	

The EPA Waiver is in effect.

PA0057002, Industrial Waste, **Township of Haverford**, 2325 Darby Road, Havertown, PA 19083. This application is for renewal of an NPDES permit to discharge treated landfill leachate wastewater from Haverford Township Landfill in Haverford Township, **Delaware County**. This is an existing discharge to Darby Creek.

The receiving stream is classified for CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 0.0043 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Dissolved Iron (Influent)	Monitor/Report		
Dissolved Iron			7.0
Total Iron (Influent)	Monitor/Report		
Total Iron	Monitor/Report		
Total Iron (Upstream)	Monitor/Report		
Total Iron (Downstream)	Monitor/Report		
Manganese	Monitor/Report		
Magnesium	Monitor/Report		
Barium	Monitor/Report		
Color			100
Total Dissolved Solids	Monitor/Report		
Total Suspended Solids	30	60	75
Specific Conductance	Monitor/Report		
pH	Within limits of 6.0—9.0 Standard Units at all times		

The EPA Waiver is in effect.

No. PA0058548, Sewage, **Keelersville Club**, 2522 Ridge Road, Perkasie, PA 18944. This application is for issuance of an NPDES permit to discharge treated sewage from Keelersville Club STP in East Rockhill Township, **Bucks County**. This is a new discharge to tributary to Three Mile Run.

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

The proposed effluent limits for Outfall 001, based on an average flow of 1,875 GPD are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
Suspended Solids	10	20
Ammonia (as N) (5-1 to 10-31)	1.5	3.0
(11-1 to 4-30)	3.0	6.0
Nitrate and Nitrite (as N)	10	20
Phosphorus (as P)	1.0	2.0
Total Residual Chlorine	Nondetectable	
Fecal Coliform	50 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 6.0 mg/l at all times	
pH	Within limits of 6.0—9.0 Standard Units at all times	

Other Conditions:

- The EPA Waiver is in effect.
- Conditions for future permit modification.
- Effective disinfection.

No. PA0053538, Industrial Waste, **Merck and Company, Inc.**, P. O. Box 4, 770 Sumneytown Pike, West Point, PA 19486-0004. This application is for renewal of an NPDES permit to discharge stormwater from industrial activities in Upper Gwynedd Township, **Montgomery County**. This is an existing discharge to unnamed tributaries to Wissahickon and Towamencin Creeks.

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

The proposed effluent limits for Outfall 001 from detention basin No. 4 to Wissahickon Creek based on an average flow of 1.8 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>
Iron, Total	Monitor
Manganese, Total	Monitor
Zinc, Total	Monitor
Chloroform	Monitor
1,1-Dichloroethylene	Monitor

The proposed effluent limits for Outfall 002 from detention basin No. 2 to Towamencin Creek based on an average flow of 1.6 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>
Iron, Total	Monitor
Manganese, Total	Monitor
Zinc, Total	Monitor
Chloroform	Monitor
1,1-Dichloroethylene	Monitor

The EPA Waiver is in effect.

No. PA0058459, Sewage, **Michael J. Strocko**, 422 Grand Street, Middlebury, PA 17842. This application is for issuance of an NPDES permit to discharge treated sewage from the small flow sewage treatment plant in New Hanover Township, **Montgomery County**. This is a new discharge to an unnamed tributary to Swamp Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 500 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
Suspended Solids	20	40
Total Residual Chlorine	Monitor/Report	Monitor/Report
Fecal Coliform	200 colonies/100 ml as a geometric average	
pH	Within limits of 6.0—9.0 Standard Units at all times	

The EPA Waiver is in effect.

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

PA-0070084, Industrial, **Buckeye Terminals, LLC**, P. O. Box 368, Emmaus, PA 18049. This proposed facility is located in Lower Macungie Township, **Lehigh County**.

The receiving stream, unnamed tributary to Swabiy Creek, is in the State Water Plan watershed #2C and is classified for: HQ-CWF. The nearest downstream public water supply intake for City of Allentown is located on Little Lehigh River.

The proposed effluent limits for Outfall 001 and 002.

<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>
Total Recoverable				Monitor and Report
Petroleum Hydrocarbon				Monitor and Report
Diesel Range Organics				Monitor and Report
Gasoline Range Organics				Monitor and Report

In addition to the effluent limits, the permit contains the following major special conditions: product contaminated stormwater runoff.

The EPA waiver is in effect.

PA0052167, Sewage, **Wind Gap Municipal Authority**, 16 South Broadway, Wind Gap, PA 18091. This proposed facility is located in Plainfield Township, **Northampton County**.

The receiving stream, an unnamed tributary of Little Bushkill Creek, is in the State Water Plan watershed #1F and is classified for: HQ-CWF. The nearest downstream public water supply intake for Keystone Water Company, Yardley District is located on Delaware River is 62 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 1.0.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	10	15	20
(11-1 to 4-30)	20	30	40
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	2	3	4
(11-1 to 4-30)	6	9	12
Dissolved Oxygen	A minimum of 6.0 mg/l at all times.		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	0.15		0.34
Whole Effluent Toxicity	Less than 1.20 TUc		

In addition to the effluent limits, the permit contains the following major special conditions: WETT Test Requirements

PA0023051, Sewage, **Borough of Palmerton**, 443 Delaware Avenue, Palmerton, PA 18071. This proposed facility is located in Palmerton Borough, **Carbon County**.

The receiving stream, Aquashicola Creek, is in the State Water Plan Watershed #3B and is classified for: TSF. The nearest downstream public water supply intake for Northampton Borough is located on Lehigh River is 15 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.750.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Dissolved Oxygen	A minimum of 5.0 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	1.0		2.0

The EPA waiver is in effect.

PA0035891, Sewage, **Escape Property Owners Association**, P. O. Box 282, Route 507, Greentown, PA 18426. This proposed facility is located in Palmyra Township, **Pike County**.

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

The receiving stream, an unnamed tributary to Lake Wallenpaupack, is in the State Water Plan Watershed #01C and is classified for: HQ-CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the Stroudsburg/East Stroudsburg Municipal Authority is located on the Delaware River, is 60 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.098 MGD.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	10		20
Total Suspended Solids	15		30
NH ₃ -N			
(5-1 to 10-31)	3.0		6.0
(11-1 to 4-30)	9.0		18.0
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			
(1st Month to 24 Month)	Monitor and Report		
(25th Month to Expiration)	1.0		2.3

The EPA waiver is in effect.

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

Application No. PA0246727. Sewage, **Dudley-Carbon-Coalmont Joint Municipal Authority**, P. O. Box 276, Dudley, PA 16634. This facility is located in Carbon Township, **Huntingdon County**.

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

The receiving stream, Shoup Run, is in Watershed 11-D and classified for WWF, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Newport Borough Water Authority is located on the Juniata River, approximately 124 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.100 MGD are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25	40	50
Suspended Solids	30	45	60
Total Residual Chlorine	0.5		1.6
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	31,000/100 ml as a geometric average		

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

The EPA waiver is in effect.

PAG123556, CAFO, **Hostetter Management Company**, 120 Lake Street, P. O. Box 526, Ephrata, PA 17522-0526. This proposed facility is located in Heidelberg Township, **Lebanon County**.

Description of Proposed Activity: The Marlin Martin Farm is an existing farrow to feeder swine operation, with several pullets and beef animals being raised with a total AEU's of 460.65. All manure not utilized on crops is exported to four farmers in the area. All swine manure is collected in a lagoon located beside the swine facility.

The receiving stream, Hammer Creek, is in the State Water Plan watershed 7J and is classified for: CWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25 year/24 hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with Pennsylvania Nutrient Management Act

and The Clean Stream Law constitutes compliance with the State narrative water quality standards.

PAG123558, CAFO, **Jay H. Boll, Hidden Valley Farms**, 1802R Cloverleaf Road, Mount Joy, PA 17552. This proposed facility is located in Mount Joy Township, **Lancaster County**.

Description of Proposed Activity: The Hidden Valley Farms is a current but expanding facility with a total AEU's of 446.8. An estimated quantity of total annual manure production is 6,315 tons. The operation includes 30,000 layers generating 511 tons of manure. Of this amount 220 tons is used on the farm with the remaining 291 tons exported to neighboring farms. Thirty summer steers and 50 winter steers are raised on the farm generating 429 tons of solids with all the manure being used on the farm. The farm is expanding into a 2,200 head swine operation with an estimated 1,255,523 gallons of liquid manure being produced. Of this amount, 486,000 gallons will be used on the farm with 769,523 gallons being exported to neighboring farms. The layer operation consists of a high-rise layer house. The steers are pas-

tured for approximately 6 months of the year and then confined in two winter barns for the remaining months. The swine operation will house liquid manure in a below house deep pit. The pit will be roughly 82 ft x 224 ft x 6 ft with a useable storage of approximately 680,000 gallons with 1 foot of freeboard. This will provide slightly more than 6 months storage.

The receiving stream, UNT to Little Chickies Creek, is in the State Water Plan watershed 7-G and is classified for: WWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25 year/24 hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with Pennsylvania Nutrient Management Act and The Clean Stream Law constitutes compliance with the State narrative water quality standards.

PAG123557, CAFO, Michael J. Jasienski, Felton Pig Farm, 1068 Main Street Extension, Felton, PA 17322. This proposed facility is located in Chanceford Township, York County.

Description of Proposed Activity: The Felton Pig Farm is an existing facility with a total AEU's of 364.85. An estimated quantity of total annual manure production is 382 tons. This operation is comprised of 935 swine producing 725,383 gallons of liquid hog manure. Up to 405,000 gallons of this manure will be used on the farm with 320,383 to 600,000 gallons being exported to neighboring farms. There are a total of four confinement barns located on this sow farm. All manure is stored under the barn in shallow pits and flushed to outside storage lagoons.

The receiving stream, UNT to Carter Creek, is in the State Water Plan watershed 7-I and is classified for: CWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25 year/24 hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with Pennsylvania Nutrient Management Act and The Clean Stream Law constitutes compliance with the State narrative water quality standards.

PA0246719, CAFO, Pleasant View Farms, Inc., R. D. 1, Box 124, Martinsburg, PA 16662. This proposed facility is located in North Woodbury Township, Blair County and Bloomfield Township, Bedford County.

Description of Proposed Activity: The Pleasant View Farm is an existing/expanding dairy operation with approximately 1,665 cows and dry cows and 925 heifers with a total of 2,968.25 AEU's. The operation has three areas where animals are housed. First is the home farm in North Woodbury Township, Blair County. The farm consists of a free stall barn with under house manure storage and a milking center, also on this farm are several other animal housing structures. There are additionally two manure storage structures at this site the first is a clay lined lagoon the second is a concrete sided solid manure stacking area. The second site where animals are housed is the Mowry Farm in Bloomfield Township, Bedford County. This operation consists of a free stall barn and a clay lined lagoon. The third farm where

animals are housed is the Metzker and Forshey Farm in Taylor Township, Blair County. The housing consists of free stall barns and bed pack barns. There is a clay lined lagoon at the Metzker Farm. There are 1,246.9 owned acres where manure will be applied and 2,586.3 acres rented land where manure will be applied.

The receiving stream, Plum Creek, is in the State Water Plan Watershed 11A and is classified for: WWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25 year/24 hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with Pennsylvania Nutrient Management Act and The Clean Stream Law constitutes compliance with the State narrative water quality standards.

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. 1502407, Sewerage, London Grove Township Municipal Authority, 372 Rose Hill Road,

Suite 300, West Grove, PA 19390. This proposed facility is located in London Grove Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of a pumping station and force main.

WQM Permit No. 1598409 Amendment No. 1, Sewerage, **Little Washington Wastewater Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489. This proposed facility is located in West Pikeland Township, **Chester County**.

Description of Proposed Action/Activity: Construction of additional seepage beds, forcemain and related dosing controls.

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

WQM Permit No. 3602411, Sewerage, **West Earl Sewer Authority**, 157 West Metzler Road, P. O. Box 725, Brownstown, PA 17508. This proposed facility is located in West Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization for the expansion and upgrade of the existing Brownstown WWTP.

NPDES Stormwater Individual Permit

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the appropriate Department Regional Office noted before the application within 30 days from the date of this public notice. Comments reviewed within this 30-day period will be

considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and relevant facts upon which it is based. A public hearing may be held after consideration of comments received by the appropriate Department Regional Office during the 30-day public comment period.

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

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

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

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

NPDES Permit PAS10G526, Stormwater, **Columbia Gas Transmission Corporation**, P. O. Box 1273, 1700 MacCorkle Avenue, Charleston, WV 25325-1274, has applied to discharge stormwater associated with a construction activity located in Caln, East Brandywine, Uwchlan, Upper Uwchlan, West Bradford and West Vincent Townships, **Chester County** to South Branch of Beaver Creek, Beaver Creek (TSF, MF), UNT of East Branch Brandywine Creek (HQ, TSF, MF), East Branch Brandywine Creek (WWF, MF), Shamona Creek (HQ-TSF-MF), UNT of March Creek (HQ, TSF, MF) and Pickering Creek (HQ-TSF).

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

Lehigh County Conservation District: Lehigh Ag. Ctr., Suite 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q238	Robert Seagreaves 4969 Hamilton Blvd. Allentown, PA 18104	Lehigh County Lower Macungie Township	Little Lehigh Creek HQ-CWF
PAS10Q150-R	Rick Koze 5940 Hamilton Blvd. Wescosville, PA 18106	Lehigh County Lower Macungie Township	Little Lehigh Creek HQ-CWF

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

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10S113	Anthony Farda c/o The Summit P. O. Box 130 Tannersville, PA 18372	Monroe County Pocono Township	Pocono Creek HQ-CWF

Luzerne County Conservation District: R 485 Smith Pond Road, Lehman, PA 18627-0250, (570) 674-7991.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10R037-1	Lake Lehman School District P. O. Box 38 Lehman, PA 18627	Luzerne County Lehman Township	East Fork Harvey's Creek HQ-CWF

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

Berks County Conservation District: P. O. Box 520, 1238 County Welfare Road, Leesport, PA 19533-0520, (610) 372-4657.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10C048	R. Manning Texas Eastern Transmission LP 5400 Westheimer Ct. Houston, TX 77056	District and Pike Townships Berks County	Oysterville Creek EV
PAS10C049	Joel Koehler Jet Properties 266 Kristin Lane Allentown, PA 18104	Topton Borough Berks County	Little Lehigh Creek HQ
PAS10C050	Rick Shipe Wingco Dev. Corp. 10-A Wingco Lane Reading, PA 19605	Rockland Township Berks County	Bieber Creek EV
PAS10C007-R	Jeff Lipton R. R. 7, Routes 23 and 100 Pottstown, PA 19464	Washington Township Berks County	West Branch Perkiomen Creek EV

Blair County Conservation District: 1407 Blair Street, Hollidaysburg, PA 16648, (814) 696-0877, Ext. 5.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS100614-R	The DeGol Organization 3229 Pleasant Valley Blvd. Altoona, PA 16602	Frankstown Township Blair County	UNT to New Creek HQ-CWF

York County Conservation District: 118 Pleasant Acres Road, York, PA 17402, (717) 840-7430.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS10Y073	Jim Klickovich Delta Power Plant 113 Pencader Road Suite 100 Newark, DE 19702	Peach Bottom Township York County	Susquehanna River WWF

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

Department of Environmental Protection, Water Management, 208 W. 3rd St., Williamsport, PA 17701, (570) 327-3574.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS101207	Glenn McCrea National Fuel Gas Supply Corp. 1100 State St. Erie, PA 16501	Cameron County Shippen Township	West Branch Hicks Run EV

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

NPDES Permit PAS104115, Stormwater, **Seneca Resources Corporation**, Route 1, Box 27E, Sigel, PA 15860 has applied to discharge stormwater associated with a construction activity located in Hamilton Township, **McKean County** to Whiting Run (HQ-CWF), Libby Run (HQ-CWF), Thundershower Run (HQ-CWF), Windfall Run (HQ-CWF), White Gravel Creek (HQ-CWF), Meade Run (HQ-CWF), unnamed tributaries to Chappel Fork (HQ-CWF), Chappel Fork (CWF) and Kinzua Creek (CWF).

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

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

SAFE DRINKING WATER

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

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

Application No. 4802502, Public Water Supply.

Applicant	Easton Suburban Water Authority
Township or Borough	Williams Township
Responsible Official	Roy A. White, Manager Easton Suburban Water Authority P. O. Box 3819 2414 Butler Street Easton, PA 18043
Type of Facility	PWS
Consulting Engineer	Mark A. Bahnick, P. E. Van Cleef Engineering, Inc. 551 Main Street Bethlehem, PA 18018
Application Received Date	April 23, 2002
Description of Action	For approval to construct a booster pump station and water storage tank to serve a 361 unit residential subdivision and golf course located in Williams Township, Northampton County

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

Permit No. 3602510, Public Water Supply.

Applicant	West Cocalico Township Authority
County	Lancaster
Responsible Official	Thomas E. Wenzel, Chairperson P. O. Box 95 Reinholds, PA 17569
Type of Facility	PWS
Consulting Engineer	Douglas E. Berg, P. E. Entech Engineering Inc. 4 South 4th Street Reading, PA 19603
Application Received Date	May 9, 2002
Description of Action	The addition of Well No. 3 to augment the existing sources of supply. The project will include treatment via disinfection and sequestration for manganese.

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

Permit No. 4102501, Public Water Supply.

Applicant	GSP Management Co. Tiadagton View MHP
Township	Upper Fairfield Township Lycoming County
Responsible Official	James Perano, General Manager GSP Management Co. Box 677 Morgantown, PA 19543
Type of Facility	PWS
Consulting Engineer	Alex A. McIntyre, P. E. 1297 Wheatland Ave. Lancaster, PA 17603
Application Received Date	May 6, 2002
Description of Action	Installation of a 20,000 gallon storage tank and pump station

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

Permit No. 1185502-A1, Public Water Supply.

Applicant	Blacklick Valley Municipal Authority P. O. Box 161 Vintondale, PA 15961
Township or Borough	Blacklick Township
Responsible Official	Michael Pisarcik Blacklick Valley Municipal Authority P. O. Box 161 Vintondale, PA 15961
Type of Facility	WTP

Consulting Engineer Hegemann and Wray Consulting Engineers
429 Park Avenue
Cresson, PA 16630

Application Received Date May 13, 2002

Description of Action Two water storage tanks and two water pump stations and related appurtenances.

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

Permit No. 4302501, Public Water Supply.

Applicant **Pennsylvania-Suburban Water Company—Shenango Valley Division**

Township or Borough City of Hermitage, **Mercer County**

Responsible Official Construction Manager
Pennsylvania-Suburban Water Company—Shenango Valley Division
665 South Dock Street
Sharon, PA 16146

Type of Facility PWS

Consulting Engineer Jack N. Walter, P. E.
665 South Dock Street
Sharon, PA 16146

Application Received Date May 8, 2002

Description of Action Lakewood Booster Station upgrade to provide additional pump capacity to the existing booster station

MINOR AMENDMENT

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

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

Application No. N/A, Minor Amendment.

Applicant **Great Spring Waters of America, Inc.**
405 Nestle Way
Breinigsville, PA 18031

Township or Borough Upper Macungie Township
Lehigh County

Responsible Official David Thorpe

Type of Facility Bottling Plant

Application Received Date May 7, 2002

Description of Action Changing the names of six approved sources.

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

Application No. Minor Amendment, Minor Amendment.

Applicant **Mansfield University**
Mansfield Borough, **Tioga County**

Responsible Official Ben Jones
Director of Facilities Management and Operations
Mansfield University
Brooks Maintenance Building
Mansfield, PA 16933-1607

Type of Facility PWS

Consulting Engineer James N. Tomlinson, P. E.
Penn State Facilities Engineering Institute
135 East Nittany Ave.
Marion Place, Suite 414
State College, PA 16801

Application Received Date May 20, 2002

Description of Action Change in sodium hydroxide from solid to liquid form and change in phosphate chemicals

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

Application No. 5026504, Minor Amendment.

Applicant **Aqua Filter Fresh, Inc.**
P. O. Box 14128
One Commerce Drive
Pittsburgh, PA 15239

Responsible Official Doug Hupe, Vice President
Aqua Filter Fresh, Inc.
P. O. Box 14128
One Commerce Drive
Pittsburgh, PA 15239

Type of Facility Bottled Water Facility

Consulting Engineer RF Mitall and Associates, Inc.
177 Sagamore Hill Road
Pittsburgh, PA 15239

Application Received Date May 15, 2002

Description of Action Bulk water hauling and additional spring supply source from Temple Springs

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

Application No. 8875-W-T1-MA1, Minor Amendment.

Applicant **Erie City Water Authority**
340 West Bayfront Parkway
Erie, PA 16507

Township or Borough Erie, **Erie County**

Responsible Official James J. Rudy, Chief Operating Officer
Erie City Water Authority

Type of Facility PWS

Consulting Engineer Tank Industry Consultants, Inc.
7740 West New York St.
Indianapolis, IN 46214

Application Received Date May 14, 2002

Description of Action Cleaning and repainting the internal and external 800,000 gallon steel standpipe—the East Booster ground storage tank.

Application No. 2789-T1-MA2, Minor Amendment.

Applicant **Erie City Water Authority**
340 West Bayfront Parkway
Erie, PA 16507

Township or Borough Erie, **Erie County**

Responsible Official James J. Rudy, Chief Operating Officer
Erie City Water Authority

Type of Facility PWS

Consulting Engineer Tank Industry Consultants, Inc.
7740 West New York St.
Indianapolis, IN 46214

Application Received Date May 14, 2002

Description of Action Cleaning and repainting the internal and external 1,000,000 gallon elevated tank—West Booster Hydropillar.

WATER ALLOCATIONS

Applications received under the Act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631–641) relating to the Acquisition of Rights to Divert Waters of this Commonwealth

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

WA65-1000B, Water Allocations, **Blacklick Valley Municipal Authority**, P. O. Box 161, Vintondale, PA 15961, **Cambria County**. The applicant is requesting a service area expansion with no increase to their current water allocation.

WA3-1026, Water Allocations, **Parks Township Municipal Authority**, R. R. 1 Box 572A, Vandergrift, PA 15690-9639, **Armstrong County**. The applicant is requesting the right to purchase 325,000 gpd from the Municipal Authority of Westmoreland County.

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

WA37-213A, Water Allocations, **Pennsylvania-American Water Company—Ellwood District**, Wayne Township, **Lawrence County**. Pennsylvania-American Water Company—Ellwood District is requesting a water allocation permit modification to interconnect to Pennsylvania-American Water Company—Butler District. The allocation quantity will remain at 8.0 MGD as granted on March 8, 1966. This proposed modification will provide adequate supply for current number of services and the projected growth in the Butler County area.

WA10-1002, Water Allocations, **Pennsylvania-American Water Company—Butler District—Butler County**. Pennsylvania-American Water Company—Butler District is requesting a subsidiary water allocation permit, for the annual average of 1.0 MGD, to be supplied by Pennsylvania-American Water Company—Ellwood District. The supply will be interruptible, depending upon the demand in the Ellwood District.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved and comments, should be directed to the remediator of the site.

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

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

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

Sunoco, Inc., Darby Creek Tank Farm, Darby Borough, **Delaware County**. Steve Baggett, SECOR International, Inc., 102 Pickering Way, Suite 200, Exton, PA 19341, on behalf of Sunoco, Inc., Ten Penn Center, 1801 Market St., Philadelphia, PA 19103, has submitted a revised Notice of Intent to Remediate site soil and groundwater contaminated with lead, heavy metals, BTEX, PHCs PAHs and solvents. The applicant proposes to remediate the site to meet Statewide Health and Site-Specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Delaware County Times* on April 19, 2002.

John H. Lamprecht Property, Tax Block 15, Whitpain Township, **Montgomery County**. Richard C. Karr, P.G., GZA, GeoEnvironmental, Inc., 500 Office Center Dr., Suite 120, Fort Washington, PA 19034, on behalf of John H. Lamprecht, 601 Skippack Pk., Blue Bell, PA 19422, has submitted a Notice of Intent to Remediate site groundwater contaminated with lead, BTEX and MTBE. The applicant proposes to remediate the site to meet Background Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Norristown Times Herald* on May 17, 2002.

John H. Lamprecht Property, Tax Block 18, Whitpain Township, **Montgomery County**. Richard C. Karr, P.G., GZA, GeoEnvironmental, Inc., 500 Office Center Dr., Suite 120, Fort Washington, PA 19034, on behalf of John H. Lamprecht, 601 Skippack Pk., Blue Bell, PA 19422, has submitted a Notice of Intent to Remediate site groundwater contaminated with lead, BTEX and MTBE. The applicant proposes to remediate the site to meet Background Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Norristown Times Herald* on May 17, 2002.

Scholler, Inc., City of Philadelphia, **Philadelphia County**. Craig Herr, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of Peter Young, 2330 Collins St., Philadelphia, PA 19134, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with #2, #4 and #6 fuel oil. The applicant proposes to remediate the site to meet Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Inquirer* on May 21, 2002.

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

Eastern Industries, Inc., formerly Douglassville Hot Mix Asphalt Plant, Amity Township, **Berks County**. EarthRes Group, P. O. Box 468, Pipersville, PA 18947, on behalf of Eastern Industries, Inc., 4401 Camp Meeting Road, Center Valley, PA 18034-9454, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with solvents. The applicant proposes to remediate the site to meet the requirements for a combination of the Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Reading Eagle/Reading Times* on March 26, 2002.

Sunoco Station #0003-7382, Susquehanna Township, **Dauphin County**. GES, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341, on behalf of Gelder Realty, 2456 Mercedes Court, Harrisburg, PA 17112, submitted a

Notice of Intent to Remediate site soils and groundwater contaminated with BTEX, MTBE, isopropylbenzene and naphthalene. The applicant proposes to remediate the site to meet the requirements for a combination of the Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Harrisburg Patriot News* on May 8, 2002.

Tyco Electronics Corporation, Swatara Township, **Dauphin County**. Science Applications International Corporation, 6310 Allentown Boulevard, Harrisburg, PA 17112, on behalf of TecPort Partners, L.P., 3555 Washington Road, McMurray, PA 15317, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with BTEX and PAHs. The applicant proposes to remediate the site to meet the Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Harrisburg Patriot News* on May 21, 2002.

Northcentral Region: Environmental Cleanup Program, 208 West Third Street, Williamsport, PA 17701.

Williams Quik Mart, Tioga Borough, **Tioga County**. Converse Consultants, on behalf of Tioga Petroleum Equipment, Inc. P. O. Box 158, Mansfield, PA 16933, has submitted a Notice of Intent to Remediate soil contaminated with lead. The applicant proposes to remediate the site to meet the Site-Specific Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Wellsboro Gazette* on April 17, 2002.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit Application No. 101201, Northern Tier Solid Waste Authority, P. O. Box 10, Burlington, PA 18814-0010, Hamilton Township, **Tioga County**. Landfill #1 Construction/Demolition Waste Landfill. The application was deemed complete by the Williamsport Regional Office on May 22, 2002.

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

MUNICIPAL WASTE GENERAL PERMITS

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

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

General Permit Application No. WMGM017. The Department of Environmental Protection (Department), Bureau of Land Recycling and Waste Management, proposes to authorize, under General Permit WMGM017, onfarm source separated composting for the composting and beneficial use of source separated organic municipal waste. This will be a Statewide municipal waste general permit.

Under the terms and conditions of the municipal waste general permit, persons who are approved to compost and beneficially use compost produced will be required to meet, at a minimum, the following: compliance with The Clean Streams Law, compliance with the Solid Waste Management Act, conformance with the minimum isolation distances, compliance with conservation plan, maintenance of records and submission of routine operation reports.

The Department is authorized under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and 25 Pa. Code § 271.811. The Department has determined onfarm source separated composting can be adequately regulated using standard conditions.

Persons requesting approval to operate under the terms of the general permit will be required to obtain a Determination of Applicability from the Department's Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste. The following minimum information will be required to obtain Registration/Determination of Applicability:

- a. Name and address of the applicant.
- b. Name and location of the facility.
- c. Number and title of the general permit.
- d. Proof that proposed onfarm source separated composting is consistent with the general permit.
- e. A signed statement accepting all conditions of the general permit.
- f. Proof of municipal notification.
- g. Proof of identification of interests.
- h. Compliance history information.
- i. An application fee in the amount required under 25 Pa. Code § 271.842(b) made payable to the "Commonwealth of Pennsylvania."

Comments concerning the application should be directed to Patti Olenick, Compost Coordinator, Market Development Section, Division of Waste Minimization and Planning, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. Persons interested in obtaining more information, or obtaining copies of, the proposed general permit may contact the Division of Municipal and Residual Waste at the previous phone number. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend additional conditions or revisions to or approval or denial of the proposed general permit.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

PLAN APPROVALS

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

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

39-309-058: Lafarge North America (5160 Main Street, Whitehall, PA 18052-1827) for installation of an

air cleaning device to control the atmospheric emissions from load out spouts of Clinker Silos 2 and 6 in Whitehall Township, **Lehigh County**.

40-305-022: Northampton Fuel Supply Co. (1 Horwith Drive, Northampton, PA 18067-9728) for construction of a crushing and screening operation at the Huber Bank Site in Hanover Township, **Luzerne County**.

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

06-03096A: Lucas Lane, Inc. (10 Lucas Lane, Bernville, PA 19506) for construction of a thermal unit to recycle used oil filters at the Bernville Facility in Upper Tulpehocken Township, **Berks County**.

21-05031B: Waste Systems International, Inc. (620 Newville Road, Newburg, PA 17240) for installation of a portable stone crushing plant. This portable plant will be operated at Cumberland County Landfill (**Cumberland County**), Sandy Run Landfill (**Bedford County**) and Mosteller Landfill (**Somerset County**).

22-05007A: The Harrisburg Authority (One Keystone Plaza, Suite 104, Harrisburg, PA 17101) for retrofit of the Harrisburg Materials Energy, Recycling and Recovery Facility in the City of Harrisburg, **Dauphin County**. The retrofit is subject to the requirements of 40 CFR Part 60, Subpart Cb—Emission Guidelines and Compliance Times for Large Municipal Waste Combustors that are Constructed on or Before September 20, 1994.

36-05079B: Chester County Solid Waste Authority (P. O. Box 476, Honey Brook, PA 19344) for installation of an enclosed ground flare to combust landfill gas produced at the Lanchester Landfill located in Caernarvon Township, **Lancaster County**. The source is subject to the requirements of 40 CFR Part 60, Subpart WWW—Standards of Performance for Municipal Solid Waste Landfills.

67-05097: NRG Newberry Generation, LLC (200 Bellevue Parkway, Suite 550, Wilmington, DE 19809) for construction of a natural gas/liquid distillate fuel oil fired combined-cycle power generation facility in Newberry Township, **York County**. The proposed facility will be capable of producing a nominal maximum 900 megawatts of electricity and will be controlled by low-NOx burners and a selective catalytic reduction system. The facility will be subject to 40 CFR Part 52 (Prevention of Significant Deterioration), Subchapter E (New Source Review), 40 CFR Part 60 Subpart GG—Standards of Performance for Stationary Gas Turbines, 40 CFR Part 60 Subpart Da—Standards of Performance for Electric Utility Steam Generating Units, 40 CFR Part 60 Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, 40 CFR Part 72 (Acid Rain Program), 40 CFR Part 68 (Accidental Release Prevention Program) and the NOx Emissions Budget Program.

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

02072: International Materials, Inc. (936 County Line Road, Bryn Mawr, PA 19010) for ship/barge unloading operation at Pier One at Girard Point on 2604 Penrose Ferry Road in the City of Philadelphia, **Philadelphia County**.

02082: The Lawrence McFadden Co. (7430 State Road, Philadelphia, PA 19136) for taking Federally en-

forceable permit limits on HAP emissions in the City of Philadelphia, **Philadelphia County**.

02083: Cardone Industries, Inc. (4443 American Street, Philadelphia, PA 19120) for a facility wide limit on VOC emissions in the City of Philadelphia, **Philadelphia County**.

02084: Cardone Industries, Inc. (5660 Rising Sun Avenue and 321 Chew Street, Philadelphia, PA 19120) for a facility wide limit on VOC emissions in the City of Philadelphia, **Philadelphia 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.

46-0036E: Visteon Systems, L.L.C. (2750 Morris Road, Lansdale, PA 19446) for installation and construction of a Selective Soldering Machine No. 9 in Worcester Township, **Montgomery County**. This source will result in a facility wide emission increase of 0.0035 ton of lead and 2.37 tons of VOCs per 12-month rolling sum. The facility is classified as a major facility for VOCs. Selective Soldering Machine No. 9 shall only be used for soldering electronic circuit boards. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

46-0224: Harleysville Mutual Insurance Co. (355 Maple Avenue, Harleysville, PA 19438) for installation of two 1,000-kW Onan emergency generators at its Harleysville facility in Lower Salford Township, **Montgomery County**. The facility is a non-Title V (State only) facility for all air pollutants. This installation will result in the maximum NOx emissions of 12.4 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.

