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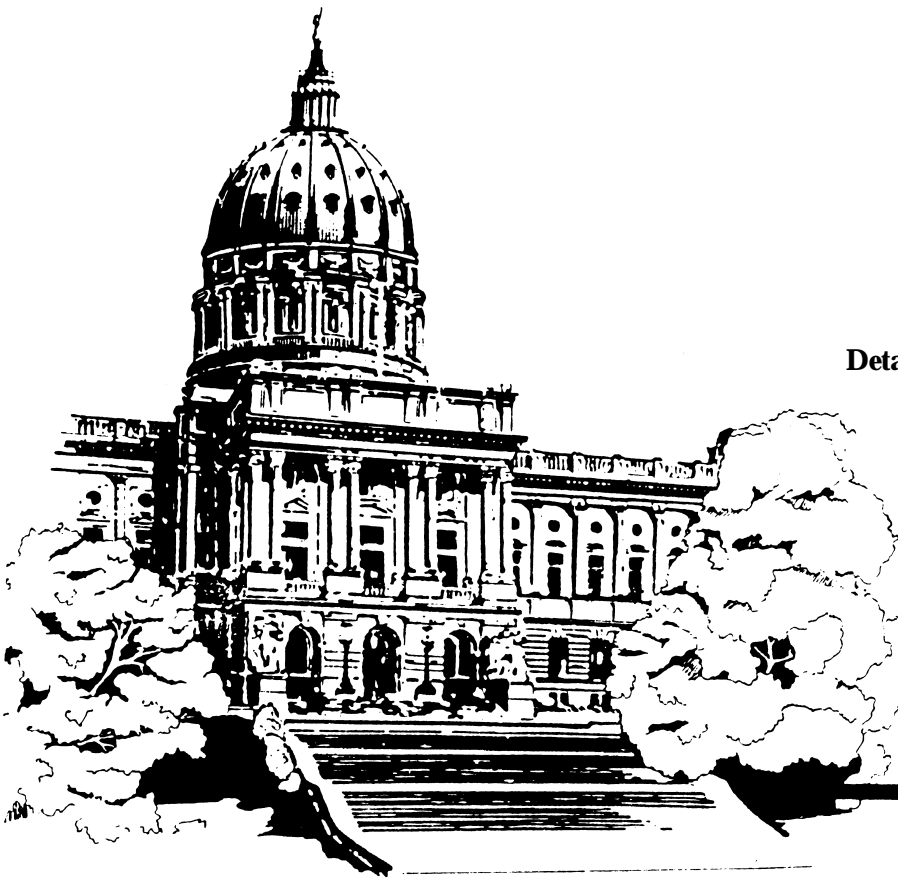
Saturday, June 29, 2002 • Harrisburg, Pa.

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Agencies in this issue:

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Independent Regulatory Review Commission
Insurance Department
Liquor Control Board
Pennsylvania Public Utility Commission
Public School Employees' Retirement
Board

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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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List of Pa. Code Chapters Affected

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

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THE GOVERNOR
Title 4—ADMINISTRATION
GOVERNOR'S OFFICE
[4 PA. CODE CH. 7]
[EXECUTIVE ORDER NO. 2002-6]
PA Open for Business

June 6, 2002

Whereas, historically, the Commonwealth has required businesses to repeatedly submit various pieces of information to multiple agencies in numerous forms and formats as determined by separate authorities; and

Whereas, advances in information technology enable the Commonwealth to make information exchanges from business to government, government to business, and across government agencies more efficient and effective for all parties; and


Whereas, governments that make required interactions with business faster, easier, and cheaper provide a competitive advantage for businesses under their jurisdiction and encourage economic growth; and

Whereas, the Commonwealth has created the Internet "Business" portal PA Open for Business with the goal of becoming the national leader for online interaction between business and government; and

Whereas, early versions of PA Open for Business have received national recognition for creating a single face of government for business with customized content and paperless information exchange; and

Whereas, the purpose of this Executive Order is to issue strategic direction to state agencies regarding PA Open for Business and to formalize its governance structure to include the PA Open for Business Steering Committee, Project Office, and Executive Council.

Now, Therefore, I, Mark S. Schweiker, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the constitution of the Commonwealth of Pennsylvania and other laws of the Commonwealth, do hereby establish the strategic objectives and governance structure for PA Open for Business.



Governor

Fiscal Note: GOV 02-6. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 4. ADMINISTRATION
PART I. GOVERNOR'S OFFICE
CHAPTER 7. MISCELLANEOUS PROVISIONS
Subchapter UU. PA OPEN FOR BUSINESS

- Sec.
 7.781. Purpose.
 7.782. Strategic objectives.
 7.783. PA Open for business governance structure.

§ 7.781. Purpose.

The PA Open for Business initiative will serve to enhance economic growth in this Commonwealth by making information exchange between business and government, and across government agencies faster, easier and less expensive. The overall mission of this initiative is to become and sustain the Commonwealth as the National leader for online transactions between and among government and business.

§ 7.782. Strategic objectives.

PA Open for Business will:

- (1) Serve as the “single face of government” for Internet communications between businesses and government in this Commonwealth.
- (2) Personalize content to each business user’s individual needs.
- (3) Take full advantage of the Internet for all communications.

§ 7.783. PA Open for business governance structure.

The PA Open for Business governance structure consists of a Steering Committee and the Project Office, with oversight roles by the Executive Council and the Governor’s Office as follows:

(1) *Steering Committee.*

(i) *Objectives.* The objectives of the Steering Committee are to:

- (A) Develop fiscal year goals for each of the Governor’s strategic objectives, in consultation with the PA Open for Business Project Office.
- (B) Oversee effective implementation of fiscal year goals by the PA Open for Business Project Office and participating agencies.

(ii) *Responsibilities.* The Steering Committee shall:

- (A) Make binding decisions and reach consensus on policy matters that cannot be resolved by the PA Open for Business Project Office.
- (B) Seek timely resolution from the Governor’s Director of Policy on any issue that cannot be adequately resolved by a consensus of the Steering Committee.
- (C) Meet at least once every 2 months.
- (D) Approve PA Open for Business timelines and project management plans as developed by the PA Open for Business Project Office.
- (E) Serve as the liaison between the PA Open for Business Project Office and the participating cabinet secretaries.
- (F) Create subcommittees to provide technical/process expertise in support of the PA Open for Business Project Office’s tactical plan.

(iii) *Composition.* The Steering Committee consists of deputy secretary-level appointees, or an equivalent senior manager, who reports directly to the cabinet secretary, has decision-making authority, and embraces a Commonwealth “enterprise” perspective from the Departments of Labor and Industry, Revenue, State, Community and Economic Development, and the Office of Administration’s Office of Information Technology, the Center for Customer Service and Innovation, and other designees as appointed by the Governor.

(iv) *Chairperson of the Steering Committee.* The responsibilities of the Chairperson are to:

- (A) Lead the PA Open for Business initiative and achieve the Governor’s strategic objectives.
- (B) Preside over all PA Open for Business Steering Committee meetings and official business for the initiative.
- (C) Serve a 1-year, renewable term at the pleasure of the Governor.
- (D) Serve as the primary point of contact for the Governor’s Director of Policy and the Cabinet Secretaries on PA Open for Business matters.
- (E) Serve as chief spokesperson for the PA Open for Business within and outside of State government.

(2) *PA Open for Business Project Office.*

(i) *Objectives.* The objectives of the Business Project Office are to:

(A) Develop an annual project plan for each fiscal year to achieve the goals established by the Steering Committee.

(B) Direct day-to-day project management of the PA Open for Business initiative including supervision of contractors, technical support and process management at all levels of detail.

(ii) *Responsibilities.* The PA Open for Business Project Office shall deliver a written report twice annually on the status of the PA Open for Business initiative to the Governor's Director of Policy and participating agency cabinet secretaries.

(iii) *Composition.* The PA Open for Business Project Office shall consist of:

(A) A Director appointed by the Steering Committee and the Office of Administration.

(B) Appropriate staff within the Office of Administration as determined by the Director, in consultation with the Office of Administration's Deputy Secretaries for Human Resources and Management and Information Technology, and the PA Open for Business Steering Committee.

(C) Co-located personnel from participating agencies as necessary to support PA Open for Business technical or business process management needs.

(iv) *Organizational location.* The PA Open for Business Project Office is located within the Office of Administration, Office for Information Technology, and reports to the Deputy Secretary for Information Technology for administrative purposes, except for co-located employees working full-time on PA Open for Business from participating agencies who will remain under the jurisdiction of the participating agency.

(3) *Governor's Director of Policy.*

(i) *Objective.* The Governor's Director of Policy interprets and clarifies the Governor's purpose and strategic objectives for the PA Open for Business initiative for the Steering Committee.

(ii) *Responsibilities.* The Governor's Director of Policy, or equivalent member of senior staff:

(A) Consults with the Offices of Budget, Information Technology and General Counsel, as necessary, to make timely, binding "enterprise" decisions for the PA Open for Business initiative. This role includes responsibility for the resolution of interagency disputes that cannot be resolved by the Steering Committee, as well as any other matters of importance as identified by participating parties.

(B) Is the primary point of contact within the Governor's Office for the Steering Committee.

(C) Receives a written report, twice annually, on the status of the PA Open for Business initiative, and upon review, determines whether the Governor's overall strategic objectives are being met, and issues new guidance as necessary.

(D) Reports, as needed, to the Governor on progress toward the initiative's strategic objective.

(E) Makes recommendations to the Governor concerning agency representation and chairmanship of the Steering Committee.

(4) *Executive Council.*

(i) *Objective.* The objective of the Executive Council is to provide broad guidance for the PA Open for Business initiative on matters relating to State agency functions and processes.

(ii) *Responsibilities.* The Executive Council shall receive a written report, twice annually, on the status of PA Open for Business and ensure that the project is compatible with the core missions of each agency.

(iii) *Composition.* The Executive Council consists of the cabinet secretary of each of the participating agencies, and will be chaired by the Secretary of Administration.

[Pa.B. Doc. No. 02-1129. Filed for public inspection June 28, 2002, 9:00 a.m.]

GOVERNOR'S OFFICE

Amendment to Proclamation

June 14, 2002

Whereas, on February 12, 2002, I declared a state of drought and water shortage emergency in twenty-four counties of the Commonwealth due to a long and continuing period of rainfall deficits and a lack of winter snow accumulation which resulted in abnormally low stream flows, reduced groundwater levels and water supply shortages within those counties; and

Whereas, on May 7, 2002, I renewed the Declaration of Drought Emergency for ninety days in twenty counties of the Commonwealth due to insufficient amounts of rainfall to replenish the groundwater levels or return overall water supplies to their normal levels within those twenty counties; and

Whereas, since the May 7, 2002 renewal of the Declaration of Drought Emergency, there has been sufficient amounts of rainfall in Bucks, Dauphin, Montgomery, Perry, Philadelphia, and Wayne Counties to replenish the groundwater levels or return overall water supplies to their normal levels within those six counties; and

Whereas, the previous drought and water shortage conditions no longer exist within those six counties.

Now Therefore, I, Mark S. Schweiker, Governor of the Commonwealth of Pennsylvania, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S. Section 7101 et seq.), do hereby order and direct as follows:

1. The Counties of Bucks, Dauphin, Montgomery, Perry, Philadelphia, and Wayne are removed from the designated drought emergency area.
2. All of the authorized actions by state agencies and departments, regulations, water-use restrictions, and other terms, conditions, and provisions of the February 12, 2002 Declaration of Drought Emergency shall continue in full force and effect in the fourteen counties that remain in the designated drought emergency area.
3. This Proclamation amendment shall take effect immediately.

Given under my hand and the Seal of the Governor, at the city of Harrisburg, this fourteenth day of June 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. 02-1130. Filed for public inspection June 28, 2002, 9:00 a.m.]

THE GENERAL ASSEMBLY

Recent Actions during the 2002 Regular Session of the General Assembly

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

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2002 GENERAL ACTS ENACTED—ACT 052 through 055					
052	Jun 11	SB0369	PN1998	immediately	Crimes Code (18 Pa.C.S.)—police officer authorization to record oral communications
053	Jun 11	HB1933	PN3867	immediately	Crimes Code (18 Pa.C.S.) and Vehicle Code (75 Pa.C.S.)—omnibus amendments
054	Jun 12	SB0769	PN1843	60 days	First Class Township Code, The—civil service commission members, organization, quorum of commission and compensation
055	Jun 12	HB0529	PN0572	immediately	Pennsylvania flag display authorization—memorials, caskets and funerals of police and fire departments, ambulance service, rescue squad or fire police
2002 APPROPRIATION ACTS ENACTED—ACT 001A through 005A					
001A	Jun 12	HB2532	PN3610	July 1, 2002	Office of Small Business Advocate—operation
002A	Jun 12	HB2531	PN3609	July 1, 2002	Office of Consumer Advocate—operation
003A	Jun 12	HB2528	PN3606	July 1, 2002	Department of Labor and Industry and Department of Community and Economic Development—workers' compensation, occupational diseases and Office of Small Business Advocate
004A	Jun 12	HB2526	PN3604	July 1, 2002	Public School Employees' Retirement Board—administrative expenses, etc.
005A	Jun 12	HB2525	PN3603	July 1, 2002	State Employees' Retirement Board—administrative expenses, etc.

* with exceptions

Effective Dates of Statutes

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

Advance Copies of Statutes

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

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

CARL L. MEASE,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 02-1131. Filed for public inspection June 28, 2002, 9:00 a.m.]

THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CH. 13]

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

Counsel for the Appellate Court Procedural Rules Committee has discovered an error in Recommendation 47, previously published for comment in the *Pennsylvania Bulletin* Vol. 32, No. 23 at p. 2752 (June 8, 2002), *The Legal Intelligencer* Vol. 226, No. 113 at p. 13 (June 12, 2002) and posted on the Administrative Office of Pennsylvania Courts' web site, www.courts.state.pa.us.

The correct version of Recommendation 47 is published as follows.

The Counsel and Committee apologize for any inconvenience caused by the error.

By the Appellate Court Procedural Rules Committee

DEAN R. PHILLIPS, Esquire
Counsel

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

The Appellate Court Procedural Rules Committee proposes adoption of 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 boldface.

All communications in reference to the proposed adoption should be sent not later than July 17, 2002 to the Appellate Court Procedural 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) *General Rule.* The appellate court may treat a request for discretionary review of an order, which is immediately appealable as a notice of appeal under the following circumstances;

(1) where a party has filed a timely petition for permission to appeal pursuant to Pa.R.A.P. 1311; or

(2) where a party has filed a timely petition for review from a trial court's refusal of a timely application pursuant to Pa.R.A.P. 1311 to amend the order to set forth expressly the statement specified in 42 Pa.C.S. § 702(b).

(b) *Additional Requirements.* The appellate court may require any additional actions necessary to perfect the appeal.

***Official Note:* This Rule permits the appellate court to treat a timely, but erroneous, petition for permission to appeal pursuant to Pa.R.A.P. 1311 from 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*, 596 A.2d. 188, 192 (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." Also, pursuant to subdivision (a)(2) of this Rule, 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 treat a Chapter 15 petition for review of the trial court's refusal to amend as a notice of appeal.**

To be considered timely in the context of Rule 1316, the petitioner must have met all of the deadlines established in Rule 1311 regarding seeking certification of the order pursuant to 42 Pa.C.S. § 702(b) and filing the appeal in the appellate court.

Use of the term "notice of appeal" in this rule is not intended to preclude treatment of the petition for permission to appeal as a petition for review if the proper method of appeal as of right would be a petition for review addressed to the Commonwealth Court's appellate jurisdiction found at 42 Pa.C.S. § 763.

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 Recommendation would also permit the Appellate Court to treat a timely petition for review from a trial court's refusal of a timely application pursuant to Pa.R.A.P. 1311 requesting that the trial court amend the order to set forth expressly the statement specified in 42 Pa.C.S. § 702(b). 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.

This rule supersedes *Thermo-Guard, Inc. v. Cochran*, 596 A.2d. 188, 192 (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.”

[Pa.B. Doc. No. 02-1132. Filed for public inspection June 28, 2002, 9:00 a.m.]

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PART I. RULES OF APPELLATE PROCEDURE
PART II. INTERNAL OPERATING PROCEDURES
[210 PA. CODE CHS. 35 AND 65]

Amendments to Business of the Superior Court and Superior Court Internal Operating Procedures

Rules of Appellate Procedure, Business of the Superior Court

The Superior Court of Pennsylvania has amended procedures by which requests for oral argument are made. This policy is reflected in the Pennsylvania Rules of Appellate Procedure—Business of the Superior Court, with the adoption of Rule 3521, appearing in 210 Pa. Code Chapter 35.

Superior Court Internal Operating Procedures

The Superior Court of Pennsylvania has amended procedures by which requests for oral argument are made. This policy is reflected in the Superior Court Internal Operating Procedures with the deletion of 210 Pa. Code Sec. 65.36(B).

Superior Court Internal Operating Procedures

The Superior Court of Pennsylvania has reviewed and deleted a section concerning wiretaps. This policy is reflected in the Superior Court Internal Operating Procedures with the deletion of 210 Pa. Code Sec. 65.58.

These changes became effective June 6, 2002.

ERNEST GENNACCARO,
*Chief Staff Attorney to the
Superior Court of Pennsylvania*

Additions appear in boldface. Deletions appear in boldface and are bracketed.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE III. MISCELLANEOUS PROVISIONS

**CHAPTER 35. BUSINESS OF THE
SUPERIOR COURT**

APPEALS AND ARGUMENT LISTS

Rule 3521. Oral Argument; Submission on Briefs.

In all cases other than post-conviction hearing cases, upon receipt of the appellant’s brief, the Prothonotary shall send a reply letter to the appellant asking whether oral argument is requested. If appellant responds in a timely fashion that appellant requests oral argument, the case will be listed for argument. If appellant fails to respond in a timely fashion, the case will be submitted on the briefs, unless otherwise directed by the court on its own motion or upon application.

PART II. INTERNAL OPERATING PROCEDURES
**CHAPTER 65. INTERNAL OPERATING
PROCEDURES OF THE SUPERIOR COURT**
DECISIONAL PROCEDURES

§ 65.36. Submitted Cases.

* * * * *

[B. In all cases other than post-conviction hearing cases, upon receipt of the appellant’s brief, the Prothonotary shall send a reply letter to both the appellant and the appellee asking whether oral argument is requested. If the parties agree, the case can be submitted on the briefs. However, if either party requests oral argument, the case shall be listed for argument.]

[C.] B. * * *

WIRETAPS

§ 65.58. [Authority for Application for Consensual Participant Monitoring of Oral Communication within a Suspect’s Residence] (Rescinded).

[The Supreme Court of Pennsylvania, in *Commonwealth v. Brion*, 539 Pa. 256, 652 A.2d 287 (1994), held that the probable cause determination and warrant requirement for participant monitoring of oral communications within a private home, pursuant to 18 Pa.C.S. § 5704(2), should follow the same procedures set forth in the Wiretap Act, 18 Pa.C.S. § 5701 et seq., for other probable cause determinations.]

[Pa.B. Doc. No. 02-1133. Filed for public inspection June 28, 2002, 9:00 a.m.]

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**Title 255—LOCAL
COURT RULES**

SNYDER AND UNION COUNTIES

Adoption of Local Rules; No. MC-37-2002

Order

And Now, this 24th day of May, 2002, it is hereby Ordered that:

1. The Court hereby adopts the Local Rules of Civil Procedure, the Local Rules of Criminal Procedure, and the Local Orphans’ Court Rules as follows and marked as Appendix “A”. Said rules shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

2. The Local Rules of the 17th Judicial District as they existed prior to the adoption of the Local Rules herein set forth are hereby repealed on the effective date of the new Local Rules.

3. The Court Administrator of the 17th Judicial District is ordered and directed to do the following:

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

3.2 File two (2) certified copies of this Order and the pertinent Rules with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3.3 File one (1) certified copy of this Order and the pertinent Rules with the Civil Procedural Rules Committee.

3.4 File one (1) certified copy of this Order and the pertinent Rules with the Criminal Procedural Rules Committee.

3.5 Provide one (1) copy of this Order and the Local Rules to each member of the Snyder County Bar Association and the Union County Bar Association who maintains an active practice in Snyder or Union Counties.

3.6 Keep continuously available for public inspection, copies of this Order and the Local Rules.

By the Court

HAROLD F. WOELFEL, Jr.,
President Judge

APPENDIX A

- 17CV0001 Annual Call
17CV0216 Continuances
17CV1018.1 Notice To Defend
17CV1301 Arbitration
17CV1302 List of Arbitrators
17CV1303 Hearings
17CV1306 Awards
17CV1308 Compensation of Arbitrators
17CV1309 Appeals
17CV1901 Protection From Abuse

RULES OF CRIMINAL PROCEDURE

- 17CR0106 Continuances

ORPHANS' COURT RULES

- 17OC006.1 Form of Account
17OC006.3 Notice of Filing Account and Statement of Proposed Distribution
17OC006.9 Statement of Proposed Distribution
17OC006.10 Objections to Accounts or Statements of Proposed Distribution
17OC006.11 Confirmation of Accounts
17OC007.1 Exceptions

RULES OF CIVIL PROCEDURE

17CV0001 ANNUAL CALL

1. Yearly during the month of September the Judge, or Prothonotary under his/her supervision, shall call all actions on the civil docket pending and undisposed of in which no proceedings have been taken for one year or more prior to September 1.

2. In all such cases, it shall be the duty of the Prothonotary to mail notice of the Annual Call to counsel of record, and to the parties for whom no appearance has been entered thirty (30) days prior to the Annual Call.

3. When such notice has been given prior to the Annual Call and no action has been taken, and no good cause for continuing the case is shown at the Annual Call, an order shall be entered forthwith for dismissal by the Court.

17CV0216 CONTINUANCES

17CV0216.1 Written Motion

A Motion for Continuance shall be in writing, unless exceptional circumstances prevent a written motion. All motions averring facts not of record shall be verified. Before filing a written Motion for Continuance or making an oral motion for continuance every reasonable effort

shall be made to notify and seek the agreement of all interested parties. A Motion for Continuance shall be made as soon as possible after the circumstances necessitating the request become known to the moving party.

17CV216.2 Form of Motion

A. A written Motion for Continuance in all civil cases shall be in substantially the following form:

MOTION FOR CONTINUANCE

NOW COMES _____, by and through (his) (Name of Party) (her) (its) attorney, _____, Attorney, (Name of Attorney) and moves for a continuance as follows:

1. The above captioned matter is scheduled for

(Nature of proceeding, i.e., argument, hearing, trial, etc.) on the ____ day of _____, 20____, at ____ .m. before _____ (Name of judge, master, etc.)

2. The moving party for said proceeding is

(Name of party whose claim is to be heard)

3. The opposing parties are:

- _____ represented by: _____
_____ represented by: _____
_____ represented by: _____
_____ represented by: _____

4. The proceeding was scheduled by _____ (Order or Notice) dated _____ (Date)

A copy of the said Order is attached hereto and marked as "Exhibit A."

5. The proceeding (has) (has not) been previously continued _____ time(s). The moving party has obtained a continuance _____ time(s).

6. A continuance is requested because _____

If the continuance is requested because of a conflicting court matter, a copy of the Order scheduling the conflicting court matter is attached hereto and marked as "Exhibit B."

7. _____ The following parties have been notified of this request and have no objection:

- _____

_____ The following parties have not been notified of this request:

- _____

Efforts to notify the opposing parties include:

_____ The following parties objected to the continuance for the reason stated herein:

8. I hereby certify that if a continuance is granted I will serve a copy of the order granting the continuance on all parties forthwith and that I will notify all witnesses who would be appearing at my request.

9. I specifically request a continuance

_____ of not less than _____
_____ of not more than _____ (or)
_____ to the next available date.

Respectfully submitted,

B. All written motions requesting a continuance shall include a proposed Order, which shall be placed on top of the Motion for Continuance. The proposed Order shall be in substantially the following form:

ORDER

AND NOW, this ___ day of _____, 20___, upon consideration of the attached motion of _____ (Moving party) requesting a continuance:

_____ the motion is denied.
_____ the motion is granted and the matter scheduled for _____ at _____ .m. before (Date) (Time)

_____ is hereby continued until _____ at _____ .m. The moving party (Date) (Time) shall promptly notify all interested parties of this Order and shall serve a copy of this Order upon them.

BY THE COURT:

Judge

17CV1018.1 Notice to Defend

As provided by Pa.R.C.P. No. 1018.1(c) the following offices are designated as the offices to be named in the Notice to Defend where legal help may be obtained:

For cases filed in Snyder County:

Office of the Court Administrator
Snyder County Courthouse
P. O. Box 217
Middleburg, PA 17842
(570) 837-4359

For cases filed in Union County:

Office of the Court Administrator
Union County Courthouse
103 South Second Street
Lewisburg, PA 17837
(570) 524-8736

17CV1301 ARBITRATION

17CV1301.1 Cases for Submission

A. Compulsory arbitration of matters as authorized by Section 7361 of the Judicial Code, 42 Pa.C.S. Section 101, et seq. shall apply to all cases at issue where the amount in controversy shall be twenty-five thousand dollars (\$25,000.00) or less. The amount in controversy shall be determined from the pleadings or by an agreement of reference filed by the attorneys. The amount in controversy, when determined from the pleadings, shall be the largest amount claimed by any one party. In the event that a case within arbitration limits is consolidated with a case involving more than arbitration limits after the former has been referred to a board of arbitrators, the order of consolidation will remove the same from the jurisdiction of the board of arbitrators.

B. A civil action will be referred to arbitration twenty (20) days after the filing with the Prothonotary and the Court Administrator of a Praeipce signed by either party or its counsel indicating the matter is ready for arbitration. If the other party objects to the filing, that party shall, within the twenty (20) days, file a motion requesting delay in the appointment of arbitrators pending completion of the pre-trial discovery and filings. The objection shall specifically indicate the matters that must be preliminarily resolved and shall propose a timetable for their completion.

C. Cases subject to arbitration shall be subject to the status and calendar orders then prevailing with regard to the civil docket. Such cases shall not be scheduled for a pretrial conference if the status as an arbitration case can readily be determined from examination of the docket entries. If the discovery deadline has expired at the time of the pretrial conference for contemporaneously filed cases, the matter shall be scheduled by the Court Administrator for disposition by arbitration.

D. All cases heard under these rules shall be governed in all other respects by the laws of the Commonwealth of Pennsylvania enacted regarding arbitration proceedings.

17CV1301.2 Agreement of Reference

Matters not in litigation may be referred to a board of arbitrators by an agreement of reference, signed by counsel for all sides in the case. Such agreement shall be filed with the Prothonotary, who will forward a copy to the Court Administrator. Said agreement shall define the issue involved for determination by the board and, when agreeable, shall also contain stipulations with respect of facts. In such cases, the agreement shall take the place of the pleadings in the case and shall be filed of record.

17CV1302 LIST OF ARBITRATORS

A. Upon receipt of a Praeipce, the Court Administrator shall nominate, from the list of attorneys, a board of potential arbitrators. The nominations shall be made in a rotational fashion from the members of the bar eligible for assignment, except where an attorney is excused by reason of incapacity, illness, or other disqualification. The Court Administrator shall further be responsible for apportioning assignments between members with more than five years' experience and those under five years. No more than one member of a family, firm, professional corporation or association shall be nominated to serve on one potential board.

B. The Court Administrator shall nominate to the potential board three (3) attorneys plus one (1) additional attorney for each party of record. The list of attorneys nominated to the potential board shall be sent by the

Court Administrator to each party or his or her attorney within seven (7) days of the receipt of the praecipe. Each party in the case or counsel for each party may strike off up to one (1) attorney so named and return the list to the Court Administrator. If any or all parties strike the same name or fail to exercise their right to strike off any names from the potential board, the first three (3) remaining names will make up the board of arbitration. In the event the Court Administrator cannot compile a list of sufficient names from the county in which the case arose, because of incapacity, illness or other disqualification, other attorneys whose practice is within the judicial district, regardless of county, may be included.

C. As soon as the Court Administrator receives the returned list from the parties (or after 7 days if any list is not returned) each arbitrator shall be notified of his or her selection. A final board shall be sent to the attorneys of the parties, or to the parties not represented by attorneys.

17CV1303 HEARINGS

17CV1303.1 Scheduling of Hearings

A. Upon receipt of a praecipe, pursuant to 17CV1302, the Court Administrator shall schedule the case to be arbitrated for a one-half day hearing, no sooner than forty-five (45) days from the date of the praecipe, to commence either at 9:00 a.m. or 1:00 p.m.

B. The hearings shall be held in the separate court-houses in either Union County or Snyder County in either the Hearing Room or the Jury Room designated for that purpose. The chair may, if appropriate, schedule the arbitration hearing at such other location as would be more convenient to the parties, witnesses, counsel or arbitrators, on the same date as would otherwise apply.

C. After having been identified as a member of an arbitration panel under the procedures set forth previously in Section 17CV1302, and after having been scheduled to serve on an arbitration panel on a date certain, pursuant to (A) above, should an arbitrator be unable to serve due to a conflict of interest, conflict in scheduling, or other such reason, that arbitrator shall inform the Court Administrator, who shall appoint a successor arbitrator.

17CV1303.2 Conduct of Hearings

The conduct of all hearings, generally and with respect to the admissibility of evidence, shall be as set forth in Pa.R.C.P. Nos. 1304, 1305, and 1038(a). Arbitrators shall exercise reasonable restraint in the questioning of witnesses. Witness fees shall be taxed as costs, as in other actions.

17CV1303.3 Continuances

Continuances shall be granted only by court order for good cause shown on notice sent by the Court Administrator to the parties and the court. Requests for continuances shall be submitted in writing in the form of a motion. A motion for continuance should be filed not later than three (3) days prior to the scheduled date for the arbitration hearing.

If a party fails to appear at a scheduled arbitration hearing, the arbitrators shall proceed as set forth in Pa.R.C.P. 1303 and 1304.

17CV1306 AWARDS

A. After the case has been heard the arbitrators shall make their report/award, which shall be signed by at

least a majority of them. An award must be submitted within ten (10) days after the day of the hearing or the last adjournment thereof.

B. The award shall be filed with the Prothonotary.

C. The Prothonotary shall enter the award of the arbitrators in the docket and shall index the same in the judgment index. If an appeal is taken, the Prothonotary shall notify the Court Administrator, who shall place it on the next pretrial list.

D. Upon the award being indexed, the Prothonotary shall give immediate written notice of the award to all the parties, or their attorneys, by regular mail and to the Court Administrator.

17CV1308 COMPENSATION OF ARBITRATORS

A. The chair of the board of arbitrators shall receive compensation in the amount of \$150.00 per case. The other members of the board shall receive compensation in the amount of \$100.00 per case.

B. Each arbitrator shall be entitled to receive additional compensation at the rate of \$25.00 per hour in any case in which the actual time spent in the hearing exceeds three and one-half (3 1/2) hours. In the event the case is continued after the arbitrators have convened, either before or after testimony has begun, the time required of the arbitrators during the first scheduled hearing shall be aggregated with the time required during the second hearing. To the extent that such aggregated time is less than three and one-half (3 1/2) hours, the fee set forth in Subsection A of this rule shall be applicable. To the extent that such aggregated time exceeds three and one-half (3 1/2) hours, the hourly rate set forth herein shall be due for the hours in excess of three and one-half (3 1/2) hours.

C. Upon the filing of the board's report or award, the Prothonotary shall certify to the County treasurer that the report and award, if any, has been filed, together with the names of the members of the board serving in the case. The County shall then pay the aforesaid fee to each member of the board serving on the case in accordance with Subsection A of this rule.

D. In the event that a case shall be settled, withdrawn, or otherwise terminated by or between the parties at any time subsequent to the filing of a praecipe requesting the appointment of a Board of Arbitrators but prior to the naming of that board by the Court Administrator pursuant to 17CV1302, the party filing the praecipe for appointment of a Board of Arbitrators shall cause notice of the settlement, withdrawal, or termination of the action to be served upon the Court Administrator. In the event that a case shall be settled, withdrawn, or otherwise terminated by or between the parties at any time subsequent to the notification to each arbitrator, as provided for in 17CV1302.C, but prior to the date scheduled for hearing, the party filing the praecipe for appointment of a Board of Arbitrators shall be responsible for causing notice of the settlement, withdrawal, or termination to be served upon the Court Administrator and each of the arbitrators. In the event that the notice provided for in the preceding sentence is given in a timely manner, the board members shall not be entitled to any fees. In the event that the notice is not given in a timely manner, and an arbitrator or the arbitrators appear for the scheduled hearing, the party who moved for appointment of the arbitrators shall be responsible for paying the fees provided for in this rule. The foregoing notwithstanding, if the case is settled, withdrawn, or otherwise terminated by or between the parties on the date scheduled for the

hearing, but prior to the scheduled starting time, the arbitrators shall be entitled to one-half (1/2) of the base fee as set forth in Subsection A of this rule.

E. The Prothonotary shall not mark or certify a case settled or discontinued until the attorney for the plaintiff has presented his or her praecipe in proper form.

17CV1309 APPEALS

A. Any party to the proceeding may appeal from the decision or award of the arbitrators to the Court of Common Pleas, upon prepayment to the county of the fees of the members of the board. Said appeal shall be taken not later than thirty (30) days after the date of the entry of the award of the arbitrators on the docket. Repayment to the County of the fees of the members of the board shall not be taxed as costs or be recoverable in any proceeding. A de novo appeal shall be allowed as a matter of course upon the filing of the affidavit of appeal and recognizance, and upon the aforesaid repayment of the arbitrators' fees.

B. The Prothonotary shall notify the Court Administrator of all appeals from arbitration. All arbitration appeals shall immediately be scheduled by the Court Administrator for pretrial conference and trial at the earliest practical date.

C. If no appeal is filed within thirty (30) days, judgment shall be taken on the award.

17CV1901 PROTECTION FROM ABUSE

17CV1901.1 Appearance by Attorney

The appearance of an attorney on behalf of a party to a proceeding filed pursuant to the Protection from Abuse Act, 23 Pa.C.S.A. § 6101, et seq., ("the Act"), shall terminate upon the entry of a final order or the discontinuance or withdrawal of the action, as that term is defined in Pa.R.C.P. No. 1901, whichever shall first occur.

17CV1901.2 Discontinuance Prior to the Entry of Final Order

A. In the event the Plaintiff wishes to discontinue an action after the entry of a temporary order, the Plaintiff shall file a praecipe in the following form:

PRAECIPE

AND NOW, this ____ day of _____, 20 __, I, _____, Plaintiff, being of the belief that I am no longer in danger from the Defendant, and that I am no longer in need of protection from him/her, do hereby request that the Temporary Order entered on the ____ day of _____, 20____, be vacated, and that the Petition filed in this matter by me be marked as withdrawn.

Plaintiff

B. Contemporaneously with the filing of the praecipe provided for in 17CV1901.2.A, the Plaintiff shall pay any and all applicable court costs. In the event that the Plaintiff asserts that the Plaintiff is unable to pay the said costs, Plaintiff shall submit the affidavit provided for in Pa.R.C.P. No. 240(h). The court will then review the said affidavit to determine if the court will waive the said court costs.

17CV1901.3 Discontinuance After Entry of Final Order

A. In the event the Plaintiff wishes to discontinue an action under the Act after the entry of a final order granting relief pursuant to the Act, the Plaintiff may,

with the written concurrence of the Defendant, file a praecipe requesting said relief in the following form:

PRAECIPE

AND NOW, this ____ day of _____, 20 __, I, _____, Plaintiff, being of the belief that I am no longer in danger from the Defendant, and that I am no longer in need of protection from him/her, do hereby request that the final Order entered in this matter on the ____ day of _____, 20 __, be vacated and that the Petition filed in this matter by me be marked as withdrawn.

Plaintiff

I, _____, Defendant, do consent to the final Order entered in this matter on the ____ day of _____, 20 __, being vacated so that it is of no further force and effect.

Defendant

Date: _____

B. The party responsible for the payment of costs, as provided for in the final order which the Plaintiff is requesting be vacated, must pay those costs prior to the court entering an order vacating the final order.

17CV1901.4 Modification of Final Order

A party filing a motion to modify a final order entered pursuant to the Act shall be responsible for paying the filing fee for the filing of such a motion. If the party moving for the modification is the party ordered in the final order to pay the initial court costs the initial court costs shall be paid prior to the filing of the motion seeking modification of the final order.

17CV1901.5 Modification of Custody Provisions of Final Order

The modification of the custody provisions of a final order entered pursuant to the Act shall not be addressed in the underlying action. A party seeking the modification of the custody provisions of a final order entered pursuant to the Act shall initiate a new custody case by the filing of a custody complaint in the form mandated by Pa.R.C.P. No. 1915.15(a). If such a complaint is filed pro se it shall be referred directly to a judge of this court, and shall be processed through the pro se custody conference mechanism utilized in other pro se custody cases.

RULES OF CRIMINAL PROCEDURE

17CR0106 CONTINUANCES

17CR0106.1 Written Motion

A Motion for Continuance shall be in writing, unless exceptional circumstances prevent a written motion. All motions averring facts not of records shall be verified. Before filing a written Motion for Continuance or making an oral motion for continuance every reasonable effort shall be made to notify and seek the agreement of all interested parties. A Motion for Continuance shall be made as soon as possible after the circumstances necessitating the request become known to the moving party.

17CR0106.2 Form of Motion

A. A written Motion for Continuance in a criminal case shall be in substantially the following form:

MOTION FOR CONTINUANCE

NOW COMES _____, by and through (Name of party) (his) (her) (its) attorney, _____, Attorney, (Name of Attorney) and moves for a continuance as follows:

1. The above captioned matter is scheduled for

_____ (Nature of proceeding, i.e., arraignment, omnibus pre-trial hearing, trial, etc.)

on the ____ day of _____, 20 __, at ____ .m. before _____ (Name of Judge)

2. The opposing party is: _____ represented by _____.

3. The proceeding was scheduled by _____ (Notice or Order) dated _____.

A copy of the said Order is attached hereto and marked as "Exhibit A."

4. The proceeding (has) (has not) been previously continued _____ time(s). The moving party has obtained a continuance _____ time(s).

5. A continuance is requested because _____

If the continuance is requested because of a conflicting court matter, a copy of the Order scheduling the conflicting court matter is attached hereto and marked as "Exhibit B."

6. _____ The opposing party has been notified of this request and has no objection.

_____ The opposing party has not been notified of this request.

Efforts to notify the opposing party include: _____

_____ The opposing party objected to the continuance for the reasons stated herein: _____

7. I hereby certify that if a continuance is granted I will serve a copy of the order granting the continuance on all parties forthwith and that I will notify all witnesses who would be appearing at my request.

8. I specifically request a continuance: _____ of not less than _____ (or) _____ of not more than _____ to the next available date. Respectfully submitted, _____

B. All written motions requesting a continuance shall include a proposed Order, which shall be placed on top of the Motion for Continuance. The proposed Order shall be in substantially the following form:

ORDER

AND NOW, this ____ day of _____, 2 __, upon consideration of the attached motion of _____ (Moving party) requesting a

continuance: _____ the motion is denied. _____ the motion is granted and the _____ scheduled for

(Matter being continued) _____ at ____ .m. before _____ is (Date) (Time) (Name of Judge)

hereby continued until _____ at ____ .m. (Date) (Time)

The moving party shall promptly notify all interested parties of this Order and shall serve a copy of this Order upon them.

BY THE COURT:

_____ Judge

ORPHANS' COURT RULES

17OC006.1 FORM OF ACCOUNT

A. In addition to the requisites of the form of the account of Pa.O.C. Rule 6.1, the account shall contain at the end of the disbursement section a subsection under the heading "ATTORNEY'S AND FIDUCIARY'S FEES, COMMISSIONS, AND EXPENSES", which shall indicate separately the total amount of all the disbursements which have been made for the purpose of paying attorney's fees and expenses, and the total amount of all disbursements which have been made for the purpose of paying the fiduciary's fees or commissions and which have been made for the purpose of paying the fiduciary's expenses. This subsection shall be substantially in the following form:

ATTORNEY'S AND FIDUCIARY'S FEES COMMISSIONS, AND EXPENSES

Table with 2 columns: Description and Amount. Rows include Total Attorney's Fees, Total Attorney's Expenses, TOTAL, Total Fiduciary's Fees and Commissions, Total Fiduciary's Expenses, TOTAL.

17OC006.3 NOTICE OF FILING ACCOUNT AND STATEMENT OF PROPOSED DISTRIBUTION

A. Written notice of the filing of an account, and, unless an audit has been requested, for the filing of a statement of proposed distribution shall be given by the accountant no more than ten (10) days after the filing of the account to all those required to be given notice by Pa.O.C. Rule 6.3. A copy of the statement of proposed distribution shall be attached to the notice. A copy of the account and a verified inventory of all real and personal property of the deceased shall be attached to the notice given to all residuary legatees and all claimants and distributees who are not being paid in full.

B. Immediately upon the filing of the account and a statement of proposed distribution, the Clerk shall give notice of the filing by publication in one newspaper of general circulation within the county once each week for three (3) successive weeks immediately prior to the date of confirmation.

C. The written notice of the filing of the account and statement of proposed distribution shall be substantially in the following form:

IN RE: : IN THE COURT OF COMMON PLEAS
ESTATE OF: : OF THE 17TH JUDICIAL DISTRICT
Deceased : OF PENNSYLVANIA
: COUNTY BRANCH
:
: ORPHANS' COURT DIVISION
:
: NO. OC-0000-0000
:

TO: (Name(s) and Address(es) of Person(s) to be Notified.)

NOTICE:

You are hereby notified that the accountant has filed an account and statement of proposed distribution and a verified inventory of all real and personal estate of the deceased in the Office of the Clerk of Orphans' Court of County, County Courthouse, Pennsylvania. A copy (copies) of the statement of proposed distribution (account and inventory) is (are) attached.

If you object to any portion of the account or statement of proposed distribution you must file objections with the Clerk of Orphans' Court not later than, which is the Monday before the account and statement of proposed distribution will be confirmed by the Court. You are hereby warned that if no objections are filed, the account and statement of proposed distribution will be confirmed and distribution will made in accordance with the schedule of distribution. If you have any questions concerning this notice you should contact your attorney or the accountant's attorney.

(Accountant or Accountant's Attorney)
(Address)
(Telephone Number)

D. The written notice of the filing of the account and request for the appointment of an auditor shall be substantially in the form set forth below:

IN RE: : IN THE COURT OF COMMON PLEAS
ESTATE OF: : OF THE 17TH JUDICIAL DISTRICT
Deceased : OF PENNSYLVANIA
: COUNTY BRANCH
:
: ORPHANS' COURT DIVISION
:
: NO. OC-0000-0000
:

TO: (Name(s) and Address(es) of Person(s) to be Notified.)

NOTICE:

You are hereby notified that the accountant has filed in the Office of the Clerk of Orphans' Court of County, County Courthouse, Pennsylvania an account and a request for the Court to appoint an auditor. The auditor will decide any issues of law or fact raised by interested parties and determine the distribution to be made of the

assets of the estate. You will be notified of the date, time, and place any hearings to be held by the auditor.

(Accountant or Accountant's Attorney)
(Address)
(Telephone Number)

E. An affidavit which sets forth the names and addresses of those who were given written notice and the method of service of the notice shall be filed by the accountant prior to confirmation.

F. If the Pennsylvania Orphans' Court Rules require that notice be given to any other interested party or parties, proof of service of said notice and a copy of any response thereto shall be filed by the accountant prior to confirmation.

17OC006.9 STATEMENT OF PROPOSED DISTRIBUTION

A. Every fiduciary filing an account in which a distribution has been or is to be made, shall file with the Clerk a statement of proposed distribution substantially in the form set forth in 17OC006.9.C. When real estate is to be distributed, the description of said real estate shall be by metes and bounds when such a description is available.

B. When the fiduciary who files the account does not file a statement of proposed distribution, he or she shall request the appointment of an auditor. This request shall be by motion and shall be filed at the same time the account is filed. The Court shall appoint an auditor to resolve issues of law and fact and to propose a distribution of the assets of the estate.

C. The statement of proposed distribution required by Rule 17OC006.9.A shall be substantially in the following form:

IN RE: : IN THE COURT OF COMMON PLEAS
ESTATE OF: : OF THE 17TH JUDICIAL DISTRICT
Deceased : OF PENNSYLVANIA
: COUNTY BRANCH
:
: ORPHANS' COURT DIVISION
:
: NO. OC-0000-0000
:

Statement of Proposed Distribution of the Estate of filed by:

(Fiduciary) (Capacity)

- 1. Date of death:
2. Indicate whether the decedent died testate or intestate and the date of the probate of the decedent's Last Will and Testament (if any):
3. Date of appointment of executor or administrator:
4. State names of newspapers and dates on which advertisement of granting of Letters of published.
5. Set forth the name and address of the decedent's spouse:
(a) Indicate whether the spouse has elected to take against the Will and, if so, the date of the filing of the election:
(b) Indicate whether the decedent married after the execution of the Will or Codicils (if any) and which of the said Will or Codicils was executed prior to the marriage:

6. Set forth the names and addresses of the decedent's surviving issue or adopted children and indicate if any of them were born or adopted after the execution of the Will (if any):

7. Set forth in list form the names of all legatees, or in the case of an intestacy, the names of the heirs-in-law and the addresses of the legatees and heirs (if not previously disclosed in 4 and 5 above). Also, set forth the relationship of the legatees or heirs to the decedent, the amount or percentage of the interest, and the character of the interest. This information may be in summary form but should indicate whether any of the devises and bequests have been revoked, adeemed, lapsed or been assigned, attached or disclaimed.

8. Set forth the names of all parties in interest who are under any legal disability, the names and addresses of their guardians, and the circumstances of the disability:

9. Set forth the names and addresses of unpaid creditors from whom the fiduciary has received written notice or of whom the fiduciary has actual notice. Also, set forth which of the amounts claimed are admitted:

10. Indicate whether or not charitable bequests are involved, and if so, if notice is required to be given to the Attorney General pursuant to Pa.O.C. Rule 5.5:

11. List any fiduciary capacity which the decedent held and indicate the present status and court docket number (if any):

12. Indicate whether the Pennsylvania Transfer, Inheritance, and Estate taxes have been paid in full. If so, in lieu of completing the schedule below, a copy of Notice of Inheritance Tax Appraisalment, Allowance or Disallowance of Deductions and Assessments of tax received from the Pennsylvania Department of Revenue may be attached:

(a) State the Pennsylvania Department of Revenue appraisalment value of the estate, the amount of the debts and deductions allowed by the Register of Wills, and the value of the taxable estate:

Appraisalment Value	_____
Less Debts and Deductions	_____
Taxable Estate	_____

(b) State the tax rate and the total amount of tax paid:

Tax Rate	_____ %
Tax Paid	_____

13. Indicate whether the estate is subject to the Federal Estate Tax and the date of the receipt of a Federal Estate Tax closing letter (if it has been received). If the letter has not been received, indicate that to the personal representative's information, knowledge and belief, the Federal Estate Taxes have been paid in full in accordance with the return filed:

14. Where the accountant is requesting that any issue be decided by an auditor or by the Court, set forth any such issues:

15. Indicate whether a reserve is requested and, if so, state the amount and purpose thereof:

16. State whether the account is partial or final and whether any partial accounts had previously been filed:

17. Set forth any other information concerning unusual circumstances not previously mentioned:

The accountants propose to distribute the assets as follows:

<i>Name of Distributee</i>	<i>Asset to be Distributed</i>	<i>Inventory Value</i>	<i>Tax Basis Value</i>
Total Distribution Value: _____			
_____ (Accountant)			
_____ (Accountant)			

D. An affidavit in one of the following forms shall accompany the statement of proposed distribution:

AFFIDAVIT OF INDIVIDUAL FIDUCIARY(IES)

_____, the within named fiduciary(ies) verify(ies) that the facts set forth in the foregoing account and statement of proposed distribution, which are within the personal knowledge of the fiduciary(ies), are true, and as to facts based on information of the others, the fiduciary(ies), after diligent inquiry, believe(s) them to be true. I understand that false statements therein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

(Signature(s) of Individual Fiduciary(ies))

DATE: _____, _____

AFFIDAVIT OF OFFICER OF CORPORATE FIDUCIARY

_____ verifies that he/she is the _____ of the above-named _____, and that the facts set forth in the foregoing account and statement of proposed distribution which are within the personal knowledge of the affiant are true, and as to facts based on the information of others, the affiant, after diligent inquiry, believes them to be true. I understand that false statements therein are subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

Signature of Officer of Corporate Fiduciary

DATE: _____, _____

E. An affidavit of notice in the following form shall be filed with the statement of proposed distribution:

IN RE: : IN THE COURT OF COMMON PLEAS
ESTATE OF: : OF THE 17TH JUDICIAL DISTRICT
_____, : OF PENNSYLVANIA
Deceased : _____ COUNTY BRANCH
: :
: : ORPHANS' COURT DIVISION
: :
: : NO. OC-0000-0000

AFFIDAVIT OF NOTICE

(Fiduciary) _____ (Capacity)
of the Estate of _____, verifies that written notice by _____ was given of the filing of the (State Method of Service of Notice) of the [Account and Statement of Proposed Distribution/Account and Request for the Appointment of an Auditor] to every unpaid claimant who has given written notice of his/her claim to the accountant and to every person known to the accountant to have or claim an interest in the estate as creditor, beneficiary, heir, or next of kin. Copies of said written notices are attached. I

understand that false statements herein are subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

Fiduciary or Officer of Corporate Fiduciary

DATE: _____, _____

17OC006.10 OBJECTIONS TO ACCOUNTS OR STATEMENTS OF PROPOSED DISTRIBUTION

A. All objections shall be in writing, numbered consecutively, signed by the objector or the objector's attorney and each objection shall:

1. Be specific as to description and amount;
2. Raise but one (1) issue of law and fact, but if there are several objections to items included in or omitted from the account or schedule of distribution relating to the same issue, all such objections shall be included in the same objection; and
3. Set forth briefly the reason or reasons in support thereof.

B. All objections must be filed with the Clerk prior to the close of business of the Clerk on the Monday before the date fixed for confirmation of the account. A copy of the objections shall be served by the objector without delay on the accountant's attorney and then each person listed on the affidavit of notice filed pursuant to 17OC006.3.C.

C. The accountant or any other party in interest may address a motion to the Court requesting the appointment of an auditor to resolve issues raised by any objections. Any such notice shall be filed within ten (10) days after notice of the filing of the objections. If the appointment of an auditor is not requested, the Clerk shall transmit a copy of the objections to the Court.

D. Any person who objects to the appointment of an auditor shall file a motion within ten (10) days of notice of the filing of the motion requesting the appointment of an auditor setting forth therein the reasons for the objection. The Clerk shall transmit to the Court the copy of the objections so that a conference may be scheduled before the Court. After the conference, the Court may overrule the objection and appoint an auditor, sustain the objection and set the manner for argument, or decide the matter on the merits based upon the representation of the parties at the conference.

17OC006.11 CONFIRMATION OF ACCOUNTS

A. All accounts and statements of proposed distribution which are filed at least twenty-one (21) days prior to the date of confirmation, provided that proper notice has been given and no objection filed, shall be confirmed by the Court on the fourth Thursday of the month, unless that day is a holiday, in which event, confirmation shall be made the next day.

B. Prior to the date of confirmation, a proposed decree of distribution shall be filed by the accountant. The proposed decree shall contain spaces for signature by a member of the Court.

17OC007.1 EXCEPTIONS

A. An original and one (1) copy of exceptions permitted by these rules shall be filed with Clerk in writing, each exception to be numbered consecutively, and the exceptions to be signed by the exceptant or the exceptant's attorney. Each exception shall:

1. Be specific as to description and amount;
2. Raise but one (1) issue of law or fact, but if there are several exceptions relating to the same issue, all such exceptions shall be included in the same exception; and
3. Set forth briefly the reason or reasons in support thereof. Upon the expiration on the last day for the filing of exceptions, the Clerk shall immediately forward a copy of all exceptions filed to the Court.

B. Except as otherwise provided in these rules, all exceptions shall be filed within ten (10) days of the date of the filing of the order, decree, adjudication, or other matter, unless said period is extended by the Court for cause shown.

C. The party filing the exception or exceptions shall without delay serve each interested party or the interested party's attorney with a copy of the exceptions filed.

[Pa.B. Doc. No. 02-1134. Filed for public inspection June 28, 2002, 9:00 a.m.]

COMMONWEALTH COURT

Regular Sessions of Commonwealth Court for the Year 2003; No. 126 M.D. No. 3

Order

And Now, this 11th day of June, 2002, pursuant to Pa.R.A.P. 3703, the following calendar is fixed for the year 2003:

<i>Session</i>	<i>Situs</i>
February 3-7	Pittsburgh
March 3-7	Philadelphia
March 31-April 4	Harrisburg/Lehigh County/ Northampton County
May 5-9	Pittsburgh
June 2-6	Philadelphia
September 8-12	Harrisburg
October 6-10	Pittsburgh
November 3-7	Philadelphia
December 8-12	Harrisburg

JAMES GARDNER COLINS,
President Judge

[Pa.B. Doc. No. 02-1135. Filed for public inspection June 28, 2002, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL HEARING BOARD

[25 PA. CODE CH. 1021]

Practice and Procedure

The Environmental Hearing Board (Board) amends Chapter 1021 (relating to practice and procedures) to read as set forth in Annex A. The final-form amendments modify the rules of practice and procedure before the Board by implementing improvements in practice and procedure.

The Board approved the final regulations at its February 5, 2002, meeting.

Effective Date

The final-form amendments will go into effect upon publication in the *Pennsylvania Bulletin* as final rule-making.

Contact Person

For further information, contact William T. Phillip IV, Secretary to the Board, 2nd Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. If information concerning this notice is required in an alternative form, William T. Phillip IV may be contacted at the previous number. TDD users may telephone the Board through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Statutory Authority

The final-form amendments are promulgated under the authority of section 5 of the Environmental Hearing Board Act (act) (35 P. S. § 7515), which empowers the Board to adopt regulations pertaining to practice and procedure before the Board.

Comments and Revisions to Proposed Rulemaking

The Board received comments on the proposed revisions from the Independent Regulatory Review Commission (IRRC). The Board received no comments from the public. IRRC's comments are addressed as follows.

Electronic Filing

IRRC had the following comments regarding the definition of "electronic filing." First, it considered the phrases "or such other format as the Board may permit" and "other device," contained within the definition of "electronic filing," to be vague and unclear and it recommended that the Board clarify these phrases. Use of the language "or device" and "or such other format as the Board may permit" in the definition of "electronic filing" is intended to make provision for emerging technology in both computer software and hardware. These phrases are included in the definition of "electronic filing" as being anticipatory of any advances in technology that would allow parties to file electronically in a different format or by use of a different device than that now being used.

IRRC also recommended breaking the definition of "electronic filing" into two sentences for the sake of clarity and readability. This has been done in the final-form rulemaking.

Registration Statement

IRRC commented that the phrase "such other information as the Board may require" contained within the definition of "registration statement" was vague. IRRC recommended including a list of the information required in a registration statement in § 1021.33 (relating to service by a party). This has been done in the final-form rulemaking.

Sunset Date

A sunset date has not been established for the final-form amendments. The effectiveness of the regulations will be evaluated on an ongoing basis by the Board and the Rules Committee.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 25, 2002, the Board submitted a copy of the notice of proposed rulemaking published at 31 Pa.B. 6156 (November 10, 2001), to IRRC and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing this final-form rulemaking, the Board has considered the comments received from IRRC, the Committees and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on April 2, 2002, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on May 9, 2002, and approved the final-form rulemaking.

Findings

The Board finds that:

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

(2) These regulations are necessary and appropriate for administration of the act.

Order

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 25 Pa. Code Chapter 1021, are amended by amending §§ 1021.2, 1021.11, 1021.12, 1021.21—1021.23, 1021.31—1021.36, 1021.54, 1021.61, 1021.62, 1021.64, 1021.71—1021.73, 1021.81—1021.83, 1021.91—1021.95, 1021.101, 1021.104, 1021.107, 1021.111, 1021.114, 1021.116—1021.118, 1021.122—1021.125, 1021.131—1021.134, 1021.141, 1021.151, 1021.161, 1021.171; by adding §§ 1021.25, 1021.37, 1021.38, 1021.55, 1021.63, 1021.102, 1021.103, 1021.105, 1021.106, 1021.112, 1021.113, 1021.115, 1021.121, 1021.126, 1021.152, 1021.172—1021.174, 1021.181—1021.184, 1021.191, 1021.201; by deleting §§ 1021.15, 1021.17, 1021.30, 1021.41, 1021.56—1021.58, 1021.70, 1021.74, 1021.76—1021.80, 1021.84—1021.90, 1021.96,

1021.98, 1021.99, 1021.108, 1021.109, 1021.120, 1021.142—121.144 and 102.162.

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

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

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

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

GEORGE J. MILLER,
Chairperson

(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: Fiscal Note 106-6 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART IX. ENVIRONMENTAL HEARING BOARD

CHAPTER 1021. PRACTICE AND PROCEDURE

PRELIMINARY PROVISIONS

GENERAL

§ 1021.1. Scope of chapter.

(a) This chapter governs practice and procedure before the Board.

(b) This chapter is not applicable to a proceeding to the extent that the applicable statute governing or authorizing the proceeding sets forth inconsistent practice or procedure.

(c) Except when inconsistent with this chapter, 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) is applicable insofar as it relates to adjudicatory proceedings. When the term "agency" is used in 1 Pa. Code Part II, "Board" is to be understood; when the term "participant" is used in 1 Pa. Code Part II, "party" is to be understood.

(d) Subsections (a)—(c) supplement 1 Pa. Code § 31.1 (relating to scope of part).

§ 1021.2. Definitions.

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

Act—The Environmental Hearing Board Act (35 P. S. §§ 7511—7516).

Action—An order, decree, decision, determination or ruling by the Department affecting personal or property rights, privileges, immunities, duties, liabilities or obligations of a person including, but not limited to, a permit, license, approval or certification.

Board—The Environmental Hearing Board, consisting of its chairperson and four members, all of whom are administrative law judges appointed by the Governor to hear appeals from actions of the Department.

Costs Act—The act of December 13, 1982 (P. L. 1127, No. 257) (71 P. S. §§ 2031—2035), known as the Commonwealth Agency Adjudicatory Expenses Award.

Department—The Department of Environmental Resources or its successor agencies.

Dispositive motion—A motion that seeks to resolve the issues in an appeal without the need for hearing or further hearing. The term includes a motion to quash appeal, a motion to dismiss, a motion for summary judgment, and a motion for partial summary judgment, but not a motion in limine.

Electronic filing—The electronic transmission of legal documents by means of a computer or device, other than by facsimile transmission. Legal documents may be electronically transmitted in the format of Word Perfect for Windows or Microsoft Word for Windows or other format as the Board may permit.

Filing attorney—A registered attorney who files a legal document by means of electronic filing on behalf of a client whom the attorney represents in a proceeding before the Board.

Hearing examiner—A person other than a Board member designated by the Board to preside at hearings or conferences.

Intervenor—A person who has been permitted to intervene by the Board, as provided by § 1021.81 (relating to intervention).

Legal document—A motion, answer or other paper filed in a proceeding before the Board other than a notice of appeal or a complaint that is original process naming a defendant or defendants. A subpoena or a bond or check issued to secure payment of a penalty is not a legal document; the original of the documents excluded from this definition must be filed or served.

Pa.R.A.P.—Pennsylvania Rules of Appellate Procedure, 42 Pa.C.S.; 210 Pa. Code.

Pa.R.C.P.—Pennsylvania Rules of Civil Procedure, 42 Pa.C.S.; 231 Pa. Code.

Party—An appellant, appellee, plaintiff, defendant, permittee or intervenor.

Permittee—The recipient of a permit, license, approval or certification in a third-party appeal.

Person—An individual, partnership, association, corporation, political subdivision, municipal authority or other entity.

Pleading—A complaint filed under § 1021.71 (relating to complaints filed by the Department) or answer filed under § 1021.72 (relating to answers to complaints filed by the Department). Documents filed in appeals, including the notice of appeal, are not pleadings.

Registered attorney—An attorney admitted to practice in this Commonwealth, or other counsel permitted by Board order to represent a party for purposes of a particular proceeding, who has filed an electronic filing registration statement with the Board and to whom the Board has issued a password authorizing filing and service through the Board's website.

Registration statement—A statement made on professional or organizational letterhead requesting the use of the Board's website for electronic filing.

Supersedeas—A suspension of the effect of an action of the Department pending proceedings before the Board.

Third-party appeal—The appeal of an action by a person who is not the recipient of the action.

(b) Subsection (a) supplements 1 Pa. Code § 31.3 (relating to definitions) except for “pleading” which supersedes the definition of “pleading” in 1 Pa. Code § 31.3.

§ 1021.3. Amendments to rules.

(a) The Board retains continuing jurisdiction under section 5 of the act (35 P.S. § 7515) to adopt the amendments and additions to this chapter as may be appropriate.

(b) The Board is authorized to establish forms as may be required to implement the act.

(c) Subsections (a) and (b) supersede 1 Pa. Code § 31.6 (relating to amendments to rules).

§ 1021.4. Construction and application of rules.

The rules in this chapter shall be liberally construed to secure the just, speedy and inexpensive determination of every appeal or proceeding in which they are applicable. The Board at every stage of an appeal or proceeding may disregard any error or defect of procedure which does not affect the substantial rights of the parties.

TIME

§ 1021.11. Effective dates of Board adjudications and preliminary orders.

(a) Adjudications and orders of the Board will be effective as of the date of entry.

(b) Subsection (a) supersedes 1 Pa. Code § 31.14 (relating to effective dates of agency orders).

§ 1021.12. Extensions of time.

(a) The time fixed or the period of time prescribed for the filing of a document required or permitted to be filed under this chapter, other than the notice of appeal, may be extended by the Board for good cause upon motion.

(b) The motion in subsection (a) shall conform to the provisions in § 1021.92 (relating to procedural motions).

(c) Subsections (a) and (b) supersede 1 Pa. Code § 31.15 (relating to extensions of time).

§ 1021.15. (Reserved).

§ 1021.17. (Reserved).

REPRESENTATION BEFORE THE BOARD

§ 1021.21. Representation.

(a) Parties, except individuals appearing on their own behalf, shall be represented by an attorney at all stages of the proceedings subsequent to the filing of the notice of appeal.

(b) Corporations shall be represented by an attorney of record admitted to practice before the Supreme Court of Pennsylvania. Corporations may also be represented by an attorney in good standing and admitted to practice before the highest court of another state on a motion pro hac vice filed by the Pennsylvania attorney of record.

(c) Groups of individuals acting in concert, whether formally or informally, shall be represented by an attorney admitted to practice law before the Supreme Court of Pennsylvania or by an attorney in good standing admitted to practice before the highest court of another state who has made a motion to appear specially in the case and agrees therein to abide by the Rules of the Board and the Rules of Professional Conduct.

(d) Individuals may appear in person on their own behalf; however, they are encouraged to appear through counsel and may be required to appear through counsel under subsection (c) if the Board determines they are acting in concert with or as a representative of a group of individuals.

(e) Subsections (a)—(d) supersede 1 Pa. Code §§ 31.21—31.23 (relating to appearance in person; appearance by attorney; and other representation prohibited at hearings).

§ 1021.22. Notice of appearance.

(a) Entries of appearance shall be filed with the Board and served upon the other parties to the proceedings.

(b) Subsection (a) supplements 1 Pa. Code §§ 31.22 and 31.25 (relating to appearance by attorney; and form of notice of appearance).

§ 1021.23. Withdrawal of appearance.

(a) An attorney’s appearance for a party may be withdrawn without leave of the Board if another attorney has entered or simultaneously enters an appearance for the party and the change of attorneys does not delay any stage of the litigation.

(b) In ruling on a motion for withdrawal of appearance under other circumstances, the Board will consider the following factors: the reasons why withdrawal is requested; any prejudice withdrawal may cause to the litigants; delay in resolution of the case which would result from withdrawal; and the effect of withdrawal on the efficient administration of justice.

(c) In the event withdrawal of counsel will result in an unrepresented party before the Board, counsel seeking to withdraw shall provide the Board with a single contact person for future service in all proceedings.

Comment: This rule permits the automatic withdrawal and concurrent entry of appearance of substitute counsel under ordinary circumstances. Leave of the Board must be obtained where withdrawal would have an adverse effect on the interests of the client. Rule 1.16(b) of the Rules of Professional Conduct sets forth the bases for withdrawal for good cause; however, Rule 1.16(c) provides, “When ordered to do so by a tribunal, the lawyer shall continue representation notwithstanding good cause for terminating the representation.”

§ 1021.24. Referral to pro bono counsel.

(a) The Secretary to the Board is authorized to refer persons who appear before the Board on a pro se basis, and who claim not to be able to afford a lawyer, to one of the following:

(1) The pro bono committee of the Pennsylvania Bar Association’s Environmental, Mineral and Natural Resources Law Section.

(2) A county bar association lawyer referral service.

(b) The financial standard for determining a person’s inability to afford a lawyer will be the standard adopted by the appropriate bar association at the time of referral.

§ 1021.25. Amicus curiae.

(a) Anyone interested in legal issues involved in a matter pending before the Board may request leave to file an amicus curiae brief or memorandum of law, in regard to those legal issues. The amicus curiae shall state in its request the legal issues to be addressed in the brief and shall serve a copy of the request on all parties.

(b) If the Board grants a request, the amicus curiae shall file the brief within the time prescribed by the Board and shall serve a copy on all parties. Any party may file a response to a brief amicus curiae which is adverse to its interests.

(c) The amicus curiae may present oral argument only as the Board may direct.

DOCUMENTARY FILINGS

FILING AND SERVICE OF DOCUMENTS

§ 1021.30. (Reserved).

§ 1021.31. Filing.

(a) Documents filed with the Board shall be filed at its headquarters—2nd Floor, Rachel Carson State Office Building, 400 Market Street, Post Office Box 8457, Harrisburg, Pennsylvania 17105-8457.

(b) The date of filing shall be the date the document is received by the Board.

(c) Documents may be filed by personal delivery, by mail or by facsimile. Legal documents, as defined in § 1021.2 (related to definitions), may be filed electronically in accordance with this chapter. When a document is filed by facsimile, the original shall be deposited in the mail on the same day. If a document exceeds ten pages, the facsimile shall consist of the first five pages and last five pages of the document and the certificate of service.

(d) Legal documents may be filed with the Board electronically through the Board's website by a filing attorney unless provided otherwise by Board order. A legal document filed electronically shall be deemed the equivalent of the original document subject to the following conditions:

(1) The electronic filing of a legal document constitutes a certification by the filing attorney that the original hard copy was properly signed and, where applicable, verified.

(2) An executed hard copy of the legal document, with any required verifications, shall be maintained by the filing attorney and produced at the request of the Board or any other party within 14 days of the request.

(e) In filing legal documents electronically, a filing attorney shall be responsible for the following:

(1) An objective description of the legal document consistent with the title placed on the legal document as required by the Board's website.

(2) Any delay, disruption, interruption of the electronic signals and readability of the legal document.

(3) Any risk that a legal document may not be properly or timely filed with the Board.

(f) Hard copy of any electronically filed legal document which exceeds 50 pages in length must also be filed with the Board in accordance with subsections (a) and (c) and § 1021.36 (relating to the number of copies). Exhibits to legal documents may be filed and served either electronically or by hard copy in accordance with the sections in this chapter relating to filing and service. If these requirements are met by hard copy of exhibits, they must be sent to the Board by mail or express delivery and, in the case of requests for expedited disposition, service shall mean actual receipt by the opposing party as required by § 1021.33(b) (relating to service by a party).

(g) Documents filed by United States mail, hand or other delivery services after the close of the business day at 4:30 p.m. Eastern Time shall be deemed to be filed on the following business day. Documents filed electronically, including by facsimile, shall be deemed filed on the day received by the Board.

§ 1021.32. Service by the Board.

(a) Orders, notices and other documents originating with the Board shall be served upon the person designated in the notice of appearance, or if no notice of appearance has been entered, upon the person upon whom the notice of appeal or complaint was served by mail or in person.

(b) Subsection (a) supersedes 1 Pa. Code § 33.31 (relating to service by the agency).

§ 1021.33. Service by a party.

(a) Copies of each document filed with the Board shall be served upon every party to the proceeding on or before the day that the document is filed with the Board. Service upon a party represented by an attorney in the matter before the Board shall be made by serving the attorney.

(b) In matters involving requests for expedited disposition service shall be made within the ensuing 24 hours of the time of filing with the Board. For purposes of this subsection, service means actual receipt by the opposing party.

(c) Service of legal documents may be made electronically on a registered attorney by any other registered attorney. The filing of a registration statement constitutes a certification that the registered attorney will accept electronic service of any legal document from any other registered attorney. A registration statement includes the attorney's name and address, e-mail address, attorney identification number, and a request to register to file and accept service electronically. A registered attorney may withdraw his registration statement for purposes of a specific case if he chooses not to receive electronic service in that case by filing an amendment to the filing party's registration statement.

(d) Subsections (a)—(c) supersede 1 Pa. Code § 33.32 (relating to service by a participant).

§ 1021.34. Date of service.

(a) The date of service shall be the date the document served is mailed, delivered in person or transmitted electronically. When service of the document, or hard copy of exhibits to a legal document filed electronically, is by mail, 3 days shall be added to the time required by this chapter for responding to the document.

(b) Subsection (a) supersedes 1 Pa. Code § 33.34 (relating to service by participant).

§ 1021.35. Certificate of service.

(a) Each document which is required to be filed with the Board shall include a certificate of service which shall certify the date and manner of service and the name and address of the person served.

(b) Subsection (a) supersedes 1 Pa. Code § 33.35 (relating to proof of service).

§ 1021.36. Number of copies.

(a) Except in the case of electronically filed documents, including exhibits, and unless otherwise ordered by the Board, the following number of copies shall be filed with the Board:

- (1) One original and two copies of each of the following:
 - (i) Notices of appeal.
 - (ii) Complaints.
 - (iii) Answers.
 - (iv) Posthearing briefs.
 - (v) Dispositive motions and related memoranda, responses and replies.
- (2) One original and one copy of each of the following:
 - (i) Petitions for supersedeas and any related responses.
 - (ii) Prehearing memoranda.
 - (iii) Nondispositive motions and petitions (other than motions for stays, extensions and continuances of procedural deadlines), and related memoranda, responses and replies.
- (3) One original of other documents.

(b) One copy of all documents submitted to the Board shall be served on the other parties to the proceeding.

§ 1021.37. Publication of notice.

Publication of a notice of action or proposed action by the Department or Board in the *Pennsylvania Bulletin* shall constitute notice to or service upon all persons, except a party, effective as of the date of publication.

§ 1021.38. Docket.

(a) The Board will maintain a docket of proceedings and a proceeding as initiated shall be assigned an appropriate designation. The Board will maintain the docket on its website available to all members of the public and will accept filings of legal documents by electronic transmission from registered attorneys.

(b) The docket will register the date of all filings as well as the time of the filing if the filing is made electronically. When a document is filed electronically, the Board will transmit electronically a status message to all registered attorneys in the proceeding when the document is filed.

(c) The Board will maintain a complete official file on all proceedings consisting of both electronic and hard copy filings. The official copy of an electronically filed document or Board order shall be that appearing on the Board's website.

(d) The electronic docket will be available on the Board's website and the hard copy portion of the official file shall be available for inspection and copying by the public during the office hours of the Board insofar as consistent with the proper discharge of the duties of the Board.

(e) Subsections (a)—(d) supersede 1 Pa. Code § 33.51 (relating to docket).

§ 1021.41. (Reserved).

FORMAL PROCEEDINGS

APPEALS

§ 1021.51. Commencement, form and content.

(a) An appeal from an action of the Department shall commence with the filing of a written notice of appeal with the Board.

(b) The caption of an appeal shall be in the following form:

ENVIRONMENTAL HEARING BOARD
 2nd Floor, Rachel Carson State Office Building
 400 Market Street, Post Office Box 8457
 Harrisburg, Pennsylvania 17105-8457

JOHN DOE, Appellant :
 234 Main Street, Smithtown, :
 Jones County, Pennsylvania :
 15555 :
 (Telephone (123) 456-7890) :

v. : Docket No.

Commonwealth of Pennsylvania :
 Department of _____, :
 Appellee

(c) The appeal shall set forth the name, address and telephone number of the appellant.

(d) If the appellant has received written notification of an action of the Department, a copy of the action shall be attached to the appeal.

(e) The appeal shall set forth in separate numbered paragraphs the specific objections to the action of the Department. The objections may be factual or legal. An objection not raised by the appeal or an amendment thereto under § 1021.53 (relating to amendments to appeal; nunc pro tunc appeals) shall be deemed waived, provided that, upon good cause shown, the Board may agree to hear the objection. For the purpose of this subsection, good cause shall include the necessity for determining through discovery the basis of the action from which the appeal is taken.

(f) When the appeal is from an assessment of a civil penalty for which the statute requires an appellant to prepay the penalty or post a bond, the appellant shall submit to the Board with the appeal a check in the amount of the penalty or an appropriate bond securing payment of the penalty or a verified statement that the appellant is unable to pay.

(g) Concurrent with or prior to the filing of a notice of appeal, the appellant shall serve a copy thereof on each of the following:

(1) The office of the Department issuing the notice of Departmental action.

(2) The Office of Chief Counsel of the Department or agency taking the action appealed.

(3) In a third party appeal, the recipient of the action. The service shall be made at the address set forth in the document evidencing the action by the Department or at the chief place of business in this Commonwealth of the recipient.

(h) The service upon the recipient of an action as required by this section, shall subject the recipient to the jurisdiction of the Board as a party.

(i) Appellant shall provide satisfactory proof that service has been made as required by this section.

(j) Subsections (a)—(i) supersede 1 Pa. Code §§ 35.5—35.7 and 35.9—35.11 (relating to informal complaints; and formal complaints).

§ 1021.52. Timeliness of appeal.

(a) Except as specifically provided in § 1021.53 (relating to amendments to appeal; appeal nunc pro tunc), jurisdiction of the Board will not attach to an appeal from an action of the Department unless the appeal is in

writing and is filed with the Board in a timely manner, as follows, unless a different time is provided by statute:

(1) The person to whom the action of the Department is directed or issued shall file its appeal with the Board within 30 days after it has received written notice of the action.

(2) Any other person aggrieved by an action of the Department shall file its appeal with the Board within one of the following:

(i) Thirty days after the notice of the action has been published in the *Pennsylvania Bulletin*.

(ii) Thirty days after actual notice of the action if a notice of the action is not published in the *Pennsylvania Bulletin*.

(b) The appellant shall, within 20 days of the mailing of a request from the Board, file missing information required by § 1021.51(c), (d) and (i) (relating to commencement, form and content) or suffer dismissal of the appeal.

(c) Subsections (a) and (b) supersede 1 Pa. Code §§ 35.5—35.7 and 35.9—35.11 (relating to informal complaints; and formal complaints).

Comment: The language “person to whom the action of the Department is issued or directed” is intended to include, but not be limited to, the recipient of: an order, a permit or license issuance or denial, a civil penalty assessment, or certification. See section 4(a) and (c) of the act (35 P. S. § 7514 (a) and (c)).

§ 1021.53. Amendments to appeal; nunc pro tunc appeals.

(a) An appeal may be amended as of right within 20 days after the filing thereof.

(b) After the 20-day period for amendment as of right, the Board, upon motion by the appellant, may grant leave for further amendment of the appeal. This leave may be granted if appellant establishes that the requested amendment satisfies one of the following conditions:

(1) It is based upon specific facts, identified in the motion, that were discovered during discovery of hostile witnesses or Departmental employees.

(2) It is based upon facts, identified in the motion, that were discovered during preparation of appellant’s case, that the appellant, exercising due diligence, could not have previously discovered.

(3) It includes alternate or supplemental legal issues, identified in the motion, the addition of which will cause no prejudice to any other party or intervenor.

(c) An appellant may not request leave to amend a notice of appeal after the Board has decided any dispositive motions or the case has been assigned for hearing, whichever is later.

(d) These motions shall be governed by the procedures in §§ 1021.91 and 1021.95 (relating to general; and miscellaneous motions) except that the motion shall be verified and supported by affidavits.

(e) If motion to amend is granted, a party may request, in writing, a period of time to conduct additional discovery limited to the issues raised by the amendment. These requests shall specify a period deemed necessary therefor. The Board will act on any such request as its discretion requires.

(f) The Board upon written request and for good cause shown may grant leave for the filing of an appeal nunc

pro tunc, the standards applicable to what constitutes good cause shall be the common law standards applicable in analogous cases in courts of common pleas in this Commonwealth.

(g) Subsections (a)—(f) supersede 1 Pa. Code §§ 35.5—35.7 and 35.9—35.11 (relating to informal complaints; and formal complaints).

§ 1021.54. Prepayment of penalties.

(a) When a statute requires that an appellant prepay or post a bond to secure payment of a penalty assessed by the Department, the appellant shall submit to the Board with the appeal a check in the amount of the penalty or an appropriate bond securing payment of the penalty as required by statute. The check shall be made payable to the Commonwealth of Pennsylvania.

(b) A bond shall be in favor of the Department of Environmental Protection except in the case of the Air Pollution Control Act (35 P. S. §§ 4001—4106) which currently requires the bond to be in favor of the Board.

§ 1021.55. Hearing on inability to prepay penalty.

(a) If an appellant submits a verified statement that he is unable to pay in accordance with § 1021.51 (relating to commencement, form and content of appeals), the Board may schedule a hearing on the validity of this claim and may require the appellant to supply appropriate financial information to the Department in advance of the hearing.

(b) If the Board determines that the appellant is able to prepay the penalty assessed or post a bond the Board will order the appellant to do so, within a period not to exceed 30 days.

§ 1021.56. (Reserved).

§ 1021.57. (Reserved).

§ 1021.58. (Reserved).

SUPERSEDEAS

§ 1021.61. General.

(a) A petition for supersedeas under section 4(d) of the act (35 P. S. § 7514(d)) may be filed at any time during the proceeding.

(b) The Board will not issue a supersedeas without a hearing, but a hearing may be limited under subsection (d).

(c) A hearing on a supersedeas, if necessary, shall be held expeditiously—if feasible within 2 weeks of the filing of the petition—taking into account the available time of a Board member or hearing examiner, and taking into account the urgency and seriousness of the environmental or other problem to which the order or action of the Department applies. If good cause is shown, the hearing shall be held as soon as possible after the filing of the petition.

(d) At the discretion of the Board, if necessary to ensure prompt disposition, supersedeas hearings may be limited in time and format, with parties given a fixed amount of time to present their entire case, and with restricted rights of discovery or of cross-examination.

(e) Under § 1021.161 (relating to sanctions), the Board may impose costs or other appropriate sanctions on parties or attorneys who, in the Board’s opinion, have filed requests for supersedeas in bad faith or on frivolous grounds.

§ 1021.62. Contents of petition for supersedeas.

(a) A petition for supersedeas shall plead facts with particularity and shall be supported by one of the following:

(1) Affidavits, prepared as specified in Pa.R.C.P. 76 and 1035.4 (relating to definitions; and motion for summary judgment), setting forth facts upon which issuance of the supersedeas may depend.

(2) An explanation of why affidavits have not accompanied the petition if no supporting affidavits are submitted with the petition for supersedeas.

(b) A petition for supersedeas shall state with particularity the citations of legal authority the petitioner believes form the basis for the grant of supersedeas.

(c) A petition for supersedeas may be denied upon motion made before a supersedeas hearing or during the proceedings, or sua sponte, without hearing, for one of the following reasons:

(1) Lack of particularity in the facts pleaded.

(2) Lack of particularity in the legal authority cited as the basis for the grant of the supersedeas.

(3) An inadequately explained failure to support factual allegations by affidavits.

(4) A failure to state grounds sufficient for the granting of a supersedeas.

(d) The Board, upon motion or sua sponte, may direct that a prehearing conference be held.

§ 1021.63. Circumstances affecting grant or denial.

(a) The Board, in granting or denying a supersedeas, will be guided by relevant judicial precedent and the Board's own precedent. Among the factors to be considered:

(1) Irreparable harm to the petitioner.

(2) The likelihood of the petitioner prevailing on the merits.

(3) The likelihood of injury to the public or other parties, such as the permittee in third party appeals.

(b) A supersedeas will not be issued in cases where pollution or injury to the public health, safety or welfare exists or is threatened during the period when the supersedeas would be in effect.

(c) In granting a supersedeas, the Board may impose conditions that are warranted by the circumstances, including the filing of a bond or other security.

§ 1021.64. Temporary supersedeas.

(a) An application for temporary supersedeas may be filed when a party may suffer immediate and irreparable injury before the Board can conduct a hearing on a petition for supersedeas.

(b) The application for temporary supersedeas shall be accompanied by a petition for supersedeas which comports with § 1021.62 (relating to contents of petitions for supersedeas).

(c) The application for temporary supersedeas and accompanying petition for supersedeas shall:

(1) Be served upon the office of the Department which issued notice of the action the applicant seeks to supersede and upon the Department's Office of Chief Counsel.

(2) Include a proof of service in accordance with Pa.R.A.P. 122 (relating to content and form of proof of services).

(d) The Board will not issue a temporary supersedeas until it determines that the Department has been served

in accordance with subsection (c) and has had a reasonable opportunity to respond by conference call or otherwise.

(e) When determining whether it will grant an application for temporary supersedeas, the Board will consider:

(1) The immediate and irreparable injury the applicant will suffer before a supersedeas hearing can be held.

(2) The likelihood that injury to the public, including the possibility of pollution, will occur while the temporary supersedeas is in effect.

(3) The length of time required before the Board can hold a hearing on the petition for supersedeas.

(f) Unless the Board orders otherwise, a temporary supersedeas will automatically terminate 6 business days after the date of issuance.

SPECIAL ACTIONS

§ 1021.70. (Reserved).

§ 1021.71. Complaints filed by the Department.

(a) When authorized by statute, the Department may initiate the action by filing a complaint or petition, together with a certificate of service and a notice of a right to respond.

(b) This action shall commence when the complaint is filed and service of the complaint and of a notice of a right to respond is made upon the defendant.

(c) The complaint shall set forth the statutory authority under which the Board is authorized to act and shall set forth in separate numbered paragraphs the specific facts and circumstances upon which the request for action is based.

(d) The notice of a right to respond or defend shall conform to the following:

[Case Caption]

NOTICE

If you wish to defend against the claims set forth in the following pages, you must take action within thirty (30) days after this complaint and notice are served by entering a written appearance personally or by attorney and filing in writing with the Board your answers, defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Board without further notice for any claim or relief requested by the Department.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, contact the Secretary to the Board at (717) 787-3483.

(e) Subsections (a)—(d) supersede 1 Pa. Code §§ 35.5—35.7 and 35.9—35.11 (relating to informal complaints; and formal complaints).

§ 1021.72. Answers to complaints filed by the Department.

(a) Answers to complaints shall be filed with the Board within 30 days after the date of service of the complaint, unless for cause the Board, with or without motion, prescribes a different time. An answer will not be required in less than 10 days after date of service.

(b) Answers to complaints shall set forth any legal objections as well as any denial of facts, in a single pleading.

(c) Answers shall be in writing and so drawn as to fully and completely advise the parties and the Board as to the nature of the defense, including affirmative defenses. Answers shall admit or deny specifically and in detail each material allegation of the complaint and state clearly and concisely the facts and matters of law relied upon.

(d) A defendant failing to file an answer within the prescribed time shall be deemed in default and, upon motion made, all relevant facts in the complaint may be deemed admitted. Further, the Board may impose any other sanctions for failure to file an answer in accordance with § 1021.161 (relating to sanctions).

(e) No new matter or preliminary objections shall be filed.

(f) Subsections (a)–(e) supersede 1 Pa. Code §§ 35.5–35.7 and 35.35 (relating to informal complaints; and answers to complaints and petitions).

§ 1021.73. Procedure after an answer is filed.

After an answer is filed the prehearing procedures in § 1021.101 (relating to prehearing procedures) shall be followed.

§ 1021.74. (Reserved).

§§ 1021.76–1021.80. (Reserved).

**CONSOLIDATION, INTERVENTION AND
SUBSTITUTION OF PARTIES**

§ 1021.81. Intervention.

(a) A person may petition the Board to intervene in any pending matter prior to the initial presentation of evidence.

(b) A petition to intervene shall be verified, and shall contain sufficient factual averments and legal assertions to establish the following:

- (1) The reasons the petitioner seeks to intervene.
- (2) The basis for asserting that the identified interest is greater than that of the general public.
- (3) The manner in which that interest will be affected by the Board's adjudication.
- (4) The specific issues upon which the petitioner will offer evidence or legal argument.

(c) A copy of the petition shall be served upon the parties to the proceedings.

(d) A party may file an answer to the petition. An answer shall be verified and filed within 15 days after service of the petition, unless a shorter time is ordered by the Board.

(e) The Board will deny the petition if it fails to include sufficient legal grounds or verified factual averments to establish the right to intervene.

(f) If the Board grants the petition, the order may specify the issues as to which intervention is allowed. An order granting intervention allows the intervenor to participate in the proceedings remaining at the time of the order granting intervention.

(g) Subsections (a)–(d) supersede 1 Pa. Code §§ 35.27–35.32 and 35.36 (relating to intervention; and answers to petitions to intervene).

§ 1021.82. Consolidation.

(a) The Board, on its own motion or on the motion of any party, may order proceedings involving a common

question of law or fact to be consolidated for hearing of any or all of the matters in issue in such proceedings.

(b) Subsection (a) supersedes 1 Pa. Code § 35.45 (relating to consolidation).

Comment: See also § 1021.4 (relating to construction and application of rules) authorizing the Board to interpret its rules to insure just, speedy and inexpensive determinations.

§ 1021.83. Substitution of parties.

(a) A person who has succeeded to the interests of a party to an appeal by operation of law, election to public office, appointment or transfer of interest may become a party to the pending action by filing with the Board a verified petition for substitution of party, which includes a statement of material facts upon which the right to substitute is based.

(b) The substituted party shall have all the rights and liabilities of the original party to the proceeding provided that any other party to the proceeding may move to strike the substituted party for just cause. A substituted party-appellant is limited to pursuing only those objections raised by the original appellant in its appeal, unless both the original appellant and the substituted appellant meet the conditions of § 1021.53(b)(2) (relating to amendments to appeal; nunc pro tunc appeals).

§§ 1021.84–1021.90. (Reserved).

MOTIONS

§ 1021.91. General.

(a) This section applies to all motions except those made during the course of a hearing.

(b) Motions and responses shall be in writing, signed by a party or its attorney and shall be accompanied by a proposed order.

(c) A copy of the motion or response shall be served on the opposing party. The motion or response shall include a certificate of service indicating the date and manner of service on the opposing party.

(d) A motion shall set forth in numbered paragraphs the facts in support of the motion and the relief requested.

(e) A response to a motion shall set forth in correspondingly-numbered paragraphs all factual disputes and the reason the opposing party objects to the motion. Material facts set forth in a motion, other than a motion for summary judgment or partial summary judgment, that are not denied may be deemed admitted for the purposes of deciding the motion.

(f) Except in the case of motions for summary judgment or partial summary judgment, for purposes of the relief sought by a motion, the Board will deem a party's failure to respond to a motion to be an admission of all properly-pleaded facts contained in the motion.

(g) Except as provided in § 1021.94(e) (relating to dispositive motions), the moving party may not file a reply to a response to its motion, unless the Board orders otherwise.

(h) Subsection (b) supplements 1 Pa. Code §§ 33.11 and 35.178 (relating to the execution; and presentation of motions). Subsection (c) supplements 1 Pa. Code § 33.32 (relating to service by a participant) and supersedes 1 Pa. Code §§ 33.35 and 33.36 (relating to proof of service; and form of certificate of service). Subsections (d)–(f)

supplement 1 Pa. Code §§ 35.177 and 35.178 (relating to the scope and content of motions; and presentation of motions).

§ 1021.92. Procedural motions.

(a) This section applies to motions pertaining to the procedural aspects of a case, including motions for continuance, for expedited consideration, for extensions of time in which to file documents and for stay of proceedings.

(b) Procedural motions do not require verification.

(c) Procedural motions shall contain a statement indicating the nonmoving party's position on the relief requested or a statement that the moving party, after a reasonable effort, has been unable to determine the nonmoving party's position.

(d) If all parties consent to the relief requested, the request may be embodied in a letter, provided the letter indicates the consent of the other parties.

(e) Requests for extensions or continuances, whether in letter or motion form, shall be accompanied by a proposed order.

(f) A response to a procedural motion shall be filed with the Board within 15 days of the date of service of the motion unless otherwise ordered by the Board.

(g) Procedural motions may not be accompanied by supporting memoranda of law unless otherwise ordered by the Board.

(h) Subsection (b) supplements 1 Pa. Code § 33.12 (relating to verification). Subsections (c) and (e) supplement 1 Pa. Code § 35.177 (relating to the scope and contents of motions). Subsection (d) supplements 1 Pa. Code § 35.179 (relating to objections to motions).

§ 1021.93. Discovery motions.

(a) This section applies to motions filed to resolve disputes arising from the conduct of discovery.

(b) Discovery motions shall contain as exhibits the discovery requests and answers giving rise to the dispute.

(c) Responses to discovery motions shall be filed within 15 days of the date of service of the motion, unless the Board orders otherwise.

(d) A party may file a memorandum of law in support of its discovery motion or its response to a discovery motion. The supporting memorandum of law shall be filed at the same time the motion or response is filed.

(e) Subsection (b) supplements 1 Pa. Code § 33.12 (relating to verification). Subsections (b) and (d) supplement 1 Pa. Code § 35.177 (relating to the scope and contents of motions). Subsection (c) supersedes 1 Pa. Code § 35.179 (relating to objections to motions).

§ 1021.94. Dispositive motions.

(a) This section applies to dispositive motions.

(b) Motions for summary judgment or partial summary judgment and responses shall conform to Pa.R.C.P. 1035.1—1035.5 (relating to motion for summary judgment) except for the provision of the 30-day period in which to file a response.

(c) Dispositive motions shall be accompanied by a supporting memorandum of law. The Board may deny a dispositive motion if a party fails to file a supporting memorandum of law.

(d) A response to a dispositive motion may be filed within 25 days of the date of service of the motion, and may be accompanied by a supporting memorandum of law.

(e) A reply to a response to a dispositive motion may be filed within 20 days of the date of service of the response, and may be accompanied by a supporting memorandum of law.

(f) An affidavit or other document relied upon in support of a dispositive motion, response or reply, that is not already a part of the record, shall be attached to the motion, response or reply or it will not be considered by the Board in ruling thereon.

(g) Subsection (c) supplements 1 Pa. Code § 35.177 (relating to the scope and content of motions). Subsection (d) supersedes 1 Pa. Code § 35.179 (relating to objections to motions).

Comment. Subsection (d) supersedes the filing of a response within 30 days set forth in Pa.R.C.P. 1035.3(a).

§ 1021.95. Miscellaneous motions.

(a) This section applies to a motion not otherwise addressed in §§ 1021.92—1021.94 (relating to procedural motions; discovery motions; and dispositive motions), including a motion in limine, a motion to strike and a motion for recusal.

(b) Miscellaneous motions do not require verification.

(c) Responses to miscellaneous motions shall be filed within 15 days of the date of service of the motion, unless otherwise ordered by the Board.

(d) A memorandum of law in support of a miscellaneous motion or response to a miscellaneous motion shall be filed with the miscellaneous motion or response.

(e) Subsection (b) supplements 1 Pa. Code § 33.12 (relating to verification).

§ 1021.96. (Reserved).

§ 1021.98. (Reserved).

§ 1021.99. (Reserved).

PREHEARING PROCEDURES AND PREHEARING CONFERENCES

§ 1021.101. Prehearing procedure.

(a) Upon the filing of an appeal, the Board will issue a prehearing order providing that:

(1) Discovery shall be concluded within 90 days of the date of the prehearing order.

(2) The party with the burden of proof shall serve its expert reports and answers to all expert interrogatories within 120 days of the date of the prehearing order. The opposing party shall serve its expert reports and answers to all expert interrogatories within 30 days after receipt of the expert reports and answers to all expert interrogatories from the party with the burden of proof.

(3) Dispositive motions in a case requiring expert testimony shall be filed within 180 days of the date of the prehearing order. If neither party plans to call an expert witness, dispositive motions shall be filed within 150 days after the filing of the appeal unless otherwise ordered by the Board.

(4) The parties may, within 45 days of the date of the prehearing order, submit a Joint Proposed Case Management Order to the Board.

(b) A Joint Proposed Case Management Order shall propose alternate dates for the conclusion of discovery, the service of expert or supplemental reports, and the filing of dispositive motions. The Board may issue subsequent prehearing orders incorporating the alternate dates proposed by the parties or other dates the Board deems appropriate.

(c) After the Board resolves all dispositive motions, it will establish a hearing date for the remaining issues. The Board may also direct that the parties meet prior to the hearing to stipulate to uncontested facts, the qualifications of experts and the admissibility of exhibits.