09-0050A: Better Materials Corp. (P. O. Box 196, Penns Park, PA 18943) for modification of a drum mix asphalt plant in Wrightstown Township, **Bucks County**. This modification allows the asphalt plant to use on-specification waste derived liquid fuel (WDLF) with a production limitation of 595,000 tons per year. The facility wide emissions of NOx and VOCs will be limited to 24.9 tons per year. The facility will remain a synthetic minor. The Plan Approval will require the company to perform stack tests within 180 days of using WDLF. Every shipment of WDLF will be analyzed and it must meet the onspecification requirement.

09-0050B: Better Materials Corp. (P. O. Box 196, Penns Park, PA 18943) for modification of a batch asphalt plant in Wrightstown Township, **Bucks County**. This modification allows the asphalt plant to use on-specification waste derived liquid fuel with a production limitation of 306,000 tons per year. The facility wide emissions of NOx and VOCs will be limited to 24.9 tons per year. The facility will remain a synthetic minor. The Plan Approval will require the company to perform stack tests within 180 days of using WDLF. Every shipment of WDLF will be analyzed and it must meet the onspecification requirement.

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

01-05029A: Reliant Energy Hunterstown, LLC (1001 Broad Street, P. O. Box 1050, Johnstown, PA 15907-1050) for an Air Quality Emission Reduction Credit approval of 92 tons of VOCs, to be utilized for the operation of an electrical generating facility in Straban Township, **Adams County**. The approval will include monitoring, record keeping, reporting and work practice requirements designed to keep the source operating within all applicable air quality requirements. The plan approval will be incorporated into the Title V operating permit.

06-05014A: Garden State Tanning Co. (16 South Franklin Street, Fleetwood, PA 19522) for construction of a leather coating line controlled by a water wash curtain and drying oven in the Borough of Fleetwood, **Berks County**. The facility is a Title V facility. The coating will have the potential to emit 29 tons of VOC per year. The source is subject to 40 CFR Part 63, Subpart TTTT—National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations. The applicant will be required to limit the emissions of VOCs and HAPs from the coating line. The applicant will be required to record the coating usages and calculate the VOC and HAP emissions monthly. 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. Both the approval and the amended permit will include monitoring, record keeping, reporting and work practice requirements designed to keep the source operating within all applicable air quality requirements.

36-03138A: OpSec Advantage, Inc. (P. O. Box 10155, Lancaster, PA 17605-0155) for construction of two plastic film printing lines and bench-scale laboratory at its security technologies facility in East Lampeter Township, **Lancaster County**. This printing facility is non-Title V. The construction will result in a potential to emit 2.5 tons per year of VOCs and 1.9 tons per year of HAPs. Standard monitoring, recordkeeping and operating requirements are included to keep the facility operating within all applicable requirements.

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

02025: Gracie Corp. (4000 Pulaski Avenue, Philadelphia, PA 19140) for operation of a temporary concrete crusher at the Naval Business Center at 3700 South Broad Street in the City of Philadelphia, **Philadelphia County**.

The crushing rate is 5 tons of concrete per hour. The nitrogen oxide emissions from the crusher are expected to be 4 tons per year. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

OPERATING PERMITS

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

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

22-05014: Ames True Temper, Inc. (1500 Cameron Street, Harrisburg, PA 17104) for operation of a wheel barrow manufacturing facility in Harrisburg City, **Dauphin County**. This permit action is a renewal of the facility's operating permit that was issued in 1997.

Intent to Issue Operating Permits 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.

06-03021: Post Precision Castings, Inc. (21 Walnut Street, Strausstown, PA 19559-0100) for operation of its metal casting facility in Strausstown Borough, **Berks County**. The facility has the potential to emit 7.5 tons per year of NO_x, 2 tons per year of SO_x and CO and 1.5 tons per year of particulate matter. The Natural Minor operating permit shall contain additional testing, monitoring, record keeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

36-05087: Morgan Corp. (485 Wenger Drive, Ephrata, PA 17522) for operation of its truck body manufacturing facility in Ephrata Borough, **Lancaster County**. The facility has the potential to emit 49 tons per year of VOCs and 19 tons per year of HAPs from their surface coating operation. Fuel combustion sources have the potential to emit 1 ton per year of NO_x and less than 1 ton per year of SO_x, CO and particulate matter. The facility has restricted their usage of paint to 10,000 gallons per year to achieve VOC emissions of less than 50 tons per year, combined HAP emissions of less than 25 tons per year and individual HAP emissions of less than 10 tons per year. The Synthetic Minor operating permit shall contain additional testing, monitoring, record keeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

67-05062: Gerald Daniel Worldwide (34 Barnhart Drive, Hanover, PA 17331) for operation of the industrial steel wire cloth manufacturing facility in Hanover Borough, **York County**. Potential emissions from the facility are 2.6 tons per year of PM-10, 2.7 tons per year of NO_x, 48 tons per year of VOC, 3.4 tons per year of CO and less than 1 ton per year of both SO_x and HAP. Emission restrictions are included in the permit to keep the facility a non-Title V facility. Standard monitoring, recordkeeping and operating restrictions are included to keep the facility operating within all applicable requirements.

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

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

49971301R. FKZ Coal, Inc. (P. O. Box 62, Locust Gap, PA 17840-0062), renewal of an existing anthracite underground mine in Mt. Carmel Township, **Northumberland County**, affecting 3.5 surface acres. Receiving stream: none. Application received May 15, 2002.

54733020C23 and NPDES Permit #PA0012360. Lehigh Coal & Navigation Company (P. O. Box 331, Tamaqua, PA 18252), correction to add a discharge point to the NPDES Permit in Tamaqua Borough, **Schuylkill County**. Receiving streams: Panther Creek and Little Schuylkill River. Classified for the following use: CWF. Application received May 17, 2002.

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

17900129 and NPDES Permit No. PA 0206270. Northern Counties Coal Co., Inc., P. O. Box 668, Philipsburg, PA 16866. Revision to an existing bituminous surface mine permit for a Change in Land Use from forestland to unmanaged natural habitat. The permit is located in Beccarria Township, **Clearfield County** and affects 262 acres. Application received April 25, 2002.

17980103 and NPDES Permit No. PA 0237914. Falls Creek Energy Co., Inc., R. D. 6, Box 231, Kittanning, PA 16201. Revision to an existing bituminous surface mine permit for a Change in Land Use on the properties of Valverdine M. Joseph from forestland and pastureland to the restoration of unmanaged natural habitat. The permit is located in Brady Township, **Clearfield County** and affects 64.2 acres. Application received April 29, 2002.

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

65970104 and NPDES No. PA0202037. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal application for continued reclamation only of a bituminous surface mine located in Mt. Pleasant Township, **Westmoreland County**, affecting 260 acres. Receiving streams: unnamed tributaries to Jacobs Creek and Jacobs Creek, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received May 24, 2002.

03860108 and NPDES No. PA0588695. State Industries, Inc. (P. O. Box 1022, Kittanning, PA 16201). Renewal application for continued operation and reclamation of a bituminous surface mine located in East Franklin Township, **Armstrong County**, affecting 262 acres. Receiving streams: unnamed tributary to Limestone Run and an unnamed tributary to Allegheny River, classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is the Western Pennsylvania Water Company. Renewal application received May 28, 2002.

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

11850109 and NPDES Permit No. PA0597414. M. B. Energy, Inc., 175 McKnight Road, Blairsville, PA 15717-7961. Permit renewal for reclamation only for continued restoration of a bituminous surface mine in Adams Township, **Cambria County**, affecting 206.6 acres. Receiving streams: Paint Creek and Sulphur Creek classified for the following uses: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 23, 2002.

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

30841317. NPDES Permit #PA0213527, Consol Pennsylvania Coal Co. (P. O. Box 355, 172 Route 519, Eighty Four, PA 15330), to revise the permit for the Enlow Fork Mine in Richhill Township, **Greene County** to add E-9 air shaft, Surface Acres Proposed 5.9, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, unnamed tributary to Short Run, classified for the following uses: WWF. The first downstream potable water supply intake from the point of discharge is N/A. Application received April 15, 2002.

56951301. NPDES Permit #PA0214736, RoxCoal, Inc. (P. O. Box 149, Friedens, PA 15541), to renew the permit for the Augustus Mine in Shade Township, **Somerset County**, renewal, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Application received March 29, 2002.

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

33850118. Alvin Gearhart (307 Treasure Lake, DuBois, PA 15801). Renewal of an existing bituminous surface strip operation in Winslow Township, **Jefferson County** affecting 220.0 acres. Receiving streams: Three unnamed tributaries of Soldier Run to Soldier Run, classified for the following uses: Statewide water uses: CWF. No public water supplies are within 10 miles downstream of this proposed operation. Application received May 21, 2002.

Noncoal Applications Received

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

4975SM3A1C3 and NPDES Permit #PA0612235. Glen-Gery Corporation (P. O. Box 7001, Wyomissing, PA 19610-6001), renewal of NPDES Permit in Hamilton Township, **Adams County**, receiving stream: Muncy Run. Classified as a WWF. The first downstream potable water supply intakes from the points of discharge are: New Oxford Municipal Authority; Abbottstown Municipal Authority and Hanover Municipal Water Works. Application received May 17, 2002.

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

41020801. Steinbacher Enterprises, Inc., 8130 South Route 44 Highway, Williamsport, PA 17702. Commencement, operation and restoration of a Small Industrial Minerals (Shale) permit in Limestone Township, **Lycoming County** affecting 3 acres. Receiving streams: unnamed tributary, tributary to Nigart Run. Application received April 25, 2002.

08020804. Walter Flagstone, Inc., R. R. 1, Box 40, Sugar Run, PA 18846. Commencement, operation and restoration of a Small Industrial Minerals (Flagstone) permit in Wilmot Township, **Bradford County** affecting 1 acre. Receiving streams: Wyalusing Creek, tributary to North Branch Susquehanna River. Application received April 29, 2002.

18020802. Big Woods Land Company, P. O. Box 400, McElhattan, PA 17748. Commencement, operation and restoration of a Small Industrial Minerals (Rock and Clay) permit in Wayne Township, **Clinton County** affecting 1 acre. Receiving streams: unnamed tributary, tributary to Susquehanna River. Application received April 25, 2002.

59012801. Fred J. Robbins, R. R. 2, Box 25A, Tioga, PA 16946. Commencement, operation and restoration of a Small Industrial Minerals (Gravel) permit in Lawrence Township, **Tioga County** affecting 5 acres. Receiving streams: Mutton Lane Creek, tributary to Tioga River. Application received April 29, 2002.

08020805. Robert J. Johnson, R. R. 4, Box 4055, Wyalusing, PA 18853. Commencement, operation and restoration of a Small Industrial Minerals (Bluestone)

permit in Stevens Township, **Bradford County** affecting 5 acres. Receiving streams: Wyalusing Creek. Application received May 8, 2002.

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

30020801. Mather Recovery Systems, LLC (1620 Locust Ave., Fairmont, WV 26554). Returned application for a small noncoal located in Morgan Township, **Greene County**, affecting 5 acres. Receiving streams: Brown's Run of South Fork and South Fork of Ten Mile Creek. Application received January 25, 2002. Returned May 20, 2002.

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

31020801. Richard W. Anderson, Jr., 1422 Scott Street, Huntingdon, PA 16652, commencement, operation and restoration of a noncoal (shale) mine in Oneida Township, **Huntingdon County**, affecting 1.0 acre. Receiving streams: two unnamed tributaries to Standing Stone Creek classified for the following uses: HQ-CWF. The first downstream potable water supply intake from the point of discharge is Standing Stone Creek for Huntingdon Borough. Application received May 21, 2002.

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

20020303. Hasbrouck Sand & Gravel, Inc. (R. D. 4, Hasbrouck Road, Titusville, PA 16354). Commencement, operation and restoration of a sand and gravel operation in Oil Creek Township, **Crawford County** affecting 59.9 acres. Receiving streams: Oil Creek, classified for the following uses: Statewide water uses: WWF. No public water supplies are within 10 miles downstream of this proposed operation. Application received May 22, 2002.

1949-20020303-E-1. Hasbrouck Sand & Gravel, Inc. (R. D. 4, Hasbrouck Road, Titusville, PA 16354). Application for a stream encroachment to construct a berm to within 50 feet of Oil Creek in Oil Creek Township, **Crawford County** affecting 59.9 acres. Receiving streams: Oil Creek, classified for the following uses: Statewide water uses: WWF. No public water supplies are within 10 miles downstream of this proposed operation. Application received May 22, 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.

E46-807. Rouse/Chamberlain Homes, 500 Exton Commons, Exton, PA 19341, Upper Pottsgrove Township, **Montgomery County**, ACOE, Philadelphia District.

To reopen permit application file E46-807 that identified the following activities associated with the construction and maintenance of the proposed Chestnut Grove Residential Subdivision:

1. To fill 300 linear foot of an unnamed intermittent tributary to Manatawny Creek by constructing an inlet junction box to an existing 24 inch CMP stormwater outfall and rerouting flows through a stormwater conduit.
2. To excavate 130 linear feet of an unnamed intermittent tributary to Manatawny Creek, excavate in the assumed 100-year floodway of the aforementioned tributary and impact 0.03 acre of wetland during the construction of stormwater Management Basin Two.
3. To relocate and maintain an unnamed tributary to Manatawny Creek, place approximately 290 linear feet of stream enclosure, 20 linear feet of riprap scour protection; fill within 100 linear feet of stream channel and 0.04 acre of wetlands associated with road construction for Heather Place and Skylark Drive.

This application also requests an Environmental Assessment approval for the construction of two onstream nonjurisdictional dams impacting 140 linear feet of unnamed intermittent tributaries to Manatawny Creek (CWF). The project is located 1,000 feet southwest of the intersection of SR 0100 and Pine Ford Road (Boyertown, PA, Quadrangle N: 6.5 inches; W: 3.3 inches).

E46-913. Wyeth-Ayerst Pharmaceuticals, 2100 Renaissance Boulevard, King of Prussia, PA 19406, Upper Providence Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a single span, 4-lane bridge and associated wing-walls, concrete footers and backfill, across 65 linear feet of Doe Run (TSF). The proposed concrete arch-bridge will have a 48-foot span and a 13-foot 6-inch under clearance. Also associated with this project is the request for waiver of permit requirements and an environmental assessment approval to remove an existing dam and restore the stream channel at the location of the proposed bridge that will be submitted and reviewed by Bureau of Dam Safety. These activities are associated with the improvements to the Wyeth-Ayerst Pharmaceuticals, Inc. Worldwide Headquarters. The project site is located 300 feet east of the intersection of Troutman Road and Arcola Road (Collegetown, PA Quadrangle N: 5.8 inches; W: 12.5 inches).

E15-686. Nelson Realty Trust, 100 Vanguard Boulevard, Malvern, PA 19355, Uwchlan Township, **Chester County**, ACOE Philadelphia District.

To perform the following activities associated with the Nelson Realty Trust Campus project:

1. To remove an existing box culvert consisting of a 48-inch span and 36-inch rise and to construct and maintain, in its place, a 38-foot long open bottom twin cell concrete culvert consisting of a 6-foot span and 4-foot rise and associated utilities across an unnamed tributary to Shamona Creek (HQ-TSF-MF) at the existing Farm House Road. This crossing will impact 0.05 acre of wetlands (PEM) and 100 feet of the stream.
2. To construct and maintain a 92-foot long open bottom twin cell concrete culvert, consisting of a 10-foot span and 2.5-foot rise and associated utilities across an unnamed tributary to Shamona Creek (HQ-TSF-MF) at the proposed Wellington Drive. This crossing will impact 0.24 acre of wetlands (PEM) and 170 feet of the stream.
3. To construct and maintain an 87-foot long open bottom twin cell concrete culvert, consisting of a 7.5-foot span and 3.5-foot rise and associated utilities across an unnamed tributary to Shamona Creek (HQ-TSF-MF) at the proposed Victory Drive. This crossing will impact 0.17 acre of wetlands (PEM) and 190 feet of the stream.
4. To construct and maintain an 82-foot long open bottom twin cell concrete culvert, consisting of a 12.5-foot span and 4-foot rise across an unnamed tributary to Shamona Creek (HQ-TSF-MF) at the proposed Victory Drive. This crossing will impact 0.15 acre of wetlands (PEM) and 160 feet of the stream.
5. To install and maintain a sanitary sewer line across an unnamed tributary to Shamona Creek (HQ-TSF-MF) and its adjacent wetlands (PFO) at three locations.

The applicant proposes to construct and maintain 0.81 acre of replacement wetlands. The site is located just south of Pennsylvania Turnpike Interchange 23 (Downingtown, PA USGS Quadrangle N: 11.0 inches; W: 5.4 inches)

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

E35-358. City of Scranton, 340 North Washington Avenue, Scranton, PA 18503, in City of Scranton, **Lackawanna County**, U. S. Army Corps of Engineers, Baltimore District.

To place fill in a de minimis area of wetlands equal to 0.044 acre for the purpose of constructing an onstream, nonjurisdictional dam and related stormwater improvements associated with the East Mountain Road betterment project. The project will impact approximately 630

feet of channel tributary to Roaring Brook (HQ-CWF). The project is located approximately 600 feet north of the intersection of East Mountain Road and Elmhurst Boulevard (Scranton, PA Quadrangle N: 3.3 inches; W: 2.5 inches).

E52-179. Twin Lakes Woods Property Owners Association, 711 West End Avenue, Apartment 6JN, New York, NY 10025, in Shohola Township, **Pike County**, U. S. Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain a road crossing of a tributary to Twin Lakes (HQ-CWF), consisting of a 9.6-foot x 6.5-foot aluminum pipe-arch culvert. The project will impact a de minimis area of wetland less than 0.01 acre through placement of riprap outlet protection. The project is located along Eastwood Drive immediately upstream of Twin Lakes (Shohola, PA-NY Quadrangle N: 1.4 inches; W: 5.5 inches).

E48-244. CTHL-1, Inc., 824 Eighth Avenue, Bethlehem, PA 18018, in Palmer Township, **Northampton County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a stormwater outfall structure consisting of a 10-foot x 5-foot concrete box culvert and associated energy dissipater in Bushkill Creek (HQ-CWF) for the purpose of conveying stormwater run-off from the proposed Tatamy Hunt and the Villages at Mill Race residential subdivision. The project is located approximately 1,500 feet north of the intersection of Bushkill Drive and Newlins Road (Easton, PA-NJ Quadrangle N: 19.5 inches; W: 17.0 inches).

E45-428. Minisink Hotel, Inc., P. O. Box 70, Minisink Hills, PA 18341, in Smithfield Township, **Monroe County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a pedestrian bridge having a single span of approximately 37.7 feet and underclearance of approximately 14.0 feet across Marshall's Creek (HQ-CWF) to service pedestrian traffic from the Minisink Hotel to the roller rink catering area. The project also includes the installation of a 1 1/4-inch sanitary sewer line attached to the side of the northern bridge beam. The project is located north of the intersection of SR 2028 and SR 2021 (Stroudsburg, PA-NJ Quadrangle N: 22.5 inches; W: 2.0 inches).

E35-359. Lackawanna County, 200 Adams Avenue, Scranton, PA 18503, in Archbald Borough, **Lackawanna County**, U. S. Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain a single-span concrete box-beam bridge, having a span of 70 feet and an underclearance of 12 feet across the Lackawanna River (HQ-CWF). The project is located on Gilmartin Street at its intersection with the Lackawanna River (Olyphant, PA Quadrangle N: 22.4 inches; W: 5.5 inches).

E40-601. Pennsylvania Department of Transportation, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501, in Newport Township, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To abandon the existing structure and to construct and maintain a stream enclosure of a tributary to Newport Creek (CWF), consisting of 187 linear feet of 48-inch RCP followed by 55 linear feet of 66-inch RCP energy dissipater. The proposed culvert invert will be depressed 1.0 foot below streambed elevation. The project includes

relocation of approximately 50 linear feet of channel upstream of the culvert to accommodate the new culvert alignment. The project is located east of Glen Lyon, along SR 3004, Section 351, Segment 0130, Offset 0300 (Nanticoke, PA Quadrangle N: 9.0 inches; W: 8.3 inches).

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

E08-392. Pennsylvania Department of Transportation, District 3-0, 715 Jordan Avenue, Montoursville, PA 17754. 40 LF 60 inch diameter CMP, in Sheshequin Township, **Bradford County**, ACOE Baltimore District (Towanda, PA Quadrangle N: 19.4 inches; W: 6.7 inches).

To remove the existing 54 inch diameter CIP and to construct and maintain a 60 inch diameter by 40 foot long CMP culvert on SR 1020 approximately 1.2 miles from the intersection of SR 1020 with SR 1022 in Little Wysox Creek in Sheshequin Township, Bradford County. The project will not impact wetlands while impacting approximately 50 feet of waterway. Little Wysox Creek is a WWF stream.

E41-504. Borough of South Williamsport, 329-331 West Southern Avenue, South Williamsport, PA 17702-7296. Small Projects Water Obstruction and Encroachment Permit, in South Williamsport Borough, **Lycoming County**, ACOE Susquehanna River Basin District (Montoursville S, PA Quadrangle N: 19.8 inches; W: 16.3 inches).

To repair an existing concrete floodway channel flume and conduit having a total length of 2,000 feet in Hagerman's Run (CWF). The project is located along Hastings Street one block east of SR 0015 North in South Williamsport Borough, Lycoming County. The repair to the flood control flume and conduit will have a no impacts to wetlands and will not impact any of the channeled waterway.

E41-505. Lycoming County Commissioners, Lycoming County Courthouse, 48 West Third Street, Williamsport, PA 17701. Water Obstruction and Encroachment Permit Application, in Piatt Township, **Lycoming County**, ACOE Susquehanna River Basin District (Linden, PA Quadrangle N: 20.0 inches; W: 13.1 inches).

To remove an existing structure and construct and maintain a two span concrete adjacent box beam bridge having a span of 143 feet and a minimum underclearance of 14.25 feet with a skew of 90° in Larry's Creek (WWF). The project is located along T-365 along the intersection of T 365 and SR 0287 in Piatt Township, Lycoming County. The constructed bridge will have a minimal impact on 1,600 ft² of wetlands while impacting 350-feet of waterway.

E59-427. Martin Balada, 152 Shreve Avenue, Barrington, NJ, 03007. Stream Crossing, in Middlebury Township, **Tioga County**, ACOE Baltimore District (Keeneyville, PA Quadrangle N: 19.2 inches; W: 10.7 inches).

The permit application proposes to construct a bridge structure measuring 60 linear feet long by 14 feet wide by 6 feet high. The concrete abutments and steel superstructure is intended to support the wood deck. This structure is proposed to be across Crooked Creek, which is designated as a WWF. This project proposes to impact 50 linear feet of stream.

E59-428. Francis and Carol Crew, 155 Warwick Road, Elverson, PA 19520. Stream Crossing, in Clymer

Township, **Tioga County**, ACOE Baltimore District (Sabinsville, PA Quadrangle N: 15.2 inches; W: 12.5 inches).

The permit proposes to construct a 5.5-foot by 10-foot concrete box culvert with wingwalls at the inlet and outlet of the culvert. The proposed crossing will be over an existing ford and is on Wattles Run, which is designated as a CWF. This project proposes to disturb 50 linear feet of stream.

E59-429. Delmar Township, R. R. 5, Box 70A, Wellsboro, PA 16901. Delmar Township Culvert, in Delmar Township, **Tioga County**, ACOE Baltimore District (Asaph, PA Quadrangle N: .9 inch; W: 1.2 inches).

The applicant is proposing to replace a deteriorated wooden bridge structure with an 8.72 foot by 13.42 foot corrugated metal pipe arch. The culvert is proposed to be 80 linear feet with a skew of 45 degrees. The new structure is proposed to be slightly upstream of the existing structure to achieve a more adequate alignment. The permit also proposes to construct inlet, outlet and wing walls out of R-5 riprap. This project proposes to impact 140 linear feet of Dantz Run (CWF).

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

E02-1377. Pennsylvania Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017. North Fayette Township, **Allegheny County**, ACOE Pittsburgh District.

To operate and maintain an existing 72 inch x 63 inch corrugated metal pipe at its upstream end for a distance of 12.0 feet and to operate and maintain a R-4 rock-lined outfall in an unnamed tributary to North Branch Robinson Run (WWF). Also to operate and maintain 150.0 linear feet of relocated stream channel of an unnamed tributary to North Branch Robinson Run (WWF). These activities were originally authorized by Emergency Permit EP0202203 for the purpose of repairing a landslide. The project is located at the Hankey Farms interchange of US 22 (SR 0022, Section A08) (Oakdale, PA Quadrangle N: 11.2 inches; W: 11.5 inches).

E30-205. Greene County Board of Commissioners, 93 East High Street, Waynesburg, PA 15370. Cumberland and Monongahela Townships, **Greene County**, ACOE Pittsburgh District.

To remove the Greene County Bridge No. 12 and to construct and maintain a bridge having a clear span of 40 feet and an underclearance of 6.75 feet across Little Whiteley Creek (WWF). Also to construct and maintain a temporary cofferdam during construction. The project is located on T-688 at a point approximately 300 feet south of its intersection with SR 0021 (Masontown, PA Quadrangle N: 19.8 inches; W: 11.8 inches).

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

E10-358. Dominion Transmission, Inc., 445 West Main Street, Clarksburg, WV 26301. Existing Natural Gas Pipeline LN 25, in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Baden, PA Quadrangle N: 21.1 inches; W: 2.6 inches).

To operate and maintain an existing 20-inch natural gas pipeline in Butler County from the Beaver County border (N40°44'39", W80°09'08") approximately 1.5 miles north of the Pennsylvania Turnpike traversing south-

east to connect to another pipeline at (N40°44'07", W80°08'15") approximately 1.3 miles north of the Pennsylvania Turnpike. The project crosses and includes but is not limited to the crossing of the following WWF streams described in the application: unnamed tributary 10 of Brush Creek (N40°44'37", W80°09'03"), unnamed tributary 11 of Brush Creek (N40°44'26", W80°08'38") and unnamed tributary 12 of Brush Creek (N40°44'12", W80°08'18").

E33-207. Jonathan M. Guth and Amy B. Guth, 27 North View Drive, Brookville, PA 15825. Swamp Run Stream Crossing, in Knox, **Jefferson County**, ACOE Pittsburgh District (Brookville, PA Quadrangle N: 0.6 inch; W: 7.5 inches).

To construct and maintain a stream crossing for access to a new residential dwelling. The stream crossing will include two 20-foot long, 66-inch diameter corrugated aluminized steel culverts in Swamp Run (CWF) and a 40-foot swale west of and adjacent to the stream. The stream crossing is located approximately 200 feet east of Swamp Run Road (Township Road T-416) approximately 1.6 miles southeast of the intersection of Sky View and Swamp Run Roads (Township Road T-416).

E37-144. Dominion Transmission, Inc., 445 West Main Street, Clarksburg, WV 26301. Existing Natural Gas Pipeline LN 25, in Little Beaver Township, New Beaver Borough and North Beaver Township, **Lawrence County**, ACOE Pittsburgh District (Bessemer, PA Quadrangle N: 5.1 inches; W: 10.0 inches).

To operate and maintain an existing 20-inch natural gas pipeline in Lawrence County from the Ohio border (N40°55'45", W80°31'09") approximately 0.6 mile north of SR 108 traversing southeast to the northern border of Beaver County (N40°51'10", W80°21'44"), approximately 1.7 miles west of SR 18. The project crosses and includes but is not limited to the crossing of the following HQ-CWF streams described in the application: unnamed tributary 1 of Sugar Creek (N40°55'32", W80°30'29"), unnamed tributary 2 of Sugar Creek (N40°55'34", W80°30'8"), Sugar Creek (N40°54'51", W80°28'49"), unnamed tributary 1 of Beaverdam Run (N40°54'27", W80°27'35"), unnamed tributary 2 of Beaverdam Run (N40°53'50", W80°26'11"), unnamed tributary 3 of Beaverdam Run (N40°53'23", W80°25'16"), unnamed tributary 4 of Beaverdam Run (N40°53'01", W80°24'30"), unnamed tributary 1 of North Fork Little Beaver Creek (N40°52'35", W80°23'42"), unnamed tributary 2 of North Fork Little Beaver Creek (N40°52'16", W80°23'11"), unnamed tributary 3 of North Fork Little Beaver Creek (N40°51'49", W80°22'39") and an unnamed tributary 1 of Jordan Run (N40°51'30", W80°22'13").

DAM SAFETY

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

D67-538. Paul L. Rudy III, 415 Boring Bridge Road, Lewisberry, PA 17339. To construct, operate and maintain Paul Rudy Pond Dam across a tributary to Conewago Creek (WWF), impacting 0.10 acre of wetlands (PEM) and 830 feet of stream and providing 0.13 acre of wetland mitigation, for the purpose of recreation and dog training (Wellsville, PA Quadrangle N: 7.0 inches; W: 3.0 inches) Dover Township, **York County**.

ACTIONS

**FINAL ACTIONS TAKEN UNDER
THE CLEAN STREAMS LAW AND THE
FEDERAL CLEAN WATER
ACT—NPDES AND WQM PART II
PERMITS
INDUSTRIAL WASTE AND
SEWERAGE WASTEWATER**

The Department of Environmental Protection (Department) 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. PA0050776, Sewage, **Coventry Terrace MHP, LLC c/o The Carlyle Group, Inc.**, 5604 Preston Place, Raleigh, NC 27604. This proposed facility is located in East Coventry Township, **Chester County**.

Description of Proposed Action/Activity: Renewal to discharge into Pigeon Creek-3D Watershed.

NPDES Permit No. PA0030970, Sewage, **Cheyney University of Pennsylvania**, P. O. Box 260, Cheyney, PA 19319. This proposed facility is located in Thornbury Township, **Delaware County**.

Description of Proposed Action/Activity: Renewal to discharge into East Branch of Chester Creek-Ridley Creek-3G.

WQM Permit No. 1501417, Sewerage, **Nantmeal-Warwick Sewer Company, Inc.**, 26 East Main Street, Elverson, PA 19520. This proposed facility is located in Warwick Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of a sewage treatment plant with spray irrigation.

WQM Permit No. 1599421 Amendment No. 1, Sewerage, **Owen J. Roberts School District**, 901 Ridge Road, Pottstown, PA 19465. This proposed facility is located in East Nantmeal and South Coventry Townships, **Chester County**.

Description of Proposed Action/Activity: Amendment to the existing permit for the construction of an up flow sludge blanket filtration package plant to serve the French Creek Elementary School.

WQM Permit No. 2302401, Sewerage, **Norwood Borough**, 10 West Cleveland Avenue, Norwood, PA 19074. This proposed facility is located in Norwood Borough, **Delaware County**.

Description of Proposed Action/Activity: Construction and operation of a pump station to serve Winona Homes.

WQM Permit No. 1596417, Sewerage, **New Garden Township Sewer Authority**, 8934 Gap Newport Pike, Landenberg, PA 19350. This proposed facility is located in New Garden Township, **Chester County**.

Description of Proposed Action/Activity: Renewal of the Water Management Permit to spray irrigate treated sewage.

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

NPDES Permit No. PA-0027065, Sewage, **Lackawanna River Basin Sewer Authority**, P. O. Box 9068, Dickson City, PA 18515. This proposed facility is located in Archbald, **Lackawanna County**.

Description of Proposed Action/Activity: to discharge treated sewage in Lackawanna River.

NPDES Permit No. PA-0027090, Sewage, **Lackawanna River Basin Sanitary Authority**, P. O. Box 9068, Dickson City, PA 18519. This proposed facility is located in Throop Borough, **Lackawanna County**.

Description of Proposed Action/Activity: to discharge treated sewage to Lackawanna River.

NPDES Permit No. PA-0055131, Sewage, **County of Lehigh, Trexler Lehigh County Game Preserve**, 5150 Game Preserve Road, Schnecksville, PA 18078. This proposed facility is located in North Whitehall Township, **Lehigh County**.

Description of Proposed Action/Activity: to renew NPDES permit.

WQM Permit No. 6602401, Sewerage, **Westgate Water and Sewer Municipal Authority**, 184 Keiserville Road, Tunkhannock, PA 18657. This proposed facility is located in Washington Township, **Wyoming County**.

Description of Proposed Action/Activity: Construction of a new 30,000 GPD extended aeration sewage treatment plant to replace the existing plant and a low pressure sewer extension to serve three commercial businesses located in Meshoppen Township.