(d) The parties shall file their prehearing memoranda at least 20 days before the scheduled hearing date.

(e) Subsection (d) supplements 1 Pa. Code § 35.121 (relating to initiation of hearings).

§ 1021.102. Discovery.

(a) Except as otherwise provided in this chapter or by order of the Board, discovery in proceedings before the Board shall be governed by the Pa.R.C.P. When the term "court" is used in the Pa.R.C.P., "Board" is to be understood; when the terms "prothonotary" or "clerk of court" are used in the Pa.R.C.P., "Secretary to the Board" is to be understood.

(b) Copies of requests for discovery or responses to requests are not to be filed with the Board unless they are necessary for the resolution of a discovery dispute or disposition of a motion pending before the Board.

(c) If a person or party is to be deposed by oral examination more than 100 miles from his or its residence or principal place of business, the Board may, upon motion, order the payment of reasonable expenses, including attorney's fees, as the Board deems proper.

(d) Discovery disputes shall be resolved pursuant to a motion filed in accordance with § 1021.93 (relating to discovery motions), except that to facilitate the prompt completion of discovery, the Board may hear argument on discovery disputes by telephone conference call at the time the dispute arises and may issue oral rulings which will be later memorialized in written orders.

(e) Subsections (a)—(d) supersede 1 Pa. Code §§ 35.145—35.152 (relating to depositions).

§ 1021.103. Subpoenas.

(a) Except as otherwise provided in this chapter or by order of the Board, requests for subpoenas and subpoenas shall be governed by Pa.R.C.P. 234.1—234.4 and 234.6—234.9. When the term "court" is used in Pa.R.C.P. "Board" is to be understood; when the terms "Prothonotary" or "clerk of court" are used in Pa.R.C.P. "Secretary to the Board" is to be understood.

(b) Proof of service of the subpoena need not be filed with the Board.

(c) Subsections (a) and (b) supersede 1 Pa. Code §§ 35.139 and 35.142 (relating to fees of witnesses; and subpoenas).

§ 1021.104. Prehearing memorandum.

(a) A prehearing memorandum shall contain the following:

(1) A statement of the facts in dispute and the facts upon which the parties agree.

(2) A statement of the legal issues in dispute, including citations to statutes, regulations and caselaw supporting the party's position.

(3) A description of scientific tests upon which the party will rely and a statement indicating whether an opposing party will object to their use.

(4) A list of expert witnesses whose qualifications will not be challenged and which may be entered into the record as an unchallenged exhibit.

(5) A summary of the testimony of each expert witness.

(6) The proposed order of witnesses.

(7) A list of the exhibits the party seeks to introduce into evidence and a statement indicating whether the opposing party will object to their introduction.

(8) Signed copies of any stipulations reached by the parties.

(b) The Board may impose sanctions on a party which does not comply with the requirements of subsection (a). These sanctions may include the preclusion of testimony or documentary evidence and the cancellation of the hearing.

(c) The requirements of this section apply only to a party's case-in-chief.

§ 1021.105. Prehearing conferences.

(a) The Board, on its own motion or on motion of a party, may hold a conference either prior to or during a hearing for the purpose of considering offers of settlement, adjustment of the proceeding or any issue therein, or other matters to expedite the orderly conduct and disposition of a hearing.

(b) A stipulation of the parties or rulings of the Board as a result of the conference shall be binding upon the parties.

(c) The Board may issue prehearing orders as it considers necessary for limiting issues of fact and law.

(d) The Board will, at any time, be authorized to delay a formal hearing and order settlement discussions or stipulations, either on or off the record.

(e) Subsections (a)—(d) supplement 1 Pa. Code §§ 35.111—35.115.

§ 1021.106. Voluntary mediation.

(a) Upon request by all the parties, the Board may stay a matter for up to 120 days to allow the parties to utilize voluntary mediation services.

(b) The parties are responsible for selection of a mediator and payment of the mediator's fees.

(c) The request shall be filed at least 14 days before initiation of hearings by the Board. The request shall identify the mediator selected and shall certify that the parties have made arrangements for payment of the mediator's fee.

(d) At the end of the initial stay, the parties shall jointly file a report, prepared and signed by the mediator, which sets forth the history of mediation activities conducted. The parties may request an additional stay if necessary to complete the mediation process.

(e) The grant of an additional stay for mediation is in the Board's discretion and the Board may impose limitations the Board deems appropriate.

(f) A settlement reached by the parties as a result of voluntary mediation shall be submitted to the Board for approval under § 1021.141 (relating to termination of proceedings).

(g) Only a signed settlement agreement shall be binding and it shall bind only the parties signing it.

(h) A party's participation in voluntary mediation may not be used as evidence in a proceeding before the Board. Communications between the parties during the mediation period shall be regarded as offers of settlement and are neither discoverable nor admissible as evidence in a proceeding before the Board.

(i) Subsections (a)—(h) supplement 1 Pa. Code §§ 35.111 and 35.115 (relating to conferences to adjust, settle or expedite proceedings; and offers of settlement).

§ 1021.107. Authority delegated to hearing examiners.

(a) The Board may appoint hearing examiners to preside at hearings. Subject to the approval of the Board member assigned to the case, the hearing examiner shall have the following authority:

- (1) To schedule and regulate the course of the hearings.
- (2) To administer oaths and affirmations.
- (3) To rule on motions in limine, offers of proof and the admission or exclusion of evidence.
- (4) To conduct pretrial conferences, settlement conferences and related pretrial proceedings and to dispose of procedural matters.
- (5) To schedule the filing of posthearing briefs following the conclusion of the hearing.
- (6) To recommend to the Board member or to the Board an opinion and order or adjudication disposing of the matters considered at the hearing.

(b) Subsection (a) supersedes 1 Pa. Code § 35.187 (relating to authority delegated to presiding officers).

§ 1021.108. (Reserved).

§ 1021.109. (Reserved).

HEARINGS

§ 1021.111. Initiation of hearings.

(a) If the proceedings are at issue and a hearing is required, a formal evidentiary hearing shall be scheduled and a notice of hearing shall be sent to all parties to the proceedings.

(b) Subsection (a) supersedes 1 Pa. Code § 35.121 (relating to initiation of hearings).

§ 1021.112. Waiver of hearings.

(a) A hearing need not be held if waived by appellant or respondent or if parties stipulate the essential facts or agree to submit direct and rebuttal testimony or documentary evidence in affidavit form (sworn or affirmed on personal knowledge) or by deposition.

(b) Subsection (a) supersedes 1 Pa. Code § 35.101 (relating to waiver of hearing).

§ 1021.113. Continuance of hearings.

(a) Hearings may not be continued except for compelling reasons. Requests for continuances shall be submitted to the Board in writing with a copy served upon the other parties to the proceedings, except that during the course of a hearing in a proceeding, the requests may be made by oral motion in the hearing.

(b) Subsection (a) supersedes 1 Pa. Code § 31.15 (relating to extensions of time).

§ 1021.114. Venue of hearings.

At the discretion of the Board, hearings will be held at the Commonwealth facility nearest the location of the complaint sought to be remedied by the Department with consideration for the convenience of witnesses, the public and the parties in attending the hearings.

§ 1021.115. View of premises.

The Board may upon reasonable notice and at reasonable times inspect any real estate including a body of water, industrial plant, building or other premises when the Board is of the opinion that a viewing would have probative value in a matter in hearing or pending before the Board.

§ 1021.116. Conduct of hearings.

(a) Hearings may be held, at the discretion of the Board, before the Board as a whole, by individual Board members sitting as administrative law judges, or by hearing examiners who are not members of the Board. Hearings held by hearing examiners not members of the Board will be decided by the Board based upon its review of the record and the examiner's proposed adjudication. All final decisions shall be decisions of the Board decided by majority vote. Petitions for supersedeas and other petitions and motions may be decided by the Board member hearing the petition or motion.

(b) Subsection (a) supersedes 1 Pa. Code § 35.123 (relating to conduct of hearings).

§ 1021.117. Presentation by the parties.

(a) Parties shall have the right to an opening statement, presentation of evidence, cross-examination, objection, motion and argument, and closing argument.

(b) The party with the burden of proof is required to make a prima facie case by the close of its case-in-chief.

(c) Subsections (a) and (b) supersede 1 Pa. Code § 35.126 (relating to presentation by the parties).

§ 1021.118. Transcript.

(a) Hearings shall be stenographically reported and a transcript of the report shall be a part of the record.

(b) Parties desiring copies of the transcript shall obtain the copies from the official reporter.

(c) Parties shall have the opportunity to review a copy of the transcript on file with the Board.

(d) Subsections (a)—(c) supplement 1 Pa. Code §§ 35.131—35.133 (relating to general provisions).

§ 1021.120. (Reserved).

EVIDENCE

§ 1021.121. Motions in limine.

A party may obtain a ruling on evidentiary issues by filing a motion in limine.

§ 1021.122. Burden of proceeding and burden of proof.

(a) In proceedings before the Board, the burden of proceeding and the burden of proof shall be the same as at common law in that the burden shall normally rest with the party asserting the affirmative of an issue. It shall generally be the burden of the party asserting the affirmative of the issue to establish it by a preponderance of the evidence. In cases where a party has the burden of proof to establish the party's case by a preponderance of the evidence, the Board may nonetheless require the other party to assume the burden of proceeding with the

evidence in whole or in part if that party is in possession of facts or should have knowledge of facts relevant to the issue.

(b) The Department has the burden of proof in the following cases:

(1) When it assesses or files a complaint for a civil penalty.

(2) When it files a complaint for any other purpose.

(3) When it revokes or suspends a license, permit, approval or certification.

(4) When it issues an order.

(c) A party appealing an action of the Department shall have the burden of proof in the following cases:

(1) When the Department denies a license, permit, approval or certification.

(2) When a party who is not the recipient of an action by the Department protests the action.

(3) When a party to whom a permit approval or certification is issued protests one or more aspects of its issuance or modification.

(4) When a party appeals or objects to a settlement of a matter between the Department and a private party.

§ 1021.123. Evidence.

(a) The Board is not bound by technical rules of evidence and relevant and material evidence of reasonable probative value is admissible. The Board generally applies the Pennsylvania Rules of Evidence.

(b) Copies of an exhibit to be offered into evidence shall be made available to parties at the time it is identified as an exhibit unless otherwise ordered by the Board.

(c) Witnesses shall be sworn or shall affirm.

(d) Subsections (a)—(c) supersede 1 Pa. Code §§ 35.137—35.139, 35.162 and 35.166.

§ 1021.124. Written testimony.

(a) Written testimony of a witness, on numbered lines in question and answer form, may be admitted into evidence provided the witness is present for cross-examination.

(b) Written testimony shall be filed concurrently with the prehearing memorandum unless a different time is prescribed by the Board. Objections to written testimony which can be reasonably anticipated prior to hearing shall be in writing and filed at least 5 days before the hearing unless otherwise ordered by the Board.

(c) If a party desires to file written testimony prior to the close of the record, it may do so only upon motion approved by the Board. This approval shall include the scope of the written testimony and the time for filing the testimony and service upon opposing counsel.

§ 1021.125. Official notice of facts.

(a) The Board may take official notice of the following:

(1) Matters which may be judicially noticed by the courts of the Commonwealth.

(2) Facts which are not in dispute.

(3) Record facts reflected in the official docket of the Board as referenced in § 1021.41(a) (relating to docket).

(b) Any party shall, on timely request, be afforded an opportunity to show why the Board should not take official notice of items listed in subsection (a).

(c) A party requesting the taking of official notice after the conclusion of the hearing shall do so in accordance with § 1021.133 (relating to reopening of record prior to adjudication).

§ 1021.126. Limiting number of witnesses and additional evidence.

(a) The Board may limit the number of witnesses upon an issue and may request a party to present additional evidence on an issue.

(b) Subsection (a) supplements 1 Pa. Code §§ 35.127 and 35.128 (relating to limiting number of witnesses; and additional evidence).

POSTHEARING PROCEDURES

§ 1021.131. Posthearing briefs.

(a) The initial posthearing brief of each party shall contain proposed findings of fact (with references to the appropriate exhibit or page of the transcript), an argument with citation to supporting legal authority, and proposed conclusions of law.

(b) Reply briefs shall be as concise as possible and may not exceed 25 pages. Longer briefs may be permitted at the discretion of the presiding administrative law judge.

(c) An issue which is not argued in a posthearing brief may be waived.

(d) Subsections (a)—(c) supersede 1 Pa. Code §§ 35.191—35.193 (relating to briefs).

§ 1021.132. Oral argument after hearing.

(a) A party may, within 5 days after the last post-hearing briefing and prior to adjudication, request oral argument before the entire Board. The Board may grant or deny the request.

(b) Subsection (a) supersedes 1 Pa. Code § 35.204 (relating to oral argument before presiding officer).

§ 1021.133. Reopening of record prior to adjudication.

(a) After the conclusion of the hearing on the merits of the matter pending before the Board and before the Board issues an adjudication, the Board, upon its own motion or upon a petition filed by a party, may reopen the record as provided in this section.

(b) The record may be reopened upon the basis of recently discovered evidence when all of the following circumstances are present:

(1) Evidence has been discovered which would conclusively establish a material fact of the case or would contradict a material fact which had been assumed or stipulated by the parties to be true.

(2) The evidence is discovered after the close of the record and could not have been discovered earlier with the exercise of due diligence.

(3) The evidence is not cumulative.

(c) The record may also be reopened to consider evidence which has become material as a result of a change in legal authority occurring after the close of the record. A petition to reopen the record on this basis shall specify the change in legal authority and demonstrate that it applies to the matter pending before the Board. Such a petition need not meet the requirements of subsection (d)(2) and (3).

(d) A petition seeking to reopen the record shall:

(1) Identify the evidence which the petitioner seeks to add to the record.

(2) Describe the efforts which the petitioner had made to discover the evidence prior to the close of the record.

(3) Explain how the evidence was discovered after the close of the record. A petition filed under subsection (b) shall be verified and all petitions shall contain a certification by counsel that the petition is being filed in good faith and not for the purpose of delay.

(e) The petition shall be served upon the parties to the proceedings. A petition will be treated as a miscellaneous motion under § 1021.95 (relating to miscellaneous motions) except that the motion would have to be verified or supported by affidavits. The answer shall be verified if it includes factual assertions which are not of record.

(f) Subsections (a)—(e) supersede 1 Pa. Code §§ 35.232 and 35.233 (relating to reopening of record; and reopening by agency action).

Comment: This sets a standard which is more stringent than the materiality test of *Spang & Company v. DER*, 592 A.2d 815 (Pa. Cmwlth. 1991), but broader than the grounds justifying reconsideration. The procedure differs from the standard motions practice under §§ 1021.91—1021.95 (relating to motions).

§ 1021.134. Adjudications.

(a) At the conclusion of the proceedings, the Board will issue an adjudication containing a discussion, findings of fact, conclusions of law and an order.

(b) The Board will serve a copy of the adjudication on all parties to the proceeding or their representatives.

(c) Subsections (a) and (b) supersede 1 Pa. Code § 35.226 (relating to final orders).

TERMINATION OF PROCEEDINGS

§ 1021.141. Termination of proceedings.

(a) A proceeding before the Board may be terminated by one of the following:

- (1) Withdrawal of the appeal prior to adjudication.
- (2) Settlement agreement.
- (3) Consent adjudication.

(b) When a proceeding is withdrawn prior to adjudication, withdrawal shall be with prejudice as to all matters which have preceded the action unless otherwise indicated by the Board.

(c) When a proceeding is sought to be terminated by the parties as a result of a settlement agreement, the form of the settlement agreement may be a consent order, a consent assessment of civil penalties, a permit modification, or any other basis for settling an action as permitted by law. If the settlement includes any action of the Department which would have to be published if taken independently of the settlement, that action shall be published by the Department as required by law. Appealable actions of the Department contained in the settlement may be appealed to the Board by an aggrieved person not a party to the settlement in the manner provided by law. A party to the settlement may appeal only to the extent permitted by the terms of the agreement. After the parties have agreed upon a settlement they may do one of the following:

(1) Notify the Board that the case has been settled and request that the docket be marked settled.

(2) Notify the Board that the case has been settled, provide the Board with a copy of the settlement agreement for inclusion in the record of the case, and request that the docket be marked settled.

(3) Notify the Board that the case has been settled, provide the Board with a copy of the settlement agreement for inclusion in the record, request the notice of the settlement be published in the *Pennsylvania Bulletin* and request that the case be marked as settled.

The notice of publication shall be in substantially the following form:

RE: (Case and Docket Number)

(The Commonwealth of Pennsylvania Department of Environmental Protection and (name of party or parties) have agreed to a settlement of the above matter. The Commonwealth had ordered under date of _____, (name of party or parties) to:

(Summarize order or appeal describing other action of the Commonwealth from which appeal was taken.)

The parties have agreed to a settlement, the major provisions of which include:

(Summarize major substantive provisions of settlement agreement.)

Copies of the full agreement are in the hands of:

(Names, addresses of counsel and telephone numbers) and at the office of the Environmental Hearing Board, and may be reviewed by any interested party on request during normal business hours.

(d) When a proceeding is sought to be terminated by the parties pursuant to a consent adjudication, all parties shall submit the proposed consent adjudication to the Board for approval. No proposed consent adjudication will be approved by the Board unless it contains the agreement of all parties to the action. The Board may refuse to approve a proposed consent adjudication if any of its provisions are contrary to law or constitute, in the discretion of the Board, overreaching or bad faith by any party. Prior to approval, the Board will publish the major substantive provisions of the consent adjudication in the manner indicated in subsection (c)(3). In addition, the notice shall provide a comment period of at least 30 days for comments to be provided by the public. When comments are received from the public the parties to the consent adjudication shall respond to the comments. The Board may schedule a hearing prior to taking action on the consent adjudication. Any appeal from a consent adjudication shall lie to the Commonwealth Court, and shall, when taken by an aggrieved person not a party to the action, be taken within 30 days of the date of the Board's action.

§§ 1021.142—1021.144. (Reserved).

RECONSIDERATION

§ 1021.151. Reconsideration of interlocutory orders.

(a) A petition for reconsideration of an interlocutory order or ruling shall be filed within 10 days of the order or ruling. The petition must demonstrate that extraordinary circumstances justify consideration of the matter by the Board. A party may file a memorandum of law at the time the motion or response is filed.

(b) A copy of the petition shall be served upon the parties. A party wishing to file an answer may do so within 10 days of service or as ordered by the Board.

(c) The failure of a party to file a petition under this section will not result in a waiver of any issue.

(d) Subsections (a)—(c) supersede 1 Pa. Code § 35.241 (relating to rehearing or reconsideration).

Comment: There is no need to file a petition for reconsideration of an interlocutory order in order to preserve an issue for later argument. Reconsideration is an extraordinary remedy and is inappropriate for the vast majority of the rulings issued by the Board.

§ 1021.152. Reconsideration of final orders.

(a) A petition for reconsideration of a final order shall be filed within 10 days of the date of the final order. A party may file a memorandum of law at the time the motion or response is filed. Reconsideration is within the discretion of the Board and will be granted only for compelling and persuasive reasons. These reasons may include the following:

(1) The final order rests on a legal ground or a factual finding which has not been proposed by any party.

(2) The crucial facts set forth in the petition:

(i) Are inconsistent with the findings of the Board.

(ii) Are such as would justify a reversal of the Board's decision.

(iii) Could not have been presented earlier to the Board with the exercise of due diligence.

(b) A copy of the petition shall be served upon all parties simultaneously with and in the same manner as the filing of an appeal with the Board. A party wishing to file an answer may do so within 10 days of service or as ordered by the Board.

(c) Subsections (a) and (b) supersede 1 Pa. Code § 35.241 (relating to rehearing or reconsideration).

Comment: This provides a shorter time than the standard motions practice, since reconsideration must be granted within 30 days under Pa.R.A.P. 1701. The Board's period for reconsideration of final orders will run contemporaneously with the 30-day right of appeal to Commonwealth Court.

SANCTIONS

§ 1021.161. Sanctions.

The Board may impose sanctions upon a party for failure to abide by a Board order or Board rule of practice and procedure. The sanctions may include dismissing an appeal, entering adjudication against the offending party, precluding introduction of evidence or documents not disclosed, barring the use of witnesses not disclosed, or other appropriate sanctions including those permitted under Pa.R.C.P. 4019 (relating to sanctions regarding discovery matters).

§ 1021.162. (Reserved).

ATTORNEY FEES AND COSTS AUTHORIZED BY THE COSTS ACT

§ 1021.171. Scope.

This section and §§ 1021.172—1021.174 apply to applications for an award of fees and expenses under the Costs Act.

§ 1021.172. Application for fees and expenses.

(a) An application for fees and expenses shall be verified and shall set forth sufficient grounds to justify the award. It shall also include the following:

(1) Identification of the final order under which the applicant claims to be a prevailing party.

(2) A statement of the basis upon which the applicant claims to be a prevailing party under the Costs Act.

(3) Specific information which is sufficient to demonstrate that the applicant meets the definition of "party" under the Costs Act.

(4) An itemized list of recoverable fees and expenses including hours worked, the rate charged, a reasonable description of the work performed during those hours, and the nature and reasonableness of the expenses.

(5) The basis for the allegation that the position of the Department was not substantially justified.

(b) An applicant shall file an application with the Board within 30 days of the date of the final order under which the applicant claims to have prevailed, and shall be docketed at the same number as that order. An applicant shall simultaneously serve upon counsel of record for the Department a copy of the application in the same manner that it is filed with the Board. Service by telefax shall satisfy the requirements of this rule, if an additional copy is mailed on the same day.

(c) An application may be denied sua sponte if it fails to provide all the information required by this section in sufficient detail to enable the Board to grant the relief requested.

Comment: In preparing the petition to submit to the Board, an applicant should consider the material contained in 4 Pa. Code Chapter 2, Subchapter A (relating to submission and consideration of applications for awards of fees and expenses) and the Board's prior decisions.

§ 1021.173. Response to application.

(a) The Department or other interested party shall file its response within 15 days of the filing of an application. The response shall include the following:

(1) Raise any challenge to the sufficiency of the application.

(2) Demonstrate, if applicable, that the Department's action was substantially justified.

(3) Identify special circumstances which would make the award unjust.

(b) If the response asserts that the action of the Department was substantially justified, it shall include the following:

(1) A statement of the Department's basis for its action.

(2) A summary of the testimony and exhibits either in evidence or offered into evidence in support of that basis.

(3) The legal justification for the action taken.

(c) When an applicant prevails and no record has been made before the Board, the Department may justify its action with affidavits.

§ 1021.174. Disposition of application.

(a) Each party shall file a brief simultaneously with the filing of its application or response.

(b) The Board will award fees and expenses based upon the application and response if it finds the following:

(1) The applicant is a prevailing party as defined in the Costs Act.

(2) The application presents sufficient justification for the award of fees and expenses.

(3) The action of the Department was not substantially justified, in that it had no reasonable basis in law or in fact.

(4) There are no special circumstances which would make the award unjust or unreasonable.

(c) The Board will not find the Department's action to be substantially justified, if the response fails to present a prima facie case in support of the Department's legal position.

(d) The Board may reduce the amount of an award of fees and expenses, or deny the award, to the extent that the applicant engaged in conduct during the course of the proceedings which unduly and unreasonably protracted the final resolution of the matter in controversy.

ATTORNEY FEES AND COSTS AUTHORIZED BY STATUTE OTHER THAN THE COSTS ACT

§ 1021.181. Scope.

This subchapter applies to requests for costs and attorney fees when authorized by statute other than the Costs Act. When a statute provides procedures inconsistent with these procedures, the statutory procedures will be followed.

§ 1021.182. Application for costs and fees.

(a) A request for costs and fees shall be by verified application, setting forth sufficient grounds to justify the award, including the following:

(1) A copy of the order of the Board in the proceedings in which the applicant seeks costs and attorney fees.

(2) A statement of the basis upon which the applicant claims to be entitled to costs and attorney fees.

(3) A detailed listing of the costs and attorney fees incurred in the proceedings.

(b) An applicant shall file an application with the Board within 30 days of the date of a final order of the Board. An applicant shall serve a copy of the application upon the other parties to the proceeding.

(c) The Board may deny an application sua sponte if it fails to provide all the information required by this section in sufficient detail to enable the Board to grant the relief requested.

§ 1021.183. Response to application.

A response to an application shall be filed within 15 days of service. A factual basis for the response shall be verified by affidavit.

§ 1021.184. Disposition of application.

(a) Each party may file a brief in accordance with a schedule established by the Board.

(b) The Board may allow discovery and the taking of testimony in order to resolve any factual issues raised by the application and response.

ATTORNEY FEES AND COSTS UNDER MORE THAN ONE STATUTE

§ 1021.191. Application for counsel fees under more than one statute.

An applicant seeking to recover fees and costs under more than one statute shall file a single application which sets forth, in separate counts, the basis upon which fees and costs are claimed under each statute.

APPELLATE MATTERS

§ 1021.201. Composition of the Certified Record on Appeal to Commonwealth Court.

(a) Unless the parties file a stipulation with the Board providing otherwise, within 20 days of the filing of the petition for review, the Board shall certify the record in accordance with Pa.R.A.P. 1951 (relating to record below in proceedings on petition for review) and the record shall consist of:

(1) A list of the docket entries.

(2) The notice of appeal and the Department action appealed to the Board, or, if the proceedings before the Board were initiated with a complaint, the complaint.

(b) In addition to items listed in subsection (a), for appeals of Board adjudication, the record shall also include:

(1) The Board's adjudication and order.

(2) The notes of testimony from the hearing, all exhibits admitted into evidence.

(3) The parties' posthearing memoranda, including requested findings of fact and conclusions of law.

(4) Petitions for reconsideration or to reopen the record, answers and accompanying exhibits.

(5) Other documents which formed the basis of the Board's adjudication.

(c) In addition to items listed in subsection (a), for appeals of Board opinions and orders, the record shall also include:

(1) The Board's opinion and order.

(2) The motion or petition which was the subject of the Board's opinion and order, together with responses, answers, and replies, and accompanying exhibits.

(3) Petitions for reconsideration of the Board's opinion and order, responses, answers, and replies, and accompanying exhibits.

(4) Other documents which formed the basis of the Board's opinion and order.

[Pa.B. Doc. No. 02-1136. Filed for public inspection June 28, 2002, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking under the authority contained in the Act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the Act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the Act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the Act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending June 18, 2002.

BANKING INSTITUTIONS

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-17-02	Affinity Bank of Pennsylvania Spring Township Berks County <i>Correspondent:</i> Richard B. Reading Richard B. Reading Associates 759 State Road Princeton, NJ 08540	Spring Township	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-10-02	Fulton Bank Lancaster Lancaster County	3191 Cape Horn Rd. Windsor Township York County	Opened
6-18-02	First Susquehanna Bank & Trust Sunbury Northumberland County	1 Maplewood Drive Lewisburg Kelly Township Union County	Filed

Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-8-02	Fulton Bank Lancaster Lancaster County	<i>Into:</i> 3191 Cape Horn Rd. Windsor Township York County <i>* From:</i> 3140 Cape Horn Rd. Red Lion York County	Effective

*Former branch of The Drovers & Mechanics Bank, York, which merged with and into Fulton Bank, Lancaster, effective August 25, 2001.

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

FRANCES A. BEDEKOVIC,
Acting Secretary

[Pa.B. Doc. No. 02-1137. Filed for public inspection June 28, 2002, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Consolidated Plan; Public Meeting Notice and Regional Housing Advisory Committee Meetings

The Department of Community and Economic Development (Department) is preparing the 2003 Action Plan that supplements the Commonwealth's Consolidated Plan for Federal fiscal years 2000-2004. This document must be submitted to and approved by the United States Department of Housing and Urban Development (HUD) for the Commonwealth and organizations within this Commonwealth to receive funding under most HUD housing and community development programs. The Consolidated Plan creates a unified strategy for housing and community development programs as well as the necessary linkages for building successful neighborhoods and communities.

The Commonwealth's 2003 Action Plan will address how the Commonwealth intends to allocate funds under the following programs: Community Development Block Grant, HOME Investment Partnerships, Emergency Shelter Grant and Housing Opportunities for Persons with AIDS.

An individual or organization may give testimony or comments at the public meeting. Comments will be accepted about topics related to community development, housing, the content of the Commonwealth's 2003 Action Plan and the process by which the public input is gathered. The Commonwealth encourages public participation in this process.

Persons who want to speak must call to schedule a time to give oral testimony at the meeting. The public meeting will be shortened if no one is scheduled to testify or if there is minimal response. Contact Karen Overly Smith at (717) 214-5340 to schedule oral testimony at the public meeting at least 24 hours prior to the meeting date.

Written Comments

Written testimony, in lieu of oral testimony, may be submitted by 5 p.m. on July 30, 2002. Submit comments to Karen Overly Smith, Office of Community Development, Department of Community and Economic Development, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225.

Public Meetings

The public meeting will be held as follows:

August 1, 2002
Commonwealth Keystone Building
PUC Hearing Room #2 (Plaza level SW corner)
400 North Street
Harrisburg, PA 17120
10 a.m. to 1 p.m.*

* *Note:* The public meeting may be shortened if there is minimal response.

Regional Housing Advisory Committee Meetings

The Commonwealth has six Regional Housing Advisory Committees across this Commonwealth comprised of appointed members. Meetings of these committees are open to the public under 3 Pa.C.S. §§ 707—716 (relating to Sunshine Act). These committees advise the Department regarding housing and community development needs as well as assist in fair housing planning. These meetings will be held as follows:

July 12, 2002
Chester County Government Services Center
Room 171
601 Westtown Road
West Chester, PA 19382
9 a.m. to 12 p.m.

July 8, 2002
Lancaster County Housing & Redevelopment Authority
150 North Queen Street, Suite 110
Lancaster, PA
12:30 p.m. to 3:30 p.m.

July 16, 2002
Indiana County Courthouse Annex
827 Water Street
Indiana, PA 15701
12 p.m. to 3 p.m.

July 9, 2002
Allentown Federal Courthouse
3rd Floor Conference Room
504 Hamilton Street
Allentown, PA
9 a.m. to 12 p.m.

July 30, 2002
Union County Public Library
205 Reitz Boulevard
Lewisburg, PA 17837
9:30 a.m. to 12:30 p.m.

July 17, 2002
Pennhills Club
440 Minard Run Road
Bradford, PA 16701
9 a.m. to 12 p.m.

Persons with a disability who wishes to attend the public meeting or 2003 Advisory Committee meetings and requires an auxiliary aid, service or other accommodation to participate in the proceeding should contact Karen Overly Smith, 4th Floor Commonwealth Keystone Building, Harrisburg, PA 17120-0225, (717) 214-5340, to discuss how the Department may best accommodate their needs. Text telephone calls can be placed through the Pennsylvania Relay System at (800) 654-5984. Calls will be relayed to the Department's number listed previously.

SAMUEL A. MCCULLOUGH,
Secretary

[Pa.B. Doc. No. 02-1138. Filed for public inspection June 28, 2002, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

NPDES APPLICATIONS

PART I PERMITS

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0060704	Pleasant Valley Manor, Inc. 4227 Manor Dr. Stroudsburg, PA 18360	Monroe County Hamilton Township	McMichael Creek (1-E)	Y
PA0063436 Sewage— SFRSTP	Elmer Brown R. R. 7, Box 1579 Hallstead, PA 18822	Liberty Township Susquehanna County	Rhiney Creek (4E)	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>
PA0030708	Quincy United Methodist Home P. O. Box 217 Quincy, PA 17247-0217	Franklin County Quincy Township	West Branch of Little Antietam Creek 13-C	Y
PA0110442	Carl E. Dallmeyer Family Ltd. Partnership 475 North Sherman Street Ext. Mount Wolf, PA 17347	Bedford County Bedford Township	Brush Run 11-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0114987 Sewerage	Citizens & Northern Bank 90-92 Main Street Wellsboro, PA 16901	Charleston Township Tioga County	Catlin Hollow 4-A	Y
PA0027359 Industrial Waste	Danville Municipal Authority 235 Mill Street Danville, PA 17821	Montour Danville Borough	Susquehanna River 5E	Y

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

PA0038351, Sewage and Industrial Waste, **PHB Die Cast, Inc.**, 7900 West Ridge Road, Fairview, PA 16415. This proposed facility is located in Fairview Township, **Erie County**.

Description of Proposed Activity: This application is for renewal of an NPDES permit to discharge treated sanitary and industrial wastewater to Trout Run.

The receiving stream, Trout Run, is in watershed Trout Run and classified for CWF, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, there is no existing/proposed downstream potable water supply (stream and public water supplier) to consider until Lake Erie.

The proposed effluent limits for Outfall 101 based on a design flow of 0.021 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
Total Suspended Solids	30		60
NH ₃ -N			
(5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	4.5		9.0
Dissolved Oxygen		minimum of 3.0 mg/l at all times	
Total Residual Chlorine	0.33		0.49
Fecal Coliform			
(5-1 to 9-30)		200/100ml as a geometric average	
(10-1 to 4-30)		4,200/100ml as a geometric average	
pH		6.0 to 9.0 standard units at all times	

The proposed effluent limits for Outfall 201 based on a design flow of 0.024 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids			15	30	30
Oil and Grease			13	26	26
Phosphorus			1.0	1.5	2.0
Copper (T)			0.084	0.017	0.21
Lead (T)			0.026	0.052	0.065
Zinc (T)			0.534	1.07	1.34
Silver (T)			0.026	0.052	0.065
Nickel			0.585	1.17	1.462
Cyanide (T)			0.025	0.05	0.0625
Cadmium (T)			0.008	0.016	0.02
Chromium (T)			0.84	1.38	1.38
pH			Within limits of 6.0 to 9.0 standard units at all times.		

Outfalls 002 and 003—These outfalls consist of uncontaminated stormwater only.

The EPA Waiver is in effect.

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

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

No. PA0013463, Industrial Waste, **U. S. Steel Group, a Unit of USS Corporation—Fairless Works**, Fairless Hills, PA 19030. This application is for amendment of an NPDES permit to discharge treated process wastewater, cooling water and stormwater from USS Fairless Works in Falls Township, **Bucks County**. This is an existing discharge to Delaware River Estuary Zone 2.

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

The proposed effluent limits for Outfall 002, NCCW and SWRO, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Annual (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature			110°F
Oil and Grease	15		30
pH	Within limits of 6.0—9.0 Standard Units at all times		
CBOD ₅ *		Monitor/Report	Monitor/Report
COD*		Monitor/Report	Monitor/Report
Oil and Grease*		Monitor/Report	Monitor/Report
Total Suspended Solids*		Monitor/Report	Monitor/Report
Lead, Total*		Monitor/Report	Monitor/Report
Chromium, Total*		Monitor/Report	Monitor/Report
Copper, Total*		Monitor/Report	Monitor/Report
Cadmium, Total*		Monitor/Report	Monitor/Report
Iron (Dissolved)*		Monitor/Report	Monitor/Report

* These parameters shall be monitored during storm event while no NCCW discharges.

The proposed effluent limits for Outfall 003, consist of treated process waste water, cooling waste water and treated sewage are as follows:

Tidal conditions at Outfall 003 make monitoring impossible. Therefore contribution to Outfall 003 are monitored at monitoring points as follows:

<i>Monitoring Point</i>	<i>Description of Wastewater</i>
MP103	Treated Process Wastewater from terminal treatment plant
MP203	Treated Sewage Wastewater
MP303	Cooling water and SWRO
MP404	Treated Process Wastewater from finishing mill treatment plant

The proposed effluent limits for Monitoring Point MP103, treated process wastewater from terminal treatment plant during the period from January 1, 2003, through startup of currently permitted production lines with similar product at full capacity, based on an average flow of 4.442 MGD are as follows:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
BOD ₅			Monitor/Report	Monitor/Report	
Total Suspended Solids	254	585	Monitor/Report	Monitor/Report	37
Total Suspended Solids *	362	945	Monitor/Report	Monitor/Report	25.5
Total Dissolved Solids			1,000	2,000	2,500
Oil and Grease	85	250	Monitor/Report	Monitor/Report	15
Oil and Grease *	139	322	Monitor/Report	Monitor/Report	10
CBOD ₂₀	2,500				
BOD ₅ (Percent Removal)	88.5				
Phenols, Total			Monitor/Report	Monitor/Report	
pH	Within Limits of 6.0—9.0 STD Units all times.				
Color (Pt-Co)					Monitor/Report
Total Residual Chlorine **			0.5		1.2
Total Residual Chlorine *,**			0.2		0.5
Chromium, Total *	4.84	6.5	0.13	0.13	0.35
Zinc, Total *	3.47	24.41	0.1	0.7	0.7
PCBs *			Monitor/Report	Monitor/Report	Monitor/Report

* These limits are effective upon operation of SWEC Facility.

** These limits are applicable only when chlorine is used in the process of algae control.

The proposed effluent limits for Monitoring Point MP103, treated process wastewater from Terminal Treatment Plant during the period from startup of currently permitted production lines with similar product at full capacity lasting through expiration, based on 8.75 MGD are as follows:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
BOD ₅			Monitor/Report	Monitor/Report	
BOD ₅ (Percent Removal)	88.5				
Total Suspended Solids	2,639	6,228	Monitor/Report	Monitor/Report	115
Total Suspended Solids *	2,747	6,587	Monitor/Report	Monitor/Report	90
Total Dissolved Solids			1,000	2,000	2500
Oil and Grease	928	2,362	Monitor/Report	Monitor/Report	42

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Oil and Grease *	982	2,434	Monitor/Report	Monitor/Report	32
CBOD ₂₀	2,500				
Phenols, Total			Monitor/Report	Monitor/Report	
pH			Within Limits of 6.0—9.0 STD Units all times.		
Color (Pt-Co)					Monitor/Report
Total Residual Chlorine**			0.5		1.2
Total Residual Chlorine *,**			0.2		0.5
Chromium, Total *	10.8	17.27	0.142	0.240	0.355
Zinc, Total *	15.3	54.75	0.200	0.750	0.750
PCBs *			Monitor/Report	Monitor/Report	Monitor/Report

* These limits are effective upon operation of SWEC Facility

** These limits are applicable only when chlorine is used in the process of algae control.

The proposed effluent limits for monitoring point MP203 (treated sewage), based on an average flow of 0.194 MGD are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD ₅	30	60
Suspended Solids	30	60
CBOD ₂₀ (lbs/day)	67	
BOD ₅ (Percent removal)	88.5	
Total Residual Chlorine	0.5	1.2
Fecal Coliform	200 colonies/100 ml as a geometric average	
pH	Within limits of 6.0—9.0 Standard Units at all times	

The proposed effluent limits for monitoring point MP303 (cooling water), based on an average flow of 0.046 MGD are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	60	75
Oil and Grease	15		30
Temperature			110°F
pH	Within limits of 6.0—9.0 Standard Units at all times		
Fecal Coliform	Monitor/Report	Monitor/Report	

The proposed effluent limits for monitoring point MP403, treated process wastewater from Finishing Mill Treatment Plant, during the period from January 1, 2003, through startup of currently permitted production lines with similar product at full capacity, based on an average flow of 1.00 MGD are as follows:

<i>Parameter</i>	<i>Mass Units (lb/days)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Lead, Total	1.49	2.02	Monitor/Report	Monitor/Report	0.45
Zinc, Total	1.47	4.41	Monitor/Report	Monitor/Report	0.53
Chromium, Total	Monitor/Report	Monitor/Report	0.1	0.3	0.3
Nickel, Total	Monitor/Report	Monitor/Report	0.2	0.45	0.5
Naphthalene		0.071	Monitor/Report	Monitor/Report	0.01
Chromium, Hex	0.095	0.284	Monitor/Report	Monitor/Report	0.035
Copper, Total	Monitor/Report	Monitor/Report	0.1	0.3	0.3
Tetrachloroethylene		0.107		Monitor/Report	0.013

The proposed effluent limits for Monitoring Point MP403, treated process wastewater from Finishing Mill Treatment Plant, during the period from startup of currently permitted production lines with similar products at full capacity to lasting through expiration, based on an average flow of 2.34 MGD are as follows:

<i>Parameter</i>	<i>Mass Units (lb/days)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Lead, Total	10.3	29.0	Monitor/Report	Monitor/Report	1.56
Zinc, Total	13.3	34.7	Monitor/Report	Monitor/Report	1.78
Chromium, Total	Monitor/Report	Monitor/Report	0.348	0.680	0.87
Nickel, Total	Monitor/Report	Monitor/Report	0.535	1.18	1.34
Naphthalene		1.541	Monitor/Report	Monitor/Report	0.10
Chromium, Hex	0.25	0.58	Monitor/Report	Monitor/Report	0.038

<i>Parameter</i>	<i>Mass Units (lb/days)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Cadmium, Total	Monitor/Report	Monitor/Report	0.054	0.137	
Copper, Total	Monitor/Report	Monitor/Report	0.403	0.774	1.0
Cyanide, Total	Monitor/Report	Monitor/Report	0.1	0.185	1.0
Silver, Total	Monitor/Report	Monitor/Report	0.04	0.07	0.1
Total Toxic Organics (TTO)		Monitor/Report		2.13	
Tetra Chloroethylene		2.31		Monitor/Report	0.12

The proposed effluent limits for Outfalls 005, 007 and 009 (stormwater) are as follows:

<i>Parameter</i>	<i>Average Annual (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD ₅	Monitor/Report	Monitor/Report
Total Suspended Solids	Monitor/Report	Monitor/Report
Oil and Grease	Monitor/Report	Monitor/Report
pH	Monitor/Report	Monitor/Report
Iron (Dissolved) (005, 009 only)	Monitor/Report	Monitor/Report
Zinc, Total (007 only)	Monitor/Report	Monitor/Report

The proposed effluent limits for Outfalls 010 and 011 (intake screen backwash water) are as follows:

The materials (Solids and other debris) physically or mechanically removed by USS in backwash operation shall not be returned to surface waters. The disposal of this material shall prevent any discharge of removed substances to the surface waters.

Other Conditions:

1. The EPA waiver is not in effect
2. CBOD₂₀ allowances.
3. 88.5% reduction of BOD₅ per Delaware River Basin Commission requirements.
4. Thermal requirements
5. TTO definition.
6. Approved chemical additives
7. Special test methods for certain pollutants.

No. PA0057088, Industrial Waste, **Exelon Generation Company**, 200 Exelon Way, KSA 1-E, Kennett Square, PA 19348. This application is for renewal of an NPDES permit to discharge cooling water from a power plant in Falls Township, **Bucks County**. This is an existing discharge to Delaware Estuary-Zone 2.

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

The proposed effluent limits for Outfall 001, based on an average annual flow of 26.01 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	0.2		0.5
Temperature			110°F
pH	Within limits of 6.0—9.0 Standard Units at all times		

The EPA Waiver is in effect.

Other Conditions:

Thermal requirements.

No. PA0058491, Industrial Waste, **PECO Energy Company**, 300 Front Street, Building No. 1, Conshohocken, PA 19428. This application is for issuance of an NPDES permit to discharge treated groundwater from PECO's former Ardmore Service Center in Lower Merion Township, **Montgomery County**. This is a new discharge to Cobbs Creek from a storm sewer and dry swale.

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

The proposed effluent limits for Outfall 001, based on an average flow of 22,000 GPD are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	60	75
pH	Within limits of 6.0—9.0 Standard Units at all times		
Iron, Total	1.5	3.0	3.75
Manganese, Total	1.0	2.0	2.50

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Tetrachloroethylene	0.005	0.010	0.0125
Trichloroethylene	0.005	0.010	0.0125
MTBE	Monitor/Report	Monitor/Report	Monitor/Report
Magnesium, Total	Monitor/Report	Monitor/Report	Monitor/Report

Other Conditions:

The EPA waiver is in effect.

Conditions for future permit modification.

Special test methods for certain pollutants.

No. PA0050202, Industrial Waste, **National Railroad Passenger Corporation**, 30th Street Station, 30th and Race Streets, Philadelphia, PA 19104-2898. This application is for renewal of an NPDES permit to discharge stormwater from Amtrak Race Street/Penn Coach Yard in the City of Philadelphia, **Philadelphia County**. This is an existing discharge to Schuylkill River.

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

The proposed effluent limits for Outfall 001, based on stormwater flows are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Suspended Solids	30	60	75
Oil and Grease	15		30
pH	Within limits of 6.0—9.0 Standard Units at all times		
Phenols, Total	5.9	11.8	14.8
Dissolved Iron			7.0
TPH			Monitor/Report

The EPA Waiver is in effect.

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

PA#0062588, Industrial, **Pennsylvania American Water Company**, 20 East Union Street, Wilkes-Barre, PA 18701-1397. This proposed facility is located in Hunlock Creek Township, **Luzerne County**.

Description of Proposed Activity: Renewal of NPDES Permit to discharge treated filter backwash water into Pikes Creek.

The receiving stream, Pikes Creek, is in the State Water Plan Watershed #5E and is classified for HQ-CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Danville Water Company is located on the Susquehanna River, approximately 35 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .435 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids			30	60	
Total Aluminum	4.5	9.5	1.5	2.5	3.5
Total Iron			2	4	
Total Manganese			1	2	
pH	6 to 9 Standard Units at all times				

PA0063568, Industrial, **Northampton Borough Municipal Authority**, 1 Clear Spring Drive, P. O. Box 156, Northampton, PA 18067-0156. This proposed facility is located in Whitehall Township, **Lehigh County**.

The receiving stream, Spring Creek, is in the State Water Plan watershed #2C and is classified for CWF. The nearest downstream public water supply intake for City of Allentown is located on the Lehigh River, 8.5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0833.

<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>
Aluminum Total			1.4	2.8
Manganese Total			1	2
Total Iron			2	4
Total Suspended Solids			30	60
pH	Within Limits 6—9 Standard Units at all times.			
Total Residual Chlorine			0.5	1.0

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

Chemicals additions.

PA#0020168, Sewage, **Borough of East Stroudsburg**, P. O. Box 303, East Stroudsburg, PA 18301. This proposed facility is located in East Stroudsburg Borough, **Monroe County**.

The receiving stream, Brodhead Creek, is in the State Water Plan Watershed #1E and is classified for TSF. The nearest downstream public water supply intake for the City of Easton is located on the Delaware River, 33 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 2.25.

<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
NH ₃ -N (5-1 to 10-31)	9.5	14.3	18.0
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	1.0		2.30
Whole Effluent Toxicity	Less than 3.846 TUa		

In addition to the effluent limits, the permit contains the following major special conditions: WET Testing Requirements.

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

Application No. PA 0246778, Industrial Waste, **Groundwater Remediation System Outfall, Miller's Greenhouse Incorporated**, 485 Church Street, Landisville, PA 17538. This facility is located in East Hempfield Township, **Lancaster County**.