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

NPDES Permit No. PA0086622, Sewage, **Caldwell Development Corporation**, 434 North Front Street, Wormleysburg, PA 17043. This proposed facility is located in Howe Township, **Perry County**.

Description of Proposed Action/Activity: Authorization to discharge from the Newport Plaza to UNT to Juniata River in Watershed 12-B.

NPDES Permit No. PA0026743 (Amendment #1), Sewage, **City of Lancaster**, 160 North Duke Street, P. O. Box 1599, Lancaster, PA 17608. This proposed facility is located in Lancaster City, **Lancaster County**.

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

NPDES Permit No. PA0026051, Sewage, **Borough of Chambersburg**, 100 South 2nd Street, Chambersburg, PA 17201. This proposed facility is located in Chambersburg Borough, **Franklin County**.

Description of Proposed Action/Activity: Authorization to discharge to Conococheague Creek (Watershed 13-C).

NPDES Permit No. PA0081795, Sewerage, **William Grove Associates**, 20 Erford Road, Suite 215, Lemoyne, PA 17043. This proposed facility is located in Monroe Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge from Williams Grove Mobile Home Park to Yellow Breeches Creek in Watershed 7-E.

NPDES Permit No. PA0029939, Sewerage, **Southern Huntingdon County School District**, R. R. 1, Box 1124, Three Springs, PA 17264. This proposed facility is located in Cromwell Township, **Huntingdon County**.

Description of Proposed Action/Activity: Authorization to discharge from the Southern Huntingdon County High School to Aughwick Creek in Watershed 12-C.

NPDES Permit No. PA0029947, Sewerage, **Southern Huntingdon County School District**, R. R. 1, Box 1124, Three Springs, PA 17264. This proposed facility is located in Clay Township, **Huntingdon County**.

Description of Proposed Action/Activity: Authorization to discharge from Springs Farm Elementary School to UNT Spring Creek in Watershed 12-C.

NPDES Permit No. PA0020834, Sewerage, **Borough of Greencastle**, 60 North Washington Street, Greencastle, PA 17225-1230. This proposed facility is located in Antrim Township, **Franklin County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to discharge to UNT Conococheague Creek in Watershed 13-C.

NPDES Permit No. PA0009440, Industrial Waste, **Pennsylvania-American Water Company**, 200 East Canal Street, Hummelstown, PA 17036. This proposed facility is located in Silver Spring Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge from Silver Spring Treatment Plant to Conodoquin Creek in Watershed 7-B.

NPDES Permit No. PA0024244, Industrial Waste, **Sunoco Partners Marketing & Terminals, L.P.**, 1801 Market Street (10PC), Philadelphia, PA 19103-1699. This proposed facility is located in Allegheny Township, **Blair County**.

Description of Proposed Action/Activity: Authorization to discharge from Eldorado Terminal to drainage ditch to Sugar Run and drainage ditch to Burgoon Run in Watershed 11-A.

NPDES Permit No. PAS703501, Stormwater, **Koch Materials Company**, 1505 Greenleaf Road, North Charleston, SC 29405. This proposed facility is located in Muhlenberg Township, **Berks County**.

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

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

NPDES Permit No. PA0113972, Sewage, **Candlelight Inn, Inc.**, 132 Welliver Drive, Bloomsburg, PA 17815. This existing facility is located in Montour Township, **Columbia County**.

Description of Proposed Action/Activity: Transfer of permit to discharge treated effluent to Montour Run.

WQM Permit No. 1989401-T2, Sewerage, **Candlelight Inn, Inc.**, 132 Welliver Drive, Bloomsburg, PA 17815. This existing facility is located in Montour Township, **Columbia County**.

Description of Proposed Action/Activity: Transfer of permit to discharge treated effluent to Montour Run.

NPDES Permit No. PA0208914, Sewage 4952, **Great Dane Limited Partnership**, 70 Strick Road, Danville, PA 17821. This facility is located in Limestone Township, **Montour County**.

Description of Proposed Action/Activity: Nonmunicipal wastewater treatment facilities.

WQM Permit No. 4795401-T1, Sewage 4952, **Great Dane Limited Partnership**, 70 Strick Road, Danville, PA 17821. This facility is located in Limestone Township, **Montour County**.

Description of Proposed Action/Activity: Nonmunicipal wastewater treatment facilities.

WQM Permit No. 1702401, Sewerage SIC 4952, **Crystal Hubler**, P. O. Box 98, Drifting, PA 16834. This proposed facility is located in Graham Township, **Clearfield County**.

Description of Proposed Action/Activity: Construction and operation of residential sewage treatment plant.

NPDES Permit No. PA0110761, Industrial Waste, **Shamokin Dam Borough**, P. O. Box 273, Shamokin Dam, PA 17876. This existing facility is located in Shamokin Dam Borough, **Snyder County**.

Description of Proposed Action/Activity: Renewal of an NPDES permit for the discharge of treated effluent from a water treatment plant backwash settling facility, to an unnamed tributary of the Susquehanna River.

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

NPDES Permit No. PA0034061, Sewage, **Goddard Park Vacationland Campground**, 867 Georgetown Road, Sandy Lake, PA 16145. This proposed facility is located in Deer Creek Township, **Mercer County**.

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

NPDES Permit No. PA0033146, Sewage, **Countryside Convalescent Home, LP**, 8221 Lamor Road, Mercer, PA 16137. This proposed facility is located in East Lackawannock Township, **Mercer County**.

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

NPDES Permit No. PA0101389, Sewage, **Penncrest School District, Maplewood Elementary School**, 18741 State Highway 198, P. O. Box 808, Saegertown, PA 16433-0808. This proposed facility is located in Townville Borough, **Crawford County**.

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

WQM Permit No. 1602402, Sewerage, **Knox Borough—Beaver Industrial Park**, P. O. 366, Knox, PA 16232. This proposed facility is located in Beaver Township, **Clarion County**.

Description of Proposed Action/Activity: This project is for the installation of a sewer force main, pump station and water line to serve the industrial park.

WQM Permit No. 1001415, Sewerage, **Pinehurst Mobile Home Park**, 899 Rockdale Road, Butler, PA 16002. This proposed facility is located in Center Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a sewage treatment facility to serve a mobile home park.

NPDES STORMWATER INDIVIDUAL PERMITS—(PAS)

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

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10G486	Michael D. Smith 3393 Sanatoga Road Pottstown, PA 19426	Chester	North Coventry Township	UNT of Schuylkill River HQ

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q235	Brandywine Operating Partnership, L.P. 7535 Windsor Drive Allentown, PA 18195	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF
PAS10Q237	Thomas M. Durkin & Sons, Inc. 3030 Grant Ave. Philadelphia, PA 19114	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF
PAS10S108	Fern Partners 257 Rimrock Dr. Stroudsburg, PA 18360	Monroe	Hamilton Township	McMichael Creek HQ-CWF
PAS10U168	Jaindl Land Co. 3150 Coffeetown Rd. Orefield, PA 18069	Northampton	Hanover Township	Monocacy Creek HQ-CWF
PAS10U169	Northampton Community College 3835 Green Pond Rd. Bethlehem, PA 18020	Northampton	Bethlehem Township	Monocacy Creek and Nancy Run HQ-CWF
PAS10V040	Philip Rizzo 10 Kergy Lane Mendhan, NJ 07945	Pike	Lehman Township	Saw, Little Bushkill and Bushkill Creeks HQ-CWF
PAS10U160	Red Rock Land Corp. R. R. 1, Box 715 Pen Argyl, PA 18072	Northampton	Forks Township	Bushkill Creek HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10U127	J. G. Petrucci Co., Inc. 171 Route 173, Suite 201 Asbury, NJ 08802	Northampton	Bethlehem Township	Bushkill Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10F105	Barry L. Gensimore Happy Valley Group LLC 660 Axemann Rd. Pleasant Gap, PA 1823	Centre	Walker	Little Fishing 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 & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Luzerne County Dallas Township	PAR10R254	Presidential Land Dev., Inc. 433 W. Centre St. Mahanoy City, PA 17948	Unnamed tributary to Toby's Creek CWF	Luzerne County Conservation District (570) 674-7991

NOTICES

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Luzerne County Warrior Run Borough	PAR10R249	Department of Environmental Protection Bureau of Abandoned Mine Reclamation 2 Public Square Wilkes-Barre, PA 18711	Nanticoke Creek WWF	Luzerne County Conservation District (570) 674-7991
Luzerne County Sugarloaf Township	PAR10R245	Rhed Development, Inc. 240 W. Broad St. Hazleton, PA 18201	Little Nescopeck Creek WWF	Luzerne County Conservation District (570) 674-7991
Snyder Township Blair County	PAR100731	Superior Lumber R. D. 4 Box 304K Tyrone, PA 16686	Bald Eagle Creek TSF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877
Logan Township Blair County	PAR100732	MMRE, L.P. P. O. Box 1252 Altoona, PA 16603	Brush Run WWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877
South Hanover Township Dauphin County	PAR10I296	Larry A. Hirsch HHH Golf Development LLC 2213 Forest Hills Dr. Suite 3 Harrisburg, PA 17112	Kellock Run WWF Swatara Creek WWF Manada Creek WWF Union Canal WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Swatara Township Dauphin County	PAR10I061-R	The McNaughton Co. 4400 Deer Path Rd. Suite 201 Harrisburg, PA 17110	Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Penn Township Berks County	PAR10C410	Kim Chesler Texas Eastern Transmission LP 5400 Westheimer Ct. SP775 Houston, TX 77056	Licking Creek TSF Plum Creek WWF	Berks County Conservation District P. O. Box 520 1238 Co. Welfare Rd. Leesport, PA 19533-0520 (610) 372-4657
Silver Spring Township Cumberland County	PAR10H290	Wal-Mart Stores, Inc. 2001 SE 10th Street Bentonville, AR 72716-0550	Hogestown Run WWF Conodoquinet WWF	Cumberland County Conservation District 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812
Penn and W. Manheim Townships York County	PAR10Y600	R. Carnie Fryfogle Inc. 4921 Wentz Road Manchester, MD 21102	UNT to Furnace Creek WWF	York County Conservation District 118 Pleasant Acres Road Suite E York, PA 17402 (717) 840-7430
Hopewell Township York County	PAR10Y604	Paul K. Miller 16098 Sawmill Road Stewartstown, PA 17363	UNT to Deer Creek WWF	York County Conservation District 118 Pleasant Acres Road Suite E York, PA 17402 (717) 840-7430
Penn Township Hanover Borough York County	PAR10Y592	Douglas P. Sheehan 300 Frederick Street Hanover, PA 17331	Gitts Run WWF	York County Conservation District 118 Pleasant Acres Road Suite E York, PA 17402 (717) 840-7430

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Patton Township Centre County	PAR10F161	Northbrook Greens 200 Shannon Lane State College, PA 16801	UNT to Big Hollow CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823
<i>General Permit Type—PAG-3</i>				
<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Spring City Borough Chester County	PAR200018	Spring City Electrical Mfg. Co. 1 S. Main St. Spring City, PA 19475	Schuylkill River-3D Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Upper Merion Township Montgomery County	PAR600035	BFI Waste Services of PA 372 S. Henderson Rd. King of Prussia, PA 19406	Frog Run-3F Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Falls Township Bucks County	PAR230047	Cartex Corp. 200 Rock Run Rd. Fairless Hills, PA 19380	Martins Creek-2F Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
West Goshen Township Chester County	PAR210028	Trans Materials Inc. 831 Lincoln Ave. West Chester, PA 19380	UNT to Taylor Run-3G Watershed	DEP Southeast Region Lee Park, Suite 6010 555 North Lane Conshohocken, PA 19428 (610) 832-6131
Luzerne County Wright Township	PAR212202	Certainteed Corporation 120 Oak Hill Road Crestwood Industrial Park Mountaintop, PA 18707-2105	Watering Run CWF	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
Schuylkill County North Manheim Township	PAR122213	Lehigh Valley Dairies 110 Manheim Road Schuylkill Haven, PA 17972	Unnamed tributary to Schuylkill River	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511
Lancaster County Fulton Township	PAR703513	McMinn's Asphalt Co., Inc. Mason-Dixon Plant P. O. Box 4688 Lancaster, PA 17604-4688	Octoraro Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Lancaster City Manheim Township	PAR703511	McMinn's Asphalt Co., Inc. Lancaster Plant P. O. Box 4688 Lancaster, PA 17604-4688	UNT to Little Conestoga Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County East Hempfield Township	PAR703514	McMinn's Asphalt Co., Inc. East Petersburg Plant P. O. Box 4688 Lancaster, PA 17604-4688	UNT to Little Conestoga Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Lancaster County Mount Joy Township	PAR703515	McMinn's Asphalt Co., Inc. Elizabethtown Plant P. O. Box 4688 Lancaster, PA 17604-4688	UNT to Donegal Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Paradise Township	PAR703512	McMinn's Asphalt Co., Inc. Paradise Plant P. O. Box 4688 Lancaster, PA 17604-4688	Londonland Run CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Mifflin County Granville Township	PAR323511	Mifflin County Industrial Development Corporation MCIDC Plaza 6395 SR 103N Bldg. 50 Lewistown, PA 17044	Juniata River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Liberty Township Tioga County	PAR114803	Matt's Auto Parts & Sales, Inc. R. R. 1, Box 147 Liberty, PA 16930	UNT to Blacks Creek (CWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

General Permit Type—PAG-4

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Hector Township Potter County	PAG044934	Merrill Godshall 432 Lower Road Souderton, PA 18964	Teed Hollow CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Graham Township Clearfield County	PAG 045140	Crystal Hubler P. O. Box 98 Drifting, PA 16834	UNT to Moravian Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

General Permit Type—PAG-5

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Blair County North Woodbury Township	PAG053565	Blair County Oil & Supply, Inc. 426 Bedford St. Hollidaysburg, PA 16648	UNT to Cove Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
City of Erie Erie County	PAG058345	Holmes Exxon Car Wash 3906 Peach Street Erie, PA 16509	Unnamed tributary to Mill Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Summit Township Butler County	PAG058346	McKitten Service Station 686 Glenwood Way Butler, PA 16001	Bonnie Brook	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
North Beaver Township Lawrence County	PAG058312	Tic Toc Food Mart 547 Mt. Jackson Road New Castle, PA 16102	Hickory Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-9

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Dublin Township Fulton County	PAG093538	Clyde White County Septic Service 29169 Great Cove Road Ft. Littleton, PA 17223	County Septic Service Dublin Township Fulton County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

General Permit Type—PAG-12

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Lancaster County Manor Township	PAG123543	Marlin Harnish Marlin Harnish Farm 3421 Blue Rock Road Lancaster, PA 17603	West Branch Little Conestoga Creek WWF/7J	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707

PUBLIC WATER SUPPLY PERMITS

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

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

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

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

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

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

Permit No. 4902501, Public Water Supply.

Applicant	Merck & Company, Inc. Cherokee Plant P. O. Box 600 Danville, PA 17821
Borough	Riverside Borough
County	Northumberland
Type of Facility	PWS—approval to construct clarifier #2 and sand filter #2
Consulting Engineer	Sear-Brown Engineering, Inc. 2571 Park Center Blvd. State College, PA 16801
Permit to Construct Issued	May 13, 2002

Permit No. 3614, Public Water Supply.

Applicant	State College Borough Water Authority 1201 West Branch Road State College, PA 16801
Township	Harris Township
County	Centre
Type of Facility	PWS—Well #2, a steel storage tank and chlorination of Well #2

Permit to Operate May 17, 2002
Cancelled

Permit No. 4685, Public Water Supply.

Applicant **State College Borough Water Authority**
1201 West Branch Road
State College, PA 16801

Township Harris Township

County Centre

Type of Facility PWS—Well #4 and chlorination of Well #4

Permit to Operate May 17, 2002
Cancelled

Permit No. 6407, Public Water Supply.

Applicant **State College Borough Water Authority**
1201 West Branch Road
State College, PA 16801

Township Harris Township

County Centre

Type of Facility PWS—Well #6

Permit to Operate May 17, 2002
Cancelled

Permit No. Minor Amendment, Public Water Supply.

Applicant **Galeton Borough Authority**
2 Sherman Street
Galeton, PA 16922

Township West Branch Township

County **Potter**

Type of Facility PWS—3,500 feet of 8-inch transmission main

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

Permit to Construct May 13, 2002
Issued

Permit No. 4101501, Public Water Supply.

Applicant **Hidden Valley Mobile Home Park**
c/o Vernon Pettengill, Owner
Box 133
Linden, PA 17744

Township Woodward Township

County **Lycoming**

Type of Facility PWS—operation of three greensand filters with potassium permanganate chemical feed

Permit to Operate May 20, 2002
Issued

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

Permit No. 0202501, Public Water Supply.

Applicant **Pennsylvania American Water Company**
P. O. Box 1290
300 Galley Road
McMurray, PA 15317

Borough or Township South Fayette Township

County **Allegheny**

Type of Facility Water booster station

Permit to Construct May 15, 2002
Issued

Operations Permit issued to **The Municipal Authority of the Borough of Carmichaels**, 104 North Pine Street, Carmichaels, PA 15320, PWSID #5300005, Cumberland Township, **Greene County** on May 15, 2002, for the operation of facilities approved under Construction Permit # 3099501.

Permit No. 5692501-A2, Minor Amendment. Public Water Supply.

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

Borough or Township Boswell Borough

County **Somerset**

Type of Facility Tank

Consulting Engineer The EADS Group

Permit to Construct May 15, 2002
Issued

Permit No. 1185504-A1, Minor Amendment. Public Water Supply.

Applicant **Federal Bureau of Prisons Federal Correctional Institution at Loretto**
P. O. Box 1000
Loretto, PA 15940-1000

Borough or Township Loretto

County Joseph Coho
Federal Bureau of Prisons
Federal Correctional Institution at Loretto
P. O. Box 1000
Loretto, PA 15940-1000

Type of Facility Tank, chlorination system

Consulting Engineer Peters Design Group
301 North Main Avenue
Scranton, PA 18504

Permit to Construct May 15, 2002
Issued

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
North Manheim Township	303 Manheim Road Pottsville, PA 17901	Schuylkill

Plan Description: The Plan Revision calls for the construction of 1,471 LF of 8-inch PVC sewer line and 417 L.F. of 6-inch PVC sewer line to extend wastewater collection system service to the Hillcrest Avenue and Earl Street areas in North Manheim Township. The proposed wastewater collection system will serve 23 equivalent dwelling units in the project area. The projected wastewater flow to be generated by the project's users is 9,200 GPD. The wastewater will be conveyed to the Schuylkill Haven Wastewater Treatment Facility for ultimate treatment and discharge. Implementation of the selected wastewater disposal alternative and operation of the proposed facilities will be performed by the North Manheim Township Authority. This review has also not identified any significant environmental impacts resulting from this proposal. Financing of the proposed wastewater collection system is to be provided by the Pennsylvania Infrastructure Investment Authority.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Hopewell Township	R. D. 1, Box 95 James Creek, PA 16657	Huntingdon County

Plan Description: The plan provides for an approval granted May 14, 2002, as a revision to the Official Plan of Hopewell Township, Huntingdon County. Project involves construction of an onsite sewage treatment facility to serve a proposed campground consisting of 195 campsites, 10 cabins, a store, office and laundry. 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 developer as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
East Hanover Township	8848 Jonestown Rd. Grantville, PA 17028	Dauphin

Plan Description: The approved plan provides for a Small Flow Treatment Facility of 1,200 gpd to serve the existing Stanley Stewart property at 219 Old Lauder milk Road. The proposed SFTF is to repair a malfunctioning onlot sewage system with a treated discharge to an unnamed tributary of Swatara Creek. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Carbon Township	R. D. 1 Box 418 Saxton, PA 16673	Huntingdon

Plan Description: The approved plan provides for relocation of the Carbon-Dudley-Coalmont Joint Municipal Authority wastewater treatment plant to a site on the

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

HAZARDOUS SITES CLEANUP UNDER THE ACT OF OCTOBER 18, 1988

Notice of Proposed Interim Response

Clements Landfill Site

Ontelaunee and Perry Townships, Berks County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.102—6020.1303) is proposing an interim response at the Clements Landfill Site (Site) in Ontelaunee and Perry Townships, Berks County, PA.

The Site is located approximately 1 1/2 miles east of Route 61 and is bordered by Birch Hill Road to the north, Shoemakersville Road to the east, Ontelaunee Drive to the south and Kerns Road extending from the south to the west side of the Site. The entire area surrounding the Site consists of residential and agricultural lands. The Site, an inactive landfill since 1970, is 68.29 acres on which approximately 25 acres are land filled.

In June 2000, the Department sampled 13 residential wells adjacent to the Site. Three adjacent properties south of the Site, located on a geologic fracture trace running through the land-filled area, have VOC contaminations above regulatory standards. Trichloroethylene levels ranged from 24 micrograms per liter (µg/L) to 73 µg/L, vinyl chloride from 4 µg/L to 27 µg/L and cis-1,2-Dichloroethylene (cis-1,2-DCE) from 79 to 140 µg/L. The regulatory limits for these VOCs in groundwater are 5 µg/L, 2 µg/L and 70 µg/L respectively. Resampling of the impacted well water supplies confirmed these levels of VOC contamination.

In February 2001, the Department conducted a prompt interim response action to install point-of-entry water treatment systems in the three homes that were identified as having VOC impacted wells. These homes are sampled semiannually to examine system performance and to monitor regional groundwater conditions. The Department will continue to provide maintenance of these systems and will provide treatment systems for additional residential wells that are determined to exceed primary drinking water standards for substances associated with this site.

During site characterization activities, an industrial process tank was identified and found to contain residual sludge materials. A sample of the sludge was collected and submitted for Toxicity Characteristic Leaching Procedure analysis. The analysis showed that the sludge materials leached chromium at 1,060 mg/L, which exceeds the 5 mg/L standard established for this metal. These results indicate that the residual sludge material is characteristically hazardous based on toxicity.

The Department proposes an interim response for the Site to conduct the following actions: (1) remove and dispose of the residual sludge materials contained in an onsite industrial process tank and associated contaminated soils; (2) continued monitoring of the groundwater conditions at the Site; and (3) implementation of a deed

restriction for the land-filled areas of the Site. These actions are taken to protect the public health or safety or the environment.

The Department considered two alternatives: 1) no action, which allows the residents to have continued potential exposure to the chromium contaminated sludge material; and 2) sludge removal and proper disposal, groundwater monitoring and deed restriction onland use.

The Department has chosen to implement Alternative 2. Alternative 2 complies with applicable, relevant and appropriate requirements and is cost effective. This alternative is protective of human health and the environment by eliminating the risk from further contact with hazardous substances at the Site.

The Department is providing this notice under sections 505(b) and 506(b) of HSCA (35 P. S. §§ 6020.505(b) and 6020.506(b)) and the publication of this notice in the *Pennsylvania Bulletin* starts the administrative record period under HSCA. The Administrative Record which contains information about this site and which supports the Department's decision to perform this action at the site is available for public review and comment. The Administrative Record can be examined from 8 a.m. to 4 p.m. at the Department's Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110 by contacting Ryan Kostival at (717) 705-4843. The Administrative Record can also be reviewed at the Department's Reading District Office, 1005 Crossroads Boulevard, Reading, PA 19605 from 8 a.m. to 4 p.m. by contacting Donna Good at (610) 916-0100.

The administrative record will be open for comment from the date of publication of this notice in the *Pennsylvania Bulletin* and will remain open for 90 days. Persons may submit written comments regarding this action to the Department before September 6, 2002, by mailing them to Ryan Kostival at the previous address.

The public will have an opportunity to present oral comments regarding the proposed action at a public hearing. The hearing has been scheduled for July 24, 2002, at 7 p.m. at the Schuylkill Valley Middle School, 114 Ontelaunee Drive, Leesport, PA. Persons wishing to present formal oral comment at the hearing should register before 4 p.m., July 19, 2002, by calling Sandra Roderick at (717) 705-4931.

If no person registers to present oral comments by July 19, 2002, the hearing will not be held, but will be replaced with an informational meeting. Persons interested in finding out if anyone has registered and if the hearing will be held, should contact Sandra Roderick at the previous number. An informational meeting will be held following the hearing.

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

Notice of Prompt Interim Response

Smalis Penn Avenue Site

City of Pittsburgh, Allegheny County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305) has initiated a prompt interim response at the Smalis

Penn Avenue Site (Site). This response has been initiated under sections 501(a) and 505(b) of the HSCA (35 P. S. §§ 6020.501(a) and 6020.505(b)). The Site is located at 2908 and 2922 Penn Avenue, City of Pittsburgh, Allegheny County, PA.

The Site consisted of a fenced lot containing a large trailer, a box truck and numerous 55-gallon drums. The trailer and the box truck contained 55-gallon drums and 5-gallon containers of paint, paint waste and solvent. The Site contained 79 55-gallon drums and 196 5-gallon containers of waste total. The drums and containers were found to contain hazardous substances.

The Department conducted an emergency response at the site from March 15, 2001, to March 17, 2001, to address the imminent threat to the public health and the environment. During the response, all drums and containers were removed from the two trailers onsite and from around the Site. Leaking or open drums and containers were placed in steel or plastic over pack containers. Nonleaking drums and containers were placed in one of two lined roll-off boxes.

A sampling investigation was conducted on August 9, 2001. Samples were collected from 5-gallon containers in the roll off boxes and from 55-gallon drums in the over packed drum staging area. The samples revealed the presence of hazardous substances.

The Department issued an administrative order to the responsible parties on September 6, 2001. The order required the responsible parties to characterize and dispose of the hazardous materials on the site within 30 days of receipt of the order. The responsible parties have failed to comply with this order.

The Department considered several alternatives at the Site, including: no action; securing of the site; and disposal of the waste at the Site. The Department determined that disposal of the waste was the appropriate course of action. This alternative was selected because it complied with all applicable laws and regulations and was determined to be the most environmentally sound procedure for this site.

The Department conducted a prompt interim response to remove and dispose of the waste at the Site from March 20, 2002, to May 9, 2002. All hazardous waste at the Site was removed and properly disposed. The Department, following the public hearing and comment period, will complete a Statement of Decision and Response to Comments.

This notice is being provided under sections 505(b) and 506(b) of HSCA. The administrative record which contains the information that forms the basis and documents the selection of this response action is available for public review and comment. The administrative record is located at the Department's Southwest Regional Office in Pittsburgh and is available for review Monday through Friday from 8 a.m. to 4 p.m.

The administrative record will be open for comment from June 9, 2002, until September 9, 2002. Persons may submit written comments into the record during this time only, by sending them or delivering them to Kevin Halloran, Environmental Cleanup Program, 400 Waterfront Drive, Pittsburgh, PA 15222.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing. The Department has scheduled the hearing on Monday, July 8, 2002, at 7 p.m. at the Department Regional Office, 400 Waterfront Drive, Pittsburgh, PA,

15222. Persons wishing to present comments must register before July 3, 2002, with Patrick Shuster, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4000. If no person registers to present oral comments, by the date specified, the hearing will not be held. Persons interested in finding out if anyone has registered and if the hearing will be held should contact Patrick Shuster at (412) 442-4000.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should call Patrick Shuster at (412) 442-4000 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

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

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

The Department has received the following final reports:

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

Bloomer Residence, Bristol Township, **Bucks County**. Robert J. Meisner, P. E., Hydro Environmental Technologies, Inc., 1201 Route 37 East, Toms River, NJ 08753, on behalf of Christine Bloomer, 229 Blue Ridge Dr., Levittown, PA, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with BTEX and petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Carmeuse Pennsylvania Inc., North Londonderry and North Annville Townships, **Lebanon County**. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109 (on behalf of Carmeuse Pennsylvania, Inc., Route 422 and Clear Spring Road, Annville, PA 17003) has submitted a Final Report concerning remediation of site soils and groundwater contaminated with lead, BTEX, PHCs and PAHs. The report is intended to document remediation of the site to the Statewide Health standard.

Caterpillar Inc. Area C, Springettsbury Township, **York County**. Earth Tech, Inc., 2 Market Plaza Way, Mechanicsburg, PA 17055, (on behalf of Caterpillar Inc., 100 N.E. Adams Street, Peoria, IL 61629) submitted a Final Report concerning remediation of site soils and groundwater contaminated with lead, PCBs, heavy metals, BTEX, PAHs, PHCs and solvents. The report is intended to document remediation of the site to the Statewide Health standard.

Koch Hydrocarbon Facility, Heidelberg Township, **Lebanon County**. ARCADIS Geraghty & Miller, Inc., 26451 300 Cabot Boulevard, West, Suite 3004, Langhorne, PA 19047 (on behalf of Koch Hydrocarbon NGL Marketing, Route 501 South, Schaefferstown, PA 17088) has submitted a combination Remedial Investigation and Final Report for site soils and groundwater contaminated with lead, BTEX, PHCs and PAHs. The report is intended to document remediation of the site to a combination of Statewide Health and Site-Specific standards.

Penn Fuel Gas Inc., Shippensburg Borough, **Cumberland County**. Corporate Environmental Solutions, LLC, 260 Millers Run Road, Bridgeville, PA 15017 (on behalf of PFG Gas, Inc., a subsidiary of PPL Gas Utilities, Two North Ninth Street, Allentown, PA 18101) submitted a cleanup plan concerning remediation of site soils and groundwater contaminated with lead, BTEX, PAHs and phenolic compounds.

Wawa 274, Muhlenberg Township, **Berks County**. Groundwater and Environmental Services, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341, on behalf of Wawa, Inc., 260 West Baltimore Pike, Wawa, PA 19063, submitted a Final Report for site groundwater contaminated with solvents. This report is intended to document remediation of the site to meet the Background standard requirements.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Act. Plans and reports required by provisions of the Act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A reme-

dial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following final reports:

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

Indian Springs Day Camp, West Pikeland Township, **Chester County**. Peter A. Malik, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of Indian Springs Day Camp, Inc., 23 Roberts Rd., Newtown Square, PA 19073, has submitted a Final Report concerning the remediation of site soil contaminated with BTEX and polycyclic aromatic hydrocarbons. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 9, 2002.

James Spring & Wire Company, East Whiteland Township, **Chester County**. Christopher Orzechowski, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of James Spring & Wire Co., 6 Bacton Hill Rd., Frazer, PA 19355, has submitted a combined Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning the remediation of site groundwater contaminated with heavy metals, solvents and cadmium. The combined report was approved by the Department on May 23, 2002.

George H. and Jane P. Freischmidt Family Trust, Marple Township, **Delaware County**. Thomas J. Martinelli, JMT Environmental Technologies, 267 Daniel Rd., Nazareth, PA 18064, on behalf of Freischmidt Family Trust, 19 Worthington Dr., West Grove, PA 19390, has submitted a Final Report concerning remediation of site soil contaminated with petroleum hydrocarbons. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 30, 2002.

Former Mock Dump Site, Concord Township, **Delaware County**. J. Mark Chamberlain, P.G., 2067 Chestnut St., Nesco, NJ 08037, on behalf of Freehand H.J.,

Inc., 111 Hayesville Rd., Oxford, PA 19363, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with PCBs, lead, heavy metals, BTEX, PHCs, PAHs, solvents and pesticides. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 13, 2002.

SYSCO Food Services Facility (Expansion), City of Philadelphia, **Philadelphia County**. Jonathan E. Rinde, Manko, Gold & Katcher, LLP, on behalf of the City of Philadelphia, 1401 JFK Blvd., Philadelphia, PA 19102, has submitted a Baseline Remedial Report concerning remediation of site soil contaminated with lead, heavy metals, polycyclic aromatic hydrocarbons, solvents, MTBE and petroleum; groundwater contaminated with lead, heavy metals, polycyclic aromatic hydrocarbons, solvents, MTBE and petroleum; and surface water contaminated with heavy metals and polycyclic aromatic hydrocarbons. The report which applies to a Special Industrial Area, was approved by the Department on March 18, 2002.

Metal Bank State Road, City of Philadelphia, **Philadelphia County**. Edward W. Kleppinger, EWK Consultants, 2454 Royal St., New Orleans, LA 70117, on behalf of U.C.O.—M.B.A. Corp., c/o Mattioni Ltd., 399 Market St., Philadelphia, PA 19106, has submitted a combined Remedial Investigation/Final Report concerning remediation of site soil and groundwater contaminated with PCBs. The combined report did not demonstrate attainment of Statewide Health nor Site-Specific Standards and was disapproved by the Department on May 3, 2002.

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

Brenntag Northeast Inc., formerly Textile Chemical Company Huller Lane Facility, Ontelaunee Township, **Berks County**. Earth Date Northeast, Inc., 924 Springdale Drive, Exton, PA 19341, on behalf of Brenntag Northeast, Inc., P. O. Box 13788, Reading, PA 19612-3788, submitted a combined remedial investigation and final report concerning remediation of site groundwater contaminated with solvents. The final report demonstrated attainment of the Site-Specific Standard and was approved by the Department on May 10, 2002.

Carmeuse Pennsylvania Inc., North Londonderry and North Annville Townships, **Lebanon County**. BL Companies, 2933 North Front Street, Harrisburg, PA 17110 (on behalf of Carmeuse Pennsylvania, Inc., Route 422 and Clear Spring Road, Annville, PA 17003) has submitted a Final Report to Remediate site soils and groundwater contaminated with lead, BTEX, PHCs and PAHs. The combined report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 8, 2002.

Red Rose Transit Authority, City of Lancaster, **Lancaster County**. Red Rose Transit Authority, 45 Erick Road, Lancaster, PA 17601 submitted a Final Report for site soils contaminated with lubricating oil compounds. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 7, 2002.

Rutherford Intermodal Transfer Facility, Swatara Township, **Dauphin County**. IT Corporation, 200 Horizon Center Boulevard, Trenton, NJ 08691-1904 (on behalf of Pennsylvania Lines LLC, Three Commercial Place, Norfolk, VA 23510-9241 and Consolidated Rail Corporation, Two Commerce Square, 2001 Market Street, Philadelphia, PA 19101-1416) submitted a final report concerning remediation of site soils contaminated with PCBs,

BTEX, PHCs, PAHs and solvents. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 13, 2002.

Bamberger's Inc., City of Lebanon, **Lebanon County**. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of Rite Aid of Pennsylvania, Inc., 30 Hunter Lane, Camp Hill, PA 17011 and Bamberger's Inc., Two Cumberland Street, Lebanon, PA 17042, submitted a combined remedial investigation and final report concerning remediation of site soils and groundwater contaminated with BTEX. The report is intended to document remediation of the site to the Site-Specific Standard. The report was disapproved by the Department on May 7, 2002.

Former Powell Property, Logan and Antis Townships, **Blair County**. Mountain Research, Inc., 825 25th Street, Altoona, PA 16601, on behalf of Altoona-Blair County Development Corporation, 4500 Sixth Avenue, Altoona, PA 16602, submitted a baseline environmental report concerning remediation of site soils contaminated with lead, heavy metals, solvents, BTEX and PAHs and groundwater contaminated with heavy metals. The report was approved by the Department on May 1, 2002.

Good Residence, Manheim Township, **Lancaster County**. GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of Daniel and Karen Good, 135 Ridge Road, Millersville, PA 17551, submitted a final report concerning remediation of site soils contaminated with BTEX. The final report demonstrated attainment of the Statewide Health standard and was approved by the Department on May 22, 2002.

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

Dillon Floral Corporation, Scott Township, **Columbia County**. EearthRes Group, Inc., on behalf of Dillon Floral Corporation, P. O. Box 180, Bloomsburg, PA 17815, has submitted a Cleanup Plan concerning remediation of site soil contaminated with (pesticides) dieldrin. The Cleanup Plan was submitted in partial fulfillment of the Site-Specific Standard and was approved by the Department on May 13, 2002.

HAZARDOUS WASTE TRANSPORTER LICENSE

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

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

Hazardous Waste Transporter License Renewed

E. I. Dupont de Nemours and Company, Experimental Station, P. O. Box 80249 Rt., Wilmington, DE 19880-0249. License No. **PA-AH 0660**. Effective May 15, 2002.

Duquesne Light Company, Construction Coordination and Underground, 2601 Preble Avenue, Pittsburgh, PA 15233. License No. **PA-AH 0462**. Effective May 15, 2002.

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

US Liquids of Pennsylvania, Inc. d/b/a US Liquids, 199 Clyde Street, Ellwood City, PA 16117. License No. **PA-AH 0651**. Effective May 14, 2002.

Freehold Cartage, Inc., P. O. Box 5010, Freehold, NJ 07728-5010. License No. **PA-AH 0067**. Effective May 13, 2002.

Lewis Environmental, Inc., P. O. Box 639, Royersford, PA 19468. License No. **PA-AH 0591**. Effective May 9, 2002.

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

Hazardous Waste Transporter License Voluntarily Terminated

Exide Technologies, 13000 Deerfield Parkway, Bldg. 200, Alpharetta, GA 30004. License No. **PA-AH 0665**. Effective May 10, 2002.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.

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

Infectious and Chemotherapeutic Waste Transporter License Issued

Coast Medical Supply, Inc., P. O. Box 83, Fair Haven, NJ 07704. License No. **PA-HC 0214**. Effective May 8, 2002.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

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

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

Intent to Reduce a Bond

PAD002375376. U. S. Steel Corporation, Fairless Works, Fairless Hills, PA 19030, Falls Township, **Bucks County**. On February 28, 2002, the Department received a request for a bond reduction from U. S. Steel Corporation reflecting revised post-closure care costs for its closed hazardous waste landfill known as Borrow Pit 20. The Department has reviewed the request and has determined that it is consistent with 25 Pa. Code § 264a.165 and intends to approve the request.

Persons wishing to comment on the proposed action are invited to submit a statement to the Regional Office indicated as the office responsible, within 45 days from the date of this public notice. Comments received within this 45-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer; and concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 45-day comment period and/or public hearing, the Department will make a final determination. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit No. 400493. Albert Einstein Healthcare Network, 5501 Old York Rd., Philadelphia, PA 19141, **Philadelphia County**. The Albert Einstein Medical Center's waste incinerator has ceased operation and has been closed. The permit was revoked by the Southeast Regional Office on May 28, 2002.

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

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

Permit No. 400633. Wheelabrator Falls Inc., 1201 New Ford Mill Rd., Morrisville, PA 19067-3701, Falls Township, **Bucks County**. Application filed for a 10-year renewal permit for continued operations of the resource recovery incinerator facility. The permit was issued by the Southeast Regional Office on May 29, 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.

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.

23-310-015GP: Hanson Aggregates PA, Inc. (Forge Road, Glenn Mills, PA 19342) on May 20, 2002, for a screen, conveyor and diesel generator in Thornbury Township, **Delaware County**.

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

GP1-67-03003: Hanover Hospital (300 Highland Avenue, Hanover, PA 17331) on May 20, 2002, was authorized to operate two natural gas/No. 2 oil fired boilers under GP-1 in Hanover Borough, **York County**.

GP3-06-03087: Haines and Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474) on May 23, 2002, was

authorized to operate a portable nonmetallic mineral processing plant under GP-3 at the Bechtelsville Asphalt Plant in Colebrookdale Township, **Berks County**.

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

GP-65-00948: Belden and Blake Corp. (22811 Titusville Road, Pleasantville, PA 16341) on May 22, 2002, for construction and operation of one Ajax-Cooper, Model No. 2802 LE, Natural Gas-Fired Compressor Engine rated at 384 bhp and one Natco, Model No. 75 Recon, Glycol Dehydrator, rated at 0.075 mmBtu/hr under GP-5 at the Derry Compressor Site in Derry Township, **Westmoreland County**.

GP-03-00231: The Peoples Natural Gas Co. (625 Liberty Avenue, Dominion Tower—20th Floor, Pittsburgh, PA 15222) on May 22, 2002, for construction and operation of one Caterpillar, Model No. G3512 TALE, Natural Gas-Fired Compressor Engine rated at 810 bhp under GP-5 at the Shady Plain Compressor Station in South Bend Township, **Armstrong County**.

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

02061: Baum Printing (9985 Gantry Road, Philadelphia, PA 19115) for installation of a Heidelberg nonheatset lithographic printing press in the City of Philadelphia, **Philadelphia County**.

02016: DeGussa Flavors and Fruit Systems (1741 Tomlinson Road, Philadelphia, PA 19116) for installation of a 33.48 mmBtu/hr dual fired Cleaver Brooks Boiler in the City of Philadelphia, **Philadelphia 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.

09-0124B: Fairless Energy, LLC (USX Industrial Park, Fairless Hills, PA 19030) on March 28, 2002, for operation of a combined cycle combustion turbine in Falls Township, **Bucks County**.

46-0108A: Highway Materials, Inc. (1128 Crusher Road, Perkiomenville, PA 18074) on March 28, 2002, for operation of a dryer burner in Marlborough Township, **Montgomery County**.

23-0006D: Foamex LP (1500 East Second Street, Eddystone, PA 19022) on April 3, 2002, for operation of a thermal reticulater in Eddystone Borough, **Delaware County**.

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

02001: Active Realty Associates (10175 Northeast Boulevard, Philadelphia, PA 19115) was authorized to operate two 125 HP Titusville Boilers with No. 4 fuel oil in the City of Philadelphia, **Philadelphia County**.

02034: ESSDC (1237 East Hayes Boulevard, Bristol, PA 19007) was authorized to operate a temporary con-

crete crusher at the Philadelphia Naval Business Center at 4500 South Broad Street in the City of Philadelphia, **Philadelphia County**.

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

36-05112: PPL West Earl, LLC (11350 Random Hills Road, Suite 400, Fairfax, VA 22030) on May 23, 2002, for installation of ten natural gas-fired simple cycle combustion turbines at its West Earl Generating Facility in West Earl Township, **Lancaster County**. This facility is subject to 40 CFR Part 60, Subpart GG—Standards of Performance for Stationary Gas Turbines.

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

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

46-313-146: Penn Color, Inc. (2755 Bergey Road, Hatfield, PA 19440) on May 17, 2002, for operation of a base pigment dispersion facility in Hatfield Township, **Montgomery County**.

09-0128: East Coast Sign Advertising (5058 Route 13 North, Bristol, PA 19007) on May 17, 2002, for operation of a paint spray booth in Bristol Township, **Bucks County**.

46-0037G: Cabot Performance Materials (County Line Road, Boyertown, PA 19512) on May 22, 2002, for operation of a boiler house in Douglass Township, **Montgomery County**.

09-0009B: Webcraft, LLC (4371 County Line Road, Chalfont, PA 18914) on May 22, 2002, for operation of a web offset press in New Britain Township, **Bucks County**.

46-0210: Cellco Partnership d/b/a Verizon (5175 Campus Drive, Plymouth Meeting, PA 19462) on April 3, 2002, for operation of a 600 kW diesel generator in Whitmarsh Township, **Montgomery County**.

46-0169A: H and N Packaging, Inc. (92 County Line Road, Colmar, PA 18915) on April 3, 2002, for operation of an ink room in Hatfield Township, **Montgomery County**.

15-0085A: Lincoln University (1570 Baltimore Pike, Lincoln University, PA 19352) on April 8, 2002, for operation of two boilers in Lower Oxford Township, **Chester County**.

46-0005M: Merck and Co., Inc. (770 Sumneytown Pike, West Point, PA 19486) on March 21, 2002, for operation of a natural gas-fired combustion turbine in Upper Gwynedd Township, **Montgomery County**.

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

12-399-016: Micron Research Corp. (Route 120 West, P. O. Box 269, Emporium, PA 15834) on May 15, 2002, to extend authorization to operate a carbon graphite manufacturing operation on a temporary basis until September 12, 2002, as well as to authorize use of a cartridge collector and activated carbon filter system

instead of a limestone bed/fiberglass installation bed/carbon filter bed system to control the air contaminant emissions from a mixer in Shippen Township, **Cameron County**.

18-313-019D: Croda, Inc. (8 Croda Way, Mill Hall, PA 17751-9601) on May 17, 2002, to extend authorization to operate various batch reaction vessels used to produce quaternary ammonium compounds and associated air cleaning devices (a thermal oxidizer and a packed bed scrubber) on a temporary basis until September 14, 2002, in Bald Eagle Township, **Clinton County**.

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

32-055C: Homer City OL1-OL8 LLP (1750 Power Plant Road, Homer City, PA 15748) on May 23, 2002, for performance testing on the Flue Gas Desulfurization in Center Township, **Indiana County**. This plan approval was extended.

63-906A: Lane Construction Co. (1 Rutgers Road, Second Floor, Pittsburgh, PA 15205) on May 20, 2002, for stack testing of drum-mix asphalt plant in Donora Borough, **Washington County**. This plan approval was extended.

65-935A: Lindy Paving, Inc. (R. D. 3, Box 2A, New Castle, PA 16105) on May 22, 2002, for construction of hot mix asphalt plant in Mount Pleasant Township, **Westmoreland County**. This plan approval was extended.

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.

21-05040: Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201) on January 9, 2001, for operation of an asphalt plant in Southampton Township, **Cumberland County**. This is revision No. 1 of the operating permit.

22-03051: Buse Funeral Home (9066 Jonestown Road, Grantville, PA 17028) on May 21, 2002, for operation of a human crematorium in East Hanover Township, **Dauphin County**.

28-03011: TDY Industries, Inc. (360 South Church Street, Waynesboro, PA 17268) on May 17, 2002, for operation of a machine tools production facility in Waynesboro Borough, **Franklin County**.

28-03013: Grove Bowersox Funeral Home, Inc. (50 South Broad Street, Waynesboro, PA 17268) for operation of a human crematorium in Waynesboro Borough, **Franklin County**.

36-03121: Cadmus Journal Services (P. O. Box 3657, Lancaster, PA 17604) on May 20, 2002, for operation of a printing press facility in West Hempfield Township, **Lancaster County**.

67-03033: The Sheridan Press (450 Fame Avenue, Hanover, PA 17331-0465) on May 20, 2002, for operation of a printing facility in Penn Township, **York County**.

67-03105: American Colloid Co. (600 Lincoln Street, York, PA 17404) on May 20, 2002, for operation of its foundry premix blending and cat litter packaging facility in the City of York, **York County**.

67-03107: Hoover Manufacturing Co., Inc. (P. O. Box 146, 137 Commerce Park, Glen Rock, PA 17327) on May 21, 2002, for operation of its wood/plywood products and product components manufacturing facility in Springfield Township, **York 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: Thomas McGinley, New Source Review Chief, (610) 832-6242.

15-0010: Lukens Steel Company (Modena Road, Coatesville, PA 19320) on May 8, 2002, for Facility VOC/NOX RACT in City of Coatesville, **Chester County**.

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

21-05040: Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201) on January 9, 2001, for operation of an asphalt plant in Southampton Township, **Cumberland County**. This is revision No. 1 of the operating permit.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

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

54950101R. Joe Kuperavage Coal Company (916 Park Avenue, Port Carbon, PA 17965), renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County** affecting 246.0 acres, receiving stream: none. Application received September 26, 2001. Renewal issued May 22, 2002.

49803202R3. Reading Anthracite Company (P. O. Box 1200, Pottsville, PA 17901), renewal of an existing coal refuse reprocessing operation in Zerbe Township, **Northumberland County** affecting 45.0 acres, receiving stream: Zerbe Run. Application received May 3, 2000. Renewal issued May 23, 2002.

40663028R3. Pagnotti Enterprises, Inc. (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of

an existing anthracite surface mine operation in Hazle Township, **Luzerne County** affecting 474.0, receiving stream: none. Application received May 16, 2001. Renewal issued May 23, 2002.

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

17910124 and NPDES Permit No. PA 0206725. TKD Coal Sales, Inc., P. O. Box 259, Brockway, PA 15824. Renewal of an existing bituminous surface mine permit in Brady and Penn Townships, **Clearfield County** affecting 393 acres. Receiving streams: an unnamed tributary of Laurel Branch Run to Laurel Branch Run; unnamed tributaries to Beech Run and Beech Run; Beech Run and Laurel Branch Run to East Branch Mahoning Creek; East Branch Mahoning Creek to Mahoning Creek; Mahoning Creek to the Allegheny River. Application received February 12, 2002. Permit issued May 16, 2002.

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

65920107 and NPDES Permit No. PA0203513. M. B. Energy, Inc. (175 McKnight Road, Blairsville, PA 15717-7961). Permit renewal issued for continued reclamation only of a bituminous surface mining site located in Derry Township, **Westmoreland County**, affecting 86.1 acres. Receiving streams: unnamed tributary to Stony Run and Stony Run. Application received March 4, 2002. Reclamation only renewal issued May 21, 2002.

65990102 and NPDES Permit No. PA0202479. Dunamis Resources, Inc. (One Energy Place, Suite 4000, Latrobe, PA 15650). Permit for commencement, operation and reclamation of a bituminous surface mine located in Fairfield Township, **Westmoreland County**, affecting 91 acres. Receiving streams: unnamed tributaries to the Conemaugh River. Application received March 29, 1999. Permit issued May 24, 2002.

04960101 and NPDES Permit No. PA0201812. Kerry Coal Company (R. D. 2, Box 2139, Wampum, PA 16157). Permit renewal issued for continued reclamation only of a bituminous surface mine site located in South Beaver Township, **Beaver County**, affecting 224 acres. Receiving streams: unnamed tributaries to Brush Run to North Fork Little Beaver Creek to Little Beaver Creek to Ohio River. Renewal application received April 4, 2002. Renewal application issued May 24, 2002.

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

32010110. Alverda Enterprises, Inc. (P. O. Box 87, Alverda, PA 15710), commencement, operation and restoration of a bituminous surface mine in Pine Township, **Indiana County**, affecting 78.1 acres. Receiving streams: UNTs to Leonard Run (CWF) and UNTs to Little Yellow Creek (HQ-CWF). There are no potable water supply intakes within 10 miles downstream. Application received August 24, 2002. Permit issued May 14, 2002.

56910101 and NPDES Permit No. PA0599077. Paul F. Becker Coal Company, 1593 Old Route 22, Duncansville, PA 16635, permit renewal for continued operation of a bituminous surface and auger mine and for existing discharge of treated mine drainage in Somerset and Stonycreek Townships, **Somerset County**, affecting 120.0 acres. Receiving streams: unnamed tributaries to Kimberly Run classified for the following uses: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 11, 2002. Permit issued May 21, 2002.

56850109 and NPDES Permit No. PA0597350. Croner, Inc., P. O. Box 260, Friedens, PA 15541. Permit renewal for continued operation of a bituminous surface and auger mine and for existing discharge of treated mine drainage in Brothersvalley Township, **Somerset County**, affecting 81.2 acres. Receiving streams: an unnamed tributary of Buffalo Creek classified for the following uses: CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 18, 2002. Permit issued May 23, 2002.

32010111 and NPDES Permit No. PA0249050. Alverda Enterprises, Inc., P. O. Box 87, Alverda, PA 15710, commencement, operation and restoration of a bituminous surface mine in Pine Township, **Indiana County**, affecting 25.6 acres. Receiving streams: unnamed tributary to Yellow Creek classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is Central Indiana County Water Authority. Application received August 31, 2001. Permit issued May 23, 2002.

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

63831302. NPDES Permit #PA0213608, Eighty Four Mining Co. (P. O. Box 355, 172 Route 519, Eighty Four, PA 15330), to revise the permit for the Mine No. 84 in Somerset Township, **Washington County** to address the treatment of historic resources, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued May 14, 2002.

32841312. NPDES Permit #PA0037087, Keystone Coal Mining Corp. (400 Overview Dr., P. O. Box 219, Shelocta, PA 15774), to revise the permit for the Urling No. 1 Mine in Washington Township, **Indiana County** to change the post mining land use at Urling No. 1 portal area to industrial/commercial, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued May 15, 2002.

30841317. NPDES Permit #PA0213527, Consol Pennsylvania Coal Co. (P. O. Box 355, Eighty Four, PA 15330), to revise the permit for the Enlow Fork Mine in Richhill Township, **Greene County** to add 3 North #3 airshaft, Surface Acres Proposed 14.2, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, unnamed tributary to Rocky Run, classified for the following uses: TSE. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued May 13, 2002.

Noncoal Permits Actions

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

35890301C. Keystone Quarry, Inc. (P. O. Box 249, Dunham Drive, Dunmore, PA 18512), correction to an existing quarry operation in Ransom Township, **Lackawanna County** affecting 170.0 acres, receiving stream: none. Application received May 4, 2002. Correction issued May 22, 2002.

5278SM2C4. Hanson Aggregates Pennsylvania, Inc. (1900 Sullivan Trail, P. O. Box 231, Easton, PA

18044-0231), depth correction for an existing quarry operation in Lake Township, **Wayne County** affecting 104.63 acres, receiving stream: unnamed tributary to Middle Creek. Application received February 25, 2002. Correction issued May 23, 2002.

64022803. Tompkins Bluestone Co., Inc. (P. O. Box 776, Hancock, NY 13783), commencement, operation and restoration of a bluestone quarry operation affecting 5.0 acres in Scott Township, **Wayne County**. Receiving stream: Shadigee Creek. Application received February 11, 2002. Permit issued May 22, 2002.

64022802. Tompkins Bluestone Co., Inc. (P. O. Box 776, Hancock, NY 13783), commencement, operation and restoration of a small bluestone quarry operation affecting 5.0 acres in Scott Township, **Wayne County**. Receiving stream: Shadigee Creek. Application received February 11, 2002. Permit issued May 23, 2002.

58020809. Richard Marcho (R. D. 1 Box 121, Susquehanna, PA 18847), commencement, operation and restoration of a quarry operation in Gibson Township, **Susquehanna County**, affecting 5.0 acres. Receiving stream: tributary to Bell Creek. Application received March 12, 2002. Permit issued May 23, 2002.

64010301. MBK Associate, Inc. (P. O. Box 776, Tar Hollow Road, Hancock, NY 13783), commencement, operation and restoration of a quarry operation in Buckingham Township, **Wayne County** affecting 27.0 acres, receiving stream: None. Application received April 12, 2001. Permit issued May 24, 2002.

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

08010805. Charles E. Johnson, R. D. 1, Box 250-A, Towanda, PA 18848. Commencement, operation and restoration of a Small Industrial Minerals (Flagstone) permit in Herrick Township, **Bradford County** affecting 3 acres. Receiving streams: none. Application received March 19, 2001. Permit issued May 16, 2002.

4773SM3 and NPDES Permit No. PA 0207101. Hanson Aggregates (PA) Inc., 1900 Sullivan Trail, P. O. Box 231, Easton, PA 18040-0231. Renewal of the NPDES Permit on an existing large noncoal permit located in Limestone Township, **Lycoming County** affecting 321.7 acres. Receiving streams: unnamed tributary to Antes Creek. Application received March 18, 2002. Permit issued May 16, 2002.

41022801. Glenn O. Hawbaker, Inc., P. O. Box 135, 235 West Aaron Drive, State College, PA 16804. Commencement, operation and restoration of a Small Industrial Minerals (Stone/Shale) permit in Loyalsock Township, **Lycoming County** affecting 5 acres. Receiving streams: unnamed tributary to Graffius Run, tributary to Susquehanna River. Application received February 2, 2002. Permit issued May 22, 2002.

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

33022802. Glen Gery Corporation (P. O. Box 7001, Wyomissing, PA 19610) Commencement, operation and restoration of a small noncoal shale operation in Oliver Township, **Jefferson County** affecting 5.7 acres. Receiving streams: unnamed tributary to Little Sandy Creek. Application received April 5, 2002. Permit issued May 22, 2002.

24020803. Francis Gardner (R. R. 2, Box 288-F, Weedville, PA 15868) Commencement, operation and restoration of a small noncoal sandstone operation in Jay

Township, **Elk County** affecting 2.0 acres. Receiving streams: unnamed tributary to Kersey Run. Application received March 28, 2002. Permit issued May 23, 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.

18024001. Sheehan Pipe Line Construction Company, P. O. Box 231, Renovo, PA 17764, for construction blasting, located in Chapman and Grugan Townships, **Clinton County**, with an expected duration of 120 days. Permit issued May 17, 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

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

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

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

E58-243. Pennsylvania Department of Transportation, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501. Rush Township, **Susquehanna County**, Army Corps of Engineers Baltimore District.

To remove the existing structure and to construct and maintain a road crossing of a tributary to Deer Lick Creek, consisting of a 15.0-foot x 7.0-foot precast concrete box culvert, with its invert depressed 1.0 foot below streambed elevation. The project is located along SR 0267, Section 574, approximately 1.1 mile southeast of the intersection of SR 0267 and SR 0367 (Lawton, PA Quadrangle N: 4.3 inches; W: 8.0 inches).

E40-585. PPL Utilities, GENN-4, Two North Ninth Street, Allentown, PA 18101-1179. Rice and Wright Townships, **Luzerne County**, Army Corps of Engineers Baltimore District.

To construct and maintain three road crossings of wetlands, within the drainage basin of Big Wapwallopen Creek, for the purpose of maintaining an existing electric transmission line known as the Harwood-Jenkins 69 kV Line. The project includes placement of fill in 0.48 acre of wetlands (impacting approximately 1,300 linear feet). The permittee is required to provide for 0.48 acre of replacement wetlands by participating in the Pennsylvania Wetland Replacement Project. The project extends north-easterly from a point located along the north side of Nuangola Road (SR 2042), approximately 0.5 mile west of the intersection of SR 2042 and SR 2045 (Wilkes-Barre West, PA Quadrangle N: 8.0 inches; W: 3.6 inches).

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

E36-721. Pennsylvania Power & Light West Earl LLC, 11350 Random Hills Road, Fairfax, VA 22030 in West Earl Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain outfall structures and relocate approximately 1,500 feet of an unnamed tributary to the Conestoga River (WWF) to a location east of its present position at a point approximately 1,100 feet east of the intersection of Tobacco and Old Akron Roads along the east side of Tobacco Road (Ephrata, PA Quadrangle N: 3.0 inches; W: 11.0 inches) in West Earl Township, Lancaster County.

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

E19-228. James A. Lopardo, 424 Columbia Avenue, Lansdale, PA 19446. Floodway Encroachment, in Orange Township, **Columbia County**, ACOE Baltimore District (Bloomsburg, PA Quadrangle N: 13.75 inches; W: 7.8 inches).

To replace and maintain the floor, walls and roof of an existing structure measuring 8' by 12' in the floodway of Fishing Creek off Charmund Road approximately 1/2 mile northwest of the intersection of Charmund Road with Route 487 in Orange Township, Columbia County. This permit was issued under section 105.13(e) "Small Projects."

E41-498. Lycoming County Water and Sewer Authority, 216 Old Cement Road, Montoursville, PA 17754. Lycoming County Wastewater Collection Expansion, in Muncy Township, **Lycoming County**, ACOE Baltimore District (Muncy, PA Quadrangle N: 18.5 inches; W: 6.4 inches).

To construct, operate and maintain 11.33 miles of sanitary sewer line within the Susquehanna River watershed for the treatment of municipal wastewater. Construction of the sanitary sewer lines will require the six stream crossings that are as follows:

<i>Stream Name</i>	<i>Number of Crossings</i>	<i>Total Length of Crossings</i>
Wolf Run	1	88.0-foot
Unnamed tributaries—Wolf Run	2	68.5-foot
Carpenters Run	2	87.0-foot

<i>Stream Name</i>	<i>Number of Crossings</i>	<i>Total Length of Crossings</i>
Turkey Run	1	33.5-foot
Tules Run	1	79.5-foot

All sewer line crossings shall be constructed with a minimum of 3-feet of cover with concrete encasement beneath the waterways. Trench plugs or clay dikes shall be used at every sewer line crossing a waterway to ensure the hydrology of the streams is not altered. Construction of the Industrial Park Pumping Station will require the placement of fill in the floodway of Wolf Run.

E53-370. Genesee Township, P. O. Box 1, Genesee, PA 16923. Genesee River Levee Repair, in Genesee Township, **Potter County**, ACOE Pittsburgh District (Ulysses, PA Quadrangle N: 20.1 inches; W: 15.8 inches).

To restore and repair 150-feet of Genesee River stream bank and to modify, operate and maintain 440-feet of flood protection levee along the Genesee River for the protection of public and private property. The stream bank restoration and repair work shall consist of backfilling an erosion area and stabilizing the area with R-6 rip rap. The levee modifications shall consist of filling, grading, compacting and stabilizing 440-feet of levee. The levee shall be modified and maintained with a maximum top width of 5-feet, side-slopes of 1-foot vertical to 1.5-foot horizontal and vegetative stabilization. All in-stream work shall be conducted during stream low and dry work conditions through the use of flumes or dams and pumping stream flow around work area. Construction and future repair shall not be conducted in and along the Genesee River from March 1 to June 15. The project is located along the eastern right-of-way of SR 0449 approximately 2,000-feet south of SR 0244 and SR 0449 intersection. This permit also authorizes the construction, operation, maintenance and removal of temporary diversions and/or cofferdams; upon completion of the stream bank stabilization activities, all temporary structures shall be removed with the stream channel restored to preexisting geometry, profile and pattern. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification. This permit does not authorize any temporary or permanent wetland impacts or the rechanneling and realignment of the Genesee River.

E57-097. William D. Conwell, 922 Strath Haven Avenue, Swarthmore, PA 19081. Excavation for Dam, in Colley Township, **Sullivan County**, ACOE Baltimore District (Lopez, PA Quadrangle N: 19.5 inches; W: 0.6 inch).

To excavate in the floodway of an unnamed tributary to Santee Creek for the purpose of constructing a 3 acre dam with a maximum water depth of 13 feet. The project is located 0.7 mile north of Dutch Mountain Road approximately 8.3 miles from the intersection of Dutch Mountain Road with SR 87 in Colley Township, Sullivan County. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E57-098. Muncy Creek Watershed Association, P. O. Box 47, Muncy, PA 17756. Gavit Site, in Davidson Township, **Sullivan County**, ACOE Baltimore District (Sonestown, PA Quadrangle N: 17.25 inches; W: 10.25 inches).

To construct, operate and maintain a stream restoration project consisting of two cross vane structures, one rock

vane and one "J" hook vane. The structures will be constructed out of stone measuring a minimum of 3 feet by 3 feet by 4 feet. The top elevation of the levee on the left bank will be reduced 5 feet and the top elevation on the right bank will be reduced 3 feet to increase the flood-prone area. The instream channel work will have a length of 600 linear feet and the remaining 200 linear feet will consist of bank grading to lower the top elevations. All materials removed from the levees and excess material from channel excavations will be utilized to reconstruct natural banks and as fill material in the floodplain (450 cy). A portion of the large rock material will be utilized as footer rocks for the instream structures. Since there is an increase in the flood-prone area, the 50 and 100-year storm frequency water surface elevations will be reduced. This permit also includes 401 Water Quality Certification.

E57-099. William J. Atkins, 2442 Mountainview Drive, Ottsville, PA 18942. Floodway Encroachment, in Elkland Township, **Sullivan County**, ACOE Baltimore District (Shunk, PA Quadrangle N: 2.1 inches; W: 6.5 inches).

To construct and maintain a 28' by 56' modular home in the floodway of Elk Creek approximately 2,000 feet southwest of the intersection of Route 154 with Elk Creek Road in Elkland Township, Sullivan County. This permit was issued under section 105.13(e) "Small Projects."

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

E02-1370. Monte Cello's Italian Restaurant, Inc., 2198 Babcock Boulevard, Pittsburgh, PA 15209. Ross Township, **Allegheny County**, ACOE Pittsburgh District.

To operate and maintain a 5' diameter concrete culvert approximately 175' long in a tributary to Girty's Run (WWF) locally known as Thompson Run. The culvert is located under an existing parking lot in the northeast corner of Babcock Boulevard and Thompson Run Road. Approximately 80' of the upstream end of the culvert was replaced under Emergency Permit No. EP0202201 issued on February 20, 2002. (Glenshaw, PA Quadrangle N: 2.0 inches; W: 16.5 inches).

E26-292. Pennsylvania Department of Transportation, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401. Dunbar Township, **Fayette County**, ACOE Pittsburgh District.

To: 1) extend and maintain an existing 8.0-meter long, 1.60-meter x 1.17-meter box culvert for a distance of 2.54 meters upstream and 2.38 meters downstream in an unnamed tributary to the Youghiogheny River (WWF). The inverts of the culvert extensions will be depressed 0.3 meter; 2) relocate and maintain 392.0 meters of stream channel from Station 2+006.041 to Station 2+325 LEFT; 3) construct and maintain a 257.0-meter long, 900-mm diameter pipe from Station 2+325 to Station 0+340 LEFT in an unnamed tributary to the Youghiogheny River (WWF); 4) construct and maintain a 571.0-meter long, 900-mm diameter pipe with a stilling well structure from Station 2+006.041 to Station 0+340 RIGHT in an unnamed tributary to the Youghiogheny River; and 5) place and maintain fill in a de minimis area of PEM wetland equal to 0.007 hectare for the purpose of improving highway safety. The project is located on SR 0201 just west of its intersection with Township Road 742 (Connellsville, PA Quadrangle N: 4.1 inches; W: 16.8 inches).

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

E10-350, Indspec Chemical Corporation, 133 Main Street, P. O. Box 307, Petrolia, PA 16050, North Bridge Widening, in Petrolia Borough, **Butler County**, ACOE Pittsburgh District (Petrolia, PA Quadrangle N: 3.7 inches; W: 12.6 inches).