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

The receiving stream, an unnamed tributary to Swarr Run, is in Watershed 7-J and classified for CWF, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Holtwood Power Plant is located on the Susquehanna River, approximately 70 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.022 MGD are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Benzene	XXX	XXX	0.001	0.002	XXX
Toluene	XXX	XXX	Monitor and Report	Monitor and Report	XXX
Ethylbenzene	XXX	XXX	Monitor and Report	Monitor and Report	XXX
Cumene	XXX	XXX	Monitor and Report	Monitor and Report	XXX
Naphthalene	XXX	XXX	Monitor and Report	Monitor and Report	XXX
Fluorene	XXX	XXX	Monitor and Report	Monitor and Report	XXX
Phenanthrene	XXX	XXX	Monitor and Report	Monitor and Report	XXX

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

The EPA waiver is in effect.

Application No. PA 0246751, Industrial Waste, **Groundwater Remediation System Outfall, United Refining Company of PA**, P. O. Box 688, Warren, PA 16365. This facility is located in Henderson Township, **Huntingdon County**.

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

The receiving stream, a drainage swale that discharges to an unnamed tributary to the Juniata River, is in Watershed 12-C and classified for dry stream discharge, water supply and recreation and fish consumption. The nearest downstream public water supply intake for United Water is located on the Susquehanna River, approximately 100 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.043 MGD are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total BTEX	XXX	XXX	0.100	0.200	XXX
Benzene	XXX	XXX	0.001	0.002	XXX
Ethylbenzene	XXX	XXX	Monitor and Report	Monitor and Report	XXX
Toluene	XXX	XXX	Monitor and Report	Monitor and Report	XXX
Xylenes, Total	XXX	XXX	Monitor and Report	Monitor and Report	XXX
MTBE	XXX	XXX	Monitor and Report	Monitor and Report	XXX

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

The EPA waiver is in effect.

Application No. PA 0024040, Sewage, **Borough of Highspire**, 640 Eshelman Street, Highspire, PA 17034-1698. This facility is located in Highspire Borough, **Dauphin County**.

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

The receiving stream, Susquehanna River, is in Watershed 7-C and classified for WWF, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Columbia Borough is located on the Susquehanna River, approximately 11.6 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 2.0 MGD are:

Parameter	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	40		50
Total Suspended Solids	30	45		60
Total Phosphorus	2.0			4.0
Total Nitrogen			Monitor and Report	
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)		100,000/100 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 not in effect to remove the whole effluent toxicity testing effluent limit and Part C requirements for further studies of the sources of toxicity.

PAG#123521 Amendment No. 1, CAFO, **Eugene Z. Nolt**, 143 Kurtz Road, New Holland, PA 17557. This proposed facility is located in Earl Township, **Lancaster County**.

Description of Proposed Activity: The Eugene Nolt farm is an existing swine and dairy farm with a total AEUs of 639.80. An estimated quantity of total annual manure production is 1,181 dry tons and 2,079,010 gallons. The dairy part of the operation consists of 100 dairy heifers which spend some time on pasture with no collection and the remaining time housed where the dry, penpack type manure is collected and then land applied on the farm. The farm currently comprises of one swine finishing barn housing 2,100 hogs with plans to construct a second new swine finishing barn to house 2,180 hogs. The existing hog barn is a confinement building with the liquid manure stored in 8 foot deep pits beneath the barn's slatted floors having a storage capacity of 841,084 gallons with a foot of freeboard. The new swine facility will be very similar to the existing hog barn but will have 6 foot deep pits with an approximate storage capacity of 600,000 gallons. Of the 2,079,010 gallons of liquid swine manure produced on the farm, 868,000 gallons will be land applied on the farm and 1,211,010 exported from the farm.

The receiving stream, UNT to Conestoga River, is in the State Water Plan watershed 7-J 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.

Application No. PA 0026735, Amendment No. 1, Sewage, **Swatara Township Authority**, 8675 Paxton Street, Hummelstown, PA 17036-8601. This facility is located in Swatara Township, **Dauphin County**.

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

The receiving stream, Swatara Creek, is in Watershed 7-D and classified for WWF, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Middletown Borough is located on Swatara Creek, approximately 8 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 6.3 MGD are:

<i>Parameter</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	40		50
Total Suspended Solids	30	45		60
Total Residual Chlorine	0.5			1.6
NH ₃ -N (5-1 to 10-31)	6			12
(11-1 to 4-30)	18			36
Total Phosphorus	2			4
Total Nitrogen			Monitor and Report	
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)			9,000/100 ml as a geometric average	

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

The frequency of monitoring for CBOD₅, total suspended solids, NH₃-N, total phosphorus and fecal coliform is being changed from once per day to three per week.

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

The EPA waiver is not in effect.

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

PA0005037, Amendment No. 2, Industrial Waste, SIC, 4911, **EME Homer City Generation LP**, 1750 Power Plant Road, Homer City, PA 15748. This application is for amendment of an NPDES permit to discharge cooling water from cooling towers in Center Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, unnamed tributary of Two Lick Creek, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Saltsburg Municipal Water Authority, located at Saltsburg, 28 miles below the discharge point.

Outfall 126: new discharge. Interim limits.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Monitor and Report				
Free Available Chlorine			0.2	0.5	
Chromium			0.2	0.2	
Zinc			1.0	1.0	
Temperature (°F)			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

Outfall 226: new discharge. Interim limits.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Monitor and Report				
Free Available Chlorine			0.2	0.5	

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Chromium			0.2	0.2	
Zinc			1.0	1.0	
Temperature (°F)			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

Outfall 001: existing discharge, design flow of 2.8 MGD. Interim limits.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Free Available Chlorine			0.2	0.5	
Chromium			0.2	0.2	
Zinc			1.0	1.0	
Temperature (°F)			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

Outfall 001: existing discharge, design flow of 2.8 MGD. Final limits.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Free Available Chlorine			0.2	0.5	
Chromium			0.2	0.2	
Zinc			1.0	1.0	
Temperature (°F)					
(1-1 to 1-31)				93	
(2-1 to 2-29)				98	
(3-1 to 11-15)				110	
(11-16 to 11-30)				93	
(12-1 to 12-31)				82	
pH	not less than 6.0 nor greater than 9.0				

Outfall 126: new discharge. Final limits.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Free Available Chlorine			0.2	0.5	
Chromium			0.2	0.2	
Zinc			1.0	1.0	
Temperature (°F)					
(1-1 to 1-31)				93	
(2-1 to 2-29)				98	
(3-1 to 11-15)				110	
(11-16 to 11-30)				93	
(12-1 to 12-31)				82	
pH	not less than 6.0 nor greater than 9.0				

Outfall 226: new discharge. Final limits.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Free Available Chlorine			0.2	0.5	
Chromium			0.2	0.2	
Zinc			1.0	1.0	

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Temperature (°F)					
(1-1 to 1-31)				93	
(2-1 to 2-29)				98	
(3-1 to 11-15)				110	
(11-16 to 11-30)				93	
(12-1 to 12-31)				82	
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is not in effect.

PA0040274-A1, Industrial Waste, SIC, 3316, **Allegheny Ludlum Corporation**, 100 Brackenridge, PA 15014. This application is for amendment of an NPDES permit to discharge treated process water from Vandergrift Plant in Vandergrift Borough, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters of the Kiskiminetas River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Buffalo Township Municipal Authority, located on Allegheny River, 9.0 miles below the discharge point.

Internal Monitoring Point 207: existing (0.57 mgd) discharge to Kiskiminetas River.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Total Suspended Solids	358	834.5	30	70	87.5
Oil and Grease			15		30
Chromium	4.8	11.9	0.4	1.0	1.25
Nickel	3.6	10.7	0.3	0.9	1.13
Total Residual Chlorine			0.5		1.25
Cyanide	0.121	0.291	0.12	0.29	
Lead	0.201	0.422	0.20	0.42	
Zinc	0.611	1.466	0.61	1.46	
Ammonia	58.74	133.56	58.6	133.3	
Fluoride	26.47	59.76	26.4	59.5	
Titanium			0.41	0.94	
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is not in effect.

PA0219134, Industrial Waste, SIC 4911, **Allegheny Energy Supply Co., LLC**, 4350 Northern Pike, Monroeville, PA 15146-2841. This application is for issuance of an NPDES permit to discharge treated process water and untreated cooling water stormwater from Allegheny Energy Units 3—5 in Springdale Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Allegheny River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Oakmont Borough Municipal Authority, located at RMI 4.2, Allegheny River, 4.21 miles below the discharge point.

Outfall 101: new discharge, design flow of 0.732 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
Temperature (°F)				110	
Free Available Chlorine			0.2		0.5
Total Residual Chlorine			0.5		1.25
The 126 Priority Pollutants (Appendix A, 40 CFR 423) contained in chemicals added for cooling tower maintenance except:					
Chromium			0.2	0.2	
Zinc			1.0	1.0	
pH	not less than 6.0 nor greater than 9.0				

Outfall 201: new discharge, design flow of 0.096 MGD

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
Suspended Solids			30	100	
Oil and Grease			15	20	
pH	not less than 6.0 nor greater than 9.0				

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. 4602202, Industrial Waste, **Unitech Service Group Inc.**, 295 Parker Street, Springfield, MA 01151. This proposed facility is located in Royersford Borough, **Montgomery County**.

Description of Proposed Action/Activity: Construction for the upgrade of the wastewater treatment plant.

WQM Permit No. 1502409, Sewerage, **Kennett Township**, P. O. Box 230, Kennett Square, PA 19348. This proposed facility is located in Kennett Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation to extend a gravity sewer line and force main to serve ten lots along west side of North Mill Road.

WQM Permit No. 1502410, Sewerage, **Uwchlan Township**, 715 N. Ship Road, Exton, PA 19341. This proposed facility is located in Uwchlan Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of a pumping station and force main to serve Lot #1 Haywood Business Park.

WQM Permit No. 1502411, Sewerage, **Upper Uwchlan Township**, 140 Pottstown Pike, Chester Springs, PA 19425. This proposed facility is located in Upper Uwchlan Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation of a temporary pump station to serve Eagle Hunt, a residential development.

WQM Permit No. 2302403, Sewerage, **Newtown Township**, 209 Bishop Hollow Road, Newtown Square, PA 19073. This proposed facility is located in Newtown Township, **Delaware County**.

Description of Proposed Action/Activity: Construction of an 850-gpm firm capacity regional pump station to pump wastewater to the Central Delaware County Authority collection system.

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

WQM Permit No. 3602412, Sewerage, **East Earl Sewer Authority**, 4610 Division Highway, East Earl, PA 17519. This proposed facility is located in East Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization for the construction/modification of sewers and appurtenances and sewage treatment plant.

WQM Permit No. 2202403, Sewerage, **Stanley W. and Marie Stewart**, 302 East Main Street, Hummels-town, PA 17036-1725. This proposed facility is located in East Hanover Township, **Dauphin County**.

Description of Proposed Action/Activity: Authorization for the construction/modification to sewage treatment plant.

WQM Permit No. 6702403, Sewerage, **Wrightsville Borough Municipal Authority**, 129 South Second Street, P. O. Box 187, Wrightsville, PA 17368-0187. This proposed facility is located in Wrightsville Borough and Hellam Township, **York County**.

Description of Proposed Action/Activity: Authorization for the North Front Street sewer extension.

WQM Permit No. 0702401, Sewerage, **Northern Blair County Regional Sewer Authority**, R. D. 4, Box

23A, Tyrone, PA 16686. This proposed facility is located in Snyder Township, **Blair County**.

Description of Proposed Action/Activity: Authorization for construction/operation of the California Hollow Sewage Collection System.

WQM Permit No. 2102405, Sewerage, **Jesse K. King**, 222 Fairview Road, Shippensburg, PA 17257. This proposed facility is located in Hopewell Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization for construction/operation of their single residence sewage treatment system.

WQM Permit No. 0602203, CAFO Operation, **Dale Martin, Quail Ridge LLC**, 410 East Lincoln Avenue, Myerstown, PA 17067. This proposed facility is located in Perry Township, **Berks County**.

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

WQM Permit No. 5902406, Sewerage 4952, **William R. Adrian**, 1612 Petes Court, Crofton, MD 21114. This proposed facility is located in Richmond Township, **Tioga County**.

Description of Proposed Action/Activity: This is an application for a SFTF serving a residence.

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

Application No. 6591410-A1, Sewerage, **Westmoreland County Industrial Park Authority**, 2 North Main Street, Suite 601, Greensburg, PA 15601-2405. Application for the construction and modification of a sanitary interceptor sewer to serve the Westmoreland Business & Research Park located in Upper Burrell Township, **Westmoreland County**.

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

WQM Permit No. 3302401, Sewerage, **Reynoldsville Sewage Authority**, 400 North Fifth Street, Reynoldsville, PA 15851. This proposed facility is located in Reynoldsville Borough, **Jefferson County**.

Description of Proposed Action/Activity: This project is for modifications to the existing west side lift station, for reducing combined sewer overflows and replacing an ejector pod system.

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 PAS10G529, Stormwater, **Newman Development Group of Pottstown, LLC**, 3101 Shippers Road, P. O. Box 678, Vestal, NY 13851-0678, has applied to discharge stormwater associated with a construction activity located in North Coventry Township, **Chester County** to unnamed tributary to Schuylkill River (HQ-TSF).

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

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>
PAS10S051-1	Skytop Lodges, Inc. One Skytop Skytop, PA 18357	Monroe County Barrett Township	Leavitt Branch HQ-CWF

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

Lancaster County Conservation District, 1383 Arcadia Road, Room 6, Lancaster, PA 17601, (717) 299-5361.

<i>NPDES No.</i>	<i>Applicant Name & Address</i>	<i>County & Municipality</i>	<i>Receiving Water/Use</i>
PAS100086	Robert E. Plank 552 W. King St. Lancaster, PA 17603	Fulton Township Lancaster County	Conowingo Creek (HQ-CWF)

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

Westmoreland County Conservation District: Donohoe Center, R. R. 12, Box 202B, Greensburg, PA 15601-9217, (724) 837-5271.

NPDES Permit PAS10X103, Stormwater, **Dominion Exploration & Production**, 1380 Route 286 Highway, Indiana, PA 15701 has applied to discharge stormwater associated with a construction activity located in Bell and Washington Townships, **Westmoreland County** to Beaver Run Basin (HQ-CWF).

**PUBLIC WATER SUPPLY (PWS)
PERMIT**

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

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

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

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

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

SAFE DRINKING WATER

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

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

Permit No. 3602511 , Public Water Supply.	
Applicant	Millersville University
Municipality	Millersville Borough
County	Lancaster
Responsible Official	Kenneth L. Bolig, Assistant Director Planning & Construction P. O. Box 1002 Palmer Building Millersville, PA 17551-0302
Type of Facility	PWS
Consulting Engineer	Kenneth L. Bolig, P. E. P. O. Box 1002 Palmer Building Millersville, PA 17551-0302
Application Received Date	May 15, 2002
Description of Action	Installation of a chemical feed system for the injection of a phosphate compound for corrosion control. Project will also convert the disinfection system from gas chlorination to liquid chlorination.

Permit No. 0602505 , Public Water Supply.	
Applicant	Post Precision Castings Inc.
Municipality	Upper Tulpehocken Township
County	Berks
Responsible Official	Mark C. Strubhar, Maintenance Manager P. O. Box A, 21 Walnut Street Strausstown, PA 19559 0100
Type of Facility	PWS
Consulting Engineer	James R. Fisher, P. E. Fisher Engineering Inc. 18 C S 7th Street Akron, PA 17501
Application Received Date	May 17, 2002
Description of Action	Installation of softening and nitrate treatment systems for Well No. 2.

Permit No. 3602508 , Public Water Supply.	
Applicant	Motiva Enterprises LLC
Municipality	Lancaster
County	Lancaster
Responsible Official	Robert Weaver, Project Manager 6310 Allentown Boulevard Harrisburg, PA 17112
Type of Facility	PWS

Consulting Engineer MaryAnn Curtin, P. E.
SAIC Engineering Inc.
6310 Allentown Boulevard
Harrisburg, PA 17112

Application Received Date April 23, 2002

Description of Action Installation of GAC treatment for the removal of MTBE from the groundwater source

Permit No. 0602503, Public Water Supply.

Applicant **Berks Leisure Living**
Municipality Bern Township
County **Berks**
Responsible Official Rosa Bechtel, President
1399 Fairview Drive
Leesport, PA 19533

Type of Facility PWS
Consulting Engineer David J. Gettle
Kohl Bros., Inc.
P. O. Box 350
Myerstown, PA 17067

Application Received Date April 23, 2002

Description of Action Construction of Well No. 2 with disinfection and manganese treatment.

Permit No. 3602513, Public Water Supply.

Applicant **Red Caboose Management Inc.**
Municipality Paradise Township
County **Lancaster**
Responsible Official Wayne Jackson, President
P. O. Box 175
Strasburg, PA 17579

Type of Facility PWS
Consulting Engineer Scott M. Rights, P. E.
Steckbeck Engineering Associates
43 N. Cornwall Rd.
Lebanon, PA 17042

Application Received Date June 6, 2002

Description of Action Installation of a nitrate treatment system to address the high nitrates in the well water. The treatment will include disinfection via chlorination and softening.

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

Permit No. 5302502, Public Water Supply.

Applicant **Coudersport Borough Authority**
Borough Coudersport Borough
Potter County
Responsible Official Marlin Moore, Borough Manager
201 South West Street
Coudersport, PA 16915

Type of Facility PWS
Consulting Engineer Uni-Tec Consulting Engineers, Inc.
2007 Cato Ave.
State College, PA 16801

Application Received Date May 31, 2002

Description of Action New 0.5 MG finished water storage tank and North Treatment facility to treat water from proposed North Wells #2A and 3 along with existing North Well #1 and North Spring. Treatment will consist of aeration for CO₂ removal, gas chlorination, polyphosphate sequestering and soda ash addition.

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. 2520062, Minor Amendment.

Applicant **Pennsylvania American Water Company**
Township or Borough Lehman Township
Luzerne County
Responsible Official William C. Kelvington, V. P. Ops.
Pennsylvania American Water Company
800 West Hersheypark Drive
Hershey, PA 17033

Type of Facility Community Water System
Application Received Date April 8, 2002

Description of Action Transfer PWS Operation Permit No. 2520062, issued February 24, 1999, to Lehman-Pike Water & Sewer Co. for operation of community water system serving Saw Creek Estates.

Application No. 4599502-T1, Minor Amendment.

Applicant **Pennsylvania American Water Company**
Township or Borough Middle Smithfield and Lehman Townships
Pike County
Responsible Official William C. Kelvington, V. P. Ops.
Pennsylvania American Water Company
800 West Hersheypark Drive
Hershey, PA 17033

Type of Facility Community Water System
Application Received Date April 8, 2002

Description of Action Transfer PWS Construction Permit No. 4599502, issued February 9, 2000, to Lehman-Pike Water & Sewer Co. for modification of the community water system serving Saw Creek Estates (Interconnection).

Application No. 5291505-T1, Minor Amendment.

Applicant **Pennsylvania American Water Company**
 Township or Borough Lehman Township
Pike County
 Responsible Official William C. Kelvington, V. P. Ops.
 Pennsylvania American Water Company
 800 West Hersheypark Drive
 Hershey, PA 17033

Type of Facility Community Water System

Application Received Date April 8, 2002

Description of Action Transfer PWS Permit No. 5291505, issued August 22, 1994, to Lehman-Pike Development Corporation for modification of the community water system serving Saw Creek Estates (Well No. 7 and Booster Pumping Station No. 2).

Application No. 5294502-T1, Minor Amendment.

Applicant **Pennsylvania American Water Company**
 Township or Borough Lehman Township
Pike County
 Responsible Official William C. Kelvington, V. P. Ops.
 Pennsylvania American Water Company
 800 West Hersheypark Drive
 Hershey, PA 17033

Type of Facility Community Water System

Application Received Date April 8, 2002

Description of Action Transfer PWS Construction Permit No. 5294502, issued September 22, 1994, to Lehman-Pike Water & Sewer Co. for modification of the community water system serving Saw Creek Estates (Storage Tanks 3A, 4, 5A and 6A).

Application No. 5297502-T1, Minor Amendment.

Applicant **Pennsylvania American Water Company**
 Township or Borough Lehman Township
Pike County
 Responsible Official William C. Kelvington, V. P. Ops.
 Pennsylvania American Water Company
 800 West Hersheypark Drive
 Hershey, PA 17033

Type of Facility Community Water System

Application Received Date April 8, 2002

Description of Action Transfer PWS Construction Permit No. 5297502, issued April 24, 1998, to Lehman-Pike Water & Sewer Co. for modification of the community water system serving Timothy Lake.

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 Coordina-

tor 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:

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

Mark Andrews Residence, East Lampeter Township, **Lancaster County**. Groundwater & Environmental Services, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341, on behalf of Mark Andrews, 2192 Old Philadelphia Pike, Lancaster, PA 17602, submitted a Notice of Intent to Remediate site soils contaminated with BTEX and PHCs. The applicant proposes to remediate the site to meet the Statewide Health Standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lancaster New Era/Intelligencer Journal* on March 19, 2002.

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

Snyder Fuels, Inc. Release, Upper Mahanoy Township, **Northumberland County**. Chambers Environmental Group, Inc., on behalf of Snyder Fuels, Inc., 155 S. Tenth Street, Sunbury, PA 17801, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with BTEX. The applicant proposes to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Daily Item* on March 15, 2002.

Oaks Club Facility (former), Loyalsock Township, **Lycoming County**. Converse Consultants, on behalf of Roger D. Jarrett, 5680 Route 405 Highway, Muncy, PA 17756, has submitted a Notice of Intent to Remediate groundwater contaminated with BTEX. The applicant proposes to meet the Background Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Williamsport Sun-Gazette* on May 30, 2002.

Lucas Brothers Garage, Westover Borough, **Clefield County**. Bolger Brothers, Inc., on behalf of Gene Hagens, 120 N. Main St., Westover, PA 16692, has submitted a Notice of Intent to Remediate soil and groundwater contaminated with BTEX, PAHs and PHCs. The applicant proposes to meet the Special Industrial Area requirements. A summary of the Notice of Intent to Remediate was reported to have been published in *The Progress* on May 13, 2002.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

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

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

PAD085690592. Republic Environmental Systems (PA) Inc., 2869 Sandstone Dr., Hatfield, PA 19440, Hatfield Township, **Montgomery County**. Application for modifications to the generic waste acceptance procedures received on May 30, 2002.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

PLAN APPROVALS

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

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

06-05024B: Reliant Energy Mid-Atlantic Power Holdings, LLC (1001 Board Street, P. O. Box 1050, Johnstown, PA 15907-1050) for modification of the electric

generating plant controlled by low NO_x burners, SOFA and electrostatic precipitators at the Titus Station in Cumru Township, **Berks County**.

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

18-0007A: Brodart, Inc. (500 Arch Street, Williamsport, PA 17705) for construction of a relocated wood furniture finishing operation at the McElhattan Plant in Wayne Township, **Clinton County**.

18-00009A: Clinton County Solid Waste Authority (P. O. Box 209, McElhattan, PA 17748-0209) for construction of a landfill gas-fired flare at the Wayne Township Landfill in Wayne 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.

21-05031B: Community Refuse Service, Inc. d/b/a Cumberland County Landfill (620 Newville Road, Newburg, PA 17240) for operation of a portable stone crushing plant. This source may be operated at Cumberland County Landfill (**Cumberland County**), Sandy Run Landfill (**Bedford County**) and Mosteller Landfill (**Somerset County**) in accordance with 25 Pa. Code § 127.631. The installation of this source will result in a potential to emit 33.1 tons per year of NO_x and 6.6 tons per year of particulate matter. The approval will include monitoring, record keeping, reporting and work practice requirements designed to keep the source operating within all applicable air quality standards. The plan approval will be incorporated in to the Title V operating permit through an administrative amendment at a later date.

32-00363A: Spicer Energy II LLC (50 Danbury Road, Wilton, CT 06897) for installation of facility to manufacture synthetic fuel at Conemaugh Station in West Wheatfield Township, **Indiana 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.

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

39-318-110: Prior Coated Metals, Inc. (2233 26th Street Southwest, Allentown, PA 18052) for replacement of an existing thermal incinerator with a newer more energy efficient regenerative thermal oxidizer (RTO) to control VOC emissions from the existing coating line in the City of Allentown, **Lehigh County**. This is a major facility and is subject to Title V permitting requirements. This project involves replacement of existing air cleaning device with a newer more efficient air-cleaning device. Due to this modification, the VOC emission rate from the facility will not be affected and will remain at 45.7 tons per year. The Plan Approval will contain conditions requiring the source to show compliance with the emission rate. The Plan Approval and Operating Permit will contain additional record keeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

40-320-016: Quebecor World Hazleton, Inc. (Humboldt Industrial Park, R. R. 1, Box 409Z, Hazleton, PA 18201) for installation of a lithographic printing line and RTO to control VOC emissions in Hazleton, **Luzerne County**. This facility is a non-Title V facility. Installation of this line will increase potential VOC emissions from the facility by 4.39 tons per year. The plan approval will limit the VOC emissions from this source to 4.39 tons per year on a 12 month rolling sum and the RTO must meet 98% destruction efficiency for the VOC emissions. The operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The company will continuously record the RTOs operating temperature and maintain the system in accordance with the good engineering practices to assure proper operation of the system.

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

06-05078D: FR and S, Inc. d/b/a Pioneer Crossing Landfill (727 Red Lane Road, Birdsboro, PA 19508) for modification to its existing landfill in Exeter Township, **Berks County**. The proposed facility is subject to the applicable requirements of 25 Pa. Code Chapter 127, 40 CFR Part 60, Subpart WWW—Standards of Performance for Municipal Solid Waste Landfills and 40 CFR Part 61, Subpart M. The Department believes that the facility will meet these requirements by complying with the following Plan Approval conditions:

1. The facility is to be modified in accordance with the plans submitted with the application (as approved herein).

2. This approval is issued for the construction of a municipal solid waste (MSW) landfill expansion with a design capacity of 9.8 million cubic yards or 6.06 million megagrams.

3. This approval is issued for the modification of the enclosed ground flare with a maximum landfill gas capacity of 4,200 cubic feet per minute and various temporary landfill gas flares.

4. A permanent gas collection system shall be installed for each cell within 1 year after that cell has achieved final grade. As part of the system, the permittee shall install and maintain a final cover on the completed cells including a geomembrane cap as approved by the Department's Waste Management Program.

5. The permittee may passively vent wells to temporary flares until a permanent connection is made to the permanent flare.

6. The permittee shall install and operate slip form wells in each of the active fill cells. The wells shall be installed and operated as per the permittee's letter of May 22, 2002. The slip form gas wells shall be connected to the gas collection system when located in a nonactive area. Wells located in active areas shall be vented to temporary flares. Whenever possible, the slip form gas wells shall be maintained until permanent vertical wells are installed and operating. The slip form wells can be used as permanent wells.

7. The permittee shall notify the Department in writing of the following within 5 working days:

Start of placing MSW in the expansion.

Date each cell reaches final grade.

Start of installation of collection system.

Date collection system is complete.

Start of venting to temporary flare.

Start of venting to permanent flare.

Date of the installation and operation of each slip form gas well.

8. The nonmethane organic compounds (NMOC) destruction efficiency of the permanent flare shall be 98% or greater unless the NMOC emission rate is 20 ppmv (as hexane at 3% oxygen) or less.

9. The emissions from the flare shall not exceed the following limits:

VOC—1.0 pound per hour

SOx—3.0 pounds per hour

NOx—13.0 pounds per hour

CO—10.0 pounds per hour

10. The emissions from the facility shall not exceed the following limits during any consecutive 12-month period:

VOC—less than 50 tons

SOx—15 tons

NOx—58 tons

CO—45 tons

PM-10—69 tons

HPA (single)—less than 10 tons

HAP (total)—less than 25 tons

11. The permittee shall conduct a performance test as per 40 CFR 60.754(d), Subpart WWW, Chapter 139 and the Department's "Landfill Permitting Criteria" policy dated May 4, 1990, for the following:

Destruction of NMOC or total NMOC emissions

VOC

Sulfur oxides as sulfur dioxide

Nitrogen oxides as nitrogen dioxide

Carbon monoxide

HAPs (listed in the policy)

The initial performance test shall be conducted no later than 180 days after the venting of the first completed cell of the expansion. After this initial test, the permittee shall retest the flare for NMOC destruction once every 2 years. The permittee may sample the gas entering the flare system for the HAPs listed in the policy before the source test. The source test may be limited to only those HAPs found in the pretesting sampling.

12. The permittee shall conduct a Method 25C NMOC concentration test during each performance test previously noted.

13. At least 60 days prior to each test, the permittee shall submit to the Department for approval, the procedures for the test and a sketch with dimensions indicating the location of the sampling ports and other data to ensure the collection of representative samples.

14. At least 30 days prior to each source test, the Regional Air Quality Program Manager shall be informed of the date and time of the test.

15. Within 30 days after each source test, three copies of the complete test report, including all operating conditions, shall be submitted to the Regional Air Quality Program Manager for approval.

16. The permittee shall determine the average temperature of the combustion gases exiting the permanent flare during each NMOC destruction test. This temperature shall be maintained during the operation of the permanent flare in accordance with 40 CFR 60.758(c)(1)(i).

17. The permittee shall install and maintain a temperature measuring and recording device on the permanent flare that shows the temperature of the gases exiting the combustion chamber or zone. This device shall meet the standards of 40 CFR 60.756(b)(1).

18. All permanent well heads and any other vented source shall be air tight and be equipped so that at the request of the Department the pressure differential between the vent and the atmosphere can be measured. The well heads shall be equipped with a sampling port and thermometer.

19. At a minimum, the permittee shall conduct leak checks on each permanent well head and vent once per month. The gas pump, permanent flare and associated equipment shall be leak checked daily. No leaks shall exceed 500 ppmv as propane or 1,365 ppmv as methane at a distance of 0.5 inch.

20. The permittee shall operate the landfill so that the surface methane concentration is less than 500 ppmv as methane above background, around the perimeter of the permanent collection area, points where objects pass through the landfill cap and along the serpentine pattern spaced 30 meters apart across the permanent collection area as per 40 CFR 60.763(d), Subpart WWW or alternate as approved by the Department.

21. The permittee shall submit to the Department within 90 days after the installation of each section of the permanent collection system a surface monitoring design plan. This monitoring plan shall conform to 40 CFR 60.753(d).

22. The permittee shall operate the vertical wells and horizontal trenches in accordance with 40 CFR 60.753.

23. The permittee shall conduct monitoring of the permanent wellheads monthly for temperature and either nitrogen or oxygen content, in accordance with 40 CFR 60.756(a).

24. The permittee shall maintain records as required by 40 CFR Part 60, Subject WWW and 40 CFR Part 61, Subpart M. In addition, the permittee shall maintain the following records:

Monthly emissions of NMOC

12-month rolling total of NMOC emissions

Monthly emissions of VOC

12-month rolling total of VOC emissions

Monthly emissions of HAPs

12-month rolling total of HAP emissions

Amount of landfill area capped (12-month rolling total)

Amount of landfill area at final grade, but uncapped (12-month rolling total)

Amount of landfill area in active disposal (12-month rolling total)

25. Within 90 days, the permittee shall submit a plan explaining how the emissions from the landfill will be calculated and maintained for the Department's approval.

26. The operation of the permanent flare shall not result in visible emissions.

27. The operation of the source shall not result in malodors detectable outside the property of the facility.

28. The landfill is subject to 40 CFR Subpart WWW of the Standards of Performance for New Stationary Sources and shall comply with all applicable requirements of this subpart. 40 CFR 60.4 requires submission of copies of all requests, reports, applications, submittals and other communications to both the EPA and the Department. The landfill is also subject to Subpart M of the National Standards for Hazardous Air Pollutants and shall comply with all applicable requirements of this Subpart. 40 CFR 61.04 requires submission of copies of all requests, reports, applications, submittals and other communications to both the EPA and the Department. The EPA copies shall be forwarded to Director, Air Protection Division, EPA, Region III (3AP00), 1650 Arch Street, Philadelphia, PA 19103-2029.

29. Records required under this approval and 40 CFR Part 60, Subpart WWW shall be kept for a period of 5 years and shall be made available to the Department upon its request.

30. The permittee shall comply with 40 CFR 61.154 when disposing of asbestos containing materials.

31. This approval authorizes temporary operation of the source, temporary flares and permanent flares provided the following conditions are met:

a. The Department must receive the written notices as found in Condition 7.

b. Operation is authorized only to facilitate the start-up and shakedown the permanent flare, to conduct the required testing, to permit operations pending the issuance of an operating permit and to permit the evaluation of the source for compliance with all applicable regulations and requirements.

c. This condition authorizes temporary operation of the source for a period of 180 days from the date of commencement of operation, provided the Department receives notice from the permittee.

d. The permittee shall request an extension if compliance with all applicable regulations and approval requirements has not been established during the authorized temporary operation. The extension request shall be submitted in writing at least 15 days prior to the end of this period of temporary operation.

An appointment to review the pertinent documents at the Reading District Office may be scheduled by contacting Donna Good at (610) 916-0100 between 8:30 a.m. and 3:30 p.m., Monday through Friday, except holidays.

Persons needing additional information should contact Roger Fitterling, Department of Environmental Protection, 1005 Cross Roads Blvd., Reading, PA 19605, (610) 916-0100. Written comments should be mailed to Air Quality Program at the previous address during the 30-day comment period following the publication of this notice.

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

60-310-006A: Eastern Industries, Inc. (P. O. Box 177, Winfield, PA 17889) for the construction of a new stone crushing operation consisting of various pieces of equipment, such as stone crushing, screening, conveying, and the like, at their existing Lewisburg Quarry in Buffalo

Township, **Union County**. The fugitive dust emissions from this equipment will be controlled by water spray dust suppression systems. The resultant emissions to the atmosphere will be up to 15.8 tons per year.

The Department has determined that the proposed stone crushing operation will comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the fugitive air contaminant emission requirements of 25 Pa. Code § 123.1 and the requirements of 40 CFR 60.670—60.676, Subpart OOO of the Federal Standards of Performance for New Stationary Sources. The Department consequently intends to issue plan approval for the construction of the respective operation.

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

1. The fugitive particulate matter emissions from the operation of the stone crushing operation shall be controlled by two water spray dust suppression systems which shall, at a minimum, incorporate the spray nozzles identified in the plan approval application. Each system shall incorporate the use of a strainer to prevent the water spray nozzles from clogging.

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

3. The stone crushing operation shall not be operated at any time that the associated water spray dust suppression systems cannot be operated due to freezing weather or any other reason.

4. The air contaminant emissions from the equipment shall comply with the applicable requirements specified in 40 CFR 60.670—60.676.

5. This plan approval does not authorize the construction of any engines, generators or engine/generator sets.

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

7. Any of the respective equipment can be replaced without obtaining plan approval provided that the replacement equipment is of equal or smaller size and is of equivalent design and function as defined in 40 CFR 60.670—60.676.

08-302-042A: Oak Hill Veneer, Inc. (P. O. Box 304, Route 14 North, Troy, PA 16947) for the construction of a 14.7 million Btu per hour natural gas-fired boiler at their facility located in Troy Township, **Bradford County**. Oak Hill Veneer is a minor facility.

The information provided by the applicant, as well as the Department's own analysis, indicates that the boiler will have the potential to emit 1.76 tons of nitrogen oxides per year, as well as an insignificant amount of carbon monoxide, VOCs, particulate matter and oxides of sulfur.

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

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

- The NO_x concentration of the exhaust from the boiler shall never exceed 85 ppm, corrected to 3% O₂.
- The boiler shall not be operated more than 3,000 hours per 12 consecutive month period.
- The boiler shall only be fired on natural gas.
- The boiler shall be equipped with instrumentation to monitor the number of hours the boiler is operated.
- The company shall maintain comprehensive and accurate records of the number of hours the boiler operates each month.
- The boiler shall comply with all applicable requirements of Subpart Dc of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.40c—60.48c.

14-313-039A: RUTGERS Organics Corporation (201 Struble Road, State College, PA 16801) for the modification of an existing chemical process facility consisting of an increase in the allowable annual production of Product 9001 in College Township, **Centre County**.

After the proposed modification, the operation of the chemical process facility will result in VOC and HAP emissions of 0.087 and 0.028 ton per year, respectively. The proposed modification is expected to result in only minimal increases of VOC and HAP emissions in addition to those presently occurring.

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

1. The Heil #732.5 packed bed scrubber identified as S0101 shall utilize a minimum 6% caustic soda solution as the scrubbing solution. The solution shall be recirculated through the scrubber at a rate of not less than 25 gallons per minute. Additionally, a fresh batch of scrubbing solution shall be prepared for each batch of Product 9001 produced.
2. The Heil #732.5 packed bed scrubber identified as S0102 shall utilize a 10% sodium hydroxide solution as the scrubbing solution. The solution shall be recirculated through the scrubber at a rate of not less than 15 gallons per minute. Additionally, the company shall sample the scrubbing solution after each batch of Product 9001 to ensure that the solution's sodium hydroxide concentration will be greater than or equal to 10% for the next batch run.
3. All glycol-cooled condensers shall be supplied with glycol coolant having a temperature no greater than -1.1°C. The 67 square foot condenser associated with vessel K0111 shall be supplied with tempered oil coolant having a temperature no greater than 75°C. The 60 square foot condenser associated with K0143 shall be supplied with thermal oil coolant having a temperature no greater than 10°C. The 100 square foot condenser associated with the dryer in Stage 2 shall be supplied with glycol coolant having a temperature no greater than

7°C. Additionally, all glycol feed lines shall be equipped with a temperature monitor that will accurately monitor the glycol feed temperature.

4. Under no circumstances shall any of the air cleaning devices be used for the simultaneous control of air contaminant emissions from this process and any other process at the facility.

5. The production rate of Product 9001 shall never exceed 275,000 pounds in any 12 consecutive month period unless prior written Department approval has first been obtained.

17-305-042B: DTE River Hill, LLC—Owner (P. O. Box 8614, 425 Main Street, Suite 201, Ann Arbor, MI 48107) and **Covol Fuels, Division of Headwaters, Inc.—Operator** (11778 South Election Drive, Suite 210, Draper, UT 84020) for the modification of a coal fines agglomeration facility located in Karthus Township, **Clearfield County**, to increase the production of agglomerated fuel product from 613,000 tons per year to 1.752 million tons per year, as well as for the installation of a cartridge collector to control the particulate matter emissions from two pellet mills. The coal fines agglomeration plant is a minor facility.

The information provided by the applicant, as well as the Department's own analysis, indicates that the throughput modification and the cartridge collector installation will result in an insignificant increase in the emission of particulate matter.

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

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

- The coal fines agglomeration facility shall not produce more than 1.752 million tons of synthetic fuel per year.
- The dryer shall not be operated more than 5,840 hours per year.
- The dryer shall not operate in excess of 100 tons per hour.
- The dryer shall not produce more than 584,000 tons of product per year.
- The particulate matter concentration of the cartridge collector's exhaust shall not exceed 0.01 grain per dry standard cubic foot.
- The cartridge collector shall be operated any time that either one, or both, of the pellet mills are operated.
- The cartridge collector shall be equipped with instrumentation to continuously monitor the differential pressure across the collector.
- The air compressor associated with the cartridge collector shall be equipped with an air dryer and an oil trap.
- Recordkeeping conditions to track product throughput and operating hours.

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.

01-05003: Columbia Gas Transmission Corp. (1700 MacCorkle Avenue S. E., Charleston, WV 25325-1273) for a Title V Operating Permit Renewal to operate a natural gas compressor station at its Gettysburg Compressor Station located in Straban Township, **Adams County**. The facility's major sources of emissions include four gas turbine driven compressors and an engine-generator that primarily emit NOx. The Title V operating permit contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

05-05007: Texas Eastern Transmission, LP (P. O. Box 1642, Houston, TX 77251-1642) for a Title V Operating Permit Renewal to operate a natural gas compressor station at its Bedford Compressor Station in Bedford Township, **Bedford County**. The facility's major sources of emissions include the engine driven compressors and generators that primarily emit NOx. The Title V operating permit contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

21-05029: Sunoco Partners Marketing and Terminals, LP (formerly Atlantic Refining and Marketing Corp.) (1801 Market Street, Philadelphia, PA 19103-1699) for a Title V Operating Permit Renewal to a petroleum product storage and loading terminal at its Mechanicsburg Terminal in Hampden Township, **Cumberland County**. The facility's major sources of emissions include a loading rack and gasoline tanks that primarily emit VOCs. The Title V operating permit contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

20-00035: Molded Fiber Glass Companies—Tray Co. (6175 US Highway 6, Linesville, PA 16424) for a Title V Operating Permit Renewal to operate a Reinforced Plastic Manufacturing Facility in Linesville Borough, **Crawford County**.

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

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

23-00072: Action Supply Co., Inc. (Calcon Hook Road, Sharon Hill, PA 19079) for manufacturer of ready-made concrete at their facility in Darby Township, **Delaware County**. The concrete manufactured is used in the three plants the company operates. The potential combined uncontrolled emissions from the three concrete plants are 70.2 tons of particulate matter per year. Baghouses are used to control emissions from the silos of each plant. The facility also operates a 5 million Btu per

hour boiler that has the potential to emit 2.086 tons of nitrogen oxides per year. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

09-00108: Bucks County Water and Sewer Authority (Route 13 and Haunted Lane, Bensalem, PA 19020) for operation of an odor control scrubber in Bensalem, **Bucks County**. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

08-399-047B: OSRAM SYLVANIA Products, Inc. (Hawes Street, Towanda, PA 18848-0504) for the operation of four EL phosphor chemical vapor deposition (CVD) fluid bed coating reactors (ANE process) in North Towanda Township, **Bradford County**.

The four CVD coating reactors are used to coat phosphors with silicon nitride. The resultant emissions of ammonia, dimethylamine (a VOC) and nitrogen oxides are controlled by a catalytic oxidizer and a selective catalytic reduction system operating in series. Stack testing has demonstrated ammonia, dimethylamine and nitrogen oxides emission rates of .0015, .032 and .59 pound per hour respectively.

The Department has determined that the four CVD coating reactors have been constructed and are operating in accordance with all conditions of Plan Approvals 8-399-047, 8-399-047A and 8-399-047B as well as in compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. The Department consequently intends to issue an operating permit for the operation of the respective coating reactors.

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

1. The air contaminants from the four CVD coating reactors shall be controlled by a catalytic oxidizer and a selective catalytic reduction system operating in series.

2. The air contaminant emission capture system associated with the four CVD coating reactors shall provide 100% capture of all air contaminants emitted from the reactors.

3. The amount of dimethylamine emitted from the selective catalytic reduction system shall not be greater than 1.3% (on a mass basis) of the amount of dimethylamine present in the inlet to the catalytic oxidizer.

4. The amount of ammonia emitted from the selective catalytic reduction system shall not be greater than 1% (on a mass basis) of the amount of ammonia present in the inlet to the catalytic oxidizer nor shall the ammonia concentration in the exhaust of the selective catalytic reduction system ever exceed 50 parts per million (volume basis).

5. The nitrogen oxides emission rate from the selective catalytic reduction system shall not exceed 1.55 pounds per hour.

6. The exhaust gases from the CVD coating reactors shall be maintained at a temperature of at least 600°F prior to coming in contact with the catalyst bed in the catalytic oxidizer. Additionally, should the temperature drop below 600°F, the reactant feed to the CVD coating reactors shall automatically cease and an alarm shall sound.

7. The catalytic oxidizer shall be equipped with a continuous catalyst bed inlet and outlet temperature monitoring and recording system and a UV flame scanner. All temperature records shall be retained for at least 5 years and shall be made available upon request.

8. The selective catalytic reduction system shall be equipped with a nitrogen oxides analyzer, which shall be used to control the ammonia injection rate, as well as with catalyst bed inlet and outlet low and high temperature alarms and a catalyst bed high nitrogen oxides concentration alarm.

9. None of the conditions contained in this operating permit shall apply whenever the four CVD coating reactors are being used to coat phosphors using the CJ process.

MINING ACTIVITY APPLICATIONS

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

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

Written comments, objections or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment and informal conferences).

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the previous, more restrictive effluent limita-

tions, 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.

49970202R. Susquehanna Coal Company (P. O. Box 27, Nanticoke, PA 18634), renewal of an existing anthracite coal refuse reprocessing operation in Mt. Carmel Township, **Northumberland County** affecting 808.0 acres. Receiving stream: none. Application received May 31, 2002.

54920202R. Dizenzo Coal Company (1389 Bunting Street, Pottsville, PA 17901), renewal of an existing anthracite coal refuse reprocessing operation in Branch Township, **Schuylkill County**, affecting 18.9 acres. Receiving stream: Carp Creek. Application received May 31, 2002.

54860207R3. South Tamaqua Coal Pockets, Inc. (804 West Penn Pike, Tamaqua, PA 18252), renewal existing coal refuse reprocessing and refuse disposal operation in West Penn Township, **Schuylkill County**, affecting 65.0 acres. Receiving stream: none. Application received June 11, 2002.

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

26020103 and NPDES Permit No. PA0250163. Stash Mining Co. (P. O. Box 20, Waltersburg, PA 15488). Application for commencement, operation and reclamation of a bituminous surface mine located in Menallen Township, **Fayette County**, affecting 27.7 acres. Receiving stream: Redstone Creek to Monongahela River, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received June 7, 2002.

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

11020102 and NPDES Permit No. PA0249220. Bell Resources, Inc., R. R. 2, Box 281, Curwensville, PA 16833-9101, commencement, operation and restoration for a bituminous surface and auger mine and for discharge of treated mine drainage in Reade Township, **Cambria County**, affecting 78.2 acres. Receiving streams: unnamed tributaries to Muddy Run and Muddy Run classified for the following uses: CWF. There are no potable

water supply intakes within 10 miles downstream. Application received June 6, 2002.

11840112 and NPDES Permit No. PA0607380. C & K Coal Company, P. O. Box 69, Clarion, PA 16214, permit renewal for reclamation only and for continued restoration of a bituminous surface mine in Reade Township, **Cambria County**, affecting 143.0 acres. Receiving streams: Muddy Run to Clearfield Creek to West Branch of the Susquehanna classified for the following uses: WWF. There are no potable water supply intakes within 10 miles downstream. Application received June 7, 2002.

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

11850701. NPDES Permit #PA0214980, Fuel Recovery, Inc. (2591 Wexford-Bayne Rd., Suite 204, Sewickley, PA 15143), to transfer the permit for the Sonman Refuse in Portage Township, **Cambria County** to transfer from Cooney Bros. Coal Co., Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Application received April 8, 2002.