To remove the existing bridge and portions of the existing concrete walls upstream of the bridge and to construct and maintain a steel beam bridge having a clear span of 31 feet and an underclearance of 8 feet across South Branch Bear Creek on an access roadway approximately 1,400 feet downstream of SR 268 within the Indspec Chemical Corporation facility.

E10-354, Butler County, P. O. Box 1208, Butler, PA 16003-1208, Grossman Bridge Superstructure Replacement, in Slippery Rock Township, **Butler County**, ACOE Pittsburgh District (Slippery Rock, PA Quadrangle N: 5.2 inches; W: 8.0 inches).

To replace the existing deck with a timber deck and to repair and maintain the Grossman Bridge (County No. 25) having a clear span of 35 feet and an underclearance of 12 feet across a tributary to Slippery Rock Creek (Keifer Run) on T-340 (Hines Road) approximately 0.6 mile west of SR 4008.

E10-355, Butler County Planning Commission, P. O. Box 1208, Butler, PA 16003-1208. Kniess Bridge T-340 Across Crab Run, in Connoquenessing Township, **Butler County**, ACOE Pittsburgh District (Evans City, PA Quadrangle N: 19.5 inches; W: 8.8 inches).

To remove the existing Kniess Bridge (County No. 86) and to construct and maintain a Timber deck bridge having a clear span of 30 feet and an underclearance of 6.75 feet across Crab Run on T-340 (Kniess Road) approximately 0.75 mile south of T-380 (Whitestown Road).

E25-642, Washington Township, 11800 Edinboro Road, Edinboro, PA 16214. Washington Township Peninsula Park, in Washington Township, **Erie County**, ACOE Pittsburgh District (Edinboro North, PA Quadrangle N: 3.4 inches; W: 2.2 inches).

To construct and maintain the following structures within the 100-year flood plain of Conneauttee Creek/Edinboro Lake at Washington Township's Peninsula Park east of Lakeview Drive north of Walters Avenue in Washington Township, Erie County:

1. Two 30-foot long by 20-foot wide picnic shelter consisting of an at-grade concrete slab with wood frame roof supported by 6-inch posts.
2. Two 8-foot long by 8-foot wide masonry charcoal grills.
3. A 10-foot long by 6-foot wide composting toilet facility.
4. 260 feet of at-grade concrete sidewalks.
5. A gravel parking area measuring approximately 70 feet wide by 20 feet long.

E25-643, Erie-Western Pennsylvania Port Authority, 100 State Street, Suite 205, Erie, PA 16507-1455. West Side Bike Path Bridge across Cascade Creek, in City of Erie, **Erie County**, ACOE Pittsburgh District (Erie South, PA Quadrangle N: 22.1 inches; W: 15.3 inches).

To construct and maintain a steel beam pedestrian bridge having a clear span of 120 feet and an underclearance of approximately 20 feet across Cascade Creek immediately downstream of the Bayfront Parkway between Frontier Park and the foot of Cranberry Street as part of a 1,700-foot extension of the existing pathway to Frontier Park.

E37-134, International Mill Service, Inc., 1155 Business Center Drive, Horsham, PA 19044-3454. International Mill Service Slag Processing Facility in City of New Castle, **Lawrence County**, ACOE Pittsburgh District (New Castle South, PA Quadrangle N: 21.0 inches; W: 14.0 inches).

To construct and maintain a slag storage and processing/gradation facility on an 8.1 acre parcel of land including grading and placement of fill for roadways, parking areas, slag sorting and storage facilities, material stockpiles and other related structures or activities within the mapped FEMA 100-year floodway at the confluence of Neshannock Creek with the Shenango River.

E61-252, Richard Clark, Box 11, Utica, PA 16362, Richard Clark Dock, in Utica Borough, **Venango County**, ACOE Pittsburgh District (Utica, PA Quadrangle N: 11.3 inches; W: 11.1 inches).

To maintain a concrete capped recreational dock measuring approximately 31.5 feet long by 7.25 feet wide and a stairway along the right bank of French Creek immediately downstream from the former Utica Bridge abutment.

DAM SAFETY

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

D65-186, Penn Township (P. O. Box 452, Harrison City, PA 16536). To construct, operate and maintain Berlin Road Stormwater Detention Basin across a tributary to Bush Run (TSF; delete PWS), impacting 0.63 acre of wetlands (PEM) and 700 feet of stream and providing 0.63 acre of wetland mitigation, for the purpose of providing flood control. This application is a resubmission. (Irwin, PA Quadrangle N: 18.1 inches; W: 1.1 inches) in Penn Township, **Westmoreland County**.

[Pa.B. Doc. No. 02-984. Filed for public inspection June 7, 2002, 9:00 a.m.]

Availability of Draft Section 303(d) List of Impaired Waters

The Department of Environmental Protection (Department) is making available for public comment a draft list for the year 2002 of waterbodies in this Commonwealth with impaired water quality. The list is required by section 303(d) of the Federal Clean Water Act (33 U.S.C.A. § 1313(d)).

Section 303(d) of the Federal Clean Water Act and 40 CFR Part 130 require states to identify waters which would still be impaired, even after the appropriate technology has been applied to point sources and required best management practices are in place for nonpoint sources. Waterbodies that do not meet water quality standards after this evaluation are required to be placed on the section 303(d) List of Impaired Waters (List).

For each waterbody on the section 303(d) List, the state or the United States Environmental Protection Agency (EPA) must develop Total Maximum Daily Load (TMDL) allocations. If a TMDL has already been approved for a waterbody, that waterbody is not listed.

A TMDL is a calculation of the assimilative capacity of a waterbody to handle point and nonpoint pollutant loads without violating water quality standards. TMDLs also describe the conditions necessary to improve water quality. TMDLs are used to set limits in NPDES water quality permits and identify where best management practices for nonpoint sources are necessary to improve and protect water quality.

Waterbody assessments and compilation of the section 303(d) List is an ongoing process. The Department will continue to verify the quality of data for waterbodies on the section 303(d) List and, as needed, will publish supplements to the section 303(d) List for public review and comment.

The draft section 303(d) List for the year 2002 was developed using information from stream and lake surveys and other sources, including the Department's Surface Water Assessment Program, the Water Quality Assessment Process, the Nonpoint Source Program and existing and readily available data submitted by external groups and agencies.

Copies of the draft section 303(d) List can be obtained by contacting Department of Environmental Protection, Bureau of Water Supply and Wastewater Management, 11th Floor, Rachel Carson State Office Building, P. O. 8467, Harrisburg, PA 17105-8467, (717) 783-3795, e-mail to trutrutma@state.pa.us.

The draft section 303(d) List is available for viewing on the Department's website at www.dep.state.pa.us directLINK "participate"; scroll down to "Proposals Open for Comment"; then choose "Other Proposals" or directLINK "water quality assessment and standards."

Persons wishing to comment on the draft section 303(d) List may do so in writing to the Bureau of Water Supply and Wastewater Management or by e-mail to ebrezina@state.pa.us no later than 60 days from publication. Comments will not be accepted by facsimile or on voice mail.

The Department will consider all public comments regarding the validity of the data and the appropriateness of placing waterbodies on the draft section 303(d) List. The final section 303(d) List will be submitted to EPA for approval.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users or (800) 654-5988 (voice users). Following the specified comment period, the Department will review submitted comments, prepare a written comments and response document and prepare a final document. An availability notice of the final section 303(d) List will be published in the *Pennsylvania Bulletin*.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 02-985. Filed for public inspection June 7, 2002, 9:00 a.m.]

Availability of Technical Guidance

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

Ordering Paper Copies of the Department Technical Guidance

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

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

Changes to Technical Guidance Documents

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

Final Technical Guidance

DEP ID: 253-0300-100. Title: Land Recycling Program Technical Guidance Manual. Description: This manual, originally developed in 1997, has been being revised to assist remediators in satisfying the requirements of Act 2 and the recently amended regulations of 25 Pa. Code Chapter 250. The manual provides suggestions and examples of how to approach site characterization, remediation and demonstration of attainment, as well as other revisions. Effective Date: June 8, 2002. Contact: David Hess at (717) 783-9480 or e-mail dahess@state.pa.us.

DEP ID: 013-0830-006. Title: Formats for Required Electronic Deliverable CAD Attachments. Description: The Department is implementing web-based applications and reporting tools to be used by applicants for permits and reporting required by permits or other regulatory requirements. This policy, prepared to assist in this process, establishes the standards, requirements and acceptable formats for external and internal electronic attachments. This policy will ensure the uniformity, reliability and compatibility of CAD electronic attachments received by the Department. Effective Date: June 8, 2002. Contact: Rick Bennett at (717) 705-3870 or e-mail: ribennett@state.pa.us.

DEP ID: 012-0200-001. Title: Policy for Consideration of Local Comprehensive Plans and Zoning Ordinances in DEP Review of Permits for Facilities and Infrastructure. Description: The Department has amended its permit review process to consider, and under certain conditions rely upon, comprehensive planning and zoning ordinances in our decision-making process on authorizations related to facilities and infrastructure. This document includes revisions to the current policy in place. Effective Date:

June 8, 2002. Contact: Lou Guerra at (717) 783-8727 or e-mail: lguerra@state.pa.us.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 02-986. Filed for public inspection June 7, 2002, 9:00 a.m.]

Chesapeake Bay Nutrient Reduction Strategy

The Department of Environmental Protection (Department) will host six public meetings on the Commonwealth's Chesapeake Bay Nutrient Reduction Strategy (Strategy). The meetings will be held as follows:

- July 8, 2002: Southcentral Regional Office, Susquehanna Room, 909 Elmerton Avenue, Harrisburg, PA
- July 10, 2002: Northeast Regional Office, Susquehanna Room, 2 Public Square, Wilkes-Barre, PA
- July 11, 2002: Northcentral Regional Office, Dr. Goddard Conference Room, 208 North Third Street, Williamsport, PA

There will be two meetings on each date at 1:30 p.m. and 7 p.m.

At the meetings, Department staff will review the recently published the Commonwealth's Strategy, which provides an account of progress towards the goal of reducing nutrient loadings to the Chesapeake Bay by 40%. United States Environmental Protection Agency (EPA) staff will provide an update on efforts to understand and model nutrient loads being delivered to the Chesapeake Bay, and the development of revised nutrient and sediment goals scheduled for completion by the end of this year. Public input will be sought to guide development of a revised Strategy following adoption of new goals.

In 1983, the Commonwealth entered into an agreement with Maryland, Virginia, the District of Columbia, the EPA and the Chesapeake Bay Commission as a first step toward restoration of the Chesapeake Bay. In 1987 and 1992, the agreement was reaffirmed, followed by the signing of the Chesapeake 2000 Agreement, which further set the goal to remove all nutrient and sediment impairments within the Chesapeake Bay by 2010. If the Chesapeake Bay impairments are not removed by 2010, states with tidal waters will be required to develop total maximum daily loads through a regulatory approach. This would result in a nutrient and sediment load allocation to the Commonwealth.

Copies of the Commonwealth's Strategy may be obtained by calling Kim Chism at (717) 787-5267, sending e-mail to kchism@state.pa.us or on the Internet at www.dep.state.pa.us, directLINK "Chesapeake Bay." Copies may also be obtained by writing Office of the Chesapeake Bay Watershed, Department of Environmental Protection, 10th Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8555, Harrisburg, PA 17105-8555.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 02-987. Filed for public inspection June 7, 2002, 9:00 a.m.]

Cleanup Standards Scientific Advisory Board Safe Fill Subcommittee Meetings

The Cleanup Standards Scientific Advisory Board Safe Fill Subcommittee meetings are expected to begin at 9:30 a.m. and will be held as follows:

July 1, 2002, 400 Market Street, Rachel Carson State Office Building, 12th Floor Large Conference Room, Harrisburg, PA

July 12, 2002, 400 Market Street, Rachel Carson State Office Building, 14th Floor Large Conference Room, Harrisburg, PA

Questions concerning this meeting can be directed to Marilyn Wooding at (717) 783-7509 or e-mail to mwooding@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Marilyn Wooding at (717) 783-7509 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department of Environmental Protection may accommodate their needs.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 02-988. Filed for public inspection June 7, 2002, 9:00 a.m.]

Environmental Justice Advisory Board Meeting

The meeting of the Environmental Justice Advisory Board will be held on June 24, 2002, from 9 a.m. to 4 p.m. in Room 105, Rachel Carson State Office Building.

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

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

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 02-989. Filed for public inspection June 7, 2002, 9:00 a.m.]

Environmental Justice External Work Group Meeting

The meeting of the Environmental Justice External Work Group will be held on June 25, 2002, from 9 a.m. to 4 p.m. in Susquehanna Rooms A and B, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA.

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

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

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 02-990. Filed for public inspection June 7, 2002, 9:00 a.m.]

Extension of General NPDES Permit for Stormwater Discharges Associated with Industrial Activities (PAG-3)

Under the authority of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (DEP) by this notice issues a 9 month time extension of the terms of its current General NPDES Permit for stormwater discharges associated with industrial activities (PAG-3). The current general permit is scheduled to expire June 4, 2002. The terms of the current permit are extended until March 4, 2003. The extension will be effective on June 5, 2002, and will expire March 4, 2003. The DEP will continue to grant coverage under the existing general permit and enforce permit compliance in accordance with existing requirements until the general permit is reissued following the public review process.

The extension permit documents package will continue to be available from the DEP's central and regional offices until it is replaced or updated. The permit documents package is on file at Department of Environmental Protection, Bureau of Water Supply and Wastewater Management, 11th Floor, Rachel Carson State Office Building, P. O. Box 8467, Harrisburg, PA 17105-8467.

The package is also available on the DEP's website at http://www.dep.state.pa.us/dep/deputate/watermgmt/wqp/Forms/Forms_Home.htm#NPDES_PAGs.

The package can also be obtained by contacting Trudy Troutman at (717) 783-3795 or by e-mail at trutrutma@state.pa.us.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 02-991. Filed for public inspection June 7, 2002, 9:00 a.m.]

Stream Redesignation Evaluations; Water Quality Standards Review

Under 25 Pa. Code § 93.4d (relating to processing of petitions, evaluations and assessments to change a designated use), the Department of Environmental Protection (Department) hereby gives notice that an evaluation of a portion of each of the streams listed will be conducted. Persons who have technical data concerning the water quality, instream habitat or biological condition of these streams are encouraged to make it available to the

Department for consideration in the assessments. These assessments may lead to recommendations to the Environmental Quality Board for redesignation.

Data should be submitted to Robert F. Frey, Division of Water Quality Assessment and Standards, Bureau of Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467, e-mail rofrey@state.pa.us. Data should be submitted no later than July 8, 2002. Questions concerning these evaluations can be directed to Robert F. Frey at (717) 787-9637.

<i>Stream Name</i>	<i>County</i>	<i>Tributary To</i>
East Branch Codorus Creek, inlet of Lake Redman to mouth	York	South Branch Codorus Creek
Lehigh River, basin, source to confluence with Tobyhanna Creek	Lackawanna, Luzerne, Monroe and Wayne	Delaware River

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Robert F. Frey at (717) 787-9637 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 02-992. Filed for public inspection June 7, 2002, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Request for Bids

The Department of General Services (Department) is seeking bids on one lot of plumbing supplies obtained by the Department of Transportation through a highway expansion project. These items are located at the Department of Transportation's maintenance yard in Hollidaysburg, PA. Contact Ed Betway at (814) 696-7210 to schedule an appointment to inspect the plumbing supplies. The bid opening date is June 26, 2002.

The Department is offering for sale for the Fish and Boat Commission a 27-foot Sportcraft Cabin Cruiser (Model 270 Fishmaster), the motor (Mercuriser 1990 340 HP) and trailer (Fastload 1990 10,500 lb. GVWR Tri-Axle). Original cost is over \$30,000 and the condition is listed as fair. The contact person is Bob Nestor, Northwest Region Law Enforcement, 11528 State Highway, 98, Meadville, PA 16335, (814) 337-0444. This boat is located at the Fish and Boat Commission, Walnut Creek Access Area, 241 Mancher Road, Fairview, PA 16415. The bid opening will be held on June 15, 2002, at 4pm.

KELLY POWELL LOGAN,
Secretary

[Pa.B. Doc. No. 02-993. Filed for public inspection June 7, 2002, 9:00 a.m.]

State Surplus Property

Under the provisions of section 510 of The Administrative Code of 1929 (71 P. S. § 190), the Department of General Services, State Surplus Property Program is offering for sale to counties, boroughs, incorporated towns, cities and townships the following items:

<i>Item</i>	<i>Make</i>	<i>Eq. No.</i>	<i>Location</i>
Articulated Loader	Case	252-2056	PennDOT—Hyde, PA
Bituminous Patcher	Rosco	023-5610	PennDOT—Doylestown, PA
Bituminous Patcher	Rosco	053-3610	PennDOT—Doylestown, PA
Rubber Tire Backhoe Loader	John Deere	098-6040	PennDOT—Bortondale, PA
Loader	John Deere	046-2040	PennDOT—Gettysburg, PA
Belt Loader	Athey	097-5369	PennDOT—Bedford, PA
Grader	Austin Western	311-3671	PennDOT—Bedford, PA
Grader	Austin Western	313-3671	PennDOT—Bedford, PA
Three Wheel Static Roller	Galion	711-3435	PennDOT—Ebensburg, PA
Pipe Flusher Cleaner	O'Brien	022-1532	PennDOT—Ft. Littleton, PA
Rubber Tire Front End Loader	John Deere	130-2040	PennDOT—Huntingdon, PA
Rubber Tire Roller	Galion	688-2435	PennDOT—Huntingdon, PA
Belt Loader	Athey	162-5369	PennDOT—Somerset, PA
Bituminous Patcher	Rosco	006-3610	PennDOT—Pittsburgh, PA
Bituminous Patcher	Rosco	046-5610	PennDOT—Pittsburgh, PA
Rubber Tire Roller	Galion	788-2435	PennDOT—Pittsburgh, PA

The items will be sold to the highest responsible bidder by sealed bid sale. Political subdivisions interested in procuring one or more of these items should contact the Department of General Services, State Surplus Property Division, 2221 Forster Street, Room G-12, Harrisburg, PA 17125, (717) 787-4085. Requests need to be made prior to the bid opening on June 24, 2002, at 1 p.m. to receive a bid packet.

KELLY POWELL LOGAN,
Secretary

[Pa.B. Doc. No. 02-994. Filed for public inspection June 7, 2002, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Ashland Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Ashland Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

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

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

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-995. Filed for public inspection June 7, 2002, 9:00 a.m.]

Application of Gettysburg Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Gettysburg Hospital has requested an exception to the requirements of 28 Pa. Code §§ 553.2—553.4, 553.12, 553.31, 555.1, 557.1—557.4, 559.2, 563.2, 563.12, 565.12, 565.14, 567.2 and 569.11.

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

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

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154

for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-996. Filed for public inspection June 7, 2002, 9:00 a.m.]

Application of Good Samaritan Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Good Samaritan Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 10.9 (relating to activities for daily living unit).

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

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

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-997. Filed for public inspection June 7, 2002, 9:00 a.m.]

Application of Greene County Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Greene County Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

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

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

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-998. Filed for public inspection June 7, 2002, 9:00 a.m.]

Application of Holy Spirit Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Holy Spirit Hospital has requested an exception to the requirements of 28 Pa. Code § 51.6(b) (relating to identification of personnel).

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

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

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-999. Filed for public inspection June 7, 2002, 9:00 a.m.]

Application of Monongahela Valley Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Monongahela Valley Hospital has requested an exception to the requirements of 28 Pa. Code § 107.64 (relating to administration of drugs).

This request is on file with the Department. Persons may receive a copy of a request for exception by request-

ing a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: ra-paexcept@state.pa.us.

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

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1000. Filed for public inspection June 7, 2002, 9:00 a.m.]

Application of Sal P. Calabro, MD, Cosmetic Surgery for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Sal P. Calabro, MD, Cosmetic Surgery has requested an exception to the requirements of 28 Pa. Code § 553.4(h) (relating to other functions).

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

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

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact, Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1001. Filed for public inspection June 7, 2002, 9:00 a.m.]

Approved Drugs for ALS Ambulance Services

Under 28 Pa. Code § 1005.11 (relating to drug use, control and security), the following drugs are approved for use by ground advanced life support (ALS) ambulance

services and may be administered by EMT-paramedics, prehospital registered nurses and health professional physicians when use of the drugs is permitted by the applicable Department of Health (Department) approved regional medical treatment protocols:

1. Adenosine
2. Albuterol
3. Amiodarone
4. Aspirin
5. Atropine sulfate
6. Benzocaine or benzocaine/tetracaine—for topical use only
7. Bretylium
8. Calcium chloride
9. Dexamethasone sodium phosphate
10. Diazepam
11. Diltiazem
12. Diphenhydramine HCL
13. Dobutamine—for interfacility transports only
14. Dopamine
15. Epinephrine HCL
16. Furosemide
17. Glucagon
18. Heparin by intravenous drip—for interfacility transports only
19. Heparin lock flush
20. Hydrocortisone sodium succinate
21. Glycoprotein IIb/IIIa Inhibitors—for interfacility transports only
 - a. Abciximab
 - b. Eptifibatid
 - c. Tirofiban
22. Intravenous electrolyte solutions
 - a. Dextrose
 - b. Lactated ringer's
 - c. Sodium chloride
 - d. Normosol
 - e. Potassium—for interfacility transports only
23. Isoproterenol HCL—for interfacility transports only
24. Lidocaine HCL
25. Lorazepam
26. Magnesium sulfate
27. Meperidine
28. Metaproterenol
29. Midazolam
30. Morphine sulfate
31. Naloxone HCL
32. Nitroglycerin by intravenous drip—for interfacility transports only
33. Nitroglycerin ointment
34. Nitroglycerin spray
35. Nitroglycerin sublingual tablets
36. Nitrous oxide
37. Oxytocin
38. Procainamide
39. Sodium bicarbonate
40. Sterile water for injection
41. Terbutaline
42. Verapamil

This list supersedes the list of approved drugs published at 30 Pa.B. 6283 (December 2, 2000). Changes made are: (1) deletion of brand names; (2) deletion of aminophylline and droperidol; (3) addition of lorazepam and the intravenous electrolyte solution potassium for interfacility transports only; and (4) addition of "for interfacility transports only" designation on dobutamine

and isoproterenol HCL. Ambulance services are not authorized to stock drugs designated "for interfacility transports only." However, paramedics and health professionals may administer a drug so designated if the facility transferring a patient provides the drug, directs that it be administered to the patient during the transfer, and the regional transfer and medical treatment protocols permit the administration of the drug by those personnel.

Section 1005.11 permits a ground ALS ambulance service to exceed, under specified circumstances, the drugs (taken from the master list) that a region's medical treatment protocols authorize for use within the region. In addition, under 28 Pa. Code § 1001.161 (relating to research), the Department may approve an ambulance service to engage in a research project that involves use of a drug not included in a region's medical treatment protocols. Finally, under to 28 Pa. Code § 1001.4 (relating to exceptions), a ground ALS ambulance service and its ALS service medical director may apply to the Department for an exception to a region's medical treatment protocols.

The list of drugs in this notice does not apply to air ambulance services. Under to 28 Pa. Code § 1007.7(i)(2) (relating to licensure and general operating requirements), each air ambulance service is to develop its own medical treatment protocols which identify drugs that may be used by the air ambulance service. The air ambulance service is to then submit the protocols to the medical advisory committee of the appropriate regional emergency medical services council for the medical advisory committee's review and recommendations. Following its consideration of the recommendations, and after making further revisions if needed, the air ambulance service is to file the protocols with the Department for approval.

Persons with a disability who require an alternate format of this notice (for example, large print, audiotape, Braille) should contact Robert Gaumer at the Department of Health, Emergency Medical Services Office, Room 1032, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-8740, V/TT: (717) 783-6154 for speech or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1002. Filed for public inspection June 7, 2002, 9:00 a.m.]

Correction of Decision on Request for Exception; Long-Term Care Nursing Facilities

In a notice entitled "Decisions on Requests for Exceptions to Health Care Facility Regulations," published at 32 Pa.B. 2541 (May 18, 2002), was a listing of decisions on requests for exceptions for long-term care nursing facilities.

One of the listings was for a denied decision on a request for exception to 28 Pa. Code § 205.6(a) (relating to function of building) for Morrison's Cove Home. The decision on this request should have been published as granted.

Persons with a disability who wish to obtain a copy of this notice and require an auxiliary aid, service or other accommodation to do so, should contact V/TT: (717) 783-6514 for speech and/or hearing impaired persons or

the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1003. Filed for public inspection June 7, 2002, 9:00 a.m.]

Requests for Exception; Long-Term Care Nursing Facilities

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

Progressive Care Center
500 W. Berkley Street
Uniontown, PA 15401-5596

RMH-HB/SNF
1068 West Baltimore Pike
Media, PA 19063-5177

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

St. Anne's Home
3952 Columbia Avenue
Columbia, PA 17512-9715

The Williamsport Home
1900 Ravine Road
Williamsport, PA 17701

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

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

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

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

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1004. Filed for public inspection June 7, 2002, 9:00 a.m.]

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program)

Under 28 Pa. Code § 1103.4(a)(6)(ii) (relating to selection and limitation criteria; authorization process), due to a price increase from the infant formula manufacturer with whom the Department of Health contracts, the WIC

Program hereby publishes notice of an increase in the maximum allowable cost of WIC Food Prescription Two.

The maximum allowable cost for WIC Food Prescription Two is \$140.74, effective June 3, 2002.

Persons with a disability who wish to obtain a copy of this notice and require an auxiliary aid, service or other accommodation to do so, should contact Greg Landis at (717) 783-1289, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1005. Filed for public inspection June 7, 2002, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Current Prevailing Wage Act Debarments

The following contractor has been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors or any firms, corporations or partnerships in which the contractors have an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Largo Construction, Inc. (Fed. ER ID No. 23-2706532) and Anthony Cimino	555 Street Road Bensalem, PA 19020	May 16, 2002

JOHNNY J. BUTLER,
Secretary

[Pa.B. Doc. No. 02-1006. Filed for public inspection June 7, 2002, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Availability of Low-Income Home Energy Assistance Program Proposed State Plan and Public Hearing Schedule

The Department of Public Welfare (Department) is making available for public review and comment the Fiscal Year (FY) 2002-03 Low-Income Home Energy Assistance Program (LIHEAP) proposed State Plan. Comments on this document and testimony received at public hearings scheduled for July will be used to formulate the Department's final State Plan for using Federal funds in the FY 2002-03 LIHEAP.

The Department has sent advance copies of the proposed State Plan to the LIHEAP Advisory Committee. In addition, copies have been sent to fuel associations, legal

service agencies and area agencies on aging for distribution to their members or constituents. Other persons who want copies can obtain them after June 28, 2002, by contacting a local county assistance office or by calling Karen Kirk at (717) 772-7906.

The Department will hold three public hearings throughout this Commonwealth to allow testimony on the proposed State Plan and fulfill the Federal mandate for public input into the planning process. This mandate appears in Title XXVI (The Low-Income Home Energy Assistance Act of 1981) (Pub. L. No. 97-35 (42 U.S.C.A. §§ 8621—8629) as amended by the Human Services Reauthorization Act of 1984 (Pub. L. 98-558), the Human Services Reauthorization Act of 1986 (Pub. L. No. 99-425), the Augustus F. Hawkins Human Services Reauthorization Act of 1990 (Pub. L. No. 101-501), the National Institutes of Health Revitalization Act of 1993 (Pub. L. No. 103-43), the Low-Income Home Energy Assistance Amendments of 1994 (Pub. L. No. 103-252) and the Coats Human Services Reauthorization Act of 1998 (Pub. L. No. 105-285).

Public Hearing Schedule

July 16, 2002

10 a.m.—1 p.m.

Philadelphia County Assistance Office
LIHEAP Conference Room, 2nd Floor
4601 Market Street
Philadelphia, PA

July 18, 2002

10 a.m.—12 p.m.

Allegheny County Courthouse
Gold Room, 4th Floor
436 Grant Street
Pittsburgh, PA

July 19, 2002

10 a.m.—12 p.m.

Health and Welfare Building
Room 812, 8th Floor
Forster Street
Harrisburg, PA

Persons who wish to testify on the proposed State Plan at a public hearing should arrange a time by calling (717) 772-7906 before July 2, 2002. Persons from outside the Harrisburg area should call (800) 692-7462 or send a written request, including telephone number, to Nancy Poindexter, Federal Programs and Program Management,

Room 224, Willow Oak Building #42, DPW Complex 2,
P. O. Box 2675, Harrisburg, PA 17105.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

FEATHER O. HOUSTOUN,

Secretary

[Pa.B. Doc. No. 02-1007. Filed for public inspection June 7, 2002, 9:00 a.m.]

Income Limits and Copayments for the Subsidized Child Day Care Program

Effective April 1, 2002, the Department of Public Welfare (Department) updates the copayment chart codified at 55 Pa. Code § 3040.62(b) and Chapter 3040 Appendix B (relating to availability and use of the FPIG; and co-payment chart family co-payment scale (based on the 2002 Federal Poverty Income Guidelines)) and increases the income limits codified at 55 Pa. Code § 3040.32(f) and (g) (relating to financial eligibility).

The regulation at 55 Pa. Code § 3040.62(a) and (b) requires the Department to update 55 Pa. Code Chapter 3040 Appendix B, the copayment schedule, to reflect changes in the Federal Poverty Income Guidelines (FPIG). Effective April 1, 2002, the income limits for the subsidized child day care program are increased due to the increase in the FPIG. The copayment schedule is adjusted to reflect the increases. Appendix B also establishes the family copayment levels according to the family's computed annual income. Appendix B lists the weekly family copayment based on the annual family income.

At 55 Pa. Code § 3040.62(b), the Department revises the copayment charts at 55 Pa. Code § 3040.32(f) and (g), the Department increases the income limits for the subsidized child day care program effective April 1, 2002. The revisions are set forth in Appendix B, which is recommended for codification at 55 Pa. Code Chapter 3040 (relating to subsidized child daycare eligibility).

FEATHER O. HOUSTOUN,

Secretary

Fiscal Note: 14-NOT-322. No fiscal impact; (8) recommends adoption.