56831602. NPDES Permit #PA0214469, Reitz Coal Co. (509 15th St., Windber, PA 15963), to renew the permit for the Reitz #4 Prep Plant 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 May 10, 2002.

32021301. NPDES Permit # N/A, TJS Mining, Inc. (R. D. 1, Box 260D, Shelocta, PA 15774), to operate the Rossmoyne No. 1 Mine in South Mahoning Township, **Indiana County**, operate mine, Surface Acres Proposed 25.5, Underground Acres Proposed 1262.0, SCP Acres Proposed 1171.0, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, unnamed tributary to Ross Run, classified for the following uses: HQ—CWF. The first downstream potable water supply intake from the point of discharge is N/A. Application received May 13, 2002.

56841328. NPDES Permit #PA0033677, BethEnergy Mines, Inc. (P. O. Box 29, Ebensburg, PA 15931), to renew the permit for the Windber Mine #78 in Paint 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 June 5, 2002.

Noncoal Applications Received

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

38870301T4 and NPDES Permit #PA0595543. Pennsy Supply, Inc. (1001 Paxton Street, P. O. Box 3331, Harrisburg, PA 17105), transfer of an existing quarry operation from Pennsylvania Lime, Inc., in Annville, N. Annville, S. Annville and N. Londonderry Town-

ships, **Lebanon County**, affecting 948.1 acres, receiving streams: Killinger Creek. Application received June 10, 2002.

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

37990304. G. L. McKnight, Inc. (P. O. Box 773, Slippery Rock, PA 16057). Revision to an existing sand and gravel operation in Plain Grove Township, **Lawrence County**, affecting 45.0 acres. Receiving stream: Jamison Run, classified for the following uses: Statewide water uses: CWF. No public water supplies are within 10 miles downstream of this proposed operation. Revision to include 1 acre of mining area to the permit. Application received June 12, 2002.

2170-37990304-E-3. G. L. McKnight, Inc. (P. O. Box 773, Slippery Rock, PA 16057). Application for a stream encroachment to recover sand and gravel within the 100 foot stream barrier of unnamed tributary to Jamison Run No. 1 in Plain Grove Township, **Lawrence County**, affecting 45.0 acres. Receiving stream: Jamison Run, classified for the following uses: Statewide water uses: CWF. No public water supplies are within 10 miles downstream of this proposed operation. Revision to include 1 acre of mining area to the permit. Application received June 12, 2002.

2170-37990304-E-4. G. L. McKnight, Inc. (P. O. Box 773, Slippery Rock, PA 16057). Application for a stream encroachment to recover sand and gravel within the 100 foot stream barrier of Jamison Run in Plain Grove Township, **Lawrence County**, affecting 45.0 acres. Receiving stream: Jamison Run, classified for the following uses: Statewide water uses: CWF. No public water supplies are within 10 miles downstream of this proposed operation. Revision to include 1 acre of mining area to the permit. Application received June 12, 2002.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, draw-

ings 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, contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E09-840. Doylestown Borough, 57 West Court Street, Doylestown, PA, 18901-4260, Doylestown Borough, **Bucks County**, ACOE Philadelphia District. To perform the following activities in and along Cooks Run (WWF-MF) associated with the proposed Veterans Lane Reconstruction Project:

1) To regrade along a 565-foot reach of the 100-year floodplain immediately upstream of an existing culvert crossing for the purposes of reducing flooding. This work also includes construction and maintenance of various stormwater outfall structures.

2) To regrade along a 200-foot reach of the 100-year floodplain associated with the construction of a right hand turn lane onto Broad Street.

3) To construct and maintain two stormwater outfall channels and associated structures along the north bank and the south bank immediately upstream of the proposed pedestrian bridge previously authorized by GP070901338.

The site is located approximately 1,500 feet northwest of the intersection of Main Street and Veterans Lane (Doylestown, PA USGS Quadrangle N: 1.4 inches; W: 12.8 inches).

E46-916. Alice A. Dalasio, 271 Riverview Road, King of Prussia, PA 19406, West Norriton Township, **Montgomery County**, ACOE Philadelphia District.

To replace and maintain approximately 40 feet of riverfront retaining wall and approximately 110 feet of ramp sidewalls along the Schuylkill River (WWF-MF). The proposed structure will replace a similar structure that was damaged as a result of Hurricane Floyd. The damaged walls were subsequently removed. The project site is located 1,000 feet east of the intersection of Hillside Drive and Mystic Lane (Valley Forge, PA Quadrangle N: 20.5 inches; W: 4.4 inches).

E23-422. Columbia Gas Transmission Corporation, P. O. Box 1273, 1700 MacCorkle Avenue, Charleston, WV 25325-1273, Bethel, Concord and Chadds Ford Townships, **Delaware County**, ACOE Philadelphia District.

To construct and maintain 5.10 miles of 20-inch diameter gas pipeline crossing streams and wetlands of the Ridley Creek Watershed at 16 different locations. The site begins near Heyburn Road and extends to its terminus at Laurel Pipe Line Company's Buckeye Tank Farm

(Wilmington North, PA and Marcus Hook, PA USGS Quadrangle, beginning N: 22.1 inches; W: 9.4 inches, ending N: 17.0 inches; W: 9.4 inches). This project is a part of Delaware Valley Energy Expansion Project, which extends through Delaware and Chester Counties.

E15-687. Columbia Gas Transmission Corporation, P. O. Box 1273, 1700 MacCorkle Avenue, Charleston, WV 25325-1273, East Brandywine, Uwchlan, Upper Uwchlan, Caln, West Bradford and West Vincent Townships, **Chester County**, ACOE Philadelphia District.

To construct and maintain approximately 9.14 miles of 24-inch diameter gas pipeline crossing streams and wetlands of the Pickering, Brandywine and the White Clay watersheds at 37 locations. The site begins at Columbia's Downingtown Compressor Station and extends to its terminus at Columbia's Eagle Compressor Station (Unionville, Downingtown, PA USGS Quadrangle, beginning N: 19.5 inches; W: 17.7 inches; ending N: 17.7 inches; W: 8.6 inches). This project is a part of Delaware Valley Energy Expansion Project, which extends through Delaware and Chester Counties.

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

E40-603. Pennsylvania Department of Transportation, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501, in Dupont Borough, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain a stream enclosure of Mill Creek (CWF), consisting of approximately 190 linear feet of 14.0-foot by 8.0-foot reinforced concrete box culvert. A precast concrete U-channel transition section will be constructed, extending approximately 50 feet upstream of the proposed structure. Flow will be diverted around a section of channel, approximately 280 feet in length, during construction, utilizing a temporary 48-inch CMP culvert. The project is located along SR 2035, Section 371, Segment 0220, Offset 1694 (Bear Creek Road), immediately upstream of SR 0315 northbound (Chestnut Street) (Avoca, PA Quadrangle N: 12.5 inches; W: 17.1 inches).

E40-602. William J. and Denise M. Karlotski, 124 Pavlick Road, Hunlock Creek, PA 18621, in Harveys Lake Borough, **Luzerne County**, U. S. Army Corps of Engineers, Baltimore District.

To modify and maintain an existing boathouse and dock in Harveys Lake, with work including the addition of a 30-foot by 4-foot area of dock, supported on existing piers, to connect the existing boathouse and dock. The existing and proposed structure extends a maximum distance of approximately 41 feet from the shoreline. The project is located at Pole No. 8, along Lakeside Drive (Harveys Lake, PA Quadrangle N: 19.0 inches; W: 4.5 inches).

E45-429. William Koller, 27 Roanoke Road, Bridgewater, NJ 08807, in Middle Smithfield Township, **Monroe County**, U. S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a private road crossing through a de minimis area of wetlands equal to 0.03 acre consisting of clean rock fill having approximate dimensions of 135 feet by 10 feet with three 8-inch diameter cross drain pipes to provide access to a proposed single family dwelling. The project is located in Country Woods Estates Subdivision, Lot 25, Section 2, approximately 1,200 feet east of the intersection of T630 (Coolbaugh Drive) and Stony Brook Road (Bushkill, PA Quadrangle N: 14.7 inches; W: 16.0 inches).

E45-430. Pocono Stroudsburg Airport, Inc., R. R. 2, Box 2115, East Stroudsburg, PA 18301, in Smithfield Township, **Monroe County**, U. S. Army Corps of Engineers, Philadelphia District.

To place fill in a de minimis area of PFO wetlands equal to 0.05 acre for the purpose of widening an existing driveway to serve two buildings for a business known as Kal's Insulation. The project is located on the east side of Airport Road, approximately 0.4 mile north of BR 0209 (East Stroudsburg, PA Quadrangle N: 6.4 inches; W: 3.8 inches).

E39-413. Lehigh County, 17 South Seventh Street, Room 522, Allentown, PA 18101-2400, in South Whitehall Township, **Lehigh County**, U. S. Army Corps of Engineers, Philadelphia District.

To repair and maintain a three-span covered wooden bridge, having a center span of 48 feet and spans of 36 feet and an underclearance of approximately 11 feet across Jordan Creek (TSF). Repairs consist of the replacement of the deck and four stringers. The project is located on Wehrs Road, approximately 0.2 mile southeast of its intersection with Parkland Road (SR 4003) (Cementon, PA Quadrangle N: 0.6 inch; W: 9.7 inches).

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

E05-304. Art Riexinger, 690 Steinman Court, Lancaster, PA 17603 in Broad Top Township, **Bedford County**, ACOE Baltimore District

To construct and maintain a bridge having a span of 32 feet and an underclearance of 6 feet across the channel of Sherman Valley Run (CWF) at a point approximately 14,500 feet downstream of Route 915 (Wells Tannery, PA Quadrangle N: 16.6 inches; W: 16.8 inches) in Broad Top Township, Bedford County.

E34-106. Tim McGovern, Lamar Advertising Company, 308 S. 10th Street, Lemoyne, PA 17043 in Delaware Township, **Juniata County**, ACOE Baltimore District.

To place fill in 0.44 acre of palustrine forested/scrubshrub wetlands adjacent to the Juniata River (WWF) at a point along SR 3002 for the purpose of construction two billboards (Millerstown, PA Quadrangle N: 11.5 inches; W: 8.5 inches) in Delaware Township, Juniata County.

E36-737. Nevin Hiestand, 1299 South Market Street, Elizabethtown, PA 17022 in Mt. Joy Township, **Lancaster County**, ACOE Baltimore District.

To place fill within 0.148 acre of wetlands tributary to Canoy Creek (TSF) to facilitate expansion of the Heistand Commercial subdivision at a point 200 feet northwest of the intersection of Harrisburg Pike (SR 230) and Anchor Road (Elizabethtown, PA Quadrangle N: 2.7 inches; W: 12.0 inches) in Mt. Joy Township, Lancaster County. The permittee has met the wetland replacement requirement by participating in the Pennsylvania Wetland Replacement Project.

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

E08-394. Pennsylvania Department of Transportation, P. O. Box 218, Montoursville, PA 17754-0218. Concrete Box Culvert, in Springfield Township, **Bradford County**, ACOE Baltimore District (Troy, PA Quadrangle N: 15.75 inches; W: 3.30 inches).

To remove the existing 21 foot by 5.83 foot reinforced concrete slab with a normal clean span of 17.5 feet and a

design underclearance of 5.83 feet over Braces Run (TSF) and to construct and maintain an 18 foot by 7 foot precast reinforced concrete box culvert on a 75° skew depressed 1 foot below streambed, with a curb-to-curb width of 32 feet and a waterway opening of 18 feet by 6 feet on SR 4014, Section 016 about 2 miles east of Columbia Cross Roads. The project will not impact wetlands while impacting approximately 70 feet of waterway.

E14-423. Philipsburg Borough, P. O. Box 631, Philipsburg, PA 16866-0631. Cold stream footbridge, in Philipsburg Borough, **Centre County**, ACOE Baltimore District (Philipsburg, PA Quadrangle N: 3.5 inches; W: 11.1 inches).

To construct and maintain a 4-foot wide by 60-foot long steel beam/wood deck pedestrian bridge with its associated concrete abutments across Cold Stream for a recreational trail located 2,000 feet upstream of the Cold Stream Dam spillway. The project proposes to permanently impact 4 linear feet of the Cold Stream that is classified as HQ-CWF.

E59-432. Pennsylvania Department of Transportation, Engineering District 3-0, 715 Jordan Avenue, P. O. Box 218, Montoursville, PA 17754. SR 6015, Section 20A, in Tioga Township, **Tioga County**, ACOE Baltimore District (Jackson Summit, PA Quadrangle N: 8.3 inches; W: .8 inch).

The permit application proposes to construct a limited access four lane divided highway between the T-667 overpass and SR 0287. This project proposes to impact Bentley Creek with 242 linear feet of stream bank stabilization and 330 linear feet for a culvert enclosure. The application also proposes to impact two unnamed tributaries to Bentley Creek (CWF) with a 210 linear foot enclosure and a 270 linear foot enclosure. Additional impacts are proposed to 38 wetlands with a total impact of 2 acres.

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

E02-1379. Franklin Park Properties, LLC, 25 Crestview Hills Mall Road, Suite 103, Crestview Hills, KY 41017. Franklin Park Borough, **Allegheny County**, ACOE Pittsburgh District.

To place and maintain fill in approximately 0.261 acre of wetlands associated with unnamed tributaries to Fish Run (CWF) and to relocate and maintain approximately 30 feet of the channel of an unnamed tributary to Fish Run (CWF) for the purpose of constructing the Settlers Walk Plan of Lots. The project is located just northeast from the intersection of SR 0079 and Rochester Road (Emsworth, PA Quadrangle N: 16.5 inches; W: 12.6 inches).

E56-316. Cambria Somerset Authority, 244 Walnut Street, Johnstown, PA 15901. Richland, Paint and Stony Creek Townships, Ferndale Borough, City of Johnstown, **Cambria County** and Conemaugh Township, **Somerset County**, ACOE Pittsburgh District.

To rehabilitate, operate and maintain a 7 mile long 36-inch water pipeline along and across Stony Creek (WWF) including stream bank stabilization and associated temporary stream crossings. The pipeline crosses Stony Creek at eight locations. The total length of pipeline crossings is 2,685 feet. The project is located off of Carpenter Park Road (starts: Hooversville, PA Quadrangle N: 20.7 inches; W: 2.4 inches; ends: Johnstown, PA Quadrangle N: 13.9 inches; W: 5.6 inches).

E56-317. Wal Mart Stores, Inc., 2001 South East 10th Street, Bentonville, AR 72716-0550. Somerset Township, **Somerset County**, ACOE Pittsburgh District.

To place and maintain fill in 0.01 acre of wetlands and to enclose and maintain approximately 197 feet of an unnamed tributary to East Branch Coxes Creek for the purpose of constructing a parking lot associated with a proposed Wal Mart Supercenter Store. The project is located on the east side of SR 0601, approximately 2.5 miles north of its intersection with I-76 (Somerset, PA Quadrangle N: 9.7 inches; W: 10.1 inches).

E65-804. Borough of Scottdale, Borough of Scottdale Municipal Building, 10 Mount Pleasant Road, Scottdale, PA 15683. Borough of Scottdale, **Westmoreland County**, ACOE Pittsburgh District.

To improve and maintain existing recreational facilities including tennis, handball and basketball courts and playground areas and their associated stormwater drainage systems located along Jacobs Creek (WWF) in Garfield Park (Connellsville, PA Quadrangle N: 17.4 inches; W: 12.5 inches).

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

E24-225. Steven W. Kronenwetter, R. R. 1, Box 84K, SR 555, Weedville, PA 15868. Wapiti Woods Driveway Construction, in Benezette Township, **Elk County**, ACOE Baltimore District (Weedville, PA Quadrangle N: 5.6 inches; W: 5.8 inches).

To construct and maintain a minor road crossing over a de minimis wetland and unnamed tributary having less than 100 acres of drainage and to construct and maintain a 12-foot wide driveway of which approximately 300 feet of the driveway will be constructed within 50 feet of the top of the bank of the Bennett Branch of Sinnemahoning Creek (CWF). The driveway will consist of approximately 0.5 foot of limestone gravel over 1 foot of sandstone. The driveway will be used to develop a rental cabin business on the property. The project is located adjacent to the south side of SR 555 approximately 1 mile southwest of the intersection of SR 555 and SR 2004.

E25-646. Millcreek Township, 3608 West 26th Street, Erie, PA 16508-2037. Channel cleaning of unnamed tributary to Marshall Run, in Millcreek Township, **Erie County**, ACOE Pittsburgh District (Swanville, PA Quadrangle N: 15.3 inches; W: 4.5 inches).

Excavate debris and sediment from 1,600 feet of an unnamed tributary to Marshall Run starting west of Powell Avenue and extending downstream to the culvert under the existing tracks just east of Caught Road to reduce flooding.

E25-652. James Shaffer, 9771 Old Route 99, McKean, PA, 16426. Lamson Run Bridge, in McKean Township, **Erie County**, ACOE Pittsburgh District (Edinboro North, PA Quadrangle N: 17.0 inches; W: 2.3 inches).

To construct and maintain a bridge across Lamson Run (CWF; MF) in support of the construction of private access driveway and single family residence. The bridge will consist of concrete abutments and a single span steel stringer structure having a clear span of 40 feet and an underclearance of 7 feet. The bridge will be located adjacent to the west side of Old Edinboro Road, approximately 200 feet north of the intersection of Old Edinboro Road and Golden Road.

E25-653. Venango Township Supervisors, 9141 Downhill Road, Wattsburg, PA, 16442. Weeks Valley Road

(Township Road T-774) Bridge in Venango Township, **Erie County**, ACOE Pittsburgh District (Wattsburg, PA Quadrangle N: 5.9 inches; W: 3.2 inches).

To construct and maintain a single span steel stringer bridge having a clear span of 16.3 feet and an underclearance of 7 feet on a 90° skew across an unnamed tributary of French Creek (WWF) on Weeks Valley Road (Township Road T-774) approximately 0.6 mile south of the intersection of Young and Weeks Valley Roads. The former bridge has been removed and the replacement bridge will be constructed on the existing abutments.

E25-654. Pennsylvania Department of Transportation, District 1-0, 255 Elm Street, P. O. Box 398, Oil City, PA 16301. SR 4016 (West 38 Street) between SR 0019 (Peach Street) and SR 0505 (Glenwood Park Avenue) Widening and Relocation in Erie, **Erie County**, ACOE Pittsburgh District (Erie South, PA Quadrangle N: 18.0 inches; W: 10.5 inches).

To relocate, as a result of the widening and relocation of 1 mile of West 38th Street, approximately 350 feet of Mill Creek (WWF) between a location approximately 400 feet downstream of the existing bridge at West 38th Street and SR 505. Project includes the construction and maintenance of a 18-foot long, 8-foot high (each) dual cell box culverts at a location approximately 400 feet downstream of the existing bridge at West 38th Street and a 14-foot long 10-foot high (each) dual cell box culverts at SR 0505. The existing bridge carrying West 38th Street over Mill Creek will remain in place and the 14-foot long, 10-foot high (each) dual cell box culverts will replace the existing bridge at SR 505. This project includes placement of fill in 0.01 acre of de minimis wetland impact associated with this project.

ENVIRONMENTAL ASSESSMENTS

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

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

D40-003EA. Theta Land Corporation, 1004 Exeter Avenue, Exeter, PA 18643. Plains Township, **Luzerne County**, ACOE Baltimore District.

Project proposes to breach Deep Hollow Dam across Deep Creek (CWF) restoring the stream to a free flowing condition. The dam is located approximately 3,600 feet southwest of the intersection of SR 2020 (Jumper Road) and SR 2039 (Pittston, PA Quadrangle N: 1.50 inches; W: 5.85 inches).

ACTIONS

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

INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35

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

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

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

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

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

NPDES Permit No. PA0035726, Sewage, **Camp Ramah in the Poconos**, 261 Old York Road, Jenkintown, PA 19046. This proposed facility is located in Buckingham Township, **Wayne County**, and discharge, to unnamed tributary to Equinunk Creek.

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

NPDES Permit No. PA0064181, Sewage, **C. H. Klinger, Inc.**, 400 Pinebrook Place, Suite 6, Orwigsburg, PA 17961. This proposed facility is located in Pine Grove Township, **Schuylkill County**, and discharge, to Swatara Creek.

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

NPDES Permit No. PA0060879, Sewage, **Four Seasons Village**, R. R. 1, Box 153B, New Ringgold, PA 17960. This proposed facility is located in Mahoning Township, **Carbon County**, and discharge, to unnamed tributary to Mahoning Creek.

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

NPDES Permit No. PA0064165, Sewage, **Silver Lake Township Municipal Authority**, Box 1975, Brackney, PA 18812. This proposed facility is located in Silver Lake Township, **Susquehanna County**.

Description of Proposed Action/Activity: to issue a new NPDES permit to discharge treated sewage into Silver Creek.

WQM Permit No. 1301407, Sewerage, **Kidder Township**, P. O. Box 576, Lake Harmony, PA 18624. This

proposed facility is located in Kidder Township, **Carbon County**.

Description of Proposed Action/Activity: Approval for the construction of 65,000 LF of gravity and low pressure sewer for the Split Rock/Lake Harmony area of Kidder Township and the expansion of the Split Rock WWTP to 0.4 mgd.

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

NPDES Permit No. PA0080349, Sewage, **Chesapeake Estates of Thomasville**, 585 Martin Road, Gettysburg, PA 17325. This proposed facility is located in Jackson Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to Little Conewago Creek in Watershed 7-F.

NPDES Permit No. PA0246590, Sewage, **Dennis McClure**, R. R. 1, Box 358, Petersburg, PA 16669. This proposed facility is located in Jackson Township, **Huntingdon County**.

Description of Proposed Action/Activity: Authorization to discharge to an UNT to Laurel Run in Watershed 11-B.

NPDES Permit No. PA0081108, Sewage, **Dennis Morrison**, 127 Indian Springs Road, Hopewell, PA 16650. This proposed facility is located in Hopewell Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT to Maple Run in 11-D.

NPDES Permit No. PA0084794, Sewage, **Asbury Pointe, Ltd.**, 135 North George Street, York, PA 17401-1132. This proposed facility is located in East Manchester Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to Codorus Creek in Watershed 7H.

NPDES Permit No. PA0088617, Sewerage, **Bratton Township Supervisors**, Bratton Township STP, 460 Mountain Lane, McVeytown, PA 17051. This proposed facility is located in Bratton Township, **Mifflin County**.

Description of Proposed Action/Activity: Authorization to discharge to Carlisle Run tributary to Juniata River in Watershed 12-A.

NPDES Permit No. PA0084425, Sewerage, **Conewago Township Sewer Authority**, 490 Copenhafner Road, York, PA 17404. This proposed facility is located in Conewago Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to Little Conewago Creek in Watershed 7-F.

WQM Permit No. PA0246689, Sewerage, **Rande W. Brown**, 153 Hidden Valley Lane, Bedford, PA 15522. This proposed facility is located in Cumberland Valley Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT Oster Run in Watershed 13-A.

WQM Permit No. 4402401, Sewerage, **Bratton Township Supervisors**, 460 Mountain Lane, McVeytown, PA 17051. This proposed facility is located in Bratton Township, **Mifflin County**.

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

WQM Permit No. 0601411, Sewerage, **Bear Creek Management Company, LLC**, 1950 Old Gallows Road, Suite 600, Vienna, VA 22182. This proposed facility is located in Longswamp Township, **Berks County**.

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

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

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

WQM Permit No. 3602407, Sewerage, **Lancaster Industrial Development Authority c/o Musser's Inc.**, 35 Friendly Drive, Quarryville, PA 17566. This proposed facility is located in East Drumore Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization for construction/operation of sewage treatment facilities, land application facilities and groundwater monitoring wells at Musser's Market.

NPDES Permit No. PA0087351, Industrial Waste, **New Enterprise Stone & Lime Company, Inc., Canoe Creek Quarry**, P. O. Box 77, New Enterprise, PA 16664. This proposed facility is located in Frankstown Township, **Blair County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary of New Creek in Watershed 11-A.

NPDES Permit No. PA0086924 Amendment Number 1, Industrial Waste, **FCI USA, Inc.**, Lenape Drive, R. R. 1, Box 212, Mount Union, PA 17066-9728. This proposed facility is located in Shirley Township, **Huntingdon County**.

Description of Proposed Action/Activity: Authorization to discharge to the receiving water of the Juniata River in Watershed 12-C.

NPDES Permit No. PA0246662, CAFO, **Burkholder Realty, Reinholds Farm**, 1440 Division Highway, Ephrata, PA 17522-8832. This proposed facility is located in West Cocalico Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 985-AEU finishing swine CAFO in Watershed 7-J.

NPDES Permit No. PAG123553, CAFO, **Path Valley Enterprises, LLC, Path Valley Farm**, 1272 Ash Lane, Lebanon, PA 17042. This proposed facility is located in Fannett Township, **Franklin County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 706.6-AEUs sow and nursery CAFO in Watershed 12-B.

NPDES Permit No. PA0088943, CAFO, **Hostetter Management Company, LLC (Cedar Hill Farm)**, P. O. Box 526, Ephrata, PA 17522; **James Eisenhower, Jr.**, 721 Spring Valley Road, Wellsville, PA 17365; and **Terry Sweitzer**, 1200 Harbold-Atland Road, Wellsville, PA 17365. This proposed facility is located in Washington and Warrington Townships, **York County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 1,435 AUEs swine, steer and poultry CAFO in Watershed 7-F.

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

NPDES Permit No. PA0114693, Sewerage, SIC 4952, **Clymer Township Municipal Authority**, Box 62, Sabinsville, PA 16943. This proposed facility is located in Clymer Township, **Tioga County**.

Description of Proposed Action/Activity: Renewal of NPDES Permit for sewage treatment plant serving Sabinsville.

NPDES Permit No. PA0027677, Industrial Waste 0921, **United States Department of the Interior, USGS Appalachian Research Laboratory**, R. R. 4 Box 63, Wellsboro, PA 16901. This facility is located in Shippen Township, **Tioga County**.

Description of Proposed Action/Activity: Federal fish culture and aquatic resource research facility.

NPDES Permit No. PA0115100, Sewerage SIC 4952, **George A. and Elizabeth S. Dear**, R. R. 2 Box 174, Tioga, PA 16946. This proposed facility is located in Lawrence Township, **Tioga County**.

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

WQM Permit No. 5992401-T1, Sewerage 4952, **Citizens & Northern Bank**, 90-92 Main Street, Wellsboro, PA 16901. This facility is located in Charleston Township, **Tioga County**.

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

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

NPDES Permit No. PA0036293, Sewerage, **The Municipal Authority of the Township of Robinson**, P. O. Box 15539, Pittsburgh, PA 15244 is authorized to discharge from a facility located at Campbells Run Sewage Treatment Plant, Robinson Township, **Allegheny County**, to receiving waters named Campbells Run.

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

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

Description of Proposed Action/Activity: This project is for a single residence discharging to unnamed tributary to French Creek.

WQM Permit No. 4302402, Sewerage, **Robert S. and Tracy Black**, 1331 Barkeyville Road, Grove City, PA 16127. This proposed facility is located in Pine Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for a single residence discharging to East Branch of Wolf Creek.

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.

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

Bedford County Conservation District, 702 W. Pitt Street, Suite 4, Bedford, PA 15009, (814) 623-6706.

<i>NPDES No. Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS100421	Michael Shaffer Northern Bedford Community Athletic Assoc. 152 NBC Drive Loysburg, PA 16659	Bedford County	South Woodbury Township	Yellow Creek HQ-CWF

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

<i>NPDES Permit</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS103119-1	Pennsylvania Department of Transportation Engineering District 10-0 P. O. Box 429, Route 286 S Oakland Avenue Indiana, PA 15701	Indiana County East Wheatfield Township	Findley Run HQ-CWF
		Cambria County Jackson Township	Blacklick Creek 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>
Lower Frederick Township Montgomery County	PAR10T857	St. Mary's Church 40 Spring Mount Road Schwenksville, PA 19473	Swamp Creek TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Lower Pottsgrove Township Montgomery County	PAR10T865	Julia Seaman and Charles Merritt 1119 East Palmer Street Philadelphia, PA 19125	UNT to Sanatoga Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Upper Dublin Township Montgomery County	PAR10T666	LA Fitness International, LLC 100 Bayview Circle Newport Beach, CA 92660	UNT to Sandy Run TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Limerick Township Montgomery County	PAR10T854	Limerick Plaza/Longview Dev. 992 Old Eagle Road Wayne, PA 19087	Mingo Creek WWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Montgomery Township Montgomery County	PAR10T842	The Cutler Group 5 Sentry Parkway West Blue Bell, PA 19422	Little Neshaminy and Wissahickon Creeks WWF, TSF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Bern Township Berks County	PAR10C418	John Rinehart Reading Regional Airport Authority 2501 Bernville Rd. Reading, PA 19605	Schuylkill River WWF	Berks County Conservation District P. O. Box 520 1238 Co. Welfare Rd. Leesport, PA 19533-0520 (610) 372-4657
Antis Township Blair County	PAR100733	Leonard S. Fiore Inc. 5506 6th Avenue, Rear Altoona, PA 16602	Sandy Run CWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877
Antis Township Blair County	PAR100734	W.W. Engine & Supply P. O. Box 68 Kylertown, PA 16847	Little Juniata River WWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877
Logan Township Blair County	PAR100735	Robert and Patricia Frederick 1120 27th Avenue Altoona, PA 16601	Sandy Run CWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877
Windsor Township York County	PAR10Y566	Cambridge Heights Crosswinds Assoc. Devel- opment Co. Inc. 335 West King Street Lancaster, PA 17603	Kreutz Creek WWF Cabin Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

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>
Franklin, South Middleton, York, Cumberland York County	PAR10Y590	Boy Scouts of America Ron Gardner 2139 White Street York, PA 17404	Dogwood Run CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Windsor Township York County	PAR10Y573	Allyson's Crossing Michael Wheeler Fours a Crowd 1 Waterford Professional Center York, PA 17402	Kreutz Creek WWF Cabin Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Freedom Township Adams County	PAR100134	Mason-Dixon Farms, Inc. 1800 Mason-Dixon Rd. Gettysburg, PA 17325	Marsh Creek CWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Cumberland Township Adams County	PAR100141	Adams County Construction Inc. 828 Biglerville Rd. Gettysburg, PA 17325	Willoughby Run WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Bedford Township Bedford County	PAR100461	Ray Jennings P. O. Box 155 Bedford, PA 15522	Brush Run WWF	Bedford County Conservation District 702 W. Pitt Street, Suite 4 Bedford, PA 15009 (814) 623-6706
Peters Township Franklin County	PAR10M266	Industrial Power Generating Corp. 2250 Debney Rd. Richmond, VA 23230	East Branch Conococheague Creek WWF	Franklin County Conservation District Admin. Annex 218 N. 2nd Street Chambersburg, PA 17201 (717) 264-8074
Centre County College Township	PAR10F163	Herbert Stewart Subdivision 360 Summit Rd. Bellefonte, PA 16823	UNT to Logan Branch CWF	Centre County Conservation District 414 Holmes Ave., Suite 4 Bellefonte, PA 16823 (814) 355-6817
Lycoming County Loyalsock Township	PAR103954	Loyalsock Commons Patrick Marty 730 Wildwood Blvd. P. O. Box 17777 Williamsport, PA 17701	West Mill Creek TSF	Lycoming County Conservation District 542 County Farm Rd. Suite 202 Montoursville, PA 17754 (570) 433-3003
Butler County Adams Township	PAR10E152	C. J. Betters 1150 Broadhead Road Monaca, PA 15061	Kaufman Run WWF	Butler County Conservation District (724) 284-5270
Venango County Cranberry Township	PAR107017	Neil E. Todhunter UPMC Northwest Hospital 174 East Bissel Avenue Oil City, PA 16301	Tributary to Halls Run CWF	Venango County Conservation District (814) 676-2832

General Permit Type—PAG-3

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Telephone No.</i>
Lawrence Township Clearfield County	PAR304803	Swisher Contracting, Inc. P. O. Box 1223 Clearfield, PA 16830	West Branch Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Limestone Township Montour County	PAR804825	Great Dane Limited Partnership 70 Strick Road Danville, PA 17821	UNT to County Line Branch WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Export Borough Westmoreland County	PAR206128	Dura-Bond Industries Inc. P. O. Drawer 518 2658 Puckety Street Export, PA 15632-0518	Turtle Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000
Jackson Township Cambria County	PAR506109	Laurel Highlands Land- fill Inc. 260 Laurel Ridge Road Johnstown, PA 15909	UNT of Rummel Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000
Fairview Township Erie County	PAR218304	New Enterprise Stone and Lime Company, Inc. Top Roc Newcrete Prod- ucts P. O. Box 77 New Enterprise, PA 16664-0077	Walnut Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Center Township Butler County	PAR608320	Marshall Offstein Auto Sales and Towing P. O. Box 213 Butler, PA 16003	Connoquenessing Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Erie Erie County	PAR118302	American Meter Com- pany P. O. Box 1251 Erie, PA 16512-1251	Lake Erie	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

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>
Perry County Southwest Madison Township	PAG043578	Edna J. Bishop R. R. 2, Box 67 Loysville, PA 17047	UNT to Shermans Creek 7A	Southcentral Region Office 909 Elmerton Avenue Harrisburg, PA 17110- 8200 (717) 705-4700

<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>
Cumberland County Hopewell Township	PAG043691	Jesse K. King 222 Fairview Rd. Shippensburg, PA 17257	UNT to Conodoquinet Creek 7B	Southcentral Region Office 909 Elmerton Avenue Harrisburg, PA 17110- 8200 (717) 705-4707
Smithfield Township Bradford County	PAG044960	Timothy Ackley R. D. 2 Box 185C Ulster, PA 18850	Unnamed tributary of Browns Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Sharon Township Potter County	PAG044956	Conrad J. Scholl P. O. Box 306 Shinglehouse, PA 16748	Unnamed tributary of Oswayo Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Bradford Township Clearfield County	PAG044964	Thomas and Andrea Hertlein R. R. 1 Box 82-3 Woodland, PA 16881	Forcey Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Franklin Park Borough Allegheny County	PAG046135	William L. Dunbar III 1519 Fox Chase Drive Sewickley, PA 15143	UNT to East Branch Big Sewickley Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222- 4745 (412) 442-4000
Union Township Crawford County	PAG048815	Joe E. and Kathleen M. Davis 7860 Dutch Hill Road Meadville, PA 16335	Unnamed tributary to French Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Pine Township Mercer County	PAG048789	Robert S. and Tracy Black 1331 Barkeyville Road Grove City, PA 16127	East Branch of Wolf Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Adams Township Butler County	PAG048463	Robert L. Mocniak 304 Green Lake Drive Mars, PA 16046-2108	Unnamed tributary to Wolfe Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Waterford Township Erie County	PAG048458	James A. Becker, Sr. 13096 Scott Run Waterford, PA 16441- 9625	Unnamed tributary of LeBoeuf Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Washington Township Erie County	PAG048441	Gerry J. Stubenhofer 5570 Maple Lawn Drive Edinboro, PA 16412-3804	Unnamed tributary of Conneauttee 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>
Otter Creek Township Mercer County	PAG048453	John A. Reimold, Jr. 10 Callahan Road Greenville, PA 16125	Mathay Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Jefferson Township Mercer County	PAG048466	Rickey L. and Mary L. Whenry 500 McCullough Road Sharpsville, PA 16150	Unnamed tributary of Daley Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Eldred Township McKean County	PAG048422	Casey J. and Julie M. Schweikart R. R. 1, Box 336A Eldred, PA 16731	Windfall Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Deer Creek Township Mercer County	PAG048437	Robert P. Zeigler 1163 Milledgeville Road Cochranton, PA 16314	Unnamed tributary of Sandy Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Franklin Township Erie County	PAG048454	Marshall E. Tolley 11281 Eureka Road Edinboro, PA 16412	Unnamed tributary of Cussewago Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

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>
Montgomery County Franconia Township	PAG050034	Getty Properties Corporation 125 Jericho Turnpike, Suite 202 Jericho, NY 11753	Indian Creek	Southeast Region Water Management (610) 832-6130

General Permit Type—PAG-7

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Telephone No.</i>
Mansfield Borough Tioga County	PAG074829	Borough of Mansfield 19 East Wellsboro St. Mansfield, PA 16933	Borough of Mansfield Composting Facility	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3655

General Permit Type—PAG-8

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Contact Office & Telephone No.</i>
Warsaw Township Jefferson County	PAG098301	Williams Septic & Drain Service Box 108E Williams Road Reynoldsville, PA 15851	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-8 (SSN)

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Telephone No.</i>
Reading Township Adams County	PAG080001 PAG080002 PAG080003 PAG080006 PAG080007 PAG080008 PAG080009 PAG080011 PAG082201 PAG082203 PAG083501 PAG083502 PAG083506 PAG083515 PAG083517 PAG083518 PAG083522 PAG083535 PAG083542 PAG083547 PAG083551 PAG083825 PAG089903 PAG089904 PAG089905	Synagro Mid Atlantic 1605 Dooley Road P. O. Box B Whiteford, MD 21160	Myers, Snyder and Spahr Farms Reading Township Adams County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110- 8200 (717) 705-4707
Derry Township Dauphin County	PAG083518	Derry Township Muni- cipal Authority 670 Clearwater Road Hershey, PA 17033	Hershey Trust Farm #79 Derry Township Dauphin County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110- 8200 (717) 705-4707
Union Township Crawford County	PAG088306	Meadville Area Sewer Authority 1320 Park Avenue Meadville, PA 16335	Ernst Farm Parcel 14-2 Union Township Crawford County	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Union Township Crawford County	PAG088306	Meadville Area Sewer Authority 1320 Park Avenue Meadville, PA 16335	Ernst Farm Parcel 17-1 Union Township Crawford County	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Jackson and Townships Mercer County	PAG086101	Nu-Soil Farms, Inc. Box 68 Carlin Drive Houtzdale, PA 16651	Roy Neer Farm Biosolids Site Jackson and Worth Townships Mercer County	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Polk Borough Venango County	PAG088308	Polk Center P. O. Box 94 Polk, PA 16342	Polk Center Biosolids Site Polk Borough Venango County	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-9 (SSN)

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Telephone No.</i>
Upper Mifflin Township Cumberland County	PAG093511	Groff's Septic Service 99 Ickes Lane Newville, PA 17241	Donald Groff Farm Upper Mifflin Township Cumberland County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110- 8200 (717) 705-4707

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Telephone No.</i>
Perry Township Mercer County	PAG098308	Peterman Septic Services 26 Everbreeze Drive Hadley, PA 16130	Peterman Farm Biosolids Site Perry Township, Mercer County	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

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).

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

Permit No. 2202502 MA, Minor Amendment, Public Water Supply.

Applicant	Elizabethville Area Authority
Municipality	Elizabethville and Washington Township
County	Dauphin
Type of Facility	The replacement of approximately 3,600 linear feet of water main and seven fire hydrants along Market St.

Consulting Engineer	Max E. Stoner, P. E. Glace Associates, Inc. 3705 Trindle Rd. Camp Hill, PA 17011
Permit to Construct Issued:	June 5, 2002
Permit No. 3601519, Public Water Supply.	
Applicant	Bird In Hand Corporation
Municipality	Leacock Township
County	Lancaster
Type of Facility	Installation of an anion exchange system for nitrate reduction and the installation of a phosphate feed system for corrosion control.
Consulting Engineer	James R. Fisher, P. E. Fisher Engineering Inc. 18 C S. 7th Street Akron, PA 17501
Permit to Construct Issued:	May 6, 2002
Permit No. 3602502, Public Water Supply.	
Applicant	Pequea Valley School District
Municipality	Leacock Township
County	Lancaster
Type of Facility	Installation of softening, nitrate, disinfection and corrosion control treatments at the Pequea Valley High School facility.
Consulting Engineer	Daniel L. Miller, P. E. L. Robert Kimball & Associates 415 Moon Clinton Road Coraopolis, PA 15108
Permit to Construct Issued:	May 23, 2002
Permit No. 6702509 MA, Minor Amendment, Public Water Supply.	
Applicant	Glen Rock Water Authority
Municipality	Shrewsbury Borough
County	York
Type of Facility	Repairing of the interior/exterior of the 300,000-gallon Church Street Water Storage Tank.
Consulting Engineer	Karen B. Tupper, P. E. CET Engineering Services 1240 North Mountain Road Harrisburg, PA 17112
Permit to Construct Issued:	June 6, 2002

Permit No. 0602502, Public Water Supply.
 Applicant **Tulpehocken Area School District
Bethel Elementary School**
 Municipality Bernville Borough
 County **Berks**
 Type of Facility Addition of soda ash and ortho/
polyphosphate for corrosion control.
 Consulting Engineer Thomas E. Roberts, P. E.
Spotts Steens & McCoy Inc.
345 North Wyomissing Boulevard
Reading, PA 19610 0307
 Permit to Construct Issued: June 14, 2002

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

Permit No. Minor Amendment, Public Water Supply.
 Applicant **Knoxville Borough**
149 East Main Street
P. O. Box 191
Knoxville, PA 16928
 Township Deerfield Township
 County **Tioga**
 Type of Facility PWS—approval for construction
of an aluminum dome cover for
the finished water reservoir
 Consulting Engineer Alfred Benesch & Company
400 One Norwegian Plaza
Pottsville, PA 17901
 Permit to Construct Issued: June 14, 2002

Permit No. Minor Amendment, Public Water Supply.
 Applicant **Knoxville Borough**
149 East Main Street
P. O. Box 191
Knoxville, PA 16928
 Township Deerfield Township
 County **Tioga**
 Type of Facility PWS—approval to operate
hypochlorination facilities at
treatment building
 Consulting Engineer Alfred Benesch & Company
400 One Norwegian Plaza
Pottsville, PA 17901
 Permit to Operate Issued: June 14, 2002

Permit No. 5500503, Public Water Supply.
 Applicant **Middleburg Municipal Authority**
13 North Main Street
Middleburg, PA 17842
 Borough Middleburg Borough
 County **Snyder**

Type of Facility PWS—approval to operate a
third travelling bridge filter,
changes to the clarifier building
piping and new instrumentation
with associated controls and wiring
 Consulting Engineer Larson Design Group, Inc.
1000 Commerce Park Drive
P. O. Box 487
Williamsport, PA 17703-0487
 Permit to Operate Issued: June 14, 2002

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

Permit No. 1102501, Public Water Supply.
 Applicant **Carrolltown Borough Municipal Authority**
P. O. Box 307
140 East Carroll Street
Carrolltown, PA 15722
 Borough or Township Carrolltown Borough
 County **Cambria**
 Type of Facility Water treatment plant
 Consulting Engineer The EADS Group
450 Aberdeen Drive
Somerset, PA 15501
 Permit to Construct Issued: June 14, 2002

Permit No. 6301504, Public Water Supply.
 Applicant **Tri County Joint Municipal Authority**
26 Monongahela Avenue
Frederickstown, PA 15333
 Borough or Township Luzerne Township
 County **Fayette**
 Type of Facility SCI Pump Station
 Consulting Engineer Nichols & Slagle Engineering,
Inc.
980 Beaver Grade Road
Coraopolis, PA 15108
 Permit to Construct Issued: June 14, 2002

Permit No. 1102502, Minor Amendment. Public Water Supply.
 Applicant **East Taylor Municipal Authority**
403 Donruth Lane
Johnstown, PA 15909
 Borough or Township East Taylor Township
 County **Cambria**
 Type of Facility ETMA Tank No. 1
 Consulting Engineer The EADS Group
450 Aberdeen Drive
Somerset, PA 15501
 Permit to Construct Issued: June 14, 2002

Permit No. 3286501-T2, Minor Amendment. Public Water Supply.

Applicant	Homer City OL1 LLC—OL8 LLC 1750 Power Plant Road Homer City, PA 15748
Borough or Township	Center Township
County	Indiana
Type of Facility	Homer City Generating Station
Permit to Operate Issued	June 18, 2002

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
McCalmont Township	P. O. Box 276 Anita, PA 15711	Jefferson County

Plan Description: The approved plan provides for the construction of a sanitary sewage collection and conveyance system which will serve the community of Anita. 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.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Young Township	101 Foundry Street Punxsutawney, PA 15767	Jefferson County

Plan Description: The approved plan provides for the construction of a sanitary sewage collection and conveyance system which will serve the communities of Crawfordtown and Adrian Mines. 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.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at

a site where one of the Act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected.

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

The Department has received the following final reports:

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

Former Cedar Hollow Quarry, Historic Landfill (Soils), East Whiteland and Tredyffrin Townships, **Chester County.** Gregory Martin, P. G., Roux Associates, Inc., 1222 Forest Parkway, Suite 190, West Deptford, NJ 08066 has submitted a Final Report concerning remediation of site soil contaminated with PCBs, lead, heavy metals, solvents, BTEX, PHCs and PAHs. 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.

Mark Andrews Residence, East Lampeter Township, **Lancaster County.** Groundwater & Environmental Services, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341, on behalf of Mark Andrews, 2192 Old Philadelphia Pike, Lancaster, PA 17602, submitted a final report concerning remediation of site soils contaminated with BTEX and PHCs.

Washington Square Phase II, Parcel 2, City of Harrisburg, **Dauphin County.** EPSYS Corporation, 1414 North Cameron Street, Suite 1, Harrisburg, PA 17103, on behalf of UGI Utilities, Inc., 100 Kachel Blvd., Reading, PA 19612-2677 and Harristown Realty Improvement, P. O. Box 1224, Harrisburg, PA 17108, submitted a final report concerning the remediation of site soils and groundwater contaminated with BTEX and PAHs. The report is intended to document remediation of the site to Site-Specific Standard.

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

Former Furnival Machinery Company, Chester Hill Borough, **Clearfield County.** Apex Environmental, Inc., on behalf of Furnival Machinery Company, 2240 Bethlehem Pike, Hatfield, PA 19440, has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with BTEX and PHCs. The Final Report has been submitted to demonstrate attainment of the Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

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

The Department has received the following final reports:

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

Former Altimari, Chapman, Dearden and McCafferty Automobile Dealerships Site, Middletown Township, **Bucks County**. Jeffrey K. Wade, URS Corp., 2325 Maryland Rd., 2nd Fl., Willow Grove, PA 19090, on behalf of Lowes Home Center, Inc., c/o Mark, Kalpin, Hale and Dorr LLP, 60 State St., Boston, MA 02109, has submitted a Final Report concerning the remediation of site soil contaminated with lead and polycyclic aromatic hydrocarbons and site groundwater contaminated with polycyclic

aromatic hydrocarbons. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 5, 2002.