APPENDIX B

CO-PAYMENT CHART

FAMILY CO-PAYMENT SCALE

(BASED ON THE 2002 FEDERAL PROVERTY INCOME GUIDELINES)

Weekly Co-pay	Family Size: Annual Income		Family Size: Annual Income		Family Size: Annual Income	
	1	2	3	4	5	6
\$5.00	Less than:	\$6,860	Less than:	\$9,940	Less than:	\$11,020
\$10.00	\$6,860.01	\$8,860	\$9,940.01	\$11,940	\$11,020.01	\$13,020
\$15.00	\$8,860.01	\$10,860	\$11,940.01	\$13,940	\$13,020.01	\$15,020
\$20.00	\$10,860.01	\$12,860	\$13,940.01	\$15,940	\$15,020.01	\$17,020
\$25.00	\$12,860.01	\$14,860	\$15,940.01	\$17,940	\$17,020.01	\$19,020
\$30.00	\$14,860.01	\$16,860	\$17,940.01	\$19,940	\$19,020.01	\$21,020
\$35.00	\$16,860.01	\$18,860	\$19,940.01	\$21,940	\$21,020.01	\$23,020

Weekly Co-pay	Family Size: 1 Annual Income		Family Size: 2 Annual Income		Family Size: 3 Annual Income	
	\$40.00	\$18,860.01	\$20,821	\$21,940.01	\$23,940	\$23,020.01
\$45.00			\$23,940.01	\$25,940	\$25,020.01	\$27,020
\$50.00			\$25,940.01	\$27,940	\$27,020.01	\$29,020
\$55.00			\$27,940.01	\$28,059	\$29,020.01	\$31,020
\$60.00					\$31,020.01	\$33,020
\$65.00					\$33,020.01	\$35,020
\$70.00					\$35,020.01	\$35,297
	200% FPIG	\$17,720	200% FPIG	\$23,880	200% FPIG	\$30,040

Weekly Co-pay	Family Size: 4 Annual Income		Family Size: 5 Annual Income		Family Size: 6 Annual Income	
	\$5.00	Less than:	\$12,100	Less than:	\$13,180	Less than:
\$10.00	\$12,100.01	\$14,100	\$13,180.01	\$15,180	\$14,260.01	\$16,260
\$15.00	\$14,100.01	\$16,100	\$15,180.01	\$17,180	\$16,260.01	\$18,260
\$20.00	\$16,100.01	\$18,100	\$17,180.01	\$19,180	\$18,260.01	\$20,260
\$25.00	\$18,100.01	\$20,100	\$19,180.01	\$21,180	\$20,260.01	\$22,260
\$30.00	\$20,100.01	\$22,100	\$21,180.01	\$23,180	\$22,260.01	\$24,260
\$35.00	\$22,100.01	\$24,100	\$23,180.01	\$25,180	\$24,260.01	\$26,260
\$40.00	\$24,100.01	\$26,100	\$25,180.01	\$27,180	\$26,260.01	\$28,260
\$45.00	\$26,100.01	\$28,100	\$27,180.01	\$29,180	\$28,260.01	\$30,260
\$50.00	\$28,100.01	\$30,100	\$29,180.01	\$31,180	\$30,260.01	\$32,260
\$55.00	\$30,100.01	\$32,100	\$31,180.01	\$33,180	\$32,260.01	\$34,260
\$60.00	\$32,100.01	\$34,100	\$33,180.01	\$35,180	\$34,260.01	\$36,260
\$65.00	\$34,100.01	\$36,100	\$35,180.01	\$37,180	\$36,260.01	\$38,260
\$70.00	\$36,100.01	\$38,100	\$37,180.01	\$39,180	\$38,260.01	\$40,260
\$75.00	\$38,100.01	\$40,100	\$39,180.01	\$41,180	\$40,260.01	\$42,260
\$80.00	\$40,100.01	\$42,100	\$41,180.01	\$43,180	\$42,260.01	\$44,260
\$85.00	\$42,100.01	\$42,535	\$43,180.01	\$45,180	\$44,260.01	\$46,260
\$90.00			\$45,180.01	\$47,180	\$46,260.01	\$48,260
\$95.00			\$47,180.01	\$49,180	\$48,260.01	\$50,260
\$100.00			\$49,180.01	\$49,773	\$50,260.01	\$52,260
\$105.00					\$52,260.01	\$54,260
\$110.00					\$54,260.01	\$56,260
\$115.00					\$56,260.01	\$57,011
	200% FPIG	\$36,200	200% FPIG	\$42,360	200% FPIG	\$48,520

Weekly Co-pay	Family Size: 7 Annual Income		Family Size: 8 Annual Income		Family Size: 9 Annual Income	
	\$5.00	Less than:	\$15,340	Less than:	\$16,420	Less than:
\$10.00	\$15,340.01	\$17,340	\$16,420.01	\$18,420	\$17,500.01	\$19,500
\$15.00	\$17,340.01	\$19,340	\$18,420.01	\$20,420	\$19,500.01	\$21,500
\$20.00	\$19,340.01	\$21,340	\$20,420.01	\$22,420	\$21,500.01	\$23,500
\$25.00	\$21,340.01	\$23,340	\$22,420.01	\$24,420	\$23,500.01	\$25,500
\$30.00	\$23,340.01	\$25,340	\$24,420.01	\$26,420	\$25,500.01	\$27,500
\$35.00	\$25,340.01	\$27,340	\$26,420.01	\$28,420	\$27,500.01	\$29,500
\$40.00	\$27,340.01	\$29,340	\$28,420.01	\$30,420	\$29,500.01	\$31,500
\$45.00	\$29,340.01	\$31,340	\$30,420.01	\$32,420	\$31,500.01	\$33,500
\$50.00	\$31,340.01	\$33,340	\$32,420.01	\$34,420	\$33,500.01	\$35,500

NOTICES

<i>Weekly Co-pay</i>	<i>Family Size: 7</i> <i>Annual Income</i>		<i>Family Size: 8</i> <i>Annual Income</i>		<i>Family Size: 9</i> <i>Annual Income</i>	
\$55.00	\$33,340.01	\$35,340	\$34,420.01	\$36,420	\$35,500.01	\$37,500
\$60.00	\$35,340.01	\$37,340	\$36,420.01	\$38,420	\$37,500.01	\$39,500
\$65.00	\$37,340.01	\$39,340	\$38,420.01	\$40,420	\$39,500.01	\$41,500
\$70.00	\$39,340.01	\$41,340	\$40,420.01	\$42,420	\$41,500.01	\$43,500
\$75.00	\$41,340.01	\$43,340	\$42,420.01	\$44,420	\$43,500.01	\$45,500
\$80.00	\$43,340.01	\$45,340	\$44,420.01	\$46,420	\$45,500.01	\$47,500
\$85.00	\$45,340.01	\$47,340	\$46,420.01	\$48,420	\$47,500.01	\$49,500
\$90.00	\$47,340.01	\$49,340	\$48,420.01	\$50,420	\$49,500.01	\$51,500
\$95.00	\$49,340.01	\$51,340	\$50,420.01	\$52,420	\$51,500.01	\$53,500
\$100.00	\$51,340.01	\$53,340	\$52,420.01	\$54,420	\$53,500.01	\$55,500
\$105.00	\$53,340.01	\$55,340	\$54,420.01	\$56,420	\$55,500.01	\$57,500
\$110.00	\$55,340.01	\$57,340	\$56,420.01	\$58,420	\$57,500.01	\$59,500
\$115.00	\$57,340.01	\$59,340	\$58,420.01	\$60,420	\$59,500.01	\$61,500
\$120.00	\$59,340.01	\$61,340	\$60,420.01	\$62,420	\$61,500.01	\$63,500
\$125.00	\$61,340.01	\$63,340	\$62,420.01	\$64,420	\$63,500.01	\$65,500
\$130.00	\$63,340.01	\$64,249	\$64,420.01	\$66,420	\$65,500.01	\$67,500
\$135.00			\$66,420.01	\$68,420	\$67,500.01	\$69,500
\$140.00			\$68,420.01	\$70,420	\$69,500.01	\$71,500
\$145.00			\$70,420.01	\$71,487	\$71,500.01	\$73,500
\$150.00					\$73,500.01	\$75,500
\$155.00					\$75,500.01	\$77,500
\$160.00					\$77,500.01	\$78,725
	200% FPIG	\$54,680	200% FPIG	\$60,840	200% FPIG	\$67,000

<i>Weekly Co-pay</i>	<i>Family Size: 10</i> <i>Annual Income</i>		<i>Family Size: 11</i> <i>Annual Income</i>		<i>Family Size: 12</i> <i>Annual Income</i>	
\$5.00	Less than:	\$18,580	Less than:	\$19,660	Less than:	\$20,740
\$10.00	\$18,580.01	\$20,580	\$19,660.01	\$21,660	\$20,740.01	\$22,740
\$15.00	\$20,580.01	\$22,580	\$21,660.01	\$23,660	\$22,740.01	\$24,740
\$20.00	\$22,580.01	\$24,580	\$23,660.01	\$25,660	\$24,740.01	\$26,740
\$25.00	\$24,580.01	\$26,580	\$25,660.01	\$27,660	\$26,740.01	\$28,740
\$30.00	\$26,580.01	\$28,580	\$27,660.01	\$29,660	\$28,740.01	\$30,740
\$35.00	\$28,580.01	\$30,580	\$29,660.01	\$31,660	\$30,740.01	\$32,740
\$40.00	\$30,580.01	\$32,580	\$31,660.01	\$33,660	\$32,740.01	\$34,740
\$45.00	\$32,580.01	\$34,580	\$33,660.01	\$35,660	\$34,740.01	\$36,740
\$50.00	\$34,580.01	\$36,580	\$35,660.01	\$37,660	\$36,740.01	\$38,740
\$55.00	\$36,580.01	\$38,580	\$37,660.01	\$39,660	\$38,740.01	\$40,740
\$60.00	\$38,580.01	\$40,580	\$39,660.01	\$41,660	\$40,740.01	\$42,740
\$65.00	\$40,580.01	\$42,580	\$41,660.01	\$43,660	\$42,740.01	\$44,740
\$70.00	\$42,580.01	\$44,580	\$43,660.01	\$45,660	\$44,740.01	\$46,740
\$75.00	\$44,580.01	\$46,580	\$45,660.01	\$47,660	\$46,740.01	\$48,740
\$80.00	\$46,580.01	\$48,580	\$47,660.01	\$49,660	\$48,740.01	\$50,740
\$85.00	\$48,580.01	\$50,580	\$49,660.01	\$51,660	\$50,740.01	\$52,740
\$90.00	\$50,580.01	\$52,580	\$51,660.01	\$53,660	\$52,740.01	\$54,740
\$95.00	\$52,580.01	\$54,580	\$53,660.01	\$55,660	\$54,740.01	\$56,740
\$100.00	\$54,580.01	\$56,580	\$55,660.01	\$57,660	\$56,740.01	\$58,740
\$105.00	\$56,580.01	\$58,580	\$57,660.01	\$59,660	\$58,740.01	\$60,740
\$110.00	\$58,580.01	\$60,580	\$59,660.01	\$61,660	\$60,740.01	\$62,740

NOTICES

<i>Weekly Co-pay</i>	<i>Family Size: 10</i> <i>Annual Income</i>		<i>Family Size: 11</i> <i>Annual Income</i>		<i>Family Size: 12</i> <i>Annual Income</i>	
\$115.00	\$60,580.01	\$62,580	\$61,660.01	\$63,660	\$62,740.01	\$64,740
\$120.00	\$62,580.01	\$64,580	\$63,660.01	\$65,660	\$64,740.01	\$66,740
\$125.00	\$64,580.01	\$66,580	\$65,660.01	\$67,660	\$66,740.01	\$68,740
\$130.00	\$66,580.01	\$68,580	\$67,660.01	\$69,660	\$68,740.01	\$70,740
\$135.00	\$68,580.01	\$70,580	\$69,660.01	\$71,660	\$70,740.01	\$72,740
\$140.00	\$70,580.01	\$72,580	\$71,660.01	\$73,660	\$72,740.01	\$74,740
\$145.00	\$72,580.01	\$74,580	\$73,660.01	\$75,660	\$74,740.01	\$76,740
\$150.00	\$74,580.01	\$76,580	\$75,660.01	\$77,660	\$76,740.01	\$78,740
\$155.00	\$76,580.01	\$78,580	\$77,660.01	\$79,660	\$78,740.01	\$80,740
\$160.00	\$78,580.01	\$80,580	\$79,660.01	\$81,660	\$80,740.01	\$82,740
\$165.00	\$80,580.01	\$82,580	\$81,660.01	\$83,660	\$82,740.01	\$84,740
\$170.00	\$82,580.01	\$84,580	\$83,660.01	\$85,660	\$84,740.01	\$86,740
\$175.00	\$84,580.01	\$85,963	\$85,660.01	\$87,660	\$86,740.01	\$88,740
\$180.00			\$87,660.01	\$89,660	\$88,740.01	\$90,740
\$185.00			\$89,660.01	\$91,660	\$90,740.01	\$92,740
\$190.00			\$91,660.01	\$93,201	\$92,740.01	\$94,740
\$195.00					\$94,740.01	\$96,740
\$200.00					\$96,740.01	\$98,740
\$205.00					\$98,740.01	\$100,439
	200% FPIG	\$73,160	200% FPIG	\$79,320	200% FPIG	\$85,480

<i>Weekly Co-pay</i>	<i>Family Size: 13</i> <i>Annual Income</i>		<i>Family Size: 14</i> <i>Annual Income</i>		<i>Family Size: 15</i> <i>Annual Income</i>	
\$5.00	Less than:	\$21,820	Less than:	\$22,900	Less than:	\$23,980
\$10.00	\$21,820.01	\$23,820	\$22,900.01	\$24,900	\$23,980.01	\$25,980
\$15.00	\$23,820.01	\$25,820	\$24,900.01	\$26,900	\$25,980.01	\$27,980
\$20.00	\$25,820.01	\$27,820	\$26,900.01	\$28,900	\$27,980.01	\$29,980
\$25.00	\$27,820.01	\$29,820	\$28,900.01	\$30,900	\$29,980.01	\$31,980
\$30.00	\$29,820.01	\$31,820	\$30,900.01	\$32,900	\$31,980.01	\$33,980
\$35.00	\$31,820.01	\$33,820	\$32,900.01	\$34,900	\$33,980.01	\$35,980
\$40.00	\$33,820.01	\$35,820	\$34,900.01	\$36,900	\$35,980.01	\$37,980
\$45.00	\$35,820.01	\$37,820	\$36,900.01	\$38,900	\$37,980.01	\$39,980
\$50.00	\$37,820.01	\$39,820	\$38,900.01	\$40,900	\$39,980.01	\$41,980
\$55.00	\$39,820.01	\$41,820	\$40,900.01	\$42,900	\$41,980.01	\$43,980
\$60.00	\$41,820.01	\$43,820	\$42,900.01	\$44,900	\$43,980.01	\$45,980
\$65.00	\$43,820.01	\$45,820	\$44,900.01	\$46,900	\$45,980.01	\$47,980
\$70.00	\$45,820.01	\$47,820	\$46,900.01	\$48,900	\$47,980.01	\$49,980
\$75.00	\$47,820.01	\$49,820	\$48,900.01	\$50,900	\$49,980.01	\$51,980
\$80.00	\$49,820.01	\$51,820	\$50,900.01	\$52,900	\$51,980.01	\$53,980
\$85.00	\$51,820.01	\$53,820	\$52,900.01	\$54,900	\$53,980.01	\$55,980
\$90.00	\$53,820.01	\$55,820	\$54,900.01	\$56,900	\$55,980.01	\$57,980
\$95.00	\$55,820.01	\$57,820	\$56,900.01	\$58,900	\$57,980.01	\$59,980
\$100.00	\$57,820.01	\$59,820	\$58,900.01	\$60,900	\$59,980.01	\$61,980
\$105.00	\$59,820.01	\$61,820	\$60,900.01	\$62,900	\$61,980.01	\$63,980
\$110.00	\$61,820.01	\$63,820	\$62,900.01	\$64,900	\$63,980.01	\$65,980
\$115.00	\$63,820.01	\$65,820	\$64,900.01	\$66,900	\$65,980.01	\$67,980
\$120.00	\$65,820.01	\$67,820	\$66,900.01	\$68,900	\$67,980.01	\$69,980
\$125.00	\$67,820.01	\$69,820	\$68,900.01	\$70,900	\$69,980.01	\$71,980

<i>Weekly Co-pay</i>	<i>Family Size: 13</i> <i>Annual Income</i>		<i>Family Size: 14</i> <i>Annual Income</i>		<i>Family Size: 15</i> <i>Annual Income</i>	
\$130.00	\$69,820.01	\$71,820	\$70,900.01	\$72,900	\$71,980.01	\$73,980
\$135.00	\$71,820.01	\$73,820	\$72,900.01	\$74,900	\$73,980.01	\$75,980
\$140.00	\$73,820.01	\$75,820	\$74,900.01	\$76,900	\$75,980.01	\$77,980
\$145.00	\$75,820.01	\$77,820	\$76,900.01	\$78,900	\$77,980.01	\$79,980
\$150.00	\$77,820.01	\$79,820	\$78,900.01	\$80,900	\$79,980.01	\$81,980
\$155.00	\$79,820.01	\$81,820	\$80,900.01	\$82,900	\$81,980.01	\$83,980
\$160.00	\$81,820.01	\$83,820	\$82,900.01	\$84,900	\$83,980.01	\$85,980
\$165.00	\$83,820.01	\$85,820	\$84,900.01	\$86,900	\$85,980.01	\$87,980
\$170.00	\$85,820.01	\$87,820	\$86,900.01	\$88,900	\$87,980.01	\$89,980
\$175.00	\$87,820.01	\$89,820	\$88,900.01	\$90,900	\$89,980.01	\$91,980
\$180.00	\$89,820.01	\$91,820	\$90,900.01	\$92,900	\$91,980.01	\$93,980
\$185.00	\$91,820.01	\$93,820	\$92,900.01	\$94,900	\$93,980.01	\$95,980
\$190.00	\$93,820.01	\$95,820	\$94,900.01	\$96,900	\$95,980.01	\$97,980
\$195.00	\$95,820.01	\$97,820	\$96,900.01	\$98,900	\$97,980.01	\$99,980
\$200.00	\$97,820.01	\$99,820	\$98,900.01	\$100,900	\$99,980.01	\$101,980
\$205.00	\$99,820.01	\$101,820	\$100,900.01	\$102,900	\$101,980.01	\$103,980
\$210.00	\$101,820.01	\$103,820	\$102,900.01	\$104,900	\$103,980.01	\$105,980
\$215.00	\$103,820.01	\$105,820	\$104,900.01	\$106,900	\$105,980.01	\$107,980
\$220.00	\$105,820.01	\$107,677	\$106,900.01	\$108,900	\$107,980.01	\$109,980
\$225.00			\$108,900.01	\$110,900	\$109,980.01	\$111,980
\$230.00			\$110,900.01	\$112,900	\$111,980.01	\$113,980
\$235.00			\$112,900.01	\$114,900	\$113,980.01	\$115,980
\$240.00			\$114,900.01	\$114,915	\$115,980.01	\$117,980
\$245.00					\$117,980.01	\$119,980
\$250.00					\$119,980.01	\$121,980
\$255.00					\$121,980.01	\$122,153
	200% FPIG	\$91,640	200% FPIG	\$97,800	200% FPIG	\$103,960

<i>Weekly Co-pay</i>	<i>Family Size: 16</i> <i>Annual Income</i>		<i>Family Size: 17</i> <i>Annual Income</i>		<i>Family Size: 18</i> <i>Annual Income</i>	
\$5.00	Less than:	\$27,060	Less than:	\$28,140	Less than:	\$29,220
\$10.00	\$27,060.01	\$29,060	\$28,140.01	\$30,140	\$29,220.01	\$31,220
\$15.00	\$29,060.01	\$31,060	\$30,140.01	\$32,140	\$31,220.01	\$33,220
\$20.00	\$31,060.01	\$33,060	\$32,140.01	\$34,140	\$33,220.01	\$35,220
\$25.00	\$33,060.01	\$35,060	\$34,140.01	\$36,140	\$35,220.01	\$37,220
\$30.00	\$35,060.01	\$37,060	\$36,140.01	\$38,140	\$37,220.01	\$39,220
\$35.00	\$37,060.01	\$39,060	\$38,140.01	\$40,140	\$39,220.01	\$41,220
\$40.00	\$39,060.01	\$41,060	\$40,140.01	\$42,140	\$41,220.01	\$43,220
\$45.00	\$41,060.01	\$43,060	\$42,140.01	\$44,140	\$43,220.01	\$45,220
\$50.00	\$43,060.01	\$45,060	\$44,140.01	\$46,140	\$45,220.01	\$47,220
\$55.00	\$45,060.01	\$47,060	\$46,140.01	\$48,140	\$47,220.01	\$49,220
\$60.00	\$47,060.01	\$49,060	\$48,140.01	\$50,140	\$49,220.01	\$51,220
\$65.00	\$49,060.01	\$51,060	\$50,140.01	\$52,140	\$51,220.01	\$53,220
\$70.00	\$51,060.01	\$53,060	\$52,140.01	\$54,140	\$53,220.01	\$55,220
\$75.00	\$53,060.01	\$55,060	\$54,140.01	\$56,140	\$55,220.01	\$57,220
\$80.00	\$55,060.01	\$57,060	\$56,140.01	\$58,140	\$57,220.01	\$59,220
\$85.00	\$57,060.01	\$59,060	\$58,140.01	\$60,140	\$59,220.01	\$61,220
\$90.00	\$59,060.01	\$61,060	\$60,140.01	\$62,140	\$61,220.01	\$63,220

<i>Weekly Co-pay</i>	<i>Family Size: 16</i>		<i>Family Size: 17</i>		<i>Family Size: 18</i>	
	<i>Annual Income</i>		<i>Annual Income</i>		<i>Annual Income</i>	
\$95.00	\$61,060.01	\$63,060	\$62,140.01	\$64,140	\$63,220.01	\$65,220
\$100.00	\$63,060.01	\$65,060	\$64,140.01	\$66,140	\$65,220.01	\$67,220
\$105.00	\$65,060.01	\$67,060	\$66,140.01	\$68,140	\$67,220.01	\$69,220
\$110.00	\$67,060.01	\$69,060	\$68,140.01	\$70,140	\$69,220.01	\$71,220
\$115.00	\$69,060.01	\$71,060	\$70,140.01	\$72,140	\$71,220.01	\$73,220
\$120.00	\$71,060.01	\$73,060	\$72,140.01	\$74,140	\$73,220.01	\$75,220
\$125.00	\$73,060.01	\$75,060	\$74,140.01	\$76,140	\$75,220.01	\$77,220
\$130.00	\$75,060.01	\$77,060	\$76,140.01	\$78,140	\$77,220.01	\$79,220
\$135.00	\$77,060.01	\$79,060	\$78,140.01	\$80,140	\$79,220.01	\$81,220
\$140.00	\$79,060.01	\$81,060	\$80,140.01	\$82,140	\$81,220.01	\$83,220
\$145.00	\$81,060.01	\$83,060	\$82,140.01	\$84,140	\$83,220.01	\$85,220
\$150.00	\$83,060.01	\$85,060	\$84,140.01	\$86,140	\$85,220.01	\$87,220
\$155.00	\$85,060.01	\$87,060	\$86,140.01	\$88,140	\$87,220.01	\$89,220
\$160.00	\$87,060.01	\$89,060	\$88,140.01	\$90,140	\$89,220.01	\$91,220
\$165.00	\$89,060.01	\$91,060	\$90,140.01	\$92,140	\$91,220.01	\$93,220
\$170.00	\$91,060.01	\$93,060	\$92,140.01	\$94,140	\$93,220.01	\$95,220
\$175.00	\$93,060.01	\$95,060	\$94,140.01	\$96,140	\$95,220.01	\$97,220
\$180.00	\$95,060.01	\$97,060	\$96,140.01	\$98,140	\$97,220.01	\$99,220
\$185.00	\$97,060.01	\$99,060	\$98,140.01	\$100,140	\$99,220.01	\$101,220
\$190.00	\$99,060.01	\$101,060	\$100,140.01	\$102,140	\$101,220.01	\$103,220
\$195.00	\$101,060.01	\$103,060	\$102,140.01	\$104,140	\$103,220.01	\$105,220
\$200.00	\$103,060.01	\$105,060	\$104,140.01	\$106,140	\$105,220.01	\$107,220
\$205.00	\$105,060.01	\$107,060	\$106,140.01	\$108,140	\$107,220.01	\$109,220
\$210.00	\$107,060.01	\$109,060	\$108,140.01	\$110,140	\$109,220.01	\$111,220
\$215.00	\$109,060.01	\$111,060	\$110,140.01	\$112,140	\$111,220.01	\$113,220
\$220.00	\$111,060.01	\$113,060	\$112,140.01	\$114,140	\$113,220.01	\$115,220
\$225.00	\$113,060.01	\$115,060	\$114,140.01	\$116,140	\$115,220.01	\$117,220
\$230.00	\$115,060.01	\$117,060	\$116,140.01	\$118,140	\$117,220.01	\$119,220
\$235.00	\$117,060.01	\$119,060	\$118,140.01	\$120,140	\$119,220.01	\$121,220
\$240.00	\$119,060.01	\$121,060	\$120,140.01	\$122,140	\$121,220.01	\$123,220
\$245.00	\$121,060.01	\$123,060	\$122,140.01	\$124,140	\$123,220.01	\$125,220
\$250.00	\$123,060.01	\$125,060	\$124,140.01	\$126,140	\$125,220.01	\$127,220
\$255.00	\$125,060.01	\$127,060	\$126,140.01	\$128,140	\$127,220.01	\$129,220
\$260.00	\$127,060.01	\$129,060	\$128,140.01	\$130,140	\$129,220.01	\$131,220
\$265.00	\$129,060.01	\$129,391	\$130,140.01	\$132,140	\$131,220.01	\$133,220
\$270.00			\$132,140.01	\$134,140	\$133,220.01	\$135,220
\$275.00			\$134,140.01	\$136,140	\$135,220.01	\$137,220
\$280.00			\$136,140.01	\$136,629	\$137,220.01	\$139,220
\$285.00					\$139,220.01	\$141,220
\$290.00					\$141,220.01	\$143,220
\$295.00					\$143,220.01	\$143,867
	200% FPIG	\$110,120	200% FPIG	\$116,280	200% FPIG	\$122,440

<i>Weekly Co-pay</i>	<i>Family Size: 19</i>		<i>Family Size: 20</i>		<i>Family Size: 21</i>	
	<i>Annual Income</i>		<i>Annual Income</i>		<i>Annual Income</i>	
\$5.00	Less than:	\$30,300	Less than:	\$31,380	Less than:	\$32,460
\$10.00	\$30,300.01	\$32,300	\$31,380.01	\$33,380	\$32,460.01	\$34,460
\$15.00	\$32,300.01	\$34,300	\$33,380.01	\$35,380	\$34,460.01	\$36,460

<i>Weekly Co-pay</i>	<i>Family Size: Annual Income</i> 19		<i>Family Size: Annual Income</i> 20		<i>Family Size: Annual Income</i> 21	
\$20.00	\$34,300.01	\$36,300	\$35,380.01	\$37,380	\$36,460.01	\$38,460
\$25.00	\$36,300.01	\$38,300	\$37,380.01	\$39,380	\$38,460.01	\$40,460
\$30.00	\$38,300.01	\$40,300	\$39,380.01	\$41,380	\$40,460.01	\$42,460
\$35.00	\$40,300.01	\$42,300	\$41,380.01	\$43,380	\$42,460.01	\$44,460
\$40.00	\$42,300.01	\$44,300	\$43,380.01	\$45,380	\$44,460.01	\$46,460
\$45.00	\$44,300.01	\$46,300	\$45,380.01	\$47,380	\$46,460.01	\$48,460
\$50.00	\$46,300.01	\$48,300	\$47,380.01	\$49,380	\$48,460.01	\$50,460
\$55.00	\$48,300.01	\$50,300	\$49,380.01	\$51,380	\$50,460.01	\$52,460
\$60.00	\$50,300.01	\$52,300	\$51,380.01	\$53,380	\$52,460.01	\$54,460
\$65.00	\$52,300.01	\$54,300	\$53,380.01	\$55,380	\$54,460.01	\$56,460
\$70.00	\$54,300.01	\$56,300	\$55,380.01	\$57,380	\$56,460.01	\$58,460
\$75.00	\$56,300.01	\$58,300	\$57,380.01	\$59,380	\$58,460.01	\$60,460
\$80.00	\$58,300.01	\$60,300	\$59,380.01	\$61,380	\$60,460.01	\$62,460
\$85.00	\$60,300.01	\$62,300	\$61,380.01	\$63,380	\$62,460.01	\$64,460
\$90.00	\$62,300.01	\$64,300	\$63,380.01	\$65,380	\$64,460.01	\$66,460
\$95.00	\$64,300.01	\$66,300	\$65,380.01	\$67,380	\$66,460.01	\$68,460
\$100.00	\$66,300.01	\$68,300	\$67,380.01	\$69,380	\$68,460.01	\$70,460
\$105.00	\$68,300.01	\$70,300	\$69,380.01	\$71,380	\$70,460.01	\$72,460
\$110.00	\$70,300.01	\$72,300	\$71,380.01	\$73,380	\$72,460.01	\$74,460
\$115.00	\$72,300.01	\$74,300	\$73,380.01	\$75,380	\$74,460.01	\$76,460
\$120.00	\$74,300.01	\$76,300	\$75,380.01	\$77,380	\$76,460.01	\$78,460
\$125.00	\$76,300.01	\$78,300	\$77,380.01	\$79,380	\$78,460.01	\$80,460
\$130.00	\$78,300.01	\$80,300	\$79,380.01	\$81,380	\$80,460.01	\$82,460
\$135.00	\$80,300.01	\$82,300	\$81,380.01	\$83,380	\$82,460.01	\$84,460
\$140.00	\$82,300.01	\$84,300	\$83,380.01	\$85,380	\$84,460.01	\$86,460
\$145.00	\$84,300.01	\$86,300	\$85,380.01	\$87,380	\$86,460.01	\$88,460
\$150.00	\$86,300.01	\$88,300	\$87,380.01	\$89,380	\$88,460.01	\$90,460
\$155.00	\$88,300.01	\$90,300	\$89,380.01	\$91,380	\$90,460.01	\$92,460
\$160.00	\$90,300.01	\$92,300	\$91,380.01	\$93,380	\$92,460.01	\$94,460
\$165.00	\$92,300.01	\$94,300	\$93,380.01	\$95,380	\$94,460.01	\$96,460
\$170.00	\$94,300.01	\$96,300	\$95,380.01	\$97,380	\$96,460.01	\$98,460
\$175.00	\$96,300.01	\$98,300	\$97,380.01	\$99,380	\$98,460.01	\$100,460
\$180.00	\$98,300.01	\$100,300	\$99,380.01	\$101,380	\$100,460.01	\$102,460
\$185.00	\$100,300.01	\$102,300	\$101,380.01	\$103,380	\$102,460.01	\$104,460
\$190.00	\$102,300.01	\$104,300	\$103,380.01	\$105,380	\$104,460.01	\$106,460
\$195.00	\$104,300.01	\$106,300	\$105,380.01	\$107,380	\$106,460.01	\$108,460
\$200.00	\$106,300.01	\$108,300	\$107,380.01	\$109,380	\$108,460.01	\$110,460
\$205.00	\$108,300.01	\$110,300	\$109,380.01	\$111,380	\$110,460.01	\$112,460
\$210.00	\$110,300.01	\$112,300	\$111,380.01	\$113,380	\$112,460.01	\$114,460
\$215.00	\$112,300.01	\$114,300	\$113,380.01	\$115,380	\$114,460.01	\$116,460
\$220.00	\$114,300.01	\$116,300	\$115,380.01	\$117,380	\$116,460.01	\$118,460
\$225.00	\$116,300.01	\$118,300	\$117,380.01	\$119,380	\$118,460.01	\$120,460
\$230.00	\$118,300.01	\$120,300	\$119,380.01	\$121,380	\$120,460.01	\$122,460
\$235.00	\$120,300.01	\$122,300	\$121,380.01	\$123,380	\$122,460.01	\$124,460
\$240.00	\$122,300.01	\$124,300	\$123,380.01	\$125,380	\$124,460.01	\$126,460
\$245.00	\$124,300.01	\$126,300	\$125,380.01	\$127,380	\$126,460.01	\$128,460
\$250.00	\$126,300.01	\$128,300	\$127,380.01	\$129,380	\$128,460.01	\$130,460

<i>Weekly Co-pay</i>	<i>Family Size: 19</i> <i>Annual Income</i>		<i>Family Size: 20</i> <i>Annual Income</i>		<i>Family Size: 21</i> <i>Annual Income</i>	
\$255.00	\$128,300.01	\$130,300	\$129,380.01	\$131,380	\$130,460.01	\$132,460
\$260.00	\$130,300.01	\$132,300	\$131,380.01	\$133,380	\$132,460.01	\$134,460

<i>Weekly Co-pay</i>	<i>Family Size: 19</i> <i>Annual Income</i>		<i>Family Size: 20</i> <i>Annual Income</i>		<i>Family Size: 21</i> <i>Annual Income</i>	
\$265.00	\$132,300.01	\$134,300	\$133,380.01	\$135,380	\$134,460.01	\$136,460
\$270.00	\$134,300.01	\$136,300	\$135,380.01	\$137,380	\$136,460.01	\$138,460
\$275.00	\$136,300.01	\$138,300	\$137,380.01	\$139,380	\$138,460.01	\$140,460
\$280.00	\$138,300.01	\$140,300	\$139,380.01	\$141,380	\$140,460.01	\$142,460
\$285.00	\$140,300.01	\$142,300	\$141,380.01	\$143,380	\$142,460.01	\$144,460
\$290.00	\$142,300.01	\$144,300	\$143,380.01	\$145,380	\$144,460.01	\$146,460
\$295.00	\$144,300.01	\$146,300	\$145,380.01	\$147,380	\$146,460.01	\$148,460
\$300.00	\$146,300.01	\$148,300	\$147,380.01	\$149,380	\$148,460.01	\$150,460
\$305.00	\$148,300.01	\$150,300	\$149,380.01	\$151,380	\$150,460.01	\$152,460
\$310.00	\$150,300.01	\$151,105	\$151,380.01	\$153,380	\$152,460.01	\$154,460
\$315.00			\$153,380.01	\$155,380	\$154,460.01	\$156,460
\$320.00			\$155,380.01	\$157,380	\$156,460.01	\$158,460
\$325.00			\$157,380.01	\$158,343	\$158,460.01	\$160,460
\$330.00					\$160,460.01	\$162,460
\$335.00					\$162,460.01	\$164,460
\$340.00					\$164,460.01	\$165,581
	200% FPIG	\$128,600	200% FPIG	\$134,760	200% FPIG	\$140,920

[Pa.B. Doc. No. 02-1008. Filed for public inspection June 7, 2002, 9:00 a.m.]