Booth Property—Phase I, Bethel Township, **Delaware County**. John J. Ennis, Esq., Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Thomas Booth, Sr. and Thomas Booth, Jr., 3221 Foulk Rd., Boothwyn, PA 19061, has submitted a Final Report concerning the remediation of site groundwater contaminated with BTEX, naphthalene, MTBE and cumene. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 17, 2002.

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

Spirax Sarco, Inc., City of Allentown, **Lehigh County**. Dr. William K. Ahlert, Manager Mid-Atlantic Services, Lawler, Matusky and Skelly Engineers, LLP, The Sovereign Building, 609 Hamilton Mall, Allentown, PA 18101 submitted a Final Report (on behalf of Spirax Sarco, Inc., 1150 Northpoint Boulevard, Blythewood, SC 20106) concerning the remediation of site soils and groundwater found or suspected to have been contaminated with solvent compounds. The report demonstrated attainment of the Site-Specific Standard and was approved on June 11, 2002.

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

Mark Andrews Residence, East Lampeter Township, **Lancaster County**. Groundwater & Environmental Services, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341, on behalf of Mark Andrews, 2192 Old Philadelphia Pike, Lancaster, PA 17602, submitted a final report concerning remediation of site soils contaminated with BTEX and PHCs. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 29, 2002.

Enola Railyard Greenhouse Area, East Pennsboro Township, **Cumberland County**. ENSR International, One Chatham Center, Suite 900, 112 Washington Place, Pittsburgh, PA 15219-3443, 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 and groundwater contaminated with PCBs, lead, heavy metals, BTEX, PHCs, PAHs and solvents. The final report demonstrated attainment of the Statewide Health standard and was approved by the Department on May 31, 2002.

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

Eckerd Drug, Loyalsock Township, **Lycoming County**. Civil & Environmental Consultants, Inc., on behalf of Loyal Plaza Venture, L.P., 20 South Third Street, Columbus, OH 43215, has submitted a Final Report concerning remediation of soil only, contaminated with lead, solvents, BTEX and PAHs. The Final Report demonstrated attainment of the Statewide Health Standards for soil and was approved by the Department on June 14, 2002. An additional Final Report will be forthcoming to address the groundwater and surface water.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

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

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

PAD075485995. Rohm & Haas Co., P. O. Box 904, Spring House, PA 19477, Lower Gwynedd Township, **Montgomery County.** Draft action is proposed for revocation of the hazardous waste storage permit and release of the bond based upon satisfactory closure of the hazardous waste storage areas at the Spring House facility and the permittee's decision not to renew the permit.

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.

AIR QUALITY

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

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

45-310-023GP: Hanson Aggregates PA, Inc. (1900 Sullivan Trail, P. O. Box 231, Easton, PA 18044-0231) for construction and operation of a portable stone crushing plant and associated air cleaning device in Hamilton Township, **Monroe County.**

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

GP1-1-07-03017: Kunzler and Co., Inc. (652 Manor Street, Lancaster, PA 17604-4747) on May 24, 2002, was authorized to operate under GP1 for small gas and No. 2 oil fired combustion units at its Juniata Packing Co. plant in Snyder Township, **Blair 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.

09-0123A: Better Materials Corp. (262 Quarry Road, Ottsville, PA 18942) on June 18, 2002, for operation of a batch asphalt plant in Nockamixon Township, **Bucks County.**

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

40-328-005: Transcontinental Gas Pipeline Corp. (P. O. Box 1396, Houston, TX 77251-1396) on June 3, 2002, for modification of a single cycle turbine (Unit 6) at Station 515 in Buck Township, **Luzerne County.**

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

06-03112B: Birdsboro Alloying Inc. (200 C Furnace Street, Birdsboro, PA 19508) on June 14, 2002, for modifications to a secondary aluminum facility controlled by two afterburners in Birdsboro Borough, **Berks County.**

06-05063B: Boyertown Foundry Co. (P. O. Box 443, New Berlinville, PA 19545) on June 14, 2002, for modifications to a gray iron foundry with two fabric collectors in Boyertown Borough, **Berks County.**

ER 22-02012: Bethlehem Steel Corp. (215 South Front Street, Steelton, PA 17113) on June 10, 2002, for emission reduction credits for Frog and Switch Shop Foundry at its Steelton Plant in Steelton Borough, **Dauphin County.**

22-05046A: Haines and Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474) on June 11, 2002, for construction of a fabric filter at its Handwerk Materials asphalt plant in Lower Swatara Township, **Dauphin County.** The facility is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

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

26-00540A: Carbon Fuel Resources, Inc. (200 College Drive, Suite 300, Lemont Furnace, PA 15456) on June 12, 2002, for installation of a coal refuse reprocessing plant at Ronco II Mine in German Township, **Fayette County.**

32-00238A: Weimer's Iron and Scrapmetal (5639 Tunnelton Road, Saltsburg, PA 15681) on June 13, 2002, for construction of an aluminum scrap melting furnace for recovery of scrap at the Saltsburg Facility in Conemaugh Township, **Westmoreland County.**

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

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

15-0027D: Johnson Matthey (434 Devon Park Drive, Wayne, PA 19087) on June 12, 2002, for operation of Coating Line #7 and SCR in Tredyffrin Township, **Chester County**.

46-0185: Fairhill Fabricators, Inc. (831 West Fifth Street, Lansdale, PA 19446) on June 12, 2002, for operation of a paint spray booth in Lansdale Borough, **Montgomery County**.

15-0115: QVC, Inc. (1200 Wilson Drive, West Chester, PA 19380) on June 12, 2002, for operation of two 12.55 mmBtu/hr gas/fuel boilers in West Goshen Township, **Chester County**.

09-0063A: New Hope Crushed Stone Co. (6970 Phillips Mill Road, New Hope, PA 18938) on June 17, 2002, for operation of a stone crushing plant in Solebury Township, **Bucks County**.

09-320-050: Superpac, Inc. (1220 Industrial Boulevard, Upper Southampton, PA) on June 17, 2002, for operation of a flexographic printing press in Upper Southampton Township, **Bucks County**.

09-0123: Better Materials Corp. (262 Quarry Road, Ottsville, PA 18942) on June 14, 2002, for operation of a batch asphalt plant in Nockamixon Township, **Bucks County**.

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

04-00226B: Better Materials Corp. (P. O. Box 187, Berkeley Springs, WV 25411) on June 11, 2002, for combustion of WDLF and completion of stack testing at Sewickley Creek facility in Economy Borough, **Beaver County**. This plan approval was extended.

56-00284A: Quecreek Mining, Inc. (1576 Stoystown Road, Friedens, PA 15541) on June 13, 2002, for construction of coal screening at Quecreek No. 1 Mine in Lincoln Township, **Somerset County**. This plan approval was extended.

65-657A: Tresco Paving Corp. (P. O. Box 14004, Pittsburgh, PA 15239) on June 13, 2002, for completion of stack testing at drum mix asphalt plant in Salem Township, **Westmoreland County**. This plan approval was extended.

04-00498A: World Class Processing Corp. (21 Century Drive, Ambridge, PA 15003-2549) on June 12, 2002, for modification to limit water flow through the scrubber during only those periods when the pickle line is in operation at their plant in Ambridge, **Beaver County**. Plan Approval Special Condition No. 5 has been revised as follows: "Water flow through the scrubber shall be maintained between 1.3 and 3.5 gallons per minute during periods when processing steel."

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.

21-05032: General Castings Co. (North Queen Street, Shippensburg, PA 17257) on June 13, 2002, for operation of an iron foundry in Shippensburg Township, **Cumberland County**.

38-03035: V and S Lebanon Galvanizing, LLC (1000 Buckeye Park Road, Columbus, OH 43207) on June 11, 2002, for operation of its hot dip galvanizing facility in Union Township, **Lebanon County**.

67-03027: PVC Container Corp., Airopak Division (One Devco Drive, P. O. Box 54, Manchester, PA 17345) on June 13, 2002, for operation of the plastic blow molding facility in East Manchester Township, **York County**.

67-05074: Bituminous Paving Materials of York, Inc. (100 Greensprings Road, Hanover, PA 17331) on June 5, 2002, for operation of an asphalt paving facility in West Manchester Township, **York County**.

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

11-00498: Pets After Life Services (316 Allen Street, Portage, PA 15946) on June 11, 2002, for operation of an animal crematory in Portage Township, **Cambria County**.

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

25-00279: Associated Spring—Barnes Group, Inc. (226 South Center Street, Corry, PA 16407) for manufacture of wire springs and small metal automotive parts in the City of Corry, **Erie County**.

33-00155: Trail King Industries, Inc. (R. D. 5, Box 48; Brookville, PA 15825) for fabrication of steel truck trailers in Pine Creek Township, **Jefferson County**.

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

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

09-00003: Superpac, Inc. (1220 Industrial Boulevard, Southampton, PA 18966) for an administrative amendment to address testing requirements of the appeal and addition of a flexographic printing press in Upper Southampton Township, **Bucks County**. The facility's major emission points include flexographic printing presses, which emit major levels of VOCs. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility within all applicable air quality requirements. This is Amendment No. 2 to the facility's Title V Operating Permit.

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

67-05005: PPL Brunner Island, LLC (2 North 9th Street, Allentown, PA 18101) on February 14, 2000, for operation of an electrical power generating facility in East Manchester Township, **York County**. On June 11, 2002, the Title V Operating Permit was administratively amended to incorporate plan approval requirements for the installation of a flue gas conditioning system and the construction of a coal car dumper and also the SO₂ limits that were approved by the EPA under the old SIP. This is Revision No. 1 of the operating permit.

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

41-313-011B: Lonza, Inc. (3500 Trenton Avenue, Williamsport, PA 17701) on June 7, 2002, to authorize operation of a 2800 gallon mix tank and a bag dumping station for the production of a new product (Geogard) in the City of Williamsport, **Lycoming County**.

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

43-00040: Wheatland Tube Co.—Sharon Plant (200 Clark Street, Sharon, PA 16146) on June 4, 2002, to reflect the change in ownership from AK Steel Corp to Wheatland Tube Co., Division of John Maneely Co. for its Sharon facility in the City of Sharon, **Mercer County**. The facility's Title V Operating Permit was originally issued on July 27, 1998. This is an administrative amendment.

43-00062: Wheatland Tube Co. (P. O. Box 608, Wheatland, PA 16161) for a change of ownership from AK Steel Corp. to Wheatland Tube Co. for their plant in Wheatland Borough, **Mercer County**. This is an administrative amendment.

10-00011: Castle Rubber LLC (P. O. Box 589, Butler, PA 16003) for a change of ownership for their facility in East Butler Borough, **Butler County**. This is an administrative amendment.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

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

17860122 and NPDES Permit No. PA 0115410. Laurel Energy, Inc., One Energy Place, Suite 7500,

Latrobe, PA 15650. Transfer of an existing bituminous surface mine-auger permit from Al Hamilton Contracting Company, located in Lawrence Township, **Clearfield County** affecting 490.5 acres. The also includes renewal of this surface mine permit. Receiving streams: unnamed tributary of Wallace Run to Wallace Run, Wallace Run and Mitchell Run to Little Clearfield Creek, Little Clearfield Creek to Clearfield Creek, Clearfield Creek to West Branch Susquehanna River. Application received December 26, 2001. Permit issued June 4, 2002.

17980107 and NPDES Permit No. PA 0237979. GLR Mining, Inc., P. O. Box 105, Clymer, PA 15728. Transfer of an existing bituminous surface mine-auger permit from Moravian Run Reclamation Co., Inc., located in Bell Township, **Clearfield County**, affecting 58 acres. Receiving streams: unnamed tributary to Haslett Run to Haslett Run; Haslett Run to West Branch Susquehanna River. Application received February 2, 2002. Permit issued June 7, 2002.

14820103 and NPDES Permit No. PA 0611719. American Compliance Coal Co., Inc., P. O. Box 260, Brockway, PA 15824. Transfer of an existing bituminous surface mine-auger permit from Al Hamilton Contracting Company, located in Rush Township, **Centre County** affecting 379.7 acres. Receiving streams: unnamed tributaries to Trout Run and Moshannon Creek to Moshannon Creek, to the West Branch Susquehanna River, to the Susquehanna River. Application received November 8, 2001. Permit application withdrawn June 12, 2002.

17990122 and NPDES Permit No. PA 0242772. Laurel Energy, L.P., One Energy Place, Suite 7500, Latrobe, PA 15650. Transfer of an existing bituminous surface mine permit from Johnson Brothers Coal Company, located in Brady and Bloom Townships, **Clearfield County**, affecting 91 acres. Receiving streams: unnamed tributary #1 to Little Anderson Creek to Anderson Creek to the West Branch of the Susquehanna River. Application received February 2, 2002. Permit issued June 7, 2002.

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

63860110 and NPDES Permit No. PA0589136. Raccoon Coal Company (200 Neville Road, Pittsburgh, PA 15225). Permit renewal issued for continued reclamation only of a bituminous surface mine located in Robinson Township, **Washington County**, affecting 187.9 acres. Receiving streams: unnamed tributary to Little Raccoon Run. Application received May 2, 2002. Reclamation-only renewal issued June 11, 2002.

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

32991301. NPDES Permit # N/A, DLR Mining, Inc. (3065 Airport Rd., Indiana, PA 15701), to revise the permit for the Nolo Mine in Buffington Township, **Indiana County**, to revise the subsidence control plan to bring it up to current standards, 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 31, 2002.

32901603. NPDES Permit # N/A, Tipple Four J. (P. O. Box 194, Shelocta, PA 15774), to renew the permit for the Tipple Four J in Armstrong Township, **Indiana County**, renewal, Surface Acres Proposed N/A, Under-

ground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, Crooked Creek, classified for the following uses: WWF, The first downstream potable water supply intake from the point of discharge is N/A. Permit issued June 6, 2002.

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

33860113 and NPDES No. PA0107387. Cloe Mining Company, Inc. (P. O. Box J, Grampian, PA 16838) renewal of an existing bituminous strip operation in Young and Oliver Townships, **Jefferson County** affecting 311.6 acres. This renewal is issued for reclamation only. Receiving stream: unnamed tributary to Little Elk Run. Application received April 8, 2002. Permit issued June 6, 2002.

24930102. Fairview Coal Company (P. O. Box R, Ridgway, PA 15853) revision to an existing bituminous strip and auger operation to add Beneficial Use of coal ash in Horton Township, **Elk County** affecting 236.7 acres. Receiving streams: unnamed tributary to Johnson Run, unnamed tributary to Brandy Camp Creek. Application received August 13, 2001. Permit issued June 6, 2002.

Noncoal Permits Actions

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

08010808. Michael A. Micklas, Sr., R. R. 3, Box 3184, Rome, PA 18837. Commencement, operation and restoration of a Small Industrial Minerals (Flagstone) permit in Windham Township, **Bradford County** affecting 3 acres. Receiving streams: Trout Brook, tributary to Wysox Run. Application received April 20, 2001. Permit issued June 12, 2002.

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

56970301, Fieg Brothers Coal Company, 3070 Stoystown Road, Stoystown, PA 15563, renewal of NPDES Permit No. PA0234362, Black and Summit Townships, **Somerset County**. Receiving stream Casselman River. NPDES Renewal application received April 19, 2002. Permit issued June 11, 2002.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

Blasting Permits Actions

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

45024031. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting in Middle Smithfield Township, **Monroe County** with an expiration date of May 8, 2003. Permit issued June 12, 2002.

01024009. Conewago Enterprises, Inc. (660 Edgegrove Road, Hanover, PA 17331, construction blasting in Conewago Township, **Adams County** with an expiration date of July 20, 2002. Permit issued June 12, 2002.

35024011. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting in Pittston Township, **Lackawanna County** with an expiration date of August 31, 2002. Permit issued June 12, 2002.

40024010. Joe Thomas Construction (57 North Mountain, Mountaintop, PA 18707), construction blasting in Bear Creek Township, **Luzerne County** with an expiration date of October 31, 2002. Permit issued June 12, 2002.

13024006. No. 1 Contracting Co. (49 South Main Street, Ashley, PA 18706), construction blasting in Jim Thorpe Borough, **Carbon County** with an expiration date of June 19, 2002. Permit issued June 12, 2002.

45024032. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting in Middle Smithfield Township, **Monroe County** with an expiration date of May 25, 2003. Permit issued June 13, 2002.

58024003. Emmett J. Wilkinson (R. R. 2 Box 189, Kingsley, PA 18826), construction blasting in Brooklyn Township, **Susquehanna County** with an expiration date of June 26, 2004. Permit issued June 13, 2002.

52024012. Holbert Explosives, Inc. (237 Masthope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting in Delaware Township, **Pike County** with an expiration date of June 23, 2007. Permit issued June 13, 2002.

23024005. Joao & Bradley Construction Company, Inc. (4211 Tracy Lane, Bethlehem, PA 18020), construction blasting in Concord Township, **Delaware County** with an expiration date of July 23, 2002. Permit issued June 13, 2002.

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

41024002. Sheehan Pipe Line Construction Company (P. O. Box 231, Renovo, PA 17754), for construction blasting, located in Muncy, Upper Fairfield, Fairfield and Loyalsock Townships, **Lycoming County**, with an expected duration of 120 days. Permit issued June 12, 2002.

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

02024003. Atlas Service, Inc. (P. O. Box 789, Washington, PA 15301). Permit issued for Cochran Automotive Auto Park, located in Monroeville Borough, **Allegheny County**, with an expected duration of 120 days. Permit issued June 6, 2002. (This was previously published with the wrong permit number of 02024002).

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

of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

Permits Issued and Actions on 401 Certifications:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E09-824. Pennridge Wastewater Treatment Authority, 180 Maple Avenue, P. O. Box 31, Sellersville, PA 18960, West Rockhill Township, **Bucks County**, ACOE Philadelphia District.

To operate and maintain the Pennridge Wastewater Treatment Plant and to construct and maintain an expansion consisting of three additional treatment units and associated facilities within the 100-year floodplain at the East Branch of Perkiomen Creek. The treatment plant is located at 180 Maple Avenue (Telford, PA USGS Quadrangle N: 19.1 inches; W: 8.8 inches).

E15-678. West Whiteland Township, 222 North Pottstown Pike, Exton, PA 19341, West Whiteland Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain a 6-foot wide pedestrian bridge and elevated boardwalk spanning Lionville Run, a tributary to West Valley Creek (WWF-MF) and 0.064 acre of adjacent wetlands (PEM) located in Miller Park. Concrete piers will support the boardwalk. The site is located approximately 1,500 feet southwest of the intersection of Pottstown Pike and Swedesford Road (Downingtown, PA Quadrangle N: 5.7 inches; W: 1.5 inches).

E15-681. Lauren Lenfest, 1696 Pughtown Road, Phoenixville, PA, 19460, West Vincent Township, **Bucks County**, ACOE Philadelphia District.

To remove an existing stream enclosure and to restore and maintain approximately 330 linear feet of stream channel along an unnamed tributary to French Creek (HQ-TSF). Work will consist of the removal of 297 linear feet of deteriorated galvanized steel pipe, which presently encloses this portion of the tributary. The restoration is designed to create instream and riparian habitat for aquatic and terrestrial fauna and to restore natural watercourse conditions. Also associated with the project are the construction of a spanning pedestrian bridge and a spanning vehicular bridge. The project site is located 1,000 feet southwest of the intersection of Pughtown Road and Garden Road (Phoenixville, PA Quadrangle N: 2.5 inches, W: 14.5 inches) in West Vincent Township, Bucks County.

E46-893. Blue Bell Associates, 650 Sentry Parkway, Suite One, Blue Bell, PA 19422, Plymouth Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain approximately 120 linear feet of 30-foot wide 12.5-foot rise reinforced concrete arch stream enclosure along an unnamed tributary to Plymouth Creek (WWF) associated with the construction of Peter Lane at the proposed Plymouth Meeting Commons Residential Development. This project also includes the installation and maintenance of two outfall structures and an 8-inch sanitary sewer crossing. The site is located approximately 2,000 feet north of the intersection of South Graver Road and Chemical Road (Norristown, PA USGS Quadrangle N: 19.6 inches; W: 5.9 inches).

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

E06-563. Douglass Township, 1068 Douglass Drive, Boyertown, PA 19512 in Douglass Township, **Berks County**, ACOE Philadelphia District.

To remove an existing cut stone arch culvert 8-foot, 4-inches wide by 6-foot, 2-foot, 1/2 inch high) and to construct and maintain a concrete box culvert 8-foot by 6-foot at a point along Redshale Drive (T-481) across an unnamed tributary to Ironstone Creek (TSF) (Boyertown, PA Quadrangle N: 9.4 inches; W: 6.6 inches) in Douglass Township, Berks County.

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

E65-793. City of Arnold, 1829 Fifth Avenue, Arnold, PA 15068. City of Arnold, **Westmoreland County**, ACOE Pittsburgh District.

To construct and maintain an L-shaped 64.2-foot by 51.4-foot floating fishing pier having a width of 13.4 feet at its widest point and associated access and parking areas along the left bank of the Allegheny River (WWF) at approximately River Mile 20.2 for the purpose of

providing recreational opportunities to area residents. The project is located at the Kennedy Riverside Park (New Kensington West, PA Quadrangle N: 14.43 inches; W: 3.08 inches).

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Land Recycling and Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>
02-65-005	Nancy Kosisky Windward Petroleum 201 Locust Street Youngwood, PA 15697	Westmoreland

<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
Youngwood Borough	42 ASTs storing oil tanks	155,600 gallons total

SPECIAL NOTICES

Extension of Submission Deadline for Application for Reimbursement for Certified Host Municipality Inspectors

The Department of Environmental Protection (Department) announces the extension of the submission deadline for 2001 host municipality inspector program reimbursement applications to July 12, 2002. Reimbursements are available to municipalities under the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) and the Hazardous Sites Cleanup Act (Act 108). Municipalities include cities, boroughs, incorporated towns, townships and home rule municipalities.

Reimbursements are allocated from the Recycling Fund authorized under Act 101 for municipal waste facilities or from the Hazardous Sites Cleanup Fund under Act 108 for hazardous waste facilities. Reimbursements are available to any municipality that has a municipal waste landfill, resource recovery or commercial hazardous waste storage, treatment and disposal facilities located within its geographic borders. Upon application from any host municipality, the Department shall award reimbursements for authorized costs incurred for the salary and expenses of up to two certified host municipality inspectors. The reimbursement shall not exceed 50% of the approved costs of salaries and expenses. Reimbursement is available only for host municipality inspectors trained and certified by the Department.

The application for reimbursement contains tables for specifying the itemized expenses for certified inspectors and for calculating the total reimbursement request. Complete instructions are included with the application, which is being distributed to all municipalities that have participated in the program. If a municipality does not receive, but requires, an application, contact the Program Development Section, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, P. O. Box

8471, Harrisburg, PA 17105-8471, (717) 787-9870. Individuals with questions concerning this program should contact the Program Development Section at the previous address and telephone number.

The extended deadline for submitting applications is 4:30 p.m. on June 28, 2002. Applications received by the Department after the deadline will not be considered.

[Pa.B. Doc. No. 02-1139. Filed for public inspection June 28, 2002, 9:00 a.m.]

Proposed Revisions to Pennsylvania General NPDES Permit for Discharges from Gasoline Contaminated Groundwater Remediation Systems (PAG-5)

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 (Department) is proposing to revise its General NPDES Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems (PAG-5) for reissuance of the General Permit for another 5 years. The current General Permit was scheduled to expire on June 12, 2002; however, by notice published at 32 Pa.B. 2947 (June 15, 2002), the expiration date was extended to December 12, 2002. The current General Permit will continue to be in force until formally revised following the public review process. The General Permit will continue to be not applicable to discharges to waters designated as "special protection" under 25 Pa. Code Chapter 93 (relating to water quality standards). Discharges are required to be covered through an individual permit.

This notice provides the public and all affected parties with a summary of changes being proposed to the General Permit and seeks public comments on several program

areas and/or issues. The Department will consider all input received in making the final permit documents.

The following paragraphs summarize proposed major revisions to the General Permit (PAG-5):

1. General Edit/Update—The revisions provide a general edit/update of all permit documents (notice of intent (NOI), instructions, fact sheet, the General Permit, discharge monitoring reports and other reporting forms) to reflect the Department's current organization and publication standards.

2. The Department is proposing to reissue the revised General Permit as "General NPDES Permit for Discharges from Petroleum Products Contaminated Groundwater Remediation Systems." This will allow the Department to use the revised General Permit to deal with discharges from all petroleum product contaminated groundwater remediation systems—not just limited to gasoline contaminated groundwater as in the current permit. The definitions of "petroleum product" and "petroleum product contaminated groundwater remediation system" have been added in the proposed permit. The Department will make the proposed name change when it issues the final General Permit.

3. To be consistent with the proposed change under item #2, the revised permit documents include appropriate additions and/or other changes to the current permit to address nongasoline contaminated discharges from activities and operations handling petroleum products other than gasoline. Two separate tables provide proposed effluent limitations, monitoring and reporting requirements for the gasoline and nongasoline contaminated remediation systems respectively.

4. Prior Compliance History Review—The revisions now add a "Prior Compliance History Review" information requirement block on the NOI. The NOI and instructions have been revised to require permittee submission of a self-certification of prior compliance history status with all permits issued by the Department. This is a standard Department requirement for all NPDES permits and is being added to the permit documents as they are reviewed and revised.

5. General Information Form (GIF)—The revisions require completion and submission of the GIF with the permit applications (NOIs). This is a standard Department requirement for all NPDES permits.

6. Proposal to revoke and reissue permit coverage for all current PAG-5 permit holders—The Department, by this notice, also proposes to revoke the existing general permit and to issue the revised general permit. This action will terminate coverage for all current General Permit holders, who will have three options: accept the new permit terms and apply for coverage as described below, apply for an individual permit or indicate to the Department that no permit is needed because the activity or operation creating a discharge has ceased.

The Department will be mailing individual notifications

of this draft general permit to each permittee of record for a 30-day comment period. The Department will consider all comments received from the general public and current permittees as part of the overall revision of the General Permit.

Upon publication and issuance of the final permit, each current permittee will receive a notice from the Department to indicate to the Department its choice to: (1) continue its permit coverage under the final permit; (2) submit an application for an individual permit; or (3) agree to a statement that the activity or operation creating the discharge at its facility has ceased. This information will be provided in a self-addressed postcard provided by the Department. Current permittees will have 60 days to send the postcard back to the Department indicating their choice. If the postcard is not received by the Department in that period, the current permittee will be considered to be discharging without a permit.

No new NOI or permit application fee would be required of a current permittee unless the current permittee decides to apply for an individual permit.

The proposed permit document package is available from the Bureau of Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 783-3795, e-mail trutrutma@state.pa.us, www.dep.state.pa.us directLINK "participate"; scroll down to "Proposals Open for Comment"; then choose "Other Proposals."

The Department invites public comments on the proposed revisions. Comments must be submitted within 30 days from the date of the publication of this notice in the *Pennsylvania Bulletin*. If there is significant public interest or if requested, the comment period may be extended at the discretion of the Department for an additional 15-day period. Only the comments received within the specified period will be considered in the formulation of the final documents for this General Permit. If significant issues of public interest are raised, the Department may schedule a public meeting or hearing. Written comments should be submitted at the previous address. The comments will also be accepted by e-mail to pparikh@state.pa.us. Comments will not be accepted by facsimile or voice mail.

Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Following the specified comment period, the Department will review all submitted comments, prepare a written comments and response document and prepare final documents package for this permit. An availability of the final permit documents will be announced in the *Pennsylvania Bulletin*. Anyone wishing to also receive a copy of the final documents may request them by contacting the previous address or telephone numbers.

DAVID E. HESS,
Secretary

Northcentral Region (570) 327-3670

<i>Facility Location Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>
Sullivan Township, Tioga County	PAG054801	Tioga Petroleum Co., Inc. P. O. Box 158 8th Street Mansfield, PA 16933	Cory Creek (WWF)

Northcentral Region (570) 327-3670

<i>Facility Location Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>
Harrison Township, Potter County	PAG054802	Cole's Garage 101 West Main Street Harrison Valley, PA 16927	Cowanesque River (CWF)
City of Mansfield, Tioga County	PAG054803	Tioga Petroleum Co., Inc. P. O. Box 158 8th Street Mansfield, PA 16933	Tioga River (CWF)
Jersey Shore Borough, Lycoming County	PAG054804	Uni-Mart, Inc. 477 East Beaver Avenue State College, PA 16801	Nichols Run (HQ-CWF)
Lewisburg Borough, Union County	PAG054805	Robert D. Badel, V.P. 600 St. Mary Street Lewisburg, PA 17833	Limestone Run (CWF)
College Township, Centre County	PAG054806	Pennsylvania State University Office of Physical Plant University Park, PA 16802	Big Hollow Run (CWF)
Town of Bloomsburg, Columbia County	PAG054807	Park Street Developers, LLC 10 Crossroads Plaza West Hartford, CT 06117	Neals Run (CWF)
Canton Borough, Bradford County	PAG054808	Putnam Oil Company 5 East Avenue P. O. Box 114 Wellsboro, PA 16901	Spring Brook (CWF)
Richmond Township, Tioga County	PAG054809	United Refining Company of PA P. O. Box 688 Warren, PA 16365	Tioga River (CWF)
City of Williamsport, Lycoming County	PAG054810	Williams Oil Company, Inc. York Ave. North P. O. Box 207 Towanda, PA 18848	West Branch Susquehanna River (WWF)
Gibson Township, Cameron County	PAG054811	Keller Oil Company 724 Washington Rd. P. O. Box 147 St. Marys, PA 15857	Sinnemahoning Creek (CWF)
Snow Shoe Township, Centre County	PAG054812	Nittany Oil Company 321 North Front Street Philipsburg, PA 16866	Little Sandy Run (CWF)
Sullivan Township, Tioga County	PAG054813	Tioga Petroleum Co., Inc. P. O. Box 158 8th Street Mansfield, PA 16933	Cory Creek (WWF)
Bigler Township, Clearfield County	PAG054814	Anthony J. Muraik P. O. Box 552 Madera, PA 16661	Clearfield Creek (WWF)
North Towanda Township, Bradford County	PAG054815	Williams Oil Company, Inc. York Ave. North P. O. Box 207 Towanda, PA 18848	Sugar Creek (TSF)
Muncy Creek Township, Lycoming County	PAG054816	Sel-Lo Oil, Inc. 3200 South 10th Avenue Altoona, PA 16603	UNT to West Branch Susquehanna River (WWF)
City of Williamsport, Lycoming County	PAG054818	United Refining Company of PA P. O. Box 688 Warren, PA 16365	West Branch Susquehanna River (WWF)
Irvona Borough, Clearfield County	PAG054819	Arnold O'Shell P. O. Box 156 Irvona, PA 16656	Clearfield Creek (WWF)

Northcentral Region (570) 327-3670

<i>Facility Location Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>
Loyalsock Township, Lycoming County	PAG054820	Snyder Fuels, Inc. 155 South 10th Street Sunbury, PA 17801	West Branch Susquehanna River (WWF)

Northeast Region (570) 826-2511

<i>Facility Location Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>
West Mahanoy Township, Schuylkill County	PAG052207	Jack Rich Inc. 617 Altamont Blvd. Frackville, PA 17931	UNT to Mud Run
Kingston Township, Luzerne County	PAG052208	Butler Products 187 N. Memorial Hwy. Shavertown, PA 18708	Toby's Creek
Kingston Township, Luzerne County	PAG052210	Petro Svc. Co. 454 S. Main Street P. O. Box 454 Wilkes-Barre, PA 18702	Susquehanna River
Whitehall Township, Lehigh County	PAG052204	Top Star, Inc. 14 E. Main St. Emmaus, PA 18049	Lehigh River
Chestnuthill Township, Monroe County	PAG052205	Hickey Mgmt. Co. P. O. Box 448 Stroudsburg, PA 18360	Pohopoco Creek
Rush Township, Schuylkill County	PAG052206	DEP, Hartranft 2 Public Square Wilkes-Barre, PA 18711	Little Schuylkill River
Lehman Township, Luzerne County	PAG052209	DEP, Sunoco LUST 2 Public Square Wilkes-Barre, PA 18711	UNT to Huntsville Reservoir
West Hazleton Borough, Luzerne County	PAG052211	Sunoco Service Sta. P. O. Box 744 West Chester, PA 19381	Black Creek
Hanover Township, Lehigh County,	PAG052203	Allegheny Airlines 100 Rosedale Ave. Middletown, PA 17057	Lehigh River
Tremont Township, Schuylkill County	PAG052201	D & A Environmental 120 N. Abington Rd. Clarks Summit, PA 18411	Middle Creek

Southeast Region (610) 832-6131

<i>Facility Location Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>
Lower Gwynedd Township Montgomery County	PAG050001	Exxon Co. USA 140 S. Village Ave. Lionfield Bldg., Suite 200 Exton, PA 19341	Trewellyn Creek
Lower Merion Township, Montgomery County	PAG050002	Exxon Co. USA 140 S. Village Ave. Lionfield Bldg., Suite 200 Exton, PA 19341	Gully Run
Uwchlan Township, Chester County	PAG050003	Sun Co. Inc. 1801 Market St. Philadelphia, PA 19103-1699	
Lower Merion Township, Montgomery County	PAG050004	Exxon Co. USA 140 S. Village Ave. Lionfield Bldg., Ste. 200 Exton, PA 19341	East Branch Indian Creek

Southeast Region (610) 832-6131

<i>Facility Location Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>
West Chester Borough, Chester County	PAG050005	Sun Co. Inc. 1801 Market St. Philadelphia, PA 19103-1699	UNT to Plum Run
East Vincent Township, Chester County	PAG050006	Sun Co. Inc. 1801 Market St. Philadelphia, PA 19103-1699	UNT to Schuylkill River
Lower Providence Township, Montgomery County	PAG050007	Sun Co. Inc. 1801 Market St. Philadelphia, PA 19103-1699	Perkiomen Creek
Northampton Township, Bucks County	PAG050008	Sun Co. Inc. 1801 Market St. Philadelphia, PA 19103-1699	
Lower Merion Township, Montgomery County	PAG050009	Sun Co. Inc. 1801 Market St. Philadelphia, PA 19103-1699	
Chadds Ford Township, Delaware County	PAG050010	Sunoco Inc. 1801 Market Street Philadelphia, PA 19103-1699	West Branch Chester Creek
Springfield Township, Montgomery County	PAG050011	Amoco Oil Co. 1680 Bethlehem Pike Flourtown, PA 19031	Wissahickon Creek
East Norriton Township, Montgomery County	PAG050012	BP Amoco 5815 Dekalb Pike Norristown, PA 19401	
West Norriton Township, Montgomery County	PAG050013	Southland Corp. 1972 W. Main St. Jeffersonville, PA 19403	Indian Creek
Doylestown Borough, Bucks County	PAG050014	Mobil Oil Corp. 10617 Braddock Road Fairfax, VA 22032	Pine Run
Springfield Township, Delaware County	PAG050015	Springfield Twp., Delaware County 50 Powell Rd. Springfield, PA 19064-0274	Stony Creek
Hilltown Borough, Bucks County	PAG050016	Sunoco Inc. 4041 Market St. Aston, PA 19014	
Bedminster Township, Bucks County	PAG050017	Farm & Home Oil Co. 3115 State Rd. Telford, PA 18969-1024	UNT to Morris Run and Perkiomen Wa- tershed
Bensalem Township, Bucks County	PAG050018	Nolan Robert 2464 Bristol Pike Bensalem, PA 19020	Delaware River
Marple Township, Delaware County	PAG050019	Sunoco Inc. 4041 Market St. Aston, PA 19014	Trout Run
West Chester Borough, Chester County	PAG050020	Sunoco Inc. 4041 Market St. Aston, PA 19014	Chester Creek 3 G
Richland Township, Bucks County	PAG050021	Willies Oil Inc. 322 N. West End Blvd. Quakertown, PA 18951	UNT to Tohickon Creek
Chester County	PAG050022	Sun Co. Inc. 1801 Market St. Philadelphia, PA 19103-1699	East Branch White Clay Creek
Chester County	PAG050023	Sun Co. Inc. 1801 Market St. Philadelphia, PA 19103-1699	East Branch White Clay Creek

Southeast Region (610) 832-6131

<i>Facility Location Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>
Oxford Township, Chester County	PAG050024	Getty Prop Corp. 125 Jericho Turnpike Jericho, NY 11753	UNT to Tweed Creek
Lower Merion Township, Montgomery County	PAG050025	Sunoco Inc. 1801 Market Street Philadelphia, PA 19103-1699	Schuylkill River
Lower Merion Township, Montgomery County	PAG050026	Jewish Comm. Ctr. Greater Phila. 401 S. Broad St. Philadelphia, PA 19147-1111	West Branch Indian Creek
Newtown Township, Delaware County	PAG050027	Sunoco Inc. (R&M) Automotive Lab P. O. Box 1135 Marcus Hook, PA 19061	UNT to Hunter Run
Bensalem Township, Bucks County	PAG050028	Sunoco Inc. (R&M) Automotive Lab P. O. Box 1135 Marcus Hook, PA 19061	Delaware River
Haverford Township, Delaware County	PAG050029	Sunoco Inc. (R&M) Automotive Lab P. O. Box 1135 Marcus Hook, PA 19061	

Southwest Region (412) 442-4000

<i>Facility Location Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>
O'Hara Township, Allegheny County	PAG056101	Sun Co.—Blawnox Upper Terminal 5733 Butler Street Pittsburgh, PA 15201	Allegheny River
Castle Shannon Borough, Allegheny County	PAG056102	Cumberland Farms, Inc. Former Gulf #143606 777 Dedham Street Canton, MA 02021	Sawmill Run
Peters Township, Washington County	PAG056103	Snyder's Automotive Service 803 East McMurray Road Venetia, PA 15367	Tributary of Brush Run
Hampton Township, Allegheny County	PAG056104	Exxon Company USA— Exxon Facility #2-6646 2567 University Drive, Suite 5008 Morgantown, WV 26505	UNT to Crouse Run
Plum Borough, Allegheny County	PAG056105	Exxon Company USA— Former Exxon Fac #2-3476 2567 University Drive, Suite 5008 Morgantown, WV 26505	Plum Creek
City of Pittsburgh, Allegheny County	PAG056106	Sun Company, Inc.— Sunoco Station 0363-3443 5733 Butler Street Pittsburgh, PA 15201	Chartiers Creek/ Ohio River
Oakdale Borough, Allegheny County	PAG056107	Exxon Company USA Former Fac RAC #2-4916 140 South Village Ave., Suite 200 Exton, PA 19341	
Penn Hills Township, Allegheny County	PAG056108	Amoco SS #1433 1 West LM-Remediation Serv. Baltimore, MD 21204	Duff's Run to Chalfant Run
Carnegie Borough, Allegheny County	PAG056109	Guttman Oil Co. Crossroads Food Mart 200 Speers St. Belle Vernon, PA 15012	Chartiers Creek

Southwest Region (412) 442-4000

<i>Facility Location Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>
East Huntingdon Township, Westmoreland County	PAG056110	Donald A. Grooms Grooms Transit, Inc. R. D. 2, Box 87 Scottdale, PA 15683	Jacobs Creek
North Versailles Township, Allegheny County	PAG056111	Sun Company, Inc. (R&M) 5733 Butler Street Pittsburgh, PA 15201	Crooked Run
West Newton Borough, Westmoreland County	PAG056112	Tom's Service Center 11 North Water St. West Newton, PA 15089	Youghiogheny River
City of Pittsburgh, Allegheny County	PAG056113	Robert Lloyd Ruffner's Texaco 5 Highland Avenue Bethlehem, PA 18017	Saw Mill Run
Canton Township, Washington County	PAG056114	Chico Enterprises 331 Beechurst Avenue Morgantown, WV 26505	Chartiers Creek
Geistown Borough, Cambria County	PAG056115	Michael Shaffer 2463 Bedford St. Johnstown, PA 15904	Sams Run to Stonycreek River
Brighton Township, Beaver County	PAG056116	Brighton Township Supervisors Muni Garage 1300 Brighton Road Beaver, PA 15009	UNT to Two Mile Run
Houston Borough, Washington County	PAG056117	United Refining Co. of PA Kwik-Fill #S-85 P. O. Box 599 Warren, PA 16365	Chartiers Creek
Marion Center Borough, Indiana County	PAG056118	Ronald Stewart Stewart's Garage 119 S. Manor St. Marion Center, PA 15759	UNT Tributary to Pine Run
Blacklick Township, Cambria County	PAG056119	John & Mary Bortnyik Mobil 3652 Ben Franklin Highway Belsano, PA 15922	UNT to Little Elk Creek
Independence Township, Beaver County	PAG056120	Dominion Transmission Inc. 445 West Main Street Clarksburg, WV 26302-2450	UNT to Raccoon Creek
Ferndale Borough, Cambria County	PAG056121	Chris A. Riely Ferndale Service Station 421 Ferndale Avenue Johnstown, PA 15905	Stony Creek
Indiana Borough, Indiana County	PAG056122	Sun Company, Inc. (R&M) 5733 Butler Street Pittsburgh, PA 15201	Stoney Run
Monongahela, Washington County	PAG056123	Sheetz, Inc. Sheetz Store #92 5700 Sixth Avenue Altoona, PA 16602	Pigeon Creek
Monaca Borough, Beaver County	PAG056124	Sunrise Sunoco On Line, Inc. 1424 Banksville Rd., Suite 001 Pittsburgh, PA 15216	Tributary of Ohio River
Somerset Township, Somerset County	PAG056125	Somerset Fuel Co. 702 S. Kimberly Ave. Somerset, PA 15501	Coxes Creek

Southwest Region (412) 442-4000

<i>Facility Location Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>
Cresson Borough, Cambria County	PAG056127	Martin L. Sheehan Sheehan's Mini-Mart 926 Second Street Cresson, PA 16630	Little Conemaugh River
Indiana Borough, Indiana County	PAG056128	Sun Company, Inc. (R&M) 5733 Butler Street Pittsburgh, PA 15201	Stoney Run
Connellsville, Fayette County	PAG056129	Chico Enterprises 331 Beechurst Avenue Morgantown, WV 26505	Opossum Run
Johnstown, Cambria County	PAG056130	Modern Art & Plate Glass Co. 180 Asphalt Road Johnstown, PA 15905	Conemaugh River
North Fayette Township, Allegheny County	PAG056131	Excaliber Oil Group, Inc. Tomazich Ser. Sta. 133 Rt. 30 Imperial, PA 15126	Montour Run
Ligonier Township, Westmoreland County	PAG056132	Ligonier Township Authority 18 Old Lincoln Highway Ligonier, PA 15658	Storm Sewer to Mill Creek
Verona Borough, Allegheny County	PAG056133	Outboard Haven Marina 228 Arch Street Verona, PA 15147	Allegheny River
Monongahela, Washington County	PAG056134	Pennzoil-Quaker State/Pennzmart P. O. Box 2967 Houston, TX 77252-2967	Dry Run Creek
Somerset Township, Somerset County	PAG056135	Somerset Fuel Co. East End Serv. Station P. O. Box 430 S. Kimberly Avenue Somerset, PA 15501	Coxes Creek
Peters Township, Washington County	PAG056136	Guttman Oil Co. Exxon Crossroads Food Mart 200 Speers Street Belle Vernon, PA 15012	UNT of Brush Run
Manor Township, Armstrong County	PAG056137	United Refining Co. of PA Kwik Fill #S-0047 P. O. Box 599 Warren, PA 16365	
Greensburg, Westmoreland County	PAG056138	Terry Kalna R.L. Smeltz Oil, Inc. 725 South Main St. Box 100 Greensburg, PA 15601	Tributary of Jacks Run
Burgettstown Borough, Washington County	PAG056139	Sutherland Lumber Co. P. O. Box 351 Langeloth Rd. Burgettstown, PA 15021	Burgetts Fork Creek
Unity Township, Westmoreland County	PAG056140	BP Exploration & Oil, Inc. Site #07409 4850 East 49th Street Cleveland, OH 44125	UNT of Loyalhanna Creek
Bullskin Township, Fayette County	PAG056141	Graft Oil Co. Honey Bear Mini Mart P. O. Box 899 Rts. 119 and 982 Connellsville, PA 15425	Mounts Creek

Southwest Region (412) 442-4000

<i>Facility Location Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>
Wayne Township, Indiana County	PAG056142	PennDot/SR 286 Station 455 P. O. Box 429 Rt. 286 S. Indiana, PA 15701	Crooked Creek
Hampton Township, Allegheny County	PAG056143	BP Exploration & Oil, Inc. Site #07184 4850 East 49th Street Cleveland, OH 44125	Gourdhead Run
Canton Township, Washington County	PAG056144	Chico Enterprises Allstar Express 331 Beechhurst Avenue Morgantown, WV 26505	Chartiers Creek
Rostraver Township, Westmoreland County	PAG056145	Supervalu Inc. Belle Vernon Facility 400 Paintersville Rd. P. O. Box 1000 New Stanton, PA 15672	UNT to Speers Run
City of Washington, Washington County	PAG056146	United Refining Co. of PA— Kwik Fill #S-079 P. O. Box 688 11 Bradley Street Warren, PA 16365	UNT of Catfish Creek
Upper St. Clair Township, Allegheny County	PAG056147	Sunoco Inc. Station #0364-0703 5733 Butler Street Pittsburgh, PA 15201	McLaughlin Run
Indiana Borough, Indiana County	PAG056148	John E. Midkiff Baton Fuel Co. 481 Hammersmith Drive Indiana, PA 15701	Tributary to Two Lick Creek
North Union Township, Fayette County	PAG056149	United Refining Co. of PA Kwik Fill #S-088 P. O. Box 688 Warren, PA 16365	UNT to Redstone Creek
Pleasant Hills Borough, Allegheny County	PAG056150	BP Exploration & Oil, Inc. Site #00961 4850 East 49th Street Cleveland, OH 44125	UNT to Lewis Run
Upper Burrell Township, Westmoreland County	PAG056151	Sunoco Inc. Station #0261-8825 5733 Butler Street Pittsburgh, PA 15201	Hempfield Hollow Creek
Rostraver Township, Westmoreland County	PAG056152	CoGo's Co. Rostraver Convenience Store 2589 Boyce Plaza Road Pittsburgh, PA 15241	UNT to Youghiogheny River
Jeannette, Westmoreland County	PAG056153	Dreistadt Auto Service 9th Street and Magee Avenue Penn, PA 15675	Brush Creek to Turtle Creek
Greensburg, Westmoreland County	PAG056154	R. L. Smeltz Oil Inc. Greensburg Facility 725 South Main Street Box 100 Greensburg, PA 15601	Jacks Run to Sewickley Creek
New Eagle Borough, Washington County	PAG056155	New Eagle Senior Apartment LP 603 Courthouse Sq. 100 West Beau St. Washington, PA 15301	Monongahela River

Southwest Region (412) 442-4000

<i>Facility Location Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>
Raccoon Township, Beaver County	PAG056156	Hysong's Inc. Hysong's Convenience Store 953 State Route 18 Aliquippa, PA 15001	
Derry Township, Westmoreland County	PAG056157	United Refining Co. of PA Kwik Fill #S-141 P. O. Box 688 Warren, PA 16365	UNT of Saxman Run
Robinson Township, Allegheny County	PAG056158	Sunoco Inc./Crafton Fac. 5733 Butler Street Pittsburgh, PA 15201	Moon Run
Hempfield Township, Westmoreland County	PAG056159	Exxon Mobil Corp. Former Facility #23792 220 Commerce Drive, Suite 205 Ft. Washington, PA 19034	UNT of Little Sewickley Creek
Hempfield Township, Westmoreland County	PAG056160	Sunoco Inc. Station #0002-0883 5733 Butler Street Pittsburgh, PA 15201-2115	UNT of Jacks Run
Hempfield Township, Westmoreland County	PAG056161	Exxon Mobil Corp. Former Facility #20632 220 Commerce Drive, Suite 205 Ft Washington, PA 19034	UNT of Jacks Run
Jeannette, Westmoreland County	PAG056162	Maloy's Amoco 101 Altman Road Jeannette, PA 15644	UNT of Brush Creek
Mt. Pleasant Borough, Westmoreland County	PAG056163	Mountain Gateway Convenience Store H. C. Box 65 Mt. Pleasant, PA 15666	Jacobs Creek
Monessen, Westmoreland County	PAG056164	R. L. Smeltz Oil Co. Inc. Monessen Fac./Frm Amo 725 South Main Street Box 100 Greensburg, PA 15601	UNT of Monongahela River
West Mifflin Borough, Allegheny County	PAG056165	Sunoco Inc. (DUNS# 0363-9101) 5733 Butler Street Pittsburgh, PA 15201	UNT to Streets Run
New Sewickley Township, Beaver County	PAG056166	United Refining Co. of PA Kwik Fill Sta. S-055 P. O. Box 688 11 Bradley St. Warren, PA 16365	UNT of Dutchman Run
Green Tree Borough, Allegheny County	PAG056167	Ethel Holeczy Holeczy Amoco 1964 Warriors Road Pittsburgh, PA 15205	UNT to Chartiers Creek
Uniontown, Fayette County	PAG056168	Fike's Dairy 47 W. Craig St. Uniontown, PA 15401	UNT of Redstone Creek
City of Washington Washington County	PAG056170	Coen Oil Co. 1100 W. Chestnut St. Washington, PA 15301	

Southcentral Region (717) 705-4707

<i>Facility Location Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>
Bedford Borough, Bedford County	PAG053502	Exxon Company USA 2567 University Ave., Suite 5008 Morgantown, WV 26505-4758	Dunning Creek

Southcentral Region (717) 705-4707

<i>Facility Location Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>
Manheim Borough, Lancaster County	PAG053503	Sun Company Inc. Twin Oaks Terminal 4041 Market Street Ashton, PA 19014	Chickies Creek 07919 7G
Mt. Joy Township, Lancaster County	PAG053504	Gas-n-Goodies Getty Petroleum Corporation 230 Lincoln Way East New Oxford, PA 17350	UNT to Conewago Creek 0944 7G
Ephrata Borough, Lancaster County	PAG053505	Sunoco A-Plus Sun Company, Inc. Twin Oaks Terminal 4041 Market Street Ashton, PA 19014	Cocalico Creek 07657 7J
East Cocalico Township, Lancaster County	PAG053506	SICO-Swartzville The SICO Company 15 Mount Joy Street Mount Joy, PA 17552	
East Cocalico Township, Lancaster County	PAG053507	Redners Quick Shoppe	Cocalico Creek 06757 7J
Newberry Township, York County	PAG053508	Fogelsanger's Service Station Sun Company, Inc. 4041 Market Street Ashton, PA 19014	UNT to Fishing Creek 09323 7E
Upper Leacock Township, Lancaster County	PAG053509	Bradford L. Fish Sunoco Inc. P. O. Box 1135 Post Road and Blue Ball Ave. Marcus Hook, PA 19061	UNT to Conestoga River 07653 7J
Penn Township, Perry County	PAG053510	Petersburg Commons	Susquehanna River Cancelled
West Donegal Township, Lancaster County	PAG053511	JR Lawson West Donegal Township 7 West Ridge Road Elizabethtown, PA 17022	Conoy Creek 08278 7G
Birdsboro Borough, Berks County	PAG053512	Exxon Company, USA Lionfield Building, Suite 200 140 South Village Ave. Exton, PA 19341	Hay Creek 01772 3C
Hopewell Township, Cumberland County	PAG053513	Blue Mountain Service Plaza Exxon Company, USA 2567 University Ave., Suite 5008 Morgantown, WV 26505	Newburg Run 10531 12B
Middle Paxton Township, Dauphin County	PAG053514	Getty Station—Dauphin Getty Petroleum Marketing, Inc. 86 Doremus Avenue Newark, NJ 07110	Susquehanna River 06685 13C
Washington Township, Franklin County	PAG053515	Etter's Auto Service Robert Etter 314 Ringold Street Waynesboro, PA 17268	Red Run 059287 13C
Spring Township, Berks County	PAG053516	Sun Pipe Line—Montello Sun Company, Inc. Ten Penn Center 1801 Market Street Philadelphia, PA 19103	Cacoosing Creek 01850 3C
East Hempfield Township, Lancaster County	PAG053517	Herr and Sacco, Inc. P. O. Box 99, Elmwood Ave. Landisville, PA 17538	Swarr Run 07576 7J

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<i>Facility Location Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>
West Hempfield Township, Lancaster County	PAG053518	Turkey Hill Minit Markets 257 Centerville Road Lancaster, PA 17603	UNT to Chickies Creek 07979 7G
Bethel Township, Lebanon County	PAG053519	Redner's Markets, Inc. 3 Quarry Road Reading, PA 19605	UNT to Beach Run 09899 7D
West Lampeter Township, Lancaster County	PAG053540	Turkey Hill #15 Turkey Hill Minit Markets 257 Centerville Road Lancaster, PA 17603	Goods Run 07464 7K
Halifax Township, Dauphin County	PAG053553	Inglenook Terminal ExxonMobil Refining and Supply 1900 East Linden Ave. P. O. Box 728 Linden, NJ 07036	Susquehanna River 06685 6C
Biglerville Borough, Adams County	PAG053555	Fruit Research Farm Pennsylvania State University Dept. of Environmental Health & Safety Eisenhower Parking Deck University Park, PA 16802	UNT to Conewago Creek 09054 7F
Lewistown Borough, Mifflin County	PAG053521	Nittany Oil Co. Inc. P. O. Box 627 321 N. Front St. Philipsburg, PA 16886	UNT to Kishacoquil- las Creek 12430 12A
West Cornwall, Lebanon County	PAG053522	Sunoco Inc. 1801 Market St. Philadelphia, PA 19103-1699	Beck Creek
Bedford, Bedford County	PAG053523	Bedford Farm Bur. Coop. Assn. 102 Industrial Ave. Bedford, PA 15522-1032	Raystown Branch Juniata River
Penn, York County	PAG053524	Ronald Leese 330 Clover Ln. Hanover, PA 17331	Oil Creek
Middlesex, Cumberland County	PAG053525	CF Motorfreight 175 Lindfield Dr. Menlo Park, CA 94025-3799	Conodoguinet Creek
Hanover Borough, York County	PAG053526	Getty Properties Corp. 86 Doremus Ave. Newark, NJ 07101	UNT to Plum Creek 08887 7F
Tell, Huntingdon County	PAG053527	Buckeye Pipe Line Co. LP P. O. Box 368 Emmaus, PA 18049-0368	George Creek
Hummelstown, Dauphin County	PAG053528	Southland Corp. 814 Baker Rd. Virginia Beach, VI 23462	Swatara Creek
East St. Clair Township, Bedford County	PAG053529	Shirely Wolfe P. O. Box 9 Fishertown, PA 15539	UNT to Dunning Creek 14723 11C
Sinking Spring, Berks County	PAG053530	BP Exploration & Oil Inc. 1 W. Pennsylvania Ave. Towson, MD 21204-5027	Cacoosing Creek
Fairview, York County	PAG053531	SAC Inc. R. R. 2, Box 37 4588 Business 220 Bedford, PA 15522	Yellow Breeches Creek
Manheim Township, Lancaster County	PAG053532	Sunoco Inc. 1801 Market St. Philadelphia, PA 19103-1699	UNT to Conestoga River 07636 7J

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<i>Facility Location Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>
Freedom, Blair County	PAG053533	ExxonMobil Ref. & Supply Co. 1900 E. Linden Ave. P. O. Box 728 Linden, NJ 07036-0728	Frankstown Branch Juniata River
Lower Paxton, Dauphin County	PAG053534	William E. Strauss 5510 Allentown Blvd. Harrisburg, PA 17112	Asylum Run
East Hempfield, Lancaster County	PAG053535	Boeing Capital Corp. 3760 Kilroy Airport Way, Suite 500 Long Beach, CA 90808-1700	Little Conestoga Creek
Springettsbury, York County	PAG053536	ExxonMobil Ref. & Supply Co. 220 Commerce Dr., Suite. 205 Ft. Washington, PA 19034	Mill Creek
Windsor, Berks County	PAG053537	Francis L. Werley Inc. P. O. Box 206 Rte. 61 Hamburg, PA 19526	Schuylkill River
Upper Bern Township, Berks County	PAG053538	Linda Kauffman 3696 Mountain Rd. P. O. Box 409 Shartlesville, PA 19554	Wolfe Creek 01924 3C
Monroe Township, Cumberland County	PAG053539	Agway Petro Corp. P. O. Box 4852 Syracuse, NY 13221-4852	Trindle Spring Run 10222 7B
Salisbury Township, Lancaster County	PAG053541	Marvin Stoltzfus 756 Pequea Ave. Gap, PA 17527	UNT to Pequea Creek 07531 7K
Bethel Township, Berks County	PAG053542	Bressler Svc. Inc. P. O. Box 97 Bethel, PA 19507	UNT to Little Swatara 08847 7D
Exeter, Berks County	PAG053543	Historical and Museum Commission State Museum Bldg. 300 North St., Rm. 526 Harrisburg, PA 17120-0024	Owatin Creek
Snake Spring, Bedford County	PAG053544	Turkey Hill Mini Mkts. 257 Centerville Rd. Lancaster, PA 17603	Raystown Branch Juniata River
Springesttbury Township, York County	PAG053545	Amerada Hess Corp. 1 Hess Plz. Woodbridge, NJ 07095-0961	UNT to Mill Creek 08064 7H
Adamstown, Lancaster County	PAG053546	Getty Prop Corp. Inc. 86 Doremus Ave. Newark, NJ 07101	Little Muddy Creek
Bethel Township, Berks County	PAG053548	F. Ray Marks Jr. 469 Frystown Rd. Myerstown, PA 17067	UNT to Litle Swatara Creek 09932 7D
East Hanover Township, Lebanon County	PAG053549	IT Corp. 2790 Mosside Blvd. Monroeville, PA 15146-2792	UNT to Swatara Creek 109749 7D
Arendtsville, Adams County	PAG053551	Getty Prop Corp. 125 Jericho Turnpike Jericho, NY 11753	Conewago Creek
Taylor Township, Blair County	PAG053552	Rodney Weyant R. R. 2, Box 218 Lock Mountain Rd. Martinsburg, PA 16662	UNT to Cove Creek 16531 11A

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<i>Facility Location Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>
Porter Township, Huntingdon County	PAG053554	Shaner Energy Inc. 40 Pennsylvania Ave. Huntingdon, PA 16652	UNT to Robison Run 16073 11A
Carroll Township, York County	PAG053556	Shillito Oil Inc. 1014 York Rd. Dillsburg, PA 17019	UNT to Dogwood Run 63147 7E
Milford, Juniata County	PAG053557	Shaner Energy Inc. 40 Pennsylvania Ave. Huntingdon, PA 16652	East Licking Creek
Conewago, York County	PAG053558	Terry L. Lawrence 1726 Carlisle Pike Hanover, PA 17331	
West Hanover, Dauphin County	PAG053559	Pilot Corp. 5508 Loas Rd. Knoxville, TN 37939-0146	
Ayr, Fulton County	PAG053560	Getty Prop Corp. 125 Jericho Turnpike Jericho, NY 11753	

Northwest Region (814) 332-6942

<i>Facility Location Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>
Barkeyville, Venango County	PAG058301	BP Oil 07124 Interstate 80 and Route 8 Barkeyville, PA	
West Middlesex, Mercer County	PAG058302	Texaco Mercer Fac. 200 Speers St. Belle Vernon, PA 15012	UNT to Hogback Run
Harborcreek, Erie County	PAG058303	Travel Ports of Amer. Harborcreek 4050 Depot Rd. Harborcreek, PA 16510	UNT to Sevenmile Creek
Brockway, Jefferson County	PAG058304	Lukes Auto Svc. Ctr. R. R. 3, Box 66 Route 219 Brockway, PA 15824	Little Toby Creek
Butler, Butler County	PAG058305	Purvis Bros Bulk Plt. 204 E. Kittanning St. Butler, PA 16001	Connoquenessing Creek
Erie, Erie County	PAG058307	Spencers Keystone Box 688 Warren, PA 16365	UNT to Fourmile Creek
Erie, Erie County	PAG058308	Kwik Fill M002 153 5501 Peach St. Erie, PA 16509	Walnut Creek
New Castle, Lawrence County	PAG058309	BP Oil 07349 2505 Ellwood Rd. New Castle, PA 16101	Big Run
Farrell, Mercer County	PAG058310	Texaco Div. St. 200 Speers St. Belle Vernon, PA 15012	Pine Run
Strattanville, Clarion County	PAG058311	Keystone Shortway 76 Travel Ctr. 21251 Route 322 Strattanville, PA 16258-9718	Douglass Run
New Castle, Lawrence County	PAG058312	Tic Toc Food Mart 104 547 Mt. Jackson Rd. New Castle, PA 16102-9701	Hickory Run

Northwest Region (814) 332-6942

<i>Facility Location Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>
Eldred, McKean County	PAG058313	Todd Motor Sales P. O. Box 367 Port Allegany, PA 16743-0367	Allegheny River
Union City, Erie County	PAG058314	Country Fair Store 95 2251 E. 30th St. Erie, PA 16510	UNT to South Branch French Creek
Cranberry Township, Butler County	PAG058315	Cranberry Township Public Works Fac. 2525 Rochester Rd. Cranberry Township, PA 16066	Brush Creek
Fairview, Erie County	PAG058316	Fuel Stop P. O. Box 6345 Erie, PA 16512	Elk Creek
North East, Erie County	PAG058317	North East Svc. Plaza 12241 E. Main Rd. North East, PA 16428-3645	UNT to Twentymile Creek
Erie, Erie County	PAG058319	Country Fair Store 49 2251 E. 30th St. Erie, PA 16509	Walnut Creek
Barkeyville, Venango County	PAG058321	Kwik Fill 209 5 Bradley St. Warren, PA 16365	UNT to Slippery Rock Creek
Bruin, Butler County	PAG058322	Bruin Svc. Ctr. 163 Main St. Bruin, PA 16022-0054	South Branch Bear Creek
Hermitage, Mercer County	PAG058323	Hermitage Pennzmart 637 Braddock Ave. East Pittsburgh, PA 15112	Pine Hollow Run
New Vernon Township, Mercer County	PAG058224	McQuiston Oil 606 Georgetown Rd. Hadley, PA 16130	Shenango River
Zelienople, Butler County	PAG058325	Kwik Fill S0010 218 631 W. New Castle St. Zelienople, PA 16063	UNT to Con- noquenessing Creek
Erie, Erie County	PAG058226	Franklins General Store 9861 Wattsburg Rd. Erie, PA 16509	Mill Creek
Butler, Butler County	PAG058327	Kwik Fill S0013 1801 N. Main Box 12 Butler, PA 16001	UNT to Con- noquenessing Creek
Oil City, Venango County	PAG058328	Pennzoil Quaker State Plt. 2 P. O. Box 2967 Houston, TX 77252-2967	Oil Creek
Union Township, Westmoreland County	PAG058229	Guttman Oil 200 Speers Rd. New Stanton, PA 15012	Shenango River
Erie, Erie County	PAG058331	Exit 9 Sunoco 6122 Station Rd. Erie, PA 16510	UNT to Sixmile Creek
Stoneboro, Mercer County	PAG058332	Dyes Svc. Sta. P. O. Box 335 Stoneboro, PA 16153-0335	Sawmill Run
Volant, Lawrence County	PAG058333	Joes Svc. Sta. 1808 Perry Hwy. Volant, PA 16156	UNT to Neshannock Creek

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<i>Facility Location Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>
Meadville, Crawford County	PAG058334	Meadville Redi Mix Concrete 19821 Cochran Rd. Meadville, PA 16335	French Creek
Grove City, Mercer County	PAG058335	Country Fair Store 44 2251 E. 30th St. Erie, PA 16510-2551	Black Run
Franklin, Venango County	PAG058336	Kwik Fill M 063 105 N. 13th St. Franklin, PA 16323	French Creek
Reno, Venango County	PAG058337	Goss Gas Prod. 700 Milam 15th Fl. P. O. Box 2967 Houston, TX 77252	Allegheny River
Reno, Venango County	PAG058337	Goss Gas Prod. 700 Milam 15th Fl. P. O. Box 2967 Houston, TX 77252	Allegheny River
Sheffield, Warren County	PAG058339	Sheffield Container 1 Oak St. Kane, PA 16735	Twomile Run
Sheffield, Warren County	PAG058340	McMillen Lumber Sheffield 311 Norton Ave. Sheffield, PA 16347	Twomile Run
Clarion, Clarion County	PAG058341	Frampton Oil Retail Fac. 129 McCarrell Ln., Suite 2b Zelienople, PA 16063	Trout Run
Butler, Butler County	PAG058342	Agway Energy Prod. Butler Plt. S. Monroe and E. Cunningham St. Butler, PA 16001	Connoquenessing Creek
New Castle, Lawrence County	PAG058343	J. J. Kennedy Petro. Prod. P. O. Box 159 Petersburg, OH 44454-0159	Hickory Run
Erie, Erie County	PAG058344	Country Fair Store 52 2251 E. 30th St. Erie, PA 16501	Lake Erie
Erie, Erie County	PAG058345	Holmes Exxon Car Wash 3906 Peach St. Erie, PA 16509	Lake Erie
Butler, Butler County	PAG058346	McKitten Svc. Sta. 686 Glenwood Way Butler, PA 16001	

[Pa.B. Doc. No. 02-1140. Filed for public inspection June 28, 2002, 9:00 a.m.]

State Solid Waste Plan Subcommittee of the Solid Waste Advisory Committee Meeting Change

The August 8, 2002, meeting of the State Solid Waste Plan Subcommittee of the Solid Waste Advisory Committee has been rescheduled. The next meeting is scheduled for July 11, 2002, at 10 a.m. in the Medium Conference Room, 14th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting should be directed to Lawrence Holley or Diana Welker at (717) 787-7382 or e-mail lholley@state.pa.us or diwelker@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Diana Welker at (717) 787-7382 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD).

DAVID E. HESS,
Secretary

[Pa.B. Doc. No. 02-1141. Filed for public inspection June 28, 2002, 9:00 a.m.]

DEPARTMENT OF HEALTH

Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee Meeting

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health (Department) under sections 301 and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold public meetings on Wednesday, July 17, 2002, and Thursday, July 18, 2002.

The meetings will be held at the Best Western Inn and Suites, 815 Eisenhower Boulevard, Middletown, PA, 17057, from 9 a.m. to 3 p.m.

The Department reserves the right to cancel the meetings without prior notice.

For additional information, contact Thomas M. DeMelfi, Department of Health, Bureau of Communicable Diseases, P. O. Box 90, Room 1010, Health and Welfare Building, Harrisburg, PA 17108, (717) 783-0572.

Persons with a disability who wish to attend a meeting and require an auxiliary aid, service or other accommodation to do so, should contact Thomas DeMelfi at the previous number, V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT & T Relay Services at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1142. Filed for public inspection June 28, 2002, 9:00 a.m.]

Hospital Diversion

The Department of Health (Department) has observed an increase in the number of hospitals that go on emergency department divert during the last 2 years. This practice is a serious problem since it can have the effect of reducing access to care. It is particularly problematic when all hospitals in a geographic area go on divert. The Department wants to remind all hospitals that, despite their divert status, they must provide for an appropriate medical screening examination for a individual who comes to the emergency department and who requests examination or treatment for a medical condition. Also, hospitals are subject to State and Federal sanctions for failing to provide screening to all patients present during the divert period.

This notice provides guidance on the Department's expectations regarding: 1) content of the hospital's diversion policy; and 2) reporting of occurrences of diversion under 28 Pa. Code § 51.3(f) (relating to notification) (Chapter 51).

1. Each hospital should have a written diversion policy. This policy should be developed in consultation with the regional emergency medical service (EMS) council or its successor. This policy should describe those things that will trigger consideration of going on divert and what criteria will be used to go on divert. The policy should include and define the levels of divert to be used internally. These levels may be determined by the number of hours the facility is on divert status or some other unit of measurement. The policy should specifically identify a high-ranking physician or administrator who shall personally approve and document each decision to go on

divert. The individual approving the diversion may differ depending on the level of diversion invoked.

The hospital policy should identify who inside and outside the hospital will be notified of a decision to go on divert and contain a description of how the decision will be communicated to them. Notification of divert to outside entities should include the EMS system and public safety answering points (911 centers).

2. The decision of a hospital to go on divert (either total or a lower level) when the diversion is for 8 continuous hours or more than 12 hours in a 24-hour period, is a Chapter 51 reportable event to the Department. (Note: notification to a regional EMS council does not substitute for notification to the Department.) The written report of the event should contain the date and time when the hospital went on divert, the date and time when the hospital went off divert, the reasons for divert and what the hospital did to avoid the divert status.

The Department will review a hospital's divert policy as part of regular survey inspections, complaint survey inspections and incident survey inspections.

Questions regarding this guidance should be directed to Department of Health, Bureau of Facility Licensure and Certification, Division of Acute and Ambulatory Care, P. O. Box 90, Harrisburg, PA 17108, (717) 783-8980, e-mail at paexcept@health.state.pa.us.

Persons with a disability who require an alternative format of this notice, or wish to comment on it, should use 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. 02-1143. Filed for public inspection June 28, 2002, 9:00 a.m.]

Laboratories Approved to Determine Blood Alcohol Content under the Clinical Laboratory Act, the Vehicle Code, the Fish and Boat Code and the Game and Wildlife Code

The following laboratories are licensed by the Department of Health (Department) under the Clinical Laboratory Act (35 P.S. §§ 2151—2165) and are currently approved by the Department under 28 Pa. Code §§ 5.50 and 5.103 (relating to approval to provide special analytical services; and blood tests for blood alcohol content) to perform alcohol analyses of blood and/or serum and plasma. This approval is based on demonstrated proficiency in periodic tests conducted by the Department's Bureau of Laboratories. Since procedures for determining the alcohol content of serum and plasma are identical and results obtained from serum or plasma derived from a blood sample are the same, laboratories that demonstrate reliability in the analysis of serum proficiency testing specimens are approved to analyze both serum and plasma. These laboratories are also approved and designated under the provisions of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; and reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 2502 (relating to hunting or furtaking under the influence of alcohol or

controlled substance) as qualified to perform the types of specialized services which will reflect the presence of alcohol in blood and/or serum and plasma. Laboratories located outside this Commonwealth may not provide blood and/or serum and plasma alcohol testing services in this Commonwealth unless they are specifically licensed by the Department under the Clinical Laboratory Act.

Persons seeking forensic blood and/or serum and plasma analysis services from the following designated laboratories should determine that the laboratory employs techniques and procedures acceptable for forensic purposes and that the director of the facility is agreeable to performing determinations for this purpose. The list of approved laboratories will be revised approximately semi-annually and published in the *Pennsylvania Bulletin*.

The Department's blood alcohol and serum/plasma alcohol proficiency testing programs are approved by the United States Department of Health and Human Services in accordance with the requirements contained in the Clinical Laboratory Improvement Amendments of 1988 (42 CFR 493.901 and 493.937) which are administered by the Health Care Financing Administration. Participation in these programs may therefore be used to demonstrate acceptable performance for approval purposes under both Federal and Commonwealth statutes.

Questions regarding this list should be directed to Dr. M. Jeffery Shoemaker, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464, ext. 3273. Persons with a disability who require auxiliary aid service should contact Dr. M. Jeffery Shoemaker at V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT & T Relay Service at (800) 654-5984 (TT).

The symbols S and B indicate the following:

S = approved for serum and plasma analyses
 B = approved for blood analyses
 SB = approved for serum, plasma and blood analyses

ABINGTON MEMORIAL HOSPITAL-S
 1200 OLD YORK ROAD
 ABINGTON, PA 19001
 (215) 576-2350

ADVANCED TOXICOLOGY NETWORK-B
 3560 AIR CENTER COVE SUITE 101
 MEMPHIS, TN 38118
 (901) 794-5770

ALBERT EINSTEIN MED CTR NORTH-S
 5501 OLD YORK ROAD
 PHILADELPHIA, PA 19141
 (215) 456-6100

ALIQUIPPA COMM HOSP PATHOLOGY DEPT-B
 2500 HOSPITAL DRIVE
 PATHOLOGY DEPT
 ALIQUIPPA, PA 15001
 (724) 857-1238

ALLEG CNTY CORONERS DIV OF LABS-SB
 542 FORBES AVENUE
 ROOM 10 COUNTY OFFICE BUILDING
 PITTSBURGH, PA 15219
 (412) 350-6873

ALLEGHENY VALLEY HOSPITAL LAB-SB
 1300 CARLISLE STREET
 NATRONA HEIGHTS, PA 15065
 (724) 224-5100

ALTOONA HOSPITAL-SB
 620 HOWARD AVENUE
 ALTOONA, PA 16601-4899
 (814) 946-2340

AMERICAN MEDICAL LABORATORIES INC-SB
 14225 NEWBROOK DRIVE
 P. O. BOX 10841
 CHANTILLY, VA 20153-0841
 (703) 802-6900

ANALYTIC BIO-CHEMISTRIES INC-SB
 1680-D LORETTA AVENUE
 FEASTERVILLE, PA 19053
 (215) 322-9210

ARMSTRONG COUNTY MEMORIAL HOSP-S
 1 NOLTE DRIVE
 KITTANNING, PA 16201
 (724) 543-8122

ASSOCIATED CLINICAL LABORATORIES-SB
 1526 PEACH STREET
 ERIE, PA 16501
 (814) 461-2400

ASSOCIATED REGIONAL & UNIV PATH-S
 500 CHIPETA WAY
 SALT LAKE CITY, UT 84108
 (800) 242-2787

AUH-FORBES REGIONAL-SB
 2570 HAYMAKER ROAD
 MONROEVILLE, PA 15146
 (412) 858-2560

AYER CLINICAL LAB-PENN HOSPITAL-S
 8TH & SPRUCE STREETS
 PHILADELPHIA, PA 19107
 (215) 829-3541

BARNES KASSON COUNTY HOSPITAL-S
 400 TURNPIKE STREET
 SUSQUEHANNA, PA 18847
 (570) 853-3135

BON SECOURS-HOLY FAMILY REG HLTH-SB
 2500 SEVENTH AVENUE
 ALTOONA, PA 16602-2099
 (814) 949-4495

BRADFORD HOSPITAL LAB-SB
 116-156 INTERSTATE PKWY
 BRADFORD, PA 16701-0218
 (814) 362-8247

BRANDYWINE HOSPITAL-S
 201 REECEVILLE ROAD
 ATTN: LABORATORY
 COATESVILLE, PA 19320
 (610) 383-8000

BROWNSVILLE GENERAL HOSPITAL LAB-S
 125 SIMPSON ROAD
 BROWNSVILLE, PA 15417
 (724) 785-7200

BUTLER MEMORIAL HOSPITAL-S
 911 EAST BRADY STREET
 BUTLER, PA 16001
 (724) 284-4510

CANONSBURG GENERAL HOSPITAL-SB
 100 MEDICAL BOULEVARD
 CANONSBURG, PA 15317
 (724) 745-6100

CARLISLE REGIONAL MEDICAL CENTER-S
246 PARKER STREET
CARLISLE, PA 17013
(717) 249-1212

CENTRAL MONTGOMERY MEDICAL CENTER-S
100 MED CAMPUS DRIVE
LANSDALE, PA 19446
(215) 368-2100

CENTRE COMMUNITY HOSPITAL-B
1800 EAST PARK AVENUE
STATE COLLEGE, PA 16803
(814) 234-6117

CHAMBERSBURG HOSPITAL-S
112 NORTH SEVENTH STREET
CHAMBERSBURG, PA 17201
(717) 267-7152

CHARLES COLE MEMORIAL HOSPITAL-S
1001 EAST SECOND STREET
COUDERSPORT, PA 16915
(814) 274-9300

CHESTER COUNTY HOSPITAL-S
701 E MARSHALL STREET
WEST CHESTER, PA 19380
(610) 431-5182

CHESTNUT HILL HOSPITAL-S
8835 GERMANTOWN AVENUE
DEPT OF PATHOLOGY
PHILADELPHIA, PA 19118
(215) 248-8630

CHILDRENS HOSP OF PHILADELPHIA-S
ONE CHILDREN'S CENTER 34TH & CIVIC
PHILADELPHIA, PA 19104
(215) 590-1000

CLARION HOSPITAL-SB
1 HOSPITAL DRIVE
CLARION, PA 16214
(814) 226-9500

CLEARFIELD HOSPITAL LABORATORY-S
809 TURNPIKE AVENUE
P. O. BOX 992
CLEARFIELD, PA 16830
(814) 768-2280

CLINICAL LABORATORIES INC-SB
901 KEYSTONE INDUSTRIAL PARK
THROOP, PA 18512-1534
(570) 346-1759

COMMUNITY HOSPITAL-B
NORTH FRALEY STREET
KANE, PA 16735
(814) 837-4575

COMMUNITY HOSPITAL OF LANCASTER-S
1100 EAST ORANGE STREET
LANCASTER, PA 17602
(717) 397-3711

COMMUNITY MEDICAL CENTER-S
1800 MULBERRY STREET
SCRANTON, PA 18510
(570) 969-8000

CONEMAUGH VALLEY MEMORIAL HOSP-SB
1086 FRANKLIN STREET
JOHNSTOWN, PA 15905-4398
(814) 534-9000

CORRY MEMORIAL HOSPITAL-S
612 WEST SMITH STREET
CORRY, PA 16407
(814) 664-4641

CROZER CHESTER MED CENTER-S
1 MEDICAL CENTER BOULEVARD
UPLAND, PA 19013
(610) 447-2000

CROZER-CHESTER MED CTR-SPRINGFLD-S
190 WEST SPROUL ROAD
SPRINGFIELD, PA 19064
(610) 447-2000

DELAWARE COUNTY MEMORIAL HOSP-S
501 NORTH LANSDOWNE AVENUE
DREXEL HILL, PA 19026-1186
(610) 284-8100

DEPT OF PATHOLOGY & LAB MED-HUP-SB
3400 SPRUCE STREET
PHILADELPHIA, PA 19104
(215) 662-6880

DOYLESTOWN HOSPITAL-S
595 W STATE STREET
DOYLESTOWN, PA 18901
(215) 345-2250

DRUGSCAN INC-SB
1119 MEARNS ROAD
P. O. BOX 2969
WARMINSTER, PA 18974
(215) 674-9310

DUBOIS REG MED CTR—WEST UNIT-S
100 HOSPITAL AVENUE
DUBOIS, PA 15801
(814) 371-2200

DYNACARE ALLEGHENY LABORATORIES-B
320 EAST NORTH AVENUE
PITTSBURGH, PA 15212
(412) 359-3521

EASTON HOSPITAL-SB
250 SOUTH 21ST STREET
EASTON, PA 18042-3892
(610) 250-4140

ELKINS PARK HOSPITAL-S
60 EAST TOWNSHIP LINE ROAD
ELKINS PARK, PA 19027
(215) 663-6102

ELLWOOD CITY GENERAL HOSPITAL-S
724 PERSHING STREET
ELLWOOD CITY, PA 16117
(724) 752-0081

EPHRATA COMMUNITY HOSPITAL-S
169 MARTIN AVENUE
P. O. BOX 1002
EPHRATA, PA 17522
(717) 733-0311

EPISCOPAL HOSPITAL LABORATORY-S
100 EAST LEHIGH AVENUE
PHILADELPHIA, PA 19125-1098
(215) 427-7333

ERHC ST MARYS LABORATORY-B
763 JOHNSONBURG ROAD
SAINT MARYS, PA 15857
(814) 788-8525

EVANGELICAL COMMUNITY HOSPITAL-S
1 HOSPITAL DRIVE
LEWISBURG, PA 17837
(570) 522-2510

FRANKFORD HOSP BUCKS CO CAMPUS-S
380 NORTH OXFORD VALLEY ROAD
LANGHORNE, PA 19047-8304
(215) 934-5227

FRANKFORD HOSPITAL FRANK DIV-S
FRANKFORD AVENUE & WAKELING STREET
PHILADELPHIA, PA 19124
(215) 831-2068

FRANKFORD HOSPITAL-TORRES DIV-S
RED LION & KNIGHTS ROADS
PHILADELPHIA, PA 19114
(215) 612-4000

FRICK HOSPITAL-S
508 SOUTH CHURCH STREET
MOUNT PLEASANT, PA 15666
(724) 547-1500

FULTON COUNTY MEDICAL CENTER-S
216 SOUTH FIRST STREET
MCCONNELLSBURG, PA 17233
(717) 485-3155

GEISINGER MEDICAL CENTER-SB
N ACADEMY ROAD
DANVILLE, PA 17822
(570) 271-6338

GEISINGER WYOMING VALLEY MED CTR-S
1000 E MOUNTAIN DRIVE
WILKES-BARRE, PA 18711
(570) 826-7830

GEORGE TOLSTOI LAB-UNIONTOWN HSP-S
500 WEST BERKELEY STREET
UNIONTOWN, PA 15401
(724) 430-5143

GERMANTOWN COMM HLTH WILLOW TERR-S
ONE PENN BOULEVARD
PHILADELPHIA, PA 19144
(215) 951-8800

GETTYSBURG HOSPITAL-SB
147 GETTYS STREET
GETTYSBURG, PA 17325
(717) 334-2121

GNADEN HUETTEN MEMORIAL HOSP-SB
11TH & HAMILTON STREETS
LEHIGHTON, PA 18235
(610) 377-1300

GOOD SAMARITAN HOSPITAL-B
4TH & WALNUT STREETS
P. O. BOX 1281
LEBANON, PA 17042-1218
(717) 270-7500

GOOD SAMARITAN REGIONAL MED CTR-S
700 EAST NORWEGIAN STREET
POTTSVILLE, PA 17901
(570) 621-4032

GRADUATE HOSPITAL-S
1800 LOMBARD STREET
PHILADELPHIA, PA 19146
(215) 893-2240

GRAND VIEW HOSPITAL-S
700 LAWN AVENUE
SELLERSVILLE, PA 18960
(215) 257-3611

GREENE COUNTY MEMORIAL HOSPITAL-S
BONAR AVENUE
WAYNESBURG, PA 15370
(724) 627-2608

GUTHRIE CLINIC PATH LAB-S
GUTHRIE SQUARE
SAYRE, PA 18840
(570) 888-5858

HAHNEMANN UNIVERSITY HOSPITAL-S
BROAD & VINE STREETS MS 113
PHILADELPHIA, PA 19102
(215) 762-1783

HAMOT MEDICAL CENTER-S
201 STATE STREET
ERIE, PA 16550
(814) 877-3131

HANOVER GENERAL HOSPITAL-SB
300 HIGHLAND AVENUE
HANOVER, PA 17331
(717) 637-3711

HARRISBURG HOSPITAL LABORATORY-SB
SOUTH FRONT STREET
HARRISBURG, PA 17101
(717) 782-2832

HAZLETON GENERAL HOSPITAL-SB
EAST BROAD STREET
HAZLETON, PA 18201
(570) 501-4152

HEALTH NETWORK LABORATORIES-S
1627 WEST CHEW STREET
ALLENTOWN, PA 18102
(610) 402-2236

HEALTH NETWORK LABORATORIES-S
1200 SOUTH CEDAR CREST BOULEVARD
ALLENTOWN, PA 18103
(610) 402-8150

HEALTH NETWORK LABORATORIES-S
2545 SCHOENERSVILLE ROAD
BETHLEHEM, PA 18017-7384
(484) 884-2259

HEALTH NETWORK LABORATORIES-SB
2024 LEHIGH STREET
ALLENTOWN, PA 18103-4798
(610) 402-8150

HIGHLANDS HOSPITAL-S
401 EAST MURPHY AVENUE
CONNELLSVILLE, PA 15425
(724) 628-1500

HOLY SPIRIT HOSPITAL-SB
503 N 21ST STREET
CAMP HILL, PA 17011-2288
(717) 763-2206

INDIANA HOSPITAL DEPT OF LAB MED-S
HOSPITAL ROAD
P. O. BOX 788
INDIANA, PA 15701-0788
(724) 357-7167

J C BLAIR MEMORIAL HOSPITAL-S
WARM SPRINGS AVENUE
HUNTINGDON, PA 16652
(814) 643-8645

JAMESON MEMORIAL HOSPITAL-S
1211 WILMINGTON AVENUE
NEW CASTLE, PA 16105
(724) 656-4080

JEANES HOSPITAL-S
7600 CENTRAL AVENUE
PHILADELPHIA, PA 19111
(215) 728-2347

JEANNETTE DISTRICT MEMORIAL HOSP-S
JEFFERSON AVENUE
JEANNETTE, PA 15644
(724) 527-3551

JENNERSVILLE REGIONAL HOSPITAL-S
1015 WEST BALTIMORE PIKE
WEST GROVE, PA 19390
(610) 869-1080

JRHS - BROOKVILLE HOSPITAL-S
100 HOSPITAL ROAD
BROOKVILLE, PA 15825
(814) 849-2312

KENSINGTON HOSPITAL-S
136 WEST DIAMOND STREET
PHILADELPHIA, PA 19122
(215) 426-8100

LAB CORP OCCUPATIONAL TEST SRVCS-B
1120 STATELINE ROAD WEST
SOUTHAVEN, MS 38671
(886) 827-8042

LAB CORP OF AMERICA HOLDINGS-SB
6370 WILCOX ROAD
DUBLIN, OH 43016-1296
(800) 282-7300

LABCORP OF AMERICA HOLDINGS-SB
69 FIRST AVENUE
P. O. BOX 500
RARITAN, NJ 08869
(201) 526-2400

LABONE INC-SB
10101 RENNER BOULEVARD
LENEXA, KS 66219-9752
(913) 888-1770

LANCASTER GENERAL HOSPITAL-S
555 N DUKE STREET
P. O. BOX 3555
LANCASTER, PA 17603
(717) 299-5511

LANCASTER GENERAL HOSP-SUS DIV-S
306 NORTH SEVENTH STREET
COLUMBIA, PA 17512
(717) 684-2841

LANCASTER REGIONAL MED CENTER-S
250 COLLEGE AVENUE
P. O. BOX 3434
LANCASTER, PA 17604
(717) 291-8022

LATROBE AREA HOSPITAL-S
121 WEST 2ND AVENUE
LATROBE, PA 15650
(724) 537-1550

LEWISTOWN HOSPITAL-B
HIGHLAND AVENUE
LEWISTOWN, PA 17044
(717) 248-5411

LOCK HAVEN HOSPITAL LABORATORY-B
24 CREE DRIVE
LOCK HAVEN, PA 17745
(570) 893-5000

MAIN LINE CLIN LABS BRYN MAWR CP-S
130 BRYN MAWR AVENUE
BRYN MAWR, PA 19010
(610) 526-3554

MAIN LINE CLIN LABS LANKENAU CP-S
100 EAST LANCASTER AVENUE
WYNNEWOOD, PA 19096
(610) 645-2615

MAIN LINE CLIN LABS PAOLI MEM CP-S
255 WEST LANCASTER AVENUE
PAOLI, PA 19301
(610) 648-1000

MARIAN COMMUNITY HOSPITAL-S
100 LINCOLN AVENUE
CARBONDALE, PA 18407
(570) 281-1042

MEADVILLE MED CTR-LIBERTY ST-S
751 LIBERTY STREET
MEADVILLE, PA 16335
(814) 336-3121

MEDICAL COLLEGE OF PA HOSPITAL-S
3300 HENRY AVENUE
PHILADELPHIA, PA 19129
(215) 842-7306

MEDTOX LABORATORIES INC-SB
402 WEST COUNTY ROAD D
ST PAUL, MN 55112
(612) 636-7466

MEMORIAL HOSPITAL CLINICAL LAB-SB
325 S BELMONT STREET
P. O. BOX 15118
YORK, PA 17403
(717) 843-8623

MEMORIAL HOSPITAL LAB-SB
1 HOSPITAL DRIVE
TOWANDA, PA 18848
(570) 265-2191

MERCY HEALTH LAB/MFH-S
1500 LANSDOWNE AVENUE
DARBY, PA 19023
(610) 237-4262

MERCY HEALTH LAB/MHOP-S
54 AND CEDAR AVENUE
PHILADELPHIA, PA 19143
(215) 748-9181

MERCY HEALTH LAB/MSH-S
2701 DEKALB PIKE
NORRISTOWN, PA 19401
(610) 278-2090

MERCY HEALTH PARTNERS-S
746 JEFFERSON AVENUE
SCRANTON, PA 18510
(570) 348-7100

MERCY HOSPITAL LABORATORY-S
25 CHURCH STREET
P. O. BOX 658
WILKES-BARRE, PA 18765
(570) 826-3100

MERCY HOSPITAL LABORATORY-S
PRIDE & LOCUST STREETS
PITTSBURGH, PA 15219
(412) 232-7831

MERCY PROVIDENCE HOSPITAL LAB-S
1004 ARCH STREET
PITTSBURGH, PA 15212
(412) 323-5783

METHODIST HOSP DIVISION/TJUH INC-S
2301 SOUTH BROAD STREET
PHILADELPHIA, PA 19148
(215) 952-9059

MEYERSDALE COMMUNITY HOSPITAL-S
200 HOSPITAL DRIVE
MEYERSDALE, PA 15552
(814) 634-5911

MIDVALLEY HOSPITAL-S
1400 MAIN STREET
PECKVILLE, PA 18452
(570) 383-5520

MINERS HOSPITAL-S
290 HAIDA AVENUE
P. O. BOX 689
HASTINGS, PA 16646
(814) 948-7171

MONONGAHELA VALLEY HOSP INC-S
COUNTRY CLUB ROAD RT 88
MONONGAHELA, PA 15063
(724) 258-1000

MONSOUR MEDICAL CENTER-S
70 LINCOLN WAY E.
JEANNETTE, PA 15644
(724) 527-1511

MONTGOMERY HOSPITAL LAB-S
POWELL & FORNANCE STREETS
NORRISTOWN, PA 19401
(610) 270-2173

MOSES TAYLOR HOSPITAL-S
700 QUINCY AVENUE
SCRANTON, PA 18510
(570) 963-2100

MUNCY VALLEY HOSPITAL-S
215 EAST WATER STREET
MUNCY, PA 17756
(570) 546-8282

NASON HOSPITAL-B
NASON DRIVE
ROARING SPRING, PA 16673
(814) 224-6215

NATIONAL MED SERVICES INC LAB-SB
3701 WELSH ROAD
WILLOW GROVE, PA 19090
(215) 657-4900

NAZARETH HOSPITAL-S
2601 HOLME AVENUE
PHILADELPHIA, PA 19152
(215) 335-6245

OHIO VALLEY GENERAL HOSPITAL-S
25 HECKEL ROAD
MCKEES ROCKS, PA 15136
(412) 777-6161

OMEGA MEDICAL LABORATORIES INC-SB
2001 STATE HILL ROAD SUITE 100
WYOMISSING, PA 19610-1699
(610) 378-1900

PALMERTON HOSPITAL-S
135 LAFAYETTE AVENUE
PALMERTON, PA 18071
(610) 826-3141

PARKVIEW HOSPITAL-S
1331 EAST WYOMING AVENUE
PHILADELPHIA, PA 19124
(215) 537-7430

PENN STATE MILTON S HERSHEY MED CTR-S
500 UNIVERSITY DRIVE
DEPT OF PATHOLOGY & LAB MEDICINE
HERSHEY, PA 17033
(717) 531-8353

PENNSYLVANIA DEPT OF HEALTH-SB
110 PICKERING WAY
LIONVILLE, PA 19353
(610) 280-3464

PHILIPSBURG AREA HOSPITAL-SB
210 LOCH LOMOND ROAD
PHILIPSBURG, PA 16866
(814) 342-7112

PHOENIXVILLE HOSPITAL LABORATORY-S
140 NUTT ROAD
DEPT OF PATHOLOGY
PHOENIXVILLE, PA 19460-0809
(610) 983-1612

PINNACLE HLTH/COMM GEN OSTEO HOSP-S
4300 LONDONDERRY ROAD
P. O. BOX 3000
HARRISBURG, PA 17109
(717) 657-7214

PITTSBURGH CRIMINALISTICS-SB
1320 FIFTH AVENUE
PITTSBURGH, PA 15219
(412) 391-6118

POCONO MEDICAL CENTER LAB-SB
206 EAST BROWN STREET
EAST STROUDSBURG, PA 18301
(570) 476-3544

POTTSTOWN MEMORIAL MED CENTER-S
1600 E HIGH STREET
POTTSTOWN, PA 19464
(610) 327-7111

POTTSVILLE HOSP AND WARNE CLINIC-SB
420 SOUTH JACKSON STREET
POTTSVILLE, PA 17901
(570) 621-5262

PRESBYTERIAN MED CENTER OF PHILA-S
51 NORTH 39TH STREET
5TH FLOOR ROOM 530
DEPARTMENT OF PATHOLOGY & LAB
PHILADELPHIA, PA 19104-2640
(215) 662-3435