DEPARTMENT OF REVENUE

Realty Transfer Tax; 2001 Common Level Ratio Real Estate Valuation Factors

The following real estate valuation factors are based on sales data compiled by the State Tax Equalization Board in 2001. These factors are the mathematical reciprocals of the actual common level ratio. For Pennsylvania Realty Transfer Tax purposes, these factors are applicable for documents accepted from July 1, 2002, to June 30, 2003, except as indicated follows. The date of acceptance of a document is rebuttably presumed to be its date of execution, that is, the date specified in the body of the document as the date of the instrument (61 Pa. Code § 91.102 (relating to acceptance of documents)).

<i>County</i>	<i>Common Level Ratio Factor</i>	<i>County</i>	<i>Common Level Ratio Factor</i>	<i>County</i>	<i>Common Level Ratio Factor</i>
Adams	2.65	Elk	5.24	Montour	10.75
Allegheny	1.00	Erie	12.66	Northampton	2.17
Armstrong	2.38	Fayette	3.85	Northumberland	7.35
Beaver	2.89	Forest	4.59	Perry	1.05
Bedford	4.65	Franklin	5.92	Philadelphia	3.19
Berks	1.07	Fulton	7.30	Pike	3.60
Blair	10.64	Greene	3.80	*Potter	2.32
Bradford	2.17	Huntingdon	5.47	Schuylkill	2.15
Bucks	26.32	Indiana	6.62	Snyder	5.65
Butler	9.01	Jefferson	5.59	Somerset	2.32
Cambria	6.21	Juniata	7.52	Sullivan	4.31
Cameron	2.46	Lackawanna	4.74	Susquehanna	2.19
Carbon	2.05	Lancaster	1.10	*Tioga	1.00
Centre	2.43	Lawrence	6.33	Union	5.71
Chester	1.24	Lebanon	11.49	Venango	1.03
Clarion	4.61	Lehigh	2.17	Warren	2.74

<i>County</i>	<i>Common Level Ratio Factor</i>	<i>County</i>	<i>Common Level Ratio Factor</i>	<i>County</i>	<i>Common Level Ratio Factor</i>
Clearfield	4.95	Luzerne	12.66	Washington	6.06
Clinton	3.44	Lycoming	1.49	Wayne	11.11
Columbia	2.80	McKean	4.17	Westmoreland	4.41
Crawford	2.83	*Mercer	3.70	Wyoming	3.41
Cumberland	1.01	Mifflin	1.91	York	1.10
*Dauphin	1.00	Monroe	4.70		
Delaware	1.08	Montgomery	1.18		

*Adjusted by the Department of Revenue to reflect assessment base change effective January 1, 2002.

**Adjusted by the Department of Revenue to reflect assessment ratio change effective January 1, 2002.

LARRY P. WILLIAMS,
Secretary

[Pa.B. Doc. No. 02-1009. Filed for public inspection June 7, 2002, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Addendum and Revision of the Listing of Approved Speed-Timing Devices and Appointment of Maintenance and Calibration Stations

The Department of Transportation (Department), Bureau of Motor Vehicles, under the authority of 75 Pa.C.S. § 3368 (relating to speed timing devices), published at 31 Pa.B. 7078 (December 29, 2001) a notice of approved speed-timing devices and maintenance and calibration stations for use until the next comprehensive list is published.

Change of Address

As an addendum to the listing of approved official maintenance and calibration stations, the Department hereby gives notice of the change of address of station numbers EL18 and EM12:

Mahramus Specialty Auto Service, R. D. 3 Box 85, Canonsburg, Washington County, PA 15317.

The new station address will be:

Mahramus Specialty Auto Service, 286 Muse Bishop Road, Canonsburg, Washington County, PA 15317.

Comments, suggestions or questions may be directed to Peter Gertz, Manager, Admin/Tech Support Section, Vehicle Inspection Division, Bureau of Motor Vehicles, Third Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, (717) 783-7016.

Other approved speed-timing devices and appointment of maintenance and calibration stations appear at 31 Pa.B. 7078 and addenda at 32 Pa.B. 669 (February 2, 2002), 32 Pa.B. 1145 (February 23, 2002), 32 Pa.B. 1589 (March 23, 2002), 32 Pa.B. 1778 (April 6, 2002) and 32 Pa.B. 2170 (April 27, 2002).

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 02-1010. Filed for public inspection June 7, 2002, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Agway, Inc. v. DEP; EHB Doc. No. 2002-117-K

Agway, Inc. has appealed the issuance by the Department of Environmental Protection of an NPDES permit to same for a facility in Latimore Township, Adams 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. 02-1011. Filed for public inspection June 7, 2002, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Acceptance of Rulemaking Petitions for Study

On May 22, 2002, the Environmental Quality Board accepted two rulemaking petitions for study under 25 Pa. Code Chapter 23 (relating to Environmental Quality Board policy for processing petitions—statement of policy).

One of the petitions was submitted by North Pocono C.A.R.E. and requests that a portion of the Lehigh River

(source to Tobyhanna Creek), which borders Lackawanna, Luzerne, Monroe and Wayne Counties, be redesignated from High Quality-Cold Water Fishes (CWF) to Exceptional Value waters.

The second petition was submitted by the York Water Company and requests that a segment of the East Branch Codorus Creek (including Lakes Redman and Williams) in York County be redesignated from CWF to Warm Water Fishes.

Under 25 Pa. Code § 93.4d(a) (relating to processing of petitions, evaluations and assessments to change a designated use), the Department of Environmental Protection (Department) publishes a notice of intent to assess candidate waters before performing survey work. The Department's assessment notice for the Lehigh River and East Branch Codorus Creek also appears in this issue of the *Pennsylvania Bulletin*.

The petitions are available from the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526 and on the Department's website at www.dep.state.pa.us, directLINK "EQB" (May 22, 2002, meeting).

DAVID E. HESS,
Chairperson

[Pa.B. Doc. No. 02-1012. Filed for public inspection June 7, 2002, 9:00 a.m.]

Cancellation of June Meeting

The June 18, 2002, Environmental Quality Board (Board) meeting has been canceled. The next meeting of the Board is scheduled for Tuesday, July 16, 2002, at 9 a.m. in Room 105, Rachel Carson State Office Building, Harrisburg, PA.

DAVID E. HESS,
Chairperson

[Pa.B. Doc. No. 02-1013. Filed for public inspection June 7, 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 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 regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within two years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
12-61	Department of Labor and Industry Special Rules of Administrative Practice and Procedure Before the Workers' Compensation Appeal Board and the Workers' Compensation Judges (32 Pa.B. 1518 (March 23, 2002))	4/22/02	5/23/02

Department of Labor and Industry Regulation No. 12-61

Special Rules of Administrative Practice and Procedure Before the Workers' Compensation Appeal Board and the Workers' Compensation Judges

May 23, 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 Labor and Industry must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

1. General.—Clarity.

Section titles

Section titles throughout the regulation are inconsistent. For example, § 111.11, relating to content and form, § 111.16, relating to briefs: time for filing and content and § 121.21, relating to form/content, all deal with similar subject matter, but have very different naming conventions. For clarity, the Board should make the section titles uniform in the final-form regulation.

2. Section 111.3. Definitions.—Reasonableness; Clarity.

Forms

A number of sections in this regulation, including § 111.11, relating to content and form, § 111.12, relating to filing and proof of service, § 131.32, relating to petitions except petitions for joinder and challenge proceedings, § 131.33, relating to answers except answers to petitions for joinder and challenge proceedings, § 131.36, relating to joinder, § 131.50, relating to return to work-modification or suspension, § 131.57, relating to compromise and release agreements, and § 131.58, relating to informal conferences, all contain similar language regarding bureau files. These sections refer to forms provided or prescribed by the Board.

Information regarding these forms should be clarified. The regulation makes no reference to the form numbers, how the forms are to be ordered or received, and what occurs if the Bureau does not have a certain form at the time of a party's request. Lack of this information could be very confusing to the affected parties. The final-form regulation should contain, at the very least, form numbers, how the forms are catalogued, how they can be received or ordered, and what occurs if the Board does not have copies of a specific form at the time of request.

The Board could also make reference to either the form number or the form title, whichever is changed least often.

3. Section 111.16. Briefs: time for filing and content.—Clarity.

Subsection (c)

This subsection allows the Board to extend or shorten the time for filing a party's brief "Upon request of a party." We have two questions.

First, to whom is the request made? The Department should clarify this in the final-form regulation.

Second, what is the procedure for making a request? Is it required to be in writing? The Department should explain.

4. Section 111.18. Decisions of the Board.—Clarity.

Subsection (a)

This subsection states, "The decision of the Board on an appeal and a cross appeal shall be issued as promptly as possible. . . ." (Emphasis added.) The phrase "as promptly as possible" is vague. The Board should include a time limit for Board decisions in the final-form regulation.

5. Section 111.22. Filing.—Clarity.

Subsection (a)

This subsection states, "A request for supersedeas shall be filed with the Board within *the time allowed by law. . .*" (Emphasis added.) The phrase "the time allowed by law" is unclear. The Board should either provide the time limit allowed for the supersedeas to be filed, or a statutory citation where that time period can be found.

6. Section 131.5. Definitions.—Clarity.

Insurer

The definition of "insurer" states, "A workers' compensation insurance carrier or self-insured employer, as applicable." This definition differs from the one found in the Workers' Compensation Act (Act) (77 P. S. § 109). The definition in the Act states, "'insurer' means an entity subject to the act of May 17, 1921 known as the 'Insurance Company Law of 1921,' including the State Workmen's Insurance Fund, with which an employer has insured liability under this act pursuant to section 305 or a self-insured employer or a fund exempted by the Department of Labor and Industry pursuant to section 305."

The definition in the act and in the regulation should be verbatim. Therefore, the Board should delete the definition of "insurer" and replace it with a citation to the act in the final-form regulation.

7. Section 131.21. Identifying number.—Reasonableness; Clarity.

Subsection (a)

This subsection states that the claimant's social security number, or "another identifying number" will identify pleadings, submittals and other documents. We have two questions.

First, why is the Board using the claimant's social security number? For confidentiality, the Board should assign a docket number to the case.

Second, the phrase "another identifying number" is unclear. There should be some consistency in numbering document files. Using one standard number throughout the filing system would be more efficient for Bureau staff, as well as for the parties involved in proceedings. There-

fore, for clarity, the Board should delete the phrase "another identifying number."

8. Section 131.32. Petitions except petitions for joinder and challenge proceedings.—Reasonableness; Clarity.

Subsection (b)

This subsection states, "The Bureau will serve a notice of assignment specifying the judge to whom the petition is being assigned. The notice will be served on the parties named in the petition." We have two concerns.

First, once the petition is filed, how long does the Bureau have to assign a judge? It would be reasonable for a timeline for assignment to be included in this subsection.

Second, how will the parties receive notice of the assignment? For clarity, the Board should include what will constitute notice to the parties in the final-form regulation.

9. Section 131.33. Answers except answers to petitions for joinder and challenge proceedings.—Clarity.

The phrase "challenge proceeding" should be defined.

Subsection (a)

This subsection describes the repercussions of failing to file an answer to a claim petition without adequate excuse. We have two questions.

First, what is a "claim petition"? Is the term synonymous with "petition" as used elsewhere in the regulation? If so, the Board should use the term "petition" uniformly throughout the regulation. If it is not, the Board should describe the term "claim petition" in either this section, or § 131.5, relating to definitions.

Second, the phrase "adequate excuse" is unclear. The board should define this phrase in either this section, or § 131.5, relating to definitions, or provide examples of what the Board would consider an "adequate excuse."

10. Section 131.36. Joinder.—Clarity.

The term "joinder" is unclear. The Board should consider defining this term in the final-form regulation.

Subsection (f)

This subsection states "An answer to a petition for joinder . . . may be filed within 20 days." (Emphasis added.) We understand that it is optional to file for joinder, but once a party does file for joinder, the timeline for filing is mandatory. Therefore, "may" should be changed to "shall."

11. Section 131.40. Frivolous pleadings.—Clarity.

The phrase "or issue some other decision within the judge's discretion" is vague. The final-form regulation should specify what other type of decision can be issued.

12. Section 131.41. Request for supersedeas or reconsideration of supersedeas.—Clarity.

The term "supersedeas" is not defined in § 131.5, relating to definitions. The final-form regulation should explain what the term "supersedeas" means as it is used in this section.

13. Section 131.52. First hearing procedures.—Clarity.

The purpose and scope of Chapter 131 are addressed by §§ 131.1 and 131.2, respectively. Subsections (a) and (b) are redundant and should be deleted or discussed in the preamble.

Subsection (f)

This subsection requires the parties to provide the judge with "all documents required by law." This phrase is vague. The final-form regulation should specify which documents are required to be filed with the Bureau, or provide a citation for the applicable law.

14. Section 131.53a. Consolidated hearing procedure.—Reasonableness; Clarity.*Subsections (a) and (b)*

Subsection (a) allows a judge to "waive or modify these rules as may be appropriate and adopt and direct procedures which are fair and just for a determination of the issues." We question the reasonableness of this provision.

For clarity, subsection (a) and (b) should be consolidated into one subsection.

Additionally, the terms "trial deposition" and "medical deposition" are used in this section. These terms are not defined. The final-form regulation should define these terms.

15. Section 131.57. Compromise and release agreements.—Clarity.*Subsection (d)*

The phrase "The judge will circulate a written decision. . . ." is vague. The final-form regulation should explain to whom the decision is distributed.

16. Section 131.58. Informal conferences.—Clarity.*Subsection (e)*

This subsection states, "The informal conferences will be governed by the instructions and procedures specified on the form prescribed by the Bureau and by section 402.1 of the act (77 P.S. § 711.1)." For clarity, the instructions and procedures specified should be included in the final-form regulation.

17. Section 131.101. Briefs, findings of fact and close of record.—Clarity.*Subsection (c)*

In this subsection, the third "evidentiary" in the last sentence is not needed and should be deleted.

18. Section 131.121. Penalty proceedings initiated by a party.—Clarity.

The final-form regulation should include a definition of "penalty proceedings."

19. Section 131.122. Other penalty proceedings.—Clarity.*Subsection (a)*

This subsection states that penalty proceedings not conducted under § 131.121 will be conducted "in accordance with other applicable regulations of the Bureau." The final-form regulation should provide a citation for the applicable regulations.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 02-1014. Filed for public inspection June 7, 2002, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates

indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website at www.irrc.state.pa.us. To obtain a copy of the regulation, contact the promulgating agency.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
16A-602	State Board of Vehicle Manufacturers, Dealers and Salespersons General Revisions	5/22/02

Final-Omit

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
16A-5311	State Board of Osteopathic Medicine Biennial Renewal Fees	5/22/02
16A-4913	State Board of Medicine Biennial Renewal Fees	5/22/02

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 02-1015. Filed for public inspection June 7, 2002, 9:00 a.m.]

INSURANCE DEPARTMENT

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insured's automobile policy. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg, Philadelphia and Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Kenneth E. Metz; file no. 02-182-0559; Liberty Mutual Fire Insurance Company; doc. no. P02-05-019; July 3, 2002, 1 p.m.

George W. and Renee P. J. Cronin; file no. 02-182-02494; Liberty Mutual Insurance Company; doc. no. P02-05-010; July 9, 2002, 1 p.m.

The following hearings will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Sandy P. Porrini; file no. 02-215-02101; AAA Mid-Atlantic Insurance Group; doc. no. PH02-05-027; June 21, 2002, 1 p.m.

Manuel Velez; file no. 02-215-01786; Dairyland Insurance Company; doc. no. PH02-05-030; July 12, 2002, 9:30 a.m.

William F. Pearson; file no. 02-215-00815; Liberty Mutual Insurance Group; doc. no. PH02-05-025; July 12, 2002, 2:30 p.m.

The following hearing will be held in the Pittsburgh Regional Office, Room 304 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Kenneth P. Rice; file no. 02-303-70829; The Continental Insurance Company; doc. no. PI02-05-022; July 26, 2002, 12:30 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

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

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1016. Filed for public inspection June 7, 2002, 9:00 a.m.]

Carol A. and Lewis R. Lapp; file no. 02-215-02201; Erie Insurance Exchange; doc. no. PH02-05-029; July 12, 2002, 10:30 a.m.

Harold E. Brown; file no. 02-215-01775; Brethren Mutual Insurance Company; doc. no. PH02-05-028; July 12, 2002, 12:30 p.m.

The following hearings will be held in the Pittsburgh Regional Office, Room 304 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Joseph D. and Betty J. Hurst; file no. 02-494-90482; Twin City Fire Insurance Company (The Hartford); doc. no. PI02-05-026; July 26, 2002, 9 a.m.

Dan and Carmela M. Coldren; file no. 02-303-70871; National Grange Mutual Insurance Co.; doc. no. PI02-05-020; July 26, 2002, 10:30 a.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like necessary, to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

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

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1017. Filed for public inspection June 7, 2002, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insureds' policies. The administrative hearing will be held in the Insurance Department's regional offices in Harrisburg, Pittsburgh and Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Scott and Kathryn Valentine; file no. 02-181-03811; Nationwide Mutual Fire Insurance Co.; doc. no. P02-05-018; June 26, 2002, 1 p.m.

The following hearings will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Rescission Order

Public Meeting held
May 9, 2002

Commissioners Present: Glen R. Thomas, Chairperson; Robert K. Bloom, Vice Chairperson; Aaron Wilson, Jr., statement follows; Terrance J. Fitzpatrick; Kim Piz-zingrilli

Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Summit Telco, LLC (2001.0359); Doc. No. C-20026932; A-310936

Rescission Order

By the Commission:

On February 25, 2002, Law Bureau Prosecutory Staff instituted a complaint against Summit Telco, LLC (Respondent), a telecommunications interexchange (IXC)

reseller certificated at A-310936, for failure to pay its 2001-2002 annual assessment pursuant to 66 Pa.C.S. § 510.

Subsequently, on April 15, 2002, the Commission entered a Default Order that sustained the complaint and set forth a process to cancel Respondent's certificate of public convenience. The Default Order was published at 32 Pa.B. 2176 (April 27, 2002).

Since the issuance of the Default Order, the Respondent has paid the entire overdue amount. In a separate letter dated April 22, 2002, to Secretary James McNulty, the Respondent explained in defense of its late payment that it is not the company's custom to tolerate such an oversight, which oversight came to light during its recent yearend review. As part of this review, the Respondent alleged that it found reports and invoices not addressed, including our 2001-2202 assessment. The Respondent also advised that the individual handling these functions had left the company.

The Commission is satisfied that the non-payment was inadvertent and that future payments will be made on time; *Therefore,*

It Is Ordered That:

1. The Default Order entered April 15, 2002, at Docket No. C-20026932 is hereby rescinded.
2. The certificate of public convenience held by Summit Telco, LLC is hereby reinstated.
3. The Secretary serve a copy of this Rescission Order upon Summit Telco, LLC, the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection.
4. That a copy of this Order be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

Statement of Commissioner Aaron Wilson, Jr.

In this case, the Petitioner seeks reinstatement to provide telecommunication services in Pennsylvania, notwithstanding the fact that it failed to remit the appropriate assessment under Section 510 of the Public Utility Code.

Section 315(b) places the burden of proof on a company to demonstrate its compliance with any Commission determination or order. Section 3301(a) authorizes the imposition of penalties whenever a public utility shall fail, omit, neglect, refuse to obey, observe, and comply with an regulation or final direction, requirement, determination or order made by the commission.

Following the expenditure of Commission resources in an enforcement proceeding, including suspension of the privilege to conduct their Pennsylvania business operations, the outstanding assessment was paid prior to seeking reinstatement.

Although the Petitioner demonstrates a basis for reinstatement, I am gravely concerned that the Petition fails to address why it never complied in a timely manner with the earlier order consistent with Section 315(b). That is particularly troublesome because that Opinion and Order notified the Petitioner of their obligation to timely pay their assessment.

Consequently, I think it is necessary for the Commission to put the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our orders. 66 Pa.C.S. §§ 504, 505, 506. The failure to comply with the terms of a Commission order, directive, or similar action is a violation of the Public Utility Code and penalties for infractions are authorized under Section 3301(a) of the Public Utility Code.

[Pa.B. Doc. No. 02-1018. Filed for public inspection June 7, 2002, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before July 1, 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.

Application of the following for approval to *begin operating as common carriers for transportation of persons as described under the application.*

A-00118952. Sam Limousine, Inc. (1754 Lafayette Drive, Jamison, Bucks County, PA 18929), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in the city and county of Philadelphia, and the counties of Bucks and Delaware, and from points in said city and counties, 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 persons by transfer of rights as described under the application.*

A-00118524. Infinity Limousine, Inc. (711 Spring Street, Wyomissing, Berks County, PA 19610), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in Pennsylvania; which is to be a transfer of all the right authorized under the certificate issued at A-00108333, F. 1, to Lehman Limousine Service, Inc., subject to the same limitations and conditions. *Attorney:* Jay W. Waldman, 1105 Berkshire Boulevard, Suite 320, Wyomissing, PA 19610.

Application of the following for approval of the *additional right of operating motor vehicles as common carriers for the transportation of household goods as described under the application.*

A-00104394. F.4. McGarity Moving Co., Inc. (419 Boot Road, Suite 2, Downingtown, Chester County, PA 19335), a corporation of the Commonwealth of Pennsylvania—additional right—household goods in use, between points in the counties of Philadelphia, Delaware, Chester,

Montgomery and Bucks, included within a line which connects the municipal boundaries of Chester, West Chester, Paoli, Norristown, Doylestown and Morrisville, but not including said places, and from points in said territory to other points in Pennsylvania, and vice versa. *Attorney:* Thomas S. Myers, Jr., 1800 East Lancaster Avenue, Paoli, PA 19312.

Applications of the following for amendment to the certificate of public convenience approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.

A-00088889, F.2, Am-E. Hegins Valley Lines, Inc. (Box 507, Millersburg, Dauphin County, PA 17061), a corporation of the Commonwealth of Pennsylvania—*partial discontinuance of service*—of the following right which reads as follows: to transport persons on schedule, between the borough of Elizabethville and the borough of Halifax, both in Dauphin County, via Pennsylvania Highway Route 225.

A-00107326, F.2, Am-A. Handy Delivery, Inc. (2197 High Tech Road, State College, Centre County, PA 16803), a corporation of the Commonwealth of Pennsylvania—*partial discontinuance of service*—Persons upon call or demand in the Townships of Boggs, Marion, Rush, Union, and Walker, all in Centre County.

Complaint

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY COMMISSION :
BUREAU OF TRANSPORTATION AND SAFETY :
V. : DOCKET NO.
A-00095170C0201
: A-00095170
Wm. Rowen Grant Funeral Home :

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Wm. Rowen Grant Funeral Home, respondent, maintains its principal place of business at 1920 Sansom Street, Philadelphia, PA 19103.
2. That respondent was issued a certificate of public convenience by this Commission on June 20, 1969 at Application Docket No. A-00095170.
3. That respondent abandoned or discontinued service without having first filed an application with this Commission for abandonment or discontinuance of service. Respondent has not reported intrastate revenue for the years 1999, 2000 and 2001.

4. That respondent, by failing to file an application with this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code § 3.381(a)(1)(v) and 66 Pa.C.S. § 1102(a)(2) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Wm. Rowen Grant Funeral Home's Certificate of Public Convenience at A-00095170.

Respectfully submitted,

Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____
Michael E. Hoffman

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

Complaint

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC
UTILITY COMMISSION :
BUREAU OF TRANSPORTATION :
AND SAFETY :

V. : DOCKET NO.
A-00108003C0201
: A-00108003

P.G. Boyer Enterprise Corp., t/a :
Young's Limousine Service :

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That P. G. Boyer Enterprise Corp., t/a Young's Limousine Service, respondent, maintains its principal place of business at 228 North Main Street, Souderton, PA 18964.
2. That respondent was issued a certificate of public convenience by this Commission on July 22, 1988 at Application Docket No. A-00108003.
3. That respondent abandoned or discontinued service without having first filed an application with this Commission for abandonment or discontinuance of service. Respondent has not reported intrastate revenue for the years 1999, 2000 and 2001.
4. That respondent, by failing to file an application with this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code § 3.381(a)(1)(v) and 66 Pa.C.S. § 1102(a)(2) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke P. G. Boyer Enterprise Corp., t/a Young's Limousine Service's Certificate of Public Convenience at A-00108003.

Respectfully submitted,

Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject

to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____
Michael E. Hoffman

NOTICE

E. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

F. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

G. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

H. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

Complaint

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC
UTILITY COMMISSION :
BUREAU OF TRANSPORTATION :
AND SAFETY :

V. : DOCKET NO.
A-00109082C0201
: A-00109082

Ambu-Care, Inc. :

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Ambu-Care, Inc., respondent, maintains its principal place of business at 2 International Plaza, Suite 540, Philadelphia, PA 19113.

2. That respondent was issued a certificate of public convenience by this Commission on May 1, 1990 at Application Docket No. A-00109082.

3. That respondent abandoned or discontinued service without having first filed an application with this Commission for abandonment or discontinuance of service. Respondent has not reported intrastate revenue for the years 1999, 2000 and 2001.

4. That respondent, by failing to file an application with this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code § 3.381(a)(1)(v) and 66 Pa.C.S. § 1102(a)(2) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Ambu-Care, Inc.'s Certificate of Public Convenience at A-00109082.

Respectfully submitted,

Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Michael E. Hoffman

NOTICE

I. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

J. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

K. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

L. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

Complaint

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION
PENNSYLVANIA PUBLIC
UTILITY COMMISSION :
BUREAU OF TRANSPORTATION :
AND SAFETY :

V. : DOCKET NO.
: A-00113697C0201
: A-00113697

Perfect Trucking Corporation of :
America, Inc. :

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Perfect Trucking Corporation of America, Inc., respondent, maintains its principal place of business at Valmont Industrial Park, 400 Jaycee Drive, West Hazleton, PA 18201.

2. That respondent was issued a certificate of public convenience by this Commission on July 14, 1997 at Application Docket No. A-00113697.

3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 1999, 2000 and 2001.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Perfect Trucking Corporation of America, Inc.'s Certificate of Public Convenience at A-00113697.

Respectfully submitted,

Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject

to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____
Michael E. Hoffman

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

Complaint

BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC
UTILITY COMMISSION :
BUREAU OF TRANSPORTATION :
AND SAFETY :
:
V. : DOCKET NO.
A-00113851C0201
: A-00113851
C & J Marketing Consultants, :
Ltd., t/d/b/a Trolley Express :

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That C & J Marketing Consultants, Ltd., t/d/b/a Trolley Express, respondent, maintains its principal place of business at 609 Morgan Drive East, Suite 101, Coatesville, PA 19320.

2. That respondent was issued a certificate of public convenience by this Commission on July 28, 1998 at Application Docket No. A-00113851.

3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 1999, 2000 and 2001.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(5) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke C & J Marketing Consultants, Ltd., t/d/b/a Trolley Express' Certificate of Public Convenience at A-00113851.

Respectfully submitted,
Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____
Michael E. Hoffman

NOTICE

E. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

F. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

G. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

H. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at 717-787-1168.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1019. Filed for public inspection June 7, 2002, 9:00 a.m.]

Sewer Service Without Hearing

A-230170F2000. Hickory Sewer Corporation. Application of Hickory Sewer Corporation for approval of: 1) the transfer of all the sewage system assets of Hickory Sewer Corporation to Foster Township; and 2) the abandonment and discontinuance of sewer service to the public in whole by Hickory Sewer Corporation.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before June 24, 2002, under 52 Pa. Code (relating to public utilities).

Applicant: Hickory Sewer Corporation

Through and By Counsel: Albert F. Maier, Jr., Esquire, 820 Main Street, Freeland, PA 18224.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1020. Filed for public inspection June 7, 2002, 9:00 a.m.]

Telecommunications

A-310870F7002. The United Telephone Company of Pennsylvania d/b/a Sprint and Metrocall, Inc. Joint Petition of The United Telephone Company of Pennsylvania d/b/a Sprint and Metrocall, Inc. for approval of a master interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and Metrocall, Inc. filed on May 16, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of a master interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

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

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

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1021. Filed for public inspection June 7, 2002, 9:00 a.m.]

Telecommunications

A-311171F7002. The United Telephone Company of Pennsylvania, d/b/a Sprint and Winstar of Pennsylvania, LLC. Joint Petition of The United Telephone Company of Pennsylvania d/b/a Sprint and Winstar of Pennsylvania, LLC for approval of a master interconnection and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and Winstar of Pennsylvania, LLC filed on May 16, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of a master interconnection and resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of The United Telephone Company of Pennsylvania d/b/a Sprint and Winstar of Pennsylvania, LLC Joint Petition are on file with the Commission and are available for public inspection.

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

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1022. Filed for public inspection June 7, 2002, 9:00 a.m.]

Telecommunications

A-311159F7001. Verizon North Inc. and Budget Phone, Inc. Joint Petition of Verizon North Inc. and Budget Phone, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and Budget Phone, Inc. filed on May 17, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

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

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

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1023. Filed for public inspection June 7, 2002, 9:00 a.m.]

Telecommunications

A-311172F7001. Verizon North Inc. and Cordia Communications Corp. Joint Petition of Verizon North Inc. and Cordia Communications Corp. for approval of an

interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and Cordia Communications Corp., filed on May 20, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

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

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

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1024. Filed for public inspection June 7, 2002, 9:00 a.m.]

Telecommunications

A-311171F7001. Verizon North Inc. and Winstar Communications, LLC. Joint Petition of Verizon North Inc. and Winstar Communications, LLC for approval of an adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North Inc. and Winstar Communications, LLC, filed on May 16, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an interconnection agreement under section 251(i) of the Telecommunications Act of 1996.

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

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

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1025. Filed for public inspection June 7, 2002, 9:00 a.m.]

Telecommunications

A-311159F7000. Verizon Pennsylvania Inc. and Budget Phone, Inc. Joint Petition of Verizon Pennsylvania Inc. and Budget Phone, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Budget Phone, Inc. filed on May 17, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania

Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of Verizon Pennsylvania Inc. and Budget Phone, Inc. Joint Petition are on file with the Commission and are available for public inspection.

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

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1026. Filed for public inspection June 7, 2002, 9:00 a.m.]

Telecommunications

A-311172F7000. Verizon Pennsylvania Inc. and Cordia Communications Corp. Joint Petition of Verizon Pennsylvania Inc. and Cordia Communications Corp. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Cordia Communications Corp. filed on May 20, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

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

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

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1027. Filed for public inspection June 7, 2002, 9:00 a.m.]

Telecommunications

A-310894F7000. Verizon Pennsylvania Inc. and SBC Telecom, Inc. Joint Petition of Verizon Pennsylvania Inc. and SBC Telecom, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and SBC Telecom, Inc. filed on May 14, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

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

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

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1028. Filed for public inspection June 7, 2002, 9:00 a.m.]

Telecommunications

A-311171F7000. Verizon Pennsylvania Inc. and Winstar Communications, LLC. Joint Petition of Verizon Pennsylvania Inc. and Winstar Communications, LLC for approval of a master interconnection and resale agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Winstar Communications, LLC filed on May 16, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of a master interconnection and resale agreement under sections 251(i) of the Telecommunications Act of 1996.

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

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

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1029. Filed for public inspection June 7, 2002, 9:00 a.m.]

Water Service Without Hearing

A-220950F2000. Borough of Emmaus Water Department. Application of the Borough of Emmaus Water Department for approval of the abandonment of its certificate of public convenience and discontinuance of water service to its customers located within the municipal boundaries of the Borough of Emmaus, the Townships of Lower Macungie, Salisbury and Upper Milford.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before June 24, 2002, under 52 Pa. Code (relating to public utilities).

Applicant: Borough of Emmaus Water Department

Through and By Counsel: Thomas C. Anwalt, Esquire, Borough Solicitor, 1248 Hamilton Street, Allentown, PA 18102-4338.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1030. Filed for public inspection June 7, 2002, 9:00 a.m.]

Water Service Without Hearing

A-222650F2000. Borough of Patton, Cambria County, PA. Application of the Borough of Patton, Cambria County, PA, for approval of the surrender and cancellation of the Borough's Certificate of Public Convenience concerning the provision of water service to the public in portions of the Townships of Clearfield, East Carroll and Elder, Cambria County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before June 24, 2002, under 52 Pa. Code (relating to public utilities).

Applicant: Borough of Patton

Through and By Counsel: J. Bruce Walter, Rhoads and Sinon, LLP, One South Market Square, P. O. Box 1146, Harrisburg, PA 17108-1146.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1031. Filed for public inspection June 7, 2002, 9:00 a.m.]

Water Service Without Hearing

A-210104F0018. Pennsylvania Suburban Water Company. Application of Pennsylvania Suburban Water Company for approval of: 1) the acquisition by Pennsylvania Suburban Water Company of the water system assets of D.L.W.B. Water Systems, Inc.; and 2) the right of Pennsylvania Suburban Water to begin to offer, render, furnish or supply water service to the public in portions of Deer Lake Borough and West Brunswick Township in Schuylkill County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before June 24, 2002, under 52 Pa. Code (relating to public utilities).

Applicant: Pennsylvania Suburban Water Company

Through and By Counsel: Mark J. Kropilak, Esquire, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1032. Filed for public inspection June 7, 2002, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept proposals until 2 p.m. on Thursday, June 25, 2002, for Project #02-47.P, Cleaning/Janitorial Services—TAB.

The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., Philadelphia, PA 19134, (215) 426-2600 and will be available June 11, 2002. PRPA is an equal opportunity employer. Vendors will be required to comply with all applicable equal employment opportunity laws and regulations.

Mandatory prebid meeting will be held June 20, 2002, at 10 a.m. at 3460 N. Delaware Ave., 2nd Floor Conference Room, Philadelphia, PA 19134. PRPA will consider only those bids received from parties who attended the prebid meeting.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 02-1033. Filed for public inspection June 7, 2002, 9:00 a.m.]

STATE BOARD FOR CERTIFICATION OF SEWAGE ENFORCEMENT OFFICERS

2002 Examination Cancellation

The exam scheduled for August 16, 2002, in Warren, PA and moved to Exton, PA has been cancelled.

For information on sewage enforcement officer training, contact the Pennsylvania State Association of Township Supervisors, 3001 Gettysburg Road, Camp Hill, PA 17011-7296, (717) 763-0930.

Exam applications may be obtained by contacting the Department of Environmental Protection, Certification and Licensing Section, Rachel Carson State Office Building, 400 Market St., P. O. Box 8454, Harrisburg, PA 17105-8454, (717) 787-6045.

BONNIE SHENK,
Secretary

[Pa.B. Doc. No. 02-1034. Filed for public inspection June 7, 2002, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearing Scheduled

A hearing has been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearing will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

July 10, 2002 Donald W. Snyder 1 p.m.
(Class D-4 Credit for Prior
General Assembly Service)

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective

positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JOHN BROSIUS,
Secretary

[Pa.B. Doc. No. 02-1035. Filed for public inspection June 7, 2002, 9:00 a.m.]

TURNPIKE COMMISSION

Retention of an Engineering Firm

Construction Materials Inspection and Testing Services; Districts 1 and 2, Milepost 0.00 to 199.00 in Allegheny, Beaver, Bedford, Butler, Franklin, Fulton, Huntingdon, Lawrence, Somerset, and Westmoreland Counties

Reference No. 1-127

The Turnpike Commission (Commission) will retain an engineering firm to perform construction materials inspection and testing services both at the project site and at related plant locations in the Western Region (Milepost 0.0 to Milepost 199.0) of the Pennsylvania Turnpike. The types of projects that materials inspection and testing will be conducted on under this contract may include, but are not limited to, roadway reconstruction, bituminous overlays, bridge construction and rehabilitations, service plaza parking lot expansions and toll plaza construction. An inhouse testing laboratory capable of performing concrete, bituminous, aggregate and soils tests, in a timely manner must be available throughout the life of the contract.

The contract will be for a maximum cost of \$500,000 or for a 36 month period, whichever occurs first. The firm will be required to provide sufficient office personnel, managers, engineers, technicians and clerical staff to support the field functions. In addition, the firm selected may be required to attend construction meetings with the Commission.

The selected firm may be required to test materials at asphalt and concrete plants, perform soils and aggregate testing or perform testing associated with the manufacture of selected construction materials. Duties may also include the witnessing of onsite testing by the contractor. In addition, the selected firm may be required to keep records, document the construction work, attend monthly job conferences, determine from the project records the final quantities of certain contract items and perform other duties as may be required.

The following factors will be considered by the Commission during the evaluation of the firms submitting letters of interest for these projects:

a. Specialized experience and technical competence of prime consultant and subconsultants. The team must clearly demonstrate an ability to analyze available data to make decisions and develop plans to complete the project in a timely and cost effective manner.

b. Past record of performance with respect to cost control, work quality, ability to meet schedules and previous experience on similar projects. The consultant

should identify similar projects that have been completed by that firm as the prime, the magnitude of the project and the client.

c. The specific experience and number of individuals who constitute the firm.

d. Workload of the prime consultant and subconsultants for all Department of Transportation (Department) and Commission projects.

e. Other factors, if any, specific to the project.

Direct project inquiries to Eugene C. Mattson at (717) 939-9551, ext. 3502 or by e-mail at emattson@paturndike.com. Direct contractual questions to George M. Hatalowich at (717) 986-8737 or by e-mail at ghatalow@paturndike.com.

General Requirements and Information

Firms interested in providing the previous work and services are invited to submit a statement of interest with the required information. The statements of interest must include the following:

1. One-page transmittal letter clearly identifying the project reference number, brief description of the project from the advertisement, the firm's Federal identification number, the firm's legal name, contact person or project manager, address of corporate office and project office. (If the firm has multiple offices, the location of the office performing the work must be identified).

2. A three-page expression of interest on the advertised project. Each firm should demonstrate its ability to perform the specific requirements indicated for each project and provide explanation of the technical approach.

3. An organization chart for the project, identifying key personnel and any subconsultants and their roles. Any deviation from the subconsultants listed in the statement of interest will require written approval from the Commission.

4. Tabulation or listing of workload for the prime consultant and all subconsultants for all Department and Commission projects. Do not graphically represent the firm's workload.

5. A Consultant Qualification Package similar to the one submitted to the Department for the current year or one that is best suited for this project. A copy of the Consultant Qualification Package printed directly from the Department's ECMS website is acceptable.

The Consultant Qualification Package should contain at a minimum the following information for the prime consultant and all subconsultants and attached to the back of the statement of interest (subs to follow primes):

- ECMS General Information and Project Experience Forms or Standard Form (SF) 254—Architect-Engineer and Related Services Questionnaire in its entirety, either not more than 1 year old as of the date of the advertisement.

- Resumes of key personnel expected to be involved in the project (limit to two 8 1/2" x 11" pages per person). Only resumes of key personnel should be included.

- Copy of the firm's registration to do business in this Commonwealth as provided by the Department of State for firms with out-of-State headquarters or corporations not incorporated in this Commonwealth.

- A copy of the Department's DBE/WBE Certification, if applicable.

If a Joint Venture responds to a project advertisement, the Commission will not accept separate statements of interest from joint venture constituents. A firm will not be permitted to submit a statement of interest on more than one joint venture for the same project reference number. Also, a firm that responds to a project as a prime may not be included as a designated subconsultant to another firm that responds to the same project advertisement. Multiple responses under any of the forgoing situations will cause the rejection of all responses of the firm or firms involved. This does not preclude a firm from being set forth as a designated subconsultant to more than one prime consultant responding to the project advertisement.

Small firms, DBE firms and other firms who have not previously performed work for the Commission are encouraged to submit a statement of interest.

Firms interested in performing the previous services are invited to submit a statement of interest and required information to George M. Hatalowich, Engineering Contract Manager, Turnpike Commission Administration Building, 700 South Eisenhower Boulevard, Middletown, PA 17057 (street address). The Commission mailing address is P. O. Box 67676, Harrisburg, PA 17106-7676.

The statement of interest and required information must be received by 12 p.m. on Friday, June 21, 2002. Statements of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable statements of interest received in response to this solicitation, one firm will be selected. The order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Commission. Technical Proposals will not be requested prior to the establishment of the final ranking.

The Commission reserves the right to reject all statements of interest, to cancel solicitation requested under this notice and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Chairperson

[Pa.B. Doc. No. 02-1036. Filed for public inspection June 7, 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.

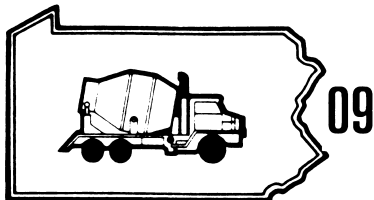
The website address for viewing bidding/contracting opportunities and for obtaining copies of invitations for bids and requests for proposals is www.dgs.state.pa.us. To access the information on this website, vendors must select "Procurement" followed by "Bidding Opportunities."

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

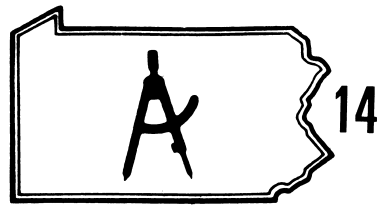
SERVICES



Construction & Construction Maintenance

SU-2002/5 SU-2002/5—Shippensburg University of the State System of Higher Education invites General Construction Contractors to request bid documents for this project. Work includes all work necessary to resurface and restripe parking lot. Prospective Bidders may obtain project plans by faxing request to 717-477-4004. Pre-Bid Meeting with site visit immediately to follow will be held on June 4, 2002 at 10:00 AM in the Reed Operations Center Conference Room. Bids Due: June 25, 2002 at 4:00 PM, Old Main Room 300. Public Bid Opening: June 26, 2002 at 2:00 PM, Old Main Room 203A. Contracts, MBE/WBE apply. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and of the PA State System of Higher Education.

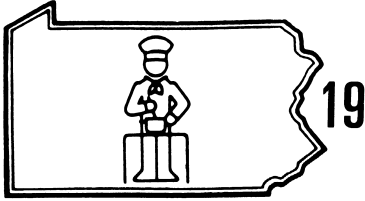
Department: State System of Higher Education
Location: Shippensburg University, Shippensburg, PA 17257
Duration: Work to be completed within 60 days after receipt of Notice To Proceed
Contact: Deborah K. Martin 717-477-1121



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.

Department: Transportation
Location: Various
Contact: www.dot2.state.pa.us



Food

20146 FROZEN FOODS—VEGETABLE, BAKERY PRODUCTS, ENTREES, PIZZA, ETC.

Department: Corrections
Location: SCI-CHESTER, 500 E 4H ST., CHESTER, PA 19013
Duration: JULY 1, 2002 - JUNE 30, 2003
Contact: BEN JARRETT, P.A. 610-490-5412 EXT 2030

20147 SOY PRODUCTS—BURGERS, MIXES, ETC.

Department: Corrections
Location: SCI-CHESTER, 500 E 4TH ST., CHESTER, PA 19013
Duration: JULY 1, 2002—JUNE 30, 2003
Contact: BEN JARRETT, P.A. 610-490-5412 EXT 2030

20142 MEATS—MEATBALLS, 2 OZ, 80/20 - BEEF FRANKFURTERS—WAFER STEAKS, BEEF, ROAST ENDS & PIECES

Department: Corrections
Location: SCI-CHESTER, 500 E 4TH ST., CHESTER, PA 19013
Duration: JULY 1, 2002—JUNE 30, 2003
Contact: BEN JARRETT, P.A. 610-490-5412 EXT 2030

20138 PRODUCE—FRESH FRUITS AND VEGETABLES, READY-TO-USE VEG-ETABLES & FRUIT. ITEMS TO BE BID MONTHLY OR AS NEEDED.

Department: Corrections
Location: SCI-CHESTER, 500 E 4TH ST., CHESTER, PA 19013
Duration: JULY 1, 2002—JUNE 30, 2003
Contact: BEN JARRETT, P.A. 610-490-5412 EXT 2030

20144 SEAFOOD—SURIMI (IMITATION CRABMEAT).

Department: Corrections
Location: SCI-CHESTER, 500 E 4TH ST., CHESTER, PA 19013
Duration: JULY 1, 2002—JUNE 30, 2003
Contact: BEN JARRETT, P. A. 610-490-5412 EXT 2030

0400 Coffee, concentrate, decaffeinated, non-frozen, liquid. Successful bidder to furnish, install and maintain at no additional cost to the Hospital all dispensing equipment as specified in bid. Please send a fax to 570-587-7108 with your company, name, address, telephone & fax numbers and Federal ID Number to request a bid package. Bid packages cannot be faxed.

Department: Public Welfare
Location: Clarks Summit State Hospital 1451 Hillside Drive Clarks Summit, PA 18411-9505
Duration: July 1, 2002—June 30, 2003
Contact: Stanley Rygelski, PA 570-587-7291

20140 EGGS—SHELL, WHITE, GRADE A, MEDIUM. 30 DOZ/CS

Department: Corrections
Location: SCI-CHESTER, 500 E 4TH ST, CHESTER, PA 19013
Duration: JULY 1, 2002—JUNE 30, 2003
Contact: BEN JARRETT, PA 610-490-5412 EXT 2030

20141 EGGS—(LIQUID) FROZEN.

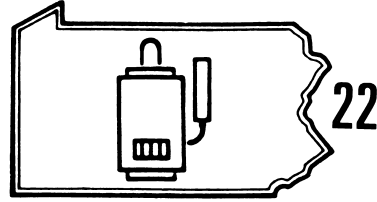
Department: Corrections
Location: SCI-CHESTER, 500 E 4TH ST., CHESTER, PA 19013
Duration: JULY 1, 2002—JUNE 30, 2003
Contact: BEN JARRETT, P. A. 610-490-5412 EXT 2030

20143 POULTRY—CHICKEN PATTIES, TURKEY BURGERS, TURKEY ENDS & PIECES, PULLED CHICKEN.

Department: Corrections
Location: SCI-CHESTER, 500 E 4TH ST., CHESTER, PA 19013
Duration: JULY 1, 2002—JUNE 30, 2003
Contact: BEN JARRETT, P.A. 610-490-5412 EXT 2030

20145 ICE CREAM—SANDWICHES, 3 GAL. TUBS.

Department: Corrections
Location: 500 E 4TH ST., CHESTER, PA 19013
Duration: JULY 1, 2002—JUNE 30, 2003
Contact: BEN JARRETT, P.A. 610-490-5412 EXT 2030



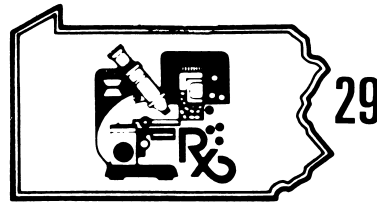
HVAC Services

HUN 381 Vendor to supply parts for a coal fired boiler at the State Correctional Institution at Huntingdon. Contact the Agency for a list of parts and specifications.

Department: Corrections
Location: State Correctional Institution at Huntingdon, 1100 Pike St., Huntingdon, PA 16654
Duration: 7/01/02 to 6/30/03
Contact: Robert Jessell, Pur Agt 814-643-2400 x 304

05-F-02 HVAC Services: To be provided on an as-needed basis an available twenty-four (24) hour, seven (7) day per week. Materials and parts to be at contractor's cost plus no more than 10%. Any materials furnished are to be of first quality. Unless otherwise stipulated, the hourly rate will be the same on a twenty-four (24) hour, seven (7) day per week. If the same rate will not apply, stipulate all exceptions. Subject to adjustment by reasons of new contractors in the trade.

Department: Labor and Industry
Location: Department of Labor and Industry, Chester County—Coatesville Job Center, 250 East Harmony Street, Coatesville, PA 19320-5409
Duration: This is a five (5) year contract. October 1, 2002 to September 30, 2007
Contact: Cherianita Thomas/BF 717-787-2877

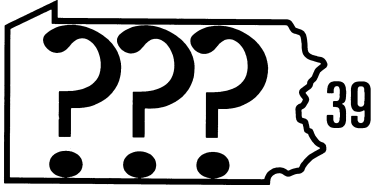


Medical Services

20877005 Provide Neurological Services for individuals of both the Ebensburg Center (Cambria County) and the Altoona Center (Blair County.) Bid proposal can be obtained from the Purchasing Office of the Ebensburg Center.

Department: Public Welfare
Location: Ebensburg Center, Dept. of Public Welfare, Rt. 22 West, PO Box 600, Ebensburg, PA 15931; Altoona Center, Dept. of Public Welfare, 1515 Fourth St., Altoona, PA 16601

Duration: Contract is anticipated to begin August 1, 2002 thru June 30, 2005.
Contact: Cora Davis, Purchasing Agent (814) 472-0259



Miscellaneous

SU-01-39 SU-01-39: Services to provide all necessary material, labor and equipment to provide Shippensburg University with a color map that provides a three-dimensional aerial view of campus.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg, PA 17257
Duration: October 1, 2002 to April 30, 2003
Contact: Mona M. Holtry 717-477-1386

Bid SP 16 2 0391 894 Cochlear Implant Rehabilitation Consulting Service to the Scranton State School for the Deaf in the development of spoken language through listening for children with cochlear implants. Sealed Bid Opening Date: 3 PM 6/27/02

Department: Education
Location: Scranton State School for the Deaf, 1800 North Washington Avenue, Scranton, Pa 18509-1799
Duration: School Year 2002-03 with up to four renewals.
Contact: Merrill Mayenschein Fax: 570-963-4544

[Pa.B. Doc. No. 02-1037. Filed for public inspection June 7, 2002, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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KELLY POWELL LOGAN,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
5810-03 sup#12	05/31/02	Anteon	\$5,000.00
5810-03 sup#12	05/31/02	Automated Office Systems	10,000.00
5810-03 sup#12	05/31/02	DLT Solutions	50,000.00
5810-03 sup#12	05/31/02	PC Network	5,000.00
5810-03 sup#12	05/31/02	Perfect Order	5,000.00
5810-03 sup#12	05/31/02	Siebel Systems	5,000.00
5810-03 sup#12	05/31/02	Storenet	5,000.00
5810-03 sup#12	05/31/02	Unisys	5,000.00
5810-03 sup#12	05/31/02	Unisys	5,000.00
5810-03 sup#12	05/31/02	Unisys	5,000.00
6605-06 rip#1	05/17/02	Buck Scientific	20,000.00
6605-06 rip#1	05/17/02	Cosa Instruments	20,000.00
6605-06 rip#1	05/17/02	Dionex	20,000.00
6605-06 rip#1	05/17/02	Fisher Scientific LLC	300,000.00
6605-06 rip#1	05/17/02	Leeman Labs	20,000.00
6605-06 rip#1	05/17/02	Tekmar	20,000.00
6605-06 rip#1	05/17/02	Varian	20,000.00
6605-06 rip#1	05/17/02	VWR International	340,000.00

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of
6850-03	05/10/02	Dacar Chemical	63,579.52
9905-18	06/01/02	Reidler Decal	54,264.00
1169111-01	05/28/02	XpedX—Harrisburg	19,268.00
1180211-01	05/28/02	Cummins Power Systems	22,000.00
1331071-01	05/28/02	Moore North America	52,907.50
1338111-01	05/28/02	Tyoga Container	105,570.00
1344211-01	05/28/02	Dupont Flooring Systems	31,395.00
1353381-01	05/28/02	River's Truck Center	58,980.00
1375221-01	05/28/02	Beacon Light Maraina	41,500.00
8141890-01	05/28/02	Russell Standard	570,820.54
8141970-01	05/28/02	Foster Grading	818,463.71
8191100-01	05/28/02	Derry Construction	168,275.00
8254090-01	05/28/02	Stephenson Equipment	509,868.00
8506230-01	05/28/02	A C Miller Concrete Products	54,245.00
8506280-01	05/28/02	Terre Hill Silo KELLY POWELL LOGAN, <i>Secretary</i>	29,790.00

[Pa.B. Doc. No. 02-1038. Filed for public inspection June 7, 2002, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

[17 PA. CODE CH. 23] State Forest Picnic Areas

The Department of Conservation and Natural Resources (Department), Bureau of Forestry, proposes to amend Chapter 23 (relating to State forest picnic areas). This chapter has not been revised since it was promulgated in 1979. The proposed amendments improve the protection of State forest resources and safety of visitors.

These proposed amendments also eliminate provisions in Chapter 23 that duplicate provisions in Chapter 21 (relating to general provisions) or that would more appropriately be in the form of camping permit conditions.

Statutory Authority

These amendments are proposed under the authority in sections 302 and 313 of the Conservation and Natural Resources Act (71 P. S. §§ 1340.302 and 1340.313) and 18 Pa.C.S. §§ 7505 and 7506 (relating to violation of governmental rules regarding traffic; and violation of rules regarding conduct on Commonwealth property).

Background and Purpose

Under Executive Order 1996-1, "Regulatory Review and Promulgation," the Department reviewed Chapter 23 and determined that it needed to be updated and streamlined. This proposed rulemaking is intended to accomplish these objectives.

Summary of Amendments

In § 23.1 (relating to definitions), "Bureau" and "District Forester" are deleted because these terms are not used in the revised chapter. "State forest picnic area" or "picnic area" is added as a defined term because the term is used in this chapter.

Section 23.2 (relating to scope) is revised to be titled "application." The revised section states that State forest picnic areas are subject to both Chapter 21 and this chapter.

Section 23.3 (relating to violations) is revised to reflect the deletion of § 23.12 (relating to motor vehicles).

Section 23.11 (relating to schedule) is revised to establish sunrise (rather than 8 a.m.) as the time of opening of State forest picnic areas to the public. It also permits, as an exception to the prohibition against entering a State forest picnic area when it is closed to the public, entering for the purpose of fishing or to gain access to another area of State forest land.

Section 23.12 is deleted because it duplicates provisions in § 21.21 (relating to motor vehicles), which applies to State forest picnic areas as well as to all other State forest land.

Section 23.13 (relating to soliciting) is deleted because it duplicates provisions in § 21.67 (relating to posting and soliciting).

Section 23.14 (relating to alcoholic beverages) is revised to replace "use" with "consumption" of alcoholic beverages.

Section 23.15 (relating to litter) is revised to delete the prohibition against littering, because it duplicates provisions in § 21.68 (relating to littering and disposal) and to add a provision permitting disposal of waste in containers if the containers are provided at the picnic area. However, only litter accumulated during use of a picnic area may be disposed of in these containers.

Section 23.16 (relating to fires) is revised to specify that charcoal fires are permitted only in appliances designed for charcoal fires and that disposal of hot charcoal is permitted only in designated facilities. It also clarifies that fires in picnic areas are subject to the forest-fire danger restrictions in § 21.62(b) (relating to open fires).

Section 23.17 (relating to hunting and shooting) is revised to prohibit—in addition to hunting and discharge of firearms and bows and arrows—trapping and use of devices capable of launching projectiles.

Section 23.18 (relating to fishing) is deleted because it duplicates provisions in § 21.64 (relating to fishing).

Section 23.19 (relating to swimming) is deleted because very few State forest picnic areas have bodies of water and the Department can use § 21.4 (relating to closure) to close an area to swimming if circumstances warrant.

Section 23.20 (relating to pets) is revised by the deletion of the second sentence, which is redundant with the first sentence.

Section 23.21 (relating to camping) is deleted because it duplicates provisions in § 21.61 (relating to camping permit).

Section 23.22 (relating to miscellaneous prohibitions) is revised to be entitled "organized events." Subsections (a), (b) and (d) are deleted because they duplicate provisions in §§ 21.31 and 21.74 (relating to prohibitions; and disorderly conduct). Subsection (c) is revised to include "other organized" events and to specify that the Department's approval of organized events shall be in writing.

Section 23.23 (relating to removal of facilities) is added to prohibit removal of facilities, including picnic tables, grills, fire rings, trash containers and charcoal disposal containers from picnic areas.

Sections 23.41—23.47, the sections under "Asaph and County Bridge State forest picnic areas camping regulations" are deleted because they are more appropriate as camping permit conditions than as regulations. The Department will post signs at Asaph and County Bridge State forest picnic areas which will list the conditions of camping at these areas.

Affected Persons

Visitors to the 27 State forest picnic areas will be affected by the proposed amendments.

Cost and Paperwork Requirements

The proposed amendments to Chapter 23 will result in no additional costs or paperwork requirements for the general public, local governments or the private sector. The only additional costs for the Commonwealth will be the Department's costs of several hundred dollars to revise the postings of rules and regulations at State forest picnic areas and in creating postings of camping permit conditions for Asaph and County Bridge State forest picnic areas.

Effective Date/Sunset Date

These proposed amendments will be effective upon publication of final-form rulemaking in the *Pennsylvania Bulletin*. Chapter 23 will thereafter be monitored by the Department to determine whether the regulations effectively accomplish their intended goals.

Contact Person

These proposed amendments are published on the Department's website at www.dcnr.state.pa.us/forestry. Written comments, suggestions or objections from interested persons will be accepted by the Department for 60 days after publication of these proposed amendments in the *Pennsylvania Bulletin*. Comments may be directed to William R. Slippey, Chief, Recreation Section, Operations and Recreation Division, Bureau of Forestry, DCNR, P. O. Box 8552, Harrisburg, PA 17105-8552; fax (717) 783-5109; or e-mail at forestrecreation@state.pa.us.

Alternative means of providing comments and alternative formats of the proposed amendments may be made available to persons with disabilities upon request by contacting William R. Slippey at (717) 783-7936 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD).

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 22, 2002, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed rulemaking, it will notify the Department by September 6, 2002. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed rulemaking to which an objection is made. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of objections raised.

JOHN C. OLIVER
Secretary

Fiscal Note: 7B-4. No fiscal impact; (8) recommends adoption.

Annex A**TITLE 17. CONSERVATION AND NATURAL RESOURCES****PART I. DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES****Subpart C. STATE FORESTS****CHAPTER 23. STATE FOREST PICNIC AREAS
PRELIMINARY PROVISIONS****§ 23.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

[Bureau—The Bureau of Forestry of the Department.

District Forester—The Bureau of Forestry employee so designated.]

State forest picnic area or picnic area—An area on State forest land designated by the Department as a State forest picnic area.

§ 23.2. [Scope] Application.

[This chapter applies to all State Forest Picnic Areas in the Commonwealth under the jurisdiction of the Bureau.] State forest picnic areas are subject to Chapter 21 (relating to general provisions).

§ 23.3. Violations.

(a) A person **[is guilty of] who engages in an act which is prohibited by § 21.21 or § 21.25 (relating to State Forests—motor vehicles; and State Forests—parking) commits a summary offense under 18 Pa.C.S. § 7505 (relating to violation of governmental rules regarding traffic) [if that person commits any act which is prohibited by § 23.12 (relating to motor vehicles)].**

(b) A person **[is guilty of] who engages in an act which is prohibited by this chapter, other than an act prohibited by § 21.21 or § 21.25, commits a summary offense under 18 Pa.C.S. § 7506 (relating to violation of rules regarding conduct on Commonwealth property) [if that person commits any act which is prohibited by any provision of this chapter other than those set forth in subsection (a)].**

MISCELLANEOUS PROVISIONS**§ 23.11. Schedule.**

(a) *Hours of use.* State **[Forest Picnic Area day-use] forest picnic areas are open to the public between [8 a.m.] sunrise and sunset.**

(b) *Closing [of State Forest Picnic Areas. Any]* A State **[Forest Picnic Area] forest picnic area may be closed by the Department to public use [at the discretion of the Director of the Bureau].**

(c) *Entry.* **[Entry by any person upon a State Forest Picnic Area during hours or times of closure shall be prohibited.]**

(1) Except as provided in paragraph (2), entering, using or remaining in a State forest picnic area that is not open to the public is prohibited without written permission of the Department.

(2) Entering a State forest picnic area for the purpose of fishing or for the purpose of gaining access to another area of State forest land that is open for public use is permitted unless posted otherwise.

§ 23.12. [Motor vehicles] (Reserved).

[(a) Licensed vehicle operators shall use only the roads and parking areas open to public traffic, unless otherwise designated by the District Forester. Commercial traffic will be permitted on State Forest Picnic Area roads only when providing authorized service; all other commercial traffic is prohibited.

(b) The operation of unlicensed motor vehicles shall be prohibited on State Forest Picnic Area roads, trails and other areas except where specially designated.

(c) Excessive noise, nuisance and reckless or negligent operations of vehicles shall be prohibited.]

§ 23.13. [Soliciting] (Reserved).

[Soliciting for any purpose or posting of signs shall be prohibited.]

§ 23.14. Alcoholic beverages.

Possession or [use] consumption of alcoholic beverages [shall be] is prohibited.

§ 23.15. Litter.

[Trash and garbage shall be placed in containers provided for this purpose and shall be limited to material accumulated during use of State Forest Picnic Areas. Littering of areas with garbage, paper or other waste shall be prohibited.] If containers for disposal of trash and garbage are provided by the Department, trash and garbage accumulated during use of a State forest picnic area may be placed in these containers. Disposing of any other material in these containers is prohibited.

§ 23.16. Fires.

[Open fires shall be permitted only in the facilities provided and shall be completely extinguished before being left. All other fires shall be prohibited.] (a) Open fires are permitted in designated facilities, and charcoal fires are permitted in appliances designed for that purpose. All other fires are prohibited.

(b) Disposing of hot charcoal except in a facility designated by the Department for charcoal disposal is prohibited.

(c) Leaving a fire that has not been completely extinguished is prohibited.

(d) This section is subject to the prohibition in § 21.62(b) (relating to open fires).

§ 23.17. Hunting, trapping and shooting.

Hunting, trapping and the discharge of firearms [or], bows and arrows [shall be], or devices capable of launching projectiles are prohibited.

§ 23.18. [Fishing] (Reserved).

[Fishing shall be permitted in accordance with current Pennsylvania fish laws unless otherwise posted. Fishing in violation of posted closure or special restriction notices shall be prohibited.]

§ 23.19. [Swimming] (Reserved).

[Swimming shall be prohibited at all State Forest Picnic Areas.]

§ 23.20. Pets.

Pets are [permitted in State Forest Picnic Areas provided] prohibited unless they are on a leash not exceeding 6 feet [in length] and are attended at all times. [It is prohibited for a person to allow his pet to be unattended or improperly leashed in a State Forest Picnic Area.]

§ 23.21. [Camping] (Reserved).

[Camping in State Forest Picnic Areas is prohibited except at the Asaph and County Bridge State Forest Picnic Areas in Tioga County.]

§ 23.22. [Miscellaneous prohibitions] Organized events.

[(a) It is prohibited to remove, molest, injure or damage a natural or physical object within a State Forest Picnic Area.

(b) Unnecessary disturbances or excessive noise are prohibited.

(c) An instruction, exhibition, competition, demonstration or other organized or special event is prohibited without [agreement and approval of the Bureau] written authorization of the Department.

[(d) Disorderly conduct and obscene or lewd acts or dress is prohibited.]

§ 23.23. Removal of facilities.

Removal from State forest picnic areas of picnic area facilities, including picnic tables, grills, fire rings, or containers for disposal of trash, garbage, or charcoal is prohibited.

[ASAPH AND COUNTY BRIDGE STATE FOREST PICNIC AREAS CAMPING REGULATIONS]

§ 23.41. [Use] (Reserved).

[Camping at the Asaph and County Bridge State Forest Picnic Areas is restricted to designated campsites. Camping at undesignated campsites are prohibited.]

§ 23.42. [Occupancy] (Reserved).

[(a) Occupancy of a campsite is limited to living facilities to house one family unit or a nonfamily group limited to five persons per site. A responsible person of at least 18 years of age shall accompany each party.

(b) Maximum camping period is limited to 7 consecutive nights, provided campsites are available.

(c) Campsites are to be vacated by 4 p.m. unless the permit is renewed before 12 p.m. consistent with the 7-night limitation.

(d) Campsites left unattended overnight will be deemed abandoned and the permit will be revoked.]

§ 23.43. [Permits] (Reserved).

[(a) Campers shall have a current camping permit. Camping permits are issued on a first-come-first-served basis for all sites.

(b) The fee for camping is \$4.00 per night.

(c) Camping without a current valid permit is prohibited.

(d) Persons violating the provisions of this chapter may, in addition to other penalties, be denied future permits.]

§ 23.44. [Noise] (Reserved).

[Unnecessary disturbances and excessive noises are prohibited.]

§ 23.45. [Fires] (Reserved).

[Fires are permitted only in camp stoves or in the fireplaces provided and shall be completely extinguished before being left. Other fires are prohibited.]

§ 23.46. [Visitors] (Reserved).

[Visitors are allowed in the campground only between the hours of 8 a.m. and sunset daily. It is prohibited for a person to remain in the campground between the hours of sunset and 8 a.m. without a current camping permit.]

§ 23.47. [Miscellaneous prohibitions] (Reserved).

[(a) The use of water outlets, springs, lakes or waterways for washing purposes or the discharge of trailer sewage or sink waste on or into the groundwater or surface waters is prohibited.

(b) Removal of tables, fireplaces or other Commonwealth property is prohibited.]

[Pa.B. Doc. No. 02-1039. Filed for public inspection June 7, 2002, 9:00 a.m.]