PUNXSUTAWNEY AREA HOSPITAL-S
81 HILLCREST DRIVE
PUNXSUTAWNEY, PA 15767
(814) 938-4500

QUEST DIAGNOSTICS CLINICAL LABS INC-SB
900 BUSINESS CENTER DRIVE
HORSHAM, PA 19044
(215) 957-9300

QUEST DIAGNOSTICS INC-SB
400 EGYPT ROAD
NORRISTOWN, PA 19403
(610) 631-4219

QUEST DIAGNOSTICS OF PA INC-SB
875 GREENTREE ROAD
4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7600

QUEST DIAGNOSTICS VENTURE LLC-SB
875 GREENTREE ROAD
4 PARKWAY CENTER
PITTSBURGH, PA 15220-3610
(412) 920-7631

READING HOSPITAL & MED CTR-S
6TH AND SPRUCE STREETS
WEST READING, PA 19611
(610) 988-8080

RIDDLE MEMORIAL HOSPITAL-S
BALTIMORE PIKE HIGHWAY 1
MEDIA, PA 19063
(610) 566-9400

ROXBOROUGH MEMORIAL HOSPITAL-S
5800 RIDGE AVENUE
PHILADELPHIA, PA 19128
(215) 487-4394

SACRED HEART HOSPITAL-S
4TH & CHEW STREETS
ALLENTOWN, PA 18102
(610) 776-4727

SAINT AGNES MEDICAL CENTER-S
1900 SOUTH BROAD STREET
PHILADELPHIA, PA 19145
(215) 339-4360

SAINT CLAIR MEMORIAL HOSPITAL-S
1000 BOWER HILL ROAD
PITTSBURGH, PA 15243
(412) 561-4900

SAINT FRANCIS HOSPITAL OF NEW CASTLE-S
1000 S. MERCER STREET
NEW CASTLE, PA 16101
(724) 656-6111

SAINT LUKES HOSPITAL-S
801 OSTRUM STREET
BETHLEHEM, PA 18015
(610) 691-4141

SAINT MARY MEDICAL CENTER-S
LANGHORNE - NEWTOWN ROAD
LANGHORNE, PA 19047
(215) 750-2162

SAINT VINCENT HEALTH CENTER-S
232 WEST 25TH STREET
ERIE, PA 16544
(814) 452-5383

SEWICKLEY VALLEY HOSPITAL LAB-S
BLACKBURN ROAD & FITCH DRIVE
SEWICKLEY, PA 15143
(412) 741-6600

SHARON REGIONAL HEALTH SYSTEM-SB
740 EAST STATE STREET
SHARON, PA 16146
(724) 983-3911

SOLDIERS & SAILORS MEM HOSP-S
CENTRAL AVENUE
WELLSBORO, PA 16901
(570) 724-1631

SOMERSET HOSPITAL LAB-B
225 S CENTER AVENUE
SOMERSET, PA 15501
(814) 443-5000

SOUTH HILLS HEALTH SYS-JEFFERSON-S
575 COAL VALLEY ROAD
P. O. BOX 18119
PITTSBURGH, PA 15236
(412) 469-5723

SPECIALTY LABORATORIES-SB
2211 MICHIGAN AVENUE
SANTA MONICA, CA 90404
(310) 828-6543

ST FRANCIS HOSPITAL CRANBERRY-S
ONE ST. FRANCIS WAY
CRANBERRY TOWNSHIP, PA 16066
(724) 772-5300

ST FRANCIS MEDICAL CENTER-S
400 45TH STREET
PITTSBURGH, PA 15201-1198
(412) 622-4838

ST JOSEPH QUALITY MEDICAL LAB-SB
215 NORTH 12TH STREET BOX 316
READING, PA 19603
(610) 378-2200

ST JOSEPH'S HOSPITAL-DIV NPHS-S
16TH STREET & GIRARD AVENUE
PHILADELPHIA, PA 19130
(215) 787-9000

ST LUKES HOSP ALLENTOWN CAMPUS-S
1736 HAMILTON STREET
ALLENTOWN, PA 18104
(610) 439-4000

ST LUKES QUAKERTOWN HOSPITAL-S
11TH STREET & PARK AVENUE
P. O. BOX 9003
QUAKERTOWN, PA 18951
(215) 538-4681

SUBURBAN GENERAL HOSPITAL-S
100 SOUTH JACKSON AVENUE
BELLEVUE, PA 15202
(412) 734-6000

TAYLOR HOSPITAL DIV OF CCMC-S
175 E. CHESTER PIKE
RIDLEY PARK, PA 19078
(610) 595-6450

TEMPLE EAST INC NE-S
2301 EAST ALLEGHENY AVENUE
PHILADELPHIA, PA 19134
(215) 291-3671

TEMPLE LOWER BUCKS HOSPITAL LAB-S
501 BATH ROAD
BRISTOL, PA 19007
(215) 785-9200

TEMPLE UNIVERSITY HOSPITAL-S
3401 N. BROAD STREET
PHILADELPHIA, PA 19140
(215) 707-4353

THE MEDICAL CENTER BEAVER PA-SB
1000 DUTCH RIDGE ROAD
BEAVER, PA 15009-9700
(724) 728-7000

THOMAS JEFFERSON UNIVERSITY HOSP-S
125 SOUTH 11TH ST. 204 PAVILION
PHILADELPHIA, PA 19107
(215) 955-6374

TITUSVILLE AREA HOSPITAL-S
406 WEST OAK STREET
TITUSVILLE, PA 16354
(814) 827-1851

TOXI-CON LABORATORY-SB
201 SMALLCOMBE DRIVE
SCRANTON, PA 18508
(570) 963-0722

TYLER MEMORIAL HOSPITAL-S
880 SR 6 W
TUNKHANNOCK, PA 18657
(570) 836-2161

TYRONE HOSPITAL-SB
CLAY AVENUE EXTENSION
TYRONE, PA 16686
(814) 684-0484

UNITED COMMUNITY HOSPITAL-SB
631 NORTH BROAD STREET EXT.
GROVE CITY, PA 16127
(724) 450-7125

UPMC BEDFORD MEMORIAL-SB
10455 LINCOLN HIGHWAY
EVERETT, PA 15537
(814) 623-3506

UPMC BRADDOCK-S
400 HOLLAND AVENUE
BRADDOCK, PA 15104
(412) 636-5291

UPMC HORIZON-SB
2200 MEMORIAL DRIVE
FARRELL, PA 16121
(724) 981-3500

UPMC HORIZON-SB
110 NORTH MAIN STREET
GREENVILLE, PA 16125
(724) 588-2100

UPMC LEE REGIONAL HOSPITAL-SB
320 MAIN STREET
JOHNSTOWN, PA 15901
(814) 533-0130

UPMC MCKEESPORT LABORATORY-S
1500 FIFTH AVENUE
MCKEESPORT, PA 15132
(412) 664-2233

UPMC NORTHWEST-SB
1 SPRUCE STREET
FRANKLIN, PA 16323
(814) 437-7000

UPMC PASSAVANT-S
9100 BABCOCK BOULEVARD
PITTSBURGH, PA 15237
(412) 367-6700

UPMC PRESBYTERIAN SHADYSIDE CP PUH-S
ROOM 5929 MAIN TOWER CHP
200 LOTHROP STREET
PITTSBURGH, PA 15213-2582
(412) 648-6000

UPMC PRESBYTERIAN SHADYSIDE LAB SHDY-S
5230 CENTRE AVENUE
PITTSBURGH, PA 15232
(412) 622-2315

UPMC SAINT MARGARET HOSPITAL-S
815 FREEPORT ROAD
PITTSBURGH, PA 15215
(412) 784-4000

WARMINSTER HOSPITAL-S
225 NEWTOWN ROAD
WARMINSTER, PA 18974
(215) 441-6700

WARREN GENERAL HOSPITAL-SB
2 CRESCENT PARK
WARREN, PA 16365
(814) 723-3300

WASHINGTON HOSPITAL-S
155 WILSON AVENUE
WASHINGTON, PA 15301
(724) 223-3136

WAYNE MEMORIAL HOSPITAL-S
601 PARK STREET
HONESDALE, PA 18431
(570) 253-1300

WAYNESBORO HOSPITAL-S
501 E MAIN STREET
WAYNESBORO, PA 17268
(717) 765-3403

WESTERN PENNSYLVANIA HOSPITAL-S
4800 FRIENDSHIP AVENUE
PITTSBURGH, PA 15224
(412) 578-5779

WESTERN RESERVE CARE SYSTEM-S
500 GYPSY LANE
YOUNGSTOWN, OH 44504
(216) 740-3794

WESTMORELAND HOSPITAL-S
532 W. PITTSBURGH STREET
GREENSBURG, PA 15601
(724) 832-4365

WILLIAMSPORT HOSP & MED CENTER-SB
777 RURAL AVENUE
WILLIAMSPORT, PA 17701-3198
(570) 321-2300

WINDBER MEDICAL CENTER-B
600 SOMERSET AVENUE
WINDBER, PA 15963
(814) 467-6611

WVHCS HOSP PENNANT LABORATORY-SB
575 NORTH RIVER STREET
WILKES-BARRE, PA 18764
(570) 829-8111

WVU HOSPITAL CLINICAL LABS-S
1 MEDICAL CENTER DRIVE
P. O. BOX 8009
MORGANTOWN, WV 26506-8009
(304) 598-4241

YORK HOSPITAL-SB
1001 SOUTH GEORGE STREET
YORK, PA 17405
(717) 851-2345

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1144. Filed for public inspection June 28, 2002, 9:00 a.m.]

Patient Safety Authority Meeting

The first meeting of the Patient Safety Authority is scheduled to be held on Tuesday, July 2, 2002, from 9:30 a.m. to 4 p.m. at the Wildwood Conference Center,

Harrisburg Area Community College, One HACC Drive, Harrisburg, PA.

For additional information, contact Stacey Schwartz, Office of Physician General, at (717) 783-8770. Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, should call V/TT at (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

ROBERT S. ZIMMERMAN, Jr.,
Secretary

[Pa.B. Doc. No. 02-1145. Filed for public inspection June 28, 2002, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Range of Fees Charged by Utilization Review Organizations and Peer Review Organizations for Services Performed under the Workers' Compensation Act

Under 34 Pa. Code § 127.667(b) (relating to compensation policy), the Department of Labor and Industry, Bureau of Workers' Compensation gives notice of the range of fees charged by utilization review organizations and peer review organizations for services performed under the Workers' Compensation Act during 2001.

JOHNNY J. BUTLER,
Secretary

<i>URO/PRO</i>	<i>Range of Fees</i>	
	<i>Min. \$</i>	<i>Max. \$</i>
Adams Chiropractic PC d/b/a A & A Reviews	\$175.00	\$1,025.00
A. E. Maxwell Associates	\$185.00	\$ 665.00
Action Review Group, Inc.	\$112.50	\$ 800.00
Advanced Rehabilitation Management, Inc.	\$200.00	\$1,224.25
Alliance Impairment Management	\$130.92	\$1,029.97
Alico Services, LTD	\$250.00	\$ 600.00
Alpha Review	\$275.00	\$1,083.62
American Review Systems	\$578.74	\$1,082.91
Atlantic Medical Review Co., Inc.	\$288.26	\$ 868.05
C.A.B. Medical Consultants	\$100.00	\$ 750.00
Caduceus Review, Inc.	\$233.83	\$ 892.40
Caduceus-Lex Medical Auditing, Inc.	\$200.00	\$ 634.34
CDS Quality Review, Inc.	\$637.99	\$1,022.42
CEC Associates, Inc.	\$139.74	\$ 620.83
CEC, Inc.	\$150.00	\$ 695.00
Chiro-Med Review Company	\$200.00	\$ 924.19
Concentra Medical Examinations	\$100.00	\$ 770.80
Consolidated Service Group, Inc. d/b/a Consolidated Rehabilitation Company	\$200.00	\$ 840.00
Corvel Corporation	\$168.19	\$ 938.72
Crawford Care Management Services c/o Crawford & Company	\$190.75	\$ 990.18
Delaware Valley Peer Review Organization	\$176.94	\$1,832.60
First Managed Care Option	\$190.39	\$ 859.49
Francene Tearpock—Martini & Associates, Inc.	\$330.00	\$ 695.00
Hajduk & Associates	\$200.00	\$ 600.00
Health Care Dimensions, Inc.	\$179.44	\$ 748.63
Hoover Rehabilitation Services, Inc.	\$ 73.94	\$ 907.39
IMX Medical Management Services, Inc.	\$191.61	\$ 739.26
Industrial Rehabilitation Associates c/o RJP Enterprises, Inc.	\$147.28	\$ 650.00
Keystone Peer Review Organization, Inc.	\$200.00	\$ 850.00
KVS Consulting Services	\$296.49	\$ 700.00
LRC Disability Management Consultants	\$ 23.20	\$1,265.00
Lycy Review Group	\$275.00	\$1,094.54
McBride & McBride Associates	\$200.00	\$ 750.00
Medical Evaluation Specialists	\$125.00	\$1,012.32
Medical Review Associates	\$325.00	\$ 700.00
Medical Service & Evaluation Company	\$200.00	\$ 900.00
Omega Review	\$275.00	\$1,084.16

	<i>Range of Fees</i>	
	<i>Min. \$</i>	<i>Max. \$</i>
URO/PRO		
Peer, Inc.	\$150.00	\$ 650.00
Penn Executive Diagnostic Center, Inc.	\$100.00	\$ 950.00
Perspective Consulting, Inc.	\$150.00	\$ 825.00
Polombo Consulting & Review	\$225.00	\$ 585.00
Proclaim Review Company	\$275.00	\$ 981.01
QRS Managed Care Services	\$150.00	\$1,103.84
Quality Assurance Reviews	\$250.00	\$ 900.00
Reasonable Insurance Consultations Evaluations	\$225.00	\$1,156.64
Rehabilitation Auditing & Placement	\$578.10	\$ 634.01
Rehabilitation Planning, Inc.	\$150.00	\$ 600.00
Solomon Associates, Inc.	\$200.00	\$ 700.00
T & G Reviews, Inc.	\$200.00	\$ 700.00
The pt Group	\$126.83	\$ 698.00
Tom Sawchaks, Inc. Action of Pennsylvania	\$300.00	\$ 850.00
Trinity Reviews, Inc.	\$220.00	\$ 700.00
Tri-State IME, Inc.	\$297.23	\$ 867.46
Tri-State Rehabilitation Group, Inc.	\$264.49	\$ 979.61
TxReviews, Inc.	\$200.00	\$ 660.37
U.S. Medical Review, Inc.	\$175.00	\$ 700.00
Unimed/United Medical Associates	\$250.00	\$ 675.00
West Penn IME, Inc.	\$237.19	\$ 873.00
WMR Resources, Inc.	\$235.00	\$ 615.00
Workwell Physical Medicine, Inc.	\$ 75.00	\$ 750.00
Zabinski, Robert C., D.C.	\$291.18	\$1,824.72

[Pa.B. Doc. No. 02-1146. Filed for public inspection June 28, 2002, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Inpatient Hospitals Qualifying for Medical Assistance Disproportionate Share Payments for the Period July 1, 2001, through June 30, 2002

On July 1, 1988, the Department of Public Welfare (Department) implemented a disproportionate share payment system. Under Commonwealth regulations, the Department is required to annually publish the names of each inpatient acute care general hospital, rehabilitation hospital and private psychiatric hospital qualifying for a disproportionate share payment and their respective disproportionate share payment percentage.

A. *Disproportionate Share for Acute Care General Hospitals, Rehabilitation Hospitals and Private Psychiatric Hospitals.*

The following lists identify the inpatient acute care general hospitals, psychiatric units and rehabilitation units of acute care general hospitals, rehabilitation hospitals and private psychiatric hospitals eligible for disproportionate share payment for the period July 1, 2001, through June 30, 2002, and their respective payment percentages. For all inpatient facilities, disproportionate share payments are calculated as a percentage of projected Medical Assistance (MA) inpatient income.

Payment period July 1, 2001, to June 30, 2002, disproportionate share payment percentages:

Acute Care General Hospitals

ALBERT EINSTEIN	5.103%
A. I. du PONT	6.109%
ALIQUIPPA COMMUNITY HOSPITAL	4.488%
BARNES KASSON	3.464%

BRADFORD REGIONAL MEDICAL CENTER	10.000%
CHARLES COLE MEMORIAL	4.018%
CHILDRENS HOSPITAL—PGH	9.313%
CHILDRENS HOSPITAL—PHIL	9.438%
CLARION HOSPITAL	4.309%
CLEARFIELD	3.456%
COMMUNITY HOSPITAL—KANE	1.000%
CROZER CHESTER	3.484%
DUBOIS REGIONAL MEDICAL CENTER	9.000%
FULTON COUNTY MEDICAL CENTER	2.882%
HIGHLAND HEALTH CENTER	5.292%
HOSP UNIV OF PENNA	4.852%
INDIANA HOSPITAL	3.692%
J C BLAIR	4.255%
KENSINGTON	5.480%
LGH—SUSQUEHANNA DIV.	2.995%
LOCK HAVEN	4.752%
MAGEE WOMENS	5.825%
MEADVILLE	5.049%
MEMORIAL HOSPITAL—TOWANDA	3.005%
MERCY HOSPITAL OF PHILADELPHIA	4.529%
MERCY PROVIDENCE—PGH	4.470%
METRO HEALTH CENTER	3.786%
MONSOUR	7.595%
NPHS—GIRARD	1.000%
NPHS—ST. JOSEPHS	8.999%
PRESBYT MEDICAL CENTER OF UPHS	4.902%
PUNXSUTAWNEY	4.553%
SOLDIERS AND SAILORS	5.692%
TEMPLE	8.643%
TEMPLE EAST, INC.	7.441%
TEMPLE UNIV. CHILDRENS' HOSPITAL	15.000%
THOMAS JEFFERSON	4.497%
THS—HAHNEMANN	4.669%
THS—MED COLL OF PA HOSP	5.289%
THS—PARKVIEW HOSPITAL	4.303%
THS—ST. CHRISTOPHERS	14.000%

TITUSVILLE	4.227%
TROY COMMUNITY	6.935%
UPMC—BRADDOCK MED CENTER	4.938%
UPMC—BEDFORD	7.921%
VALLEY FORGE	4.868%
WAYNE COUNTY MEMORIAL	3.053%
WEST VIRGINIA	6.772%

Psychiatric Units of Acute Care Hospitals

ALBERT EINSTEIN	2.265%
ALQUIPPA COMMUNITY HOSPITAL	1.853%
BRADFORD REGIONAL MED CNTR	2.433%
CHILDREN'S HOSPITAL OF PHILADELPHIA	5.912%
CROZER-CHESTER MEDICAL CENTER	1.181%
DUBOIS REGIONAL MEDICAL CENTER	1.860%
HIGHLAND HOSPITAL	2.391%
HOSPITAL OF THE UNIV OF PA	2.096%
J C BLAIR	1.000%
MEADVILLE MEDICAL CENTER	1.144%
MERCY HOSPITAL OF PHILADELPHIA	1.881%
MERCY PROVIDENCE—PGH	1.841%
MONSOUR MEDICAL CENTER	3.932%
NPHS—GIRARD	1.000%
PRESBYTERIAN MED CNTR OF UPHS	2.130%
SOLDIERS AND SAILORS	1.260%
TEMPLE UNIVERSITY HOSP	4.633%
THOMAS JEFFERSON UNIV HOSP	1.859%
THS—HAHNEMANN UNIV HOSP	1.974%
THS—MEDICAL COLLEGE OF PA HOSP (EPPH)	2.389%
THS—PARKVIEW HOSPITAL	1.729%
UPMC—BRADDOCK	2.154%

Private Psychiatric Hospitals

BELMONT CENTER	2.992%
FAIRMOUNT BHS	1.520%
CLARION PSYCHIATRIC CENTER	6.188%
EUGENIA HOSPITAL	5.423%
FIRST HOSPITAL WYOMING VALLEY	3.986%
FOUNDATIONS BEHAVIORAL HEALTH	10.000%
HORSHAM PSYCHIATRIC HOSPITAL	4.835%
KIRKBRIDE PSYCH HOSPITAL	3.481%
MEADOWS PSYCHIATRIC CENTER	5.643%
MONTGOMERY COUNTY MH/MR ER SVS	3.783%
NATIONAL HOSPITAL FOR KIDS IN CRISIS	9.000%
NORTHWESTERN INSTITUTE OF PSYCHIATRY	3.509%
PHILHAVEN	4.070%
SOUTHWOOD PSYCHIATRIC HOSPITAL	8.280%

Drug and Alcohol Units of Acute Care Hospitals

LANCASTER GEN HOSP—SUSQUE DIV	1.000%
MEADVILLE MEDICAL CENTER	1.000%
NPHS—ST JOSEPHS	8.113%
PRESBYTERIAN MED CNTR OF UPHS	2.883%
VALLEY FORGE	2.839%

Private Drug and Alcohol Hospitals

EAGLEVILLE HOSPITAL	1.315%
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Medical Rehab Units of Acute Care Hospitals

ALBERT EINSTEIN	3.139%
CROZER-CHESTER MEDICAL CENTER	1.071%
DUBOIS REGIONAL MEDICAL CENTER	2.366%
HOSPITAL OF THE UNIV OF PA	2.818%
MERCY PROVIDENCE—PGH	2.330%
MONSOUR MEDICAL CENTER	6.320%

TEMPLE UNIVERSITY HOSP	7.659%
THOMAS JEFFERSON UNIV HOSP	2.365%

Freestanding Rehab Hospitals

CHILDRENS HOME OF PITTSBURGH	9.000%
CHILDRENS SEASHORE HOUSE	10.000%

B. Additional Disproportionate Share Payments

Additional disproportionate share payments are made to inpatient facilities with a Medicaid inpatient utilization rate of not less than 1% which have provided services to persons who have been determined to be low income by meeting the income and resource standards for the State's general assistance program.

The payment adjustments are paid directly proportional to the payment received for either general assistance recipients for all hospital services or Title XIX recipients 21—64 years of age for services rendered by institutions for mental diseases under the fee-for-service and capitation programs.

The following hospitals are eligible for this payment adjustment:

Acute Care General Hospitals

ABINGTON MEMORIAL
ALBERT EINSTEIN
ALQUIPPA COMMUNITY HOSPITAL
ALTOONA
AMERICAN ONCOLOGICAL
ARMSTRONG COUNTY MEMORIAL
ASHLAND REGIONAL MEDICAL CENTER
ALLEGHENY GENERAL
ALLEGHENY KISKI
CANNONSBURG
A. I. du PONT
BARNES KASSON
BLOOMSBURG
BON SECOURS HOSPITAL
BRADFORD REGIONAL MEDICAL CENTER
BRANDYWINE HOSPITAL
BROOKVILLE
BROWNSVILLE
BRYN MAWR
BUCKTAIL MEDICAL CENTER
BUTLER COUNTY MEMORIAL
CARLISLE REGIONAL MEDICAL CENTER
CENTRE COMMUNITY
CENTRAL MONTGOMERY HOSPITAL
CHAMBERSBURG HOSPITAL
CHARLES COLE MEMORIAL
CHESTER COUNTY
CHESTNUT HILL
CHILDRENS HOSPITAL—PGH
CHILDRENS HOSPITAL—PHIL
CHS—BERWICK HOSP CTR
CLARION HOSPITAL
CLEARFIELD
COMMUNITY HOSP OF LANCASTER
COMMUNITY HOSPITAL—KANE
COMMUNITY MEDICAL CENTER—SCRANTON
CONEMAUGH VALLEY
CORRY MEMORIAL
CROZER CHESTER
DELAWARE COUNTY
DIVINE PROVIDENCE—WMSPT
DOYLESTOWN
DUBOIS REGIONAL MEDICAL CENTER
EASTON HOSPITAL
ELK REGIONAL HLTH CTR

ELLWOOD CITY
 ENDLESS MTS. HEALTH SYSTEM
 EPHRATA COMMUNITY
 EVANGELICAL COMMUNITY
 FORBES REG. HOSPITAL
 FRANKFORD
 FRICK COMM. HLTH CTR
 FULTON COUNTY MEDICAL CENTER
 GEISINGER MEDICAL CENTER
 GEISINGER WYOMING VALLEY
 GETTYSBURG HOSPITAL
 GNADEN HUETTEN
 GOOD SAMARITAN—LEBANON
 GOOD SAMARITAN—POTTSVILLE
 GRANDVIEW
 GREENE COUNTY MEMORIAL
 HAMOT MEDICAL CENTER
 HANOVER GENERAL
 HAZLETON GENERAL HOSPITAL
 HIGHLAND HEALTH CENTER
 HOLY REDEEMER
 HOLY SPIRIT
 HORIZON HOSPITAL SYS, INC
 HOSP UNIV OF PENNA
 INDIANA HOSPITAL
 J C BLAIR
 JAMESON MEMORIAL
 JEANES HOSPITAL
 JEANNETTE DIST MEMORIAL
 JEFFERSON HEALTH SERV
 JERSEY SHORE HOSPITAL
 KENSINGTON
 LANCASTER GENERAL
 LANKENAU
 LATROBE AREA
 LEHIGH VALLEY
 LEWISTOWN
 LGH—SUSQUEHANNA DIV.
 LIFECARE HOSPITAL OF PGH
 LOCK HAVEN
 MAGEE WOMENS
 MARIAN COMMUNITY HOSPITAL
 UPMC—MCKEESPORT
 MEADVILLE
 MEDICAL CTR BEAVER PA, INC
 MEMORIAL—YORK
 MEMORIAL HOSPITAL—TOWANDA
 MERCY CATHOLIC—FITZGERALD
 MERCY HOSPITAL OF PHILADELPHIA
 MERCY HOSP OF NANTICOKE
 MERCY HOSPITAL—PGH
 MERCY HOSPITAL—SCRANTON
 MERCY HOSPITAL—WILKES-BARRE
 MERCY PROVIDENCE—PGH
 METRO HEALTH CENTER
 MEYERSDALE
 MID VALLEY
 MILLCREEK COMMUNITY
 MILTON HERSHEY
 MINERS HOSPITAL
 MINERS MEMORIAL MEDICAL CENTER
 MONONGAHELA VALLEY
 MONSOUR
 MONTGOMERY
 MOSES TAYLOR
 LANCASTER REGIONAL MEDICAL CENTER
 LEHIGH VALLEY HOSPITAL—MUHLENBERG
 MUNCY VALLEY
 NASON HOSPITAL
 NAZARETH
 NORTHWEST MEDICAL CENTER
 NPHS—GIRARD
 NPHS—ST. JOSEPHS
 OHIO VALLEY
 PALMERTON
 PAOLI MEMORIAL
 PHILIPSBURG AREA
 PINNACLE HEALTH SYSTEM
 PITTSBURGH SPECIALTY HOSP
 POCONO HOSPITAL
 POTTSTOWN MEMORIAL
 POTTSVILLE HOSPITAL
 PRESBYT MEDICAL CENTER OF UPHS
 PRESBYT UNIV HOSPITAL
 PUNXSUTAWNEY
 READING HOSPITAL
 RIDDLE MEMORIAL
 ROBERT PACKER
 ROXBOROUGH MEMORIAL
 SACRED HEART—ALLENTOWN
 SEWICKLEY
 SHAMOKIN AREA COMM HOSP
 SHARON
 SOLDIERS AND SAILORS
 SOMERSET COMMUNITY
 JENNERSVILLE REGIONAL HOSPITAL
 ST. AGNES
 ST. CLAIR MEMORIAL
 ST. FRANCIS—NEW CASTLE
 ST. FRANCIS—PITTSBURGH
 ST. JOSEPH MEDICAL CENTER—READING
 ST. JOSEPH MEDICAL CENTER—HAZLETON
 ST. LUKES—QUAKERTOWN
 ST. LUKES OF BETHLEHEM
 ST. MARY—LANGHORNE
 ST. VINCENT
 MERCY SUBURBAN HOSPITAL—NORRISTOWN
 SUBURBAN GENERAL—PGH
 SUNBURY COMMUNITY
 TEMPLE
 TEMPLE—LOWER BUCKS
 TEMPLE EAST, INC.
 TEMPLE UNIV. CHILDREN'S MEDICAL CENTER
 THOMAS JEFFERSON
 THS—ELKINS PARK
 THS—GRADUATE HOSP
 THS—HAHNEMANN HOSPITAL
 THS—MED COLL OF PA HOSP
 THS—PARKVIEW HOSPITAL
 THS—ST. CHRISTOPHERS
 THS—WARMINSTER HOSPITAL
 TITUSVILLE
 TROY COMMUNITY
 TYLER MEMORIAL
 TYRONE HOSP
 UNIONTOWN
 UNITED COMMUNITY
 UPHS—PENNSYLVANIA HOSPITAL
 UPHS—PHOENIXVILLE
 UPMC—BRADDOCK MED CENTER
 UPMC—LEE HOSPITAL
 UPMC—PASSAVANT HOSPITAL
 UPMC—SOUTHSIDE
 UPMC—ST MARGARET
 UPMC—BEDFORD
 UPMC—SHADYSIDE
 VALLEY FORGE
 WARREN GENERAL
 WASHINGTON
 WAYNE COUNTY MEMORIAL

WAYNESBORO
WEST VIRGINIA
WESTERN PENN
WESTMORELAND
WILLIAMSPORT
WILLS EYE HOSPITAL
WINDBER
WYOMING VALLEY HEALTH CARE SYSTEM
YORK HOSPITAL

Private Drug and Alcohol Hospitals

EAGLEVILLE HOSPITAL

Freestanding Rehab Hospitals

ALLIED SERVICES REHABILITATION HOSPITAL
BRYN MAWR REHAB
CHESTNUT HILL/SPRINGFIELD
CHILDREN'S HOME OF PITTSBURGH
CHILDREN'S SEASHORE HOUSE
GOOD SHEPHERD REHABILITATION HOSPITAL
HEALTHSOUTH HARMARVILLE REHAB HOSPITAL
HEALTHSOUTH REHAB—ALTOONA
HEALTHSOUTH REHAB—MECHANICSBURG
HEALTHSOUTH LAKE ERIE INST REHAB
HEALTHSOUTH REHAB HOSP—GRTR PGH
HEALTHSOUTH REHAB HOSP—YORK
H/S NITTANY VALLEY REHAB HOSPITAL
H/S READING REHABILITATION HOSPITAL
H/S REHAB OF SEWECKLY
MAGEE MEMORIAL
THE JOHN HEINZ INSTITUTE
THE REHABILITATION INSTITUTE OF PITTSBURGH

Private Psychiatric Hospitals

BELMONT CENTER
FAIRMOUNT BHS
CLARION PSYCHIATRIC CENTER
EUGENIA HOSPITAL
FIRST HOSPITAL WYOMING VALLEY
FOUNDATIONS BEHAVIORAL HLTH
FRIENDS HOSPITAL
HORSHAM CLINIC
KIRKBRIDE PSYCH HOSP
MONTGOMERY COUNTY MHMR EMERGENCY
SERVICE
NATIONAL HOSPITAL FOR KIDS IN CRISIS
NORTHWESTERN INSTITUTE OF PSYCHIATRY
PHILHAVEN
SOUTHWOOD PSYCHIATRIC HOSPITAL
THE MEADOWS PSYCHIATRIC CENTER

Medical Rehab Units of Acute Care Hospitals

ABINGTON MEMORIAL HOSP
ALBERT EINSTEIN
BON SECOURS HOLY FAMILY REG HLTH SYS
CHAMBERSBURG HOSPITAL
COMMUNITY HOSP—LANCASTER
CONEMAUGH VALLEY HOSP
CROZER-CHESTER MED CNTR
DELAWARE CNTY MEM HOSP
DOYLESTOWN HOSPITAL
DUBOIS REGIONAL MED CNTR
EASTON HOSPITAL
FRANKFORD
GEISINGER—WYOMING VALLEY
GOOD SAMARITAN HOSPITAL—LEBANON
HORIZON HOSP SYS, INC.
HOSP OF THE UNIV OF PA
JAMESON MEMORIAL
JEANNETTE DIST MEM HOSP
JEFFERSON HEALTH SERVICES

LANCASTER GENERAL HOSP
LANCASTER REGIONAL MEDICAL CENTER
MERCY CATHOLIC—FITZGERALD
MERCY HOSPITAL—PITTSBURGH
MERCY PROVIDENCE—PGH
MILTON S. HERSHEY MEDICAL CENTER
MONONGAHELA VALLEY HOSP
NAZARETH
NORTHWEST MEDICAL CENTER FRANKLIN
PINNACLE HEALTH HOSPITALS
POTTSVILLE HOSPITAL
PRESBYTERIAN UNIV—PGH
SEWICKLEY VALLEY HOSPITAL
ST AGNES MEDICAL CNTR
ST FRANCIS HOSP—NEW CASTLE
ST FRANCIS MED CNTR—PITTS
ST MARY HOSP—LANGHORNE
ST VINCENT HEALTH CNTR
SUBURBAN GENERAL HOSPITAL—PGH
THS—ELKINS PARK
THS—WARMINSTER HOSPITAL
TEMPLE UNIVERSITY HOSP
THOMAS JEFFERSON UNIV HOSP
UNIV OF PITTS MEDICAL CENTER—LEE HOSP
UNIV OF PITTS MEDICAL CENTER—MCKEESPORT
UNIV OF PITTS MEDICAL CENTER—SOUTHSIDE
UNIV OF PITTS MEDICAL CENTER—ST MARGARET
WESTMORELAND HOSPITAL
WILLIAMSPORT HOSPITAL

Drug and Alcohol Units of Acute Care Hospitals

BUTLER COUNTY MEMORIAL
HAMOT MEDICAL CENTER
HORIZON—SHENANGO VALLEY
LANCASTER GEN HOSP—SUSQUEHANNA DIV
MEADVILLE MED CNTR
MONSOUR MEDICAL CENTER D&A
NPHS—ST JOSEPHS HOSP
PRESBY MEDICAL CENTER OF UNIV OF PA
HLTH SYST
ST FRANCIS—PITTSBURGH
VALLEY FORGE
WESTMORELAND

Psychiatric Units of Acute Care Hospitals

ALLEGHENY GENERAL
ALLEGHENY KISKI
ABINGTON MEMORIAL
ALBERT EINSTEIN
ALTOONA
ARMSTRONG COUNTY MEMORIAL
BLOOMSBURG HOSP
BON SECOURS HOLY FAM REG HLTH SYS
BRADFORD
BRANDYWINE HOSPITAL
BROWNSVILLE
BRYN MAWR HOSP
BUTLER COUNTY MEMORIAL
CENTRE COMMUNITY
CHAMBERSBURG HOSPITAL
CHILDREN'S HOSPITAL OF PHILADELPHIA
COMMUNITY MEDICAL CENTER
CONEMAUGH VALLEY
CORRY MEMORIAL
CROZER CHESTER
DIVINE PROVIDENCE—WMSPT
DOYLESTOWN
DUBOIS REGIONAL MED CNTR
ELK REGIONAL HEALTH CENTER
EPHRATA COMMUNITY
FORBES REGIONAL HOSP

FRANKFORD HOSP—BUCKS CO CAMPUS
 GEISINGER MEDICAL CENTER
 GNADEN HUETTEN
 GRANDVIEW
 HAMOT MEDICAL CENTER
 HAZLETON GEN HOSP
 HIGHLAND HOSPITAL
 HOLY SPIRIT
 HOSP OF THE UNIVERSITY OF PA
 J C BLAIR
 JEFFERSON HEALTH SERV
 LANCASTER GENERAL
 LANCASTER REGIONAL MEDICAL CENTER
 LATROBE AREA
 LEHIGH VALLEY HOSPITAL
 LEWISTOWN
 MARIAN COMMUNITY HOSPITAL
 MEADVILLE MED CNTR
 MEDICAL CENTER, BEAVER PA., THE
 MEMORIAL HOSP—YORK
 MERCY CATHOLIC—FITZGERALD
 MERCY HOSPITAL OF PHILADELPHIA
 MERCY HOSPITAL—PGH
 MERCY HOSPITAL—WILKES-BARRE
 MERCY SPECIAL CARE HOSPITAL
 MERCY PROVIDENCE HOSP—PGH
 MILTON S. HERSHEY MEDICAL CENTER
 MONONGAHELA VALLEY
 MONSOUR MED CNTR
 MONTGOMERY
 MOSES TAYLOR GEROPSYCH UNIT
 LEHIGH VALLEY HOSPITAL—MUHLENBERG
 NAZARETH
 NPHS—GIRARD
 NORTHWEST MEDICAL CENTER OIL CITY
 PAOLI MEMORIAL
 PINNACLE HEALTH HOSPITALS
 POCONO HOSPITAL
 POTTSTOWN MEMORIAL MEDICAL CENTER
 POTTSVILLE HOSPITAL
 PRESBYTERIAN MED CNTR OF UPHS
 PRESBYTERIAN UNIV HOSP—PGH
 READING HOSPITAL
 ROBERT PACKER
 SEWICKLEY VALLEY HOSP
 SHAMOKIN AREA COMMUNITY HOSPITAL
 SHARON REGIONAL HLTH SYST
 SOLDIERS AND SAILORS
 SOMERSET HOSP CNTR FOR HEALTH
 ST CLAIR MEMORIAL
 ST FRANCIS—NEW CASTLE
 ST FRANCIS—PITTSBURGH
 ST JOSEPH MEDICAL CENTER—READING
 ST LUKES—QUAKERTOWN
 ST LUKES OF BETHLEHEM
 ST VINCENT
 THS—HAHNEMANN UNIV HOSP
 THS—MEDICAL COL OF PA HOSP (EPPI)
 THS—PARKVIEW HOSPITAL
 THS—WARMINSTER HOSPITAL
 TEMPLE—LOWER BUCKS
 TEMPLE UNIVERSITY HOSPITAL
 THOMAS JEFFERSON
 UPHS—PENNSYLVANIA HOSPITAL
 UPMC—BRADDOCK
 UPMC—MCKEESPORT
 UPMC—SOUTHSIDE PSY
 WARREN GENERAL
 WASHINGTON

WESTERN PENN
 WESTMORELAND
 YORK HOSPITAL

C. Additional Class of Disproportionate Share Payments

Effective March 1, 1998, the Department established a new class of disproportionate share payments to hospitals which render uncompensated care and which the Department has determined are experiencing significant revenue loss as a result of MA program revisions under Act 1996-35.

Effective January 15, 1999, the Department revised its previously established new class of disproportionate share payments to include a Charity Care component of the Community Access Fund. A disproportionate share payment will be made to qualifying hospitals based on each hospital's percentage of charity care cost to the total charity care costs of all qualifying hospitals. The Department also established a disproportionate share payment for those hospitals which the Department has determined advanced its goal of enhanced access to multiple types of medical care in economically distressed areas of this Commonwealth.

The following hospitals qualify for this payment:

ABINGTON MEMORIAL
 A.I. du PONT
 ALBERT EINSTEIN
 ALIQUIPPA COMMUNITY HOSPITAL
 ALLEGHENY GENERAL
 ALTOONA
 BARNES KASSON
 CHARLES COLE MEMORIAL
 CHILDREN'S HOSPITAL OF PHILADELPHIA
 CLARION
 CLEARFIELD
 CROZER CHESTER MEDICAL CENTER
 DOYLESTOWN
 DUBOIS REGIONAL MEDICAL CENTER
 EAGLEVILLE
 EASTON HOSPITAL
 EVANGELICAL COMMUNITY
 FRANKFORD
 FULTON COUNTY MEDICAL CENTER
 GEISINGER MEDICAL CENTER
 HAMOT MEDICAL CENTER
 HAZLETON GENERAL HOSPITAL
 HOSPITAL OF THE UNIVERSITY OF PA
 INDIANA HOSPITAL
 J C BLAIR
 JAMESON MEMORIAL
 JEANNETTE DIST MEMORIAL
 LANKENAU
 LEHIGH VALLEY
 LOCKHAVEN
 MAGEE WOMENS
 MEADVILLE MEDICAL CENTER
 MEMORIAL HOSPITAL TOWANDA
 MERCY CATHOLIC—FITZGERALD
 MERCY HOSPITAL OF PHILADELPHIA
 MERCY HOSPITAL—PITTSBURGH
 MILTON S. HERSHEY MEDICAL CENTER
 NORTH PHILADELPHIA HEALTH SYSTEM
 NPHS—GIRARD
 PRESBYTERIAN MED CTR OF UPHS
 PRESBYTERIAN UNIVERSITY HOSPITAL—PGH
 PUNXSUTAWNEY
 READING HOSPITAL
 UPMC—SHADYSIDE
 ST. AGNES

ST. FRANCIS—NEW CASTLE
 ST. FRANCIS—PITTSBURGH
 ST. LUKES OF BETHLEHEM
 SOLDIERS AND SAILORS
 TEMPLE UNIVERSITY HOSPITAL
 THOMAS JEFFERSON
 THS—GRADUATE HOSPITAL
 THS—HAHNEMANN HOSPITAL
 THS—MED COLL HOSPITAL—MAIN
 THS—PARKVIEW HOSPITAL
 UPHS—PENNSYLVANIA HOSPITAL
 UPMC—BEDFORD
 UPMC—BRADDOCK MEDICAL CENTER
 VALLEY FORGE
 WAYNE COUNTY MEMORIAL
 WESTERN PENN
 WEST VIRGINIA
 YORK HOSPITAL

A copy of this notice is available for review at local county assistance offices. Interested persons are invited to submit written comments within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Comments should be addressed to Department of Public Welfare, Office of Medical Assistance Programs, Attention: Regulations Coordinator, Room 515 Health and Welfare Building, Harrisburg, PA 17105. Persons with a disability may use the AT&T Relay Services by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-NOT-325. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 02-1147. Filed for public inspection June 28, 2002, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Pink Panther Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Pink Panther.

2. *Price:* The price of a Pennsylvania Pink Panther instant lottery game ticket is \$2.00.

3. *Play Symbols:* Each Pennsylvania Pink Panther instant lottery game ticket will contain one play area featuring a "Winnings Numbers" area and a "Your Numbers" area. The play symbols and their captions located in the "Winning Numbers" area and the "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTEN) and 16 (SIXTN). Each Pennsylvania Pink Panther instant lottery game ticket will also contain a "Bonus Play" area. The play symbols and their captions located in the "Bonus Play" area are: Magnifying Glass Symbol (MAGLS), Foot Print Symbol (FTPRT), Thumb Print Symbol (TMPRT), Watch Symbol (WATCH),

Tire Tread Symbol (TREAD) and Pipe Symbol (PIPE).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$120 (HUN TWY) and \$12,000 (TWL THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$4, \$5, \$10, \$15, \$20, \$25, \$120 and \$12,000. The player can win up to eight times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Pink Panther instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$12,000 (TWL THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$12,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$120 (HUN TWY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$120.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$25\$ (TWY FIV) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$20\$ (TWENTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$15\$ (FIFTN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(f) Holders of tickets with a Magnifying Glass Symbol (MAGLS) play symbol in the "Bonus Play" area, on a single ticket, shall be entitled to a prize of \$10.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$10⁰⁰ (TEN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$5⁰⁰ (FIV DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(i) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$4⁰⁰ (FOR DOL) appears under the matching "Your Numbers"

play symbol, on a single ticket, shall be entitled to a prize of \$4.

(j) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$3^{.00} (THR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(k) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$2^{.00} (TWO DOL) appears under the matching "Your Numbers"

play symbol, on a single ticket, shall be entitled to a prize of \$2.

(l) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$1^{.00} (ONE DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of Your Numbers Match Either Winning Number Win With Prize(s) Of:</i>	<i>Approximate Win</i>	<i>Odds</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
\$1 × 2	\$2	1:15	400,000
\$2	\$2	1:13.64	440,000
\$2 + \$1	\$3	1:50	120,000
\$1 × 3	\$3	1:50	120,000
\$3	\$3	1:50	120,000
\$1 × 4	\$4	1:375	16,000
\$2 × 2	\$4	1:250	24,000
\$4	\$4	1:150	40,000
\$1 × 5	\$5	1:150	40,000
\$5	\$5	1:150	40,000
\$2 × 5	\$10	1:300	20,000
\$5 × 2	\$10	1:300	20,000
\$10	\$10	1:300	20,000
\$10 (Bonus Play)	\$10	1:33.33	180,000
\$3 × 5	\$15	1:750	8,000
\$5 × 3	\$15	1:750	8,000
\$10 (Bonus Play) + \$5	\$15	1:375	16,000
\$15	\$15	1:750	8,000
\$4 × 5	\$20	1:1,500	4,000
\$5 × 4	\$20	1:1,500	4,000
\$10 × 2	\$20	1:1,500	4,000
\$10 (Bonus Play) + \$10	\$20	1:750	8,000
\$10 (Bonus Play) + \$2 × 5	\$20	1:750	8,000
\$10 (Bonus Play) + \$5 × 2	\$20	1:750	8,000
\$20	\$20	1:1,500	4,000
\$5 × 5	\$25	1:12,000	500
\$10 (Bonus Play) + \$5 × 3	\$25	1:7,500	800
\$10 (Bonus Play) + \$15	\$25	1:8,000	750
\$25	\$25	1:12,000	500
\$20 × 6	\$120	1:60,000	100
\$15 × 8	\$120	1:60,000	100
\$120	\$120	1:60,000	100
\$12,000 (Bonus Play) = Magnifying Glass wins \$10	\$12,000	1:1,200,000	5

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Pink Panther instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of one year from the announced close of Pennsylvania Pink Panther, prize money from winning Pennsylvania Pink Panther instant lottery game tickets will be retained by the

Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Pink Panther instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State

Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game*: The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Pink Panther or through normal communications methods.

LARRY P. WILLIAMS,
Secretary

[Pa.B. Doc. No. 02-1148. Filed for public inspection June 28, 2002, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Disadvantaged Business Enterprise Participation in Federal Aviation Administration Funded Projects

Under the authority contained in the Transportation Act for the Twenty-first Century, act of June 9, 1998, Pub. L. No 105-178, 112 Stat. 113 (23 U.S.C.A. § 101 et seq.), and in keeping with regulations of the United States Department of Transportation (US DOT) in 49 CFR Part 26 (relating to participation by disadvantaged business enterprises in Department of Transportation financial assistance programs), the Department of Transportation (Department) provides public notice of its revised goal for participation by disadvantaged business enterprises (DBEs) in Federally-assisted highway transit and aviation projects.

Pending receipt of public comments, the Department's revised goal is a work in progress. However, the Department proposes an overall goal of 11.57% for DBE participation in Department projects funded in whole or in part with Federal moneys.

As a recipient of Federal funds from the US DOT through its agencies, including the Federal Aviation Administration (FAA), the Department must comply with the goal setting provisions of the US DOT DBE regulation, in 49 CFR Part 26, effective March 4, 1999. The Department is mandated to submit a goal and methodology for Federally-assisted contracts in accordance with 49 CFR 26.45 and 26.51 (relating to how do recipients set overall goals; and what means do recipients use to meet overall goals). The goal and methodology must be submitted to the Federal Highway Administration by August 1, 2002. An important part of this process is providing notice to the public concerning the goal and methodology used to arrive at the final goal and affording the public the opportunity to provide comments on the goal proposal.

To comply with the goal setting provisions of the DBE regulation, the Department employed the two-step process outlined in 49 CFR 26.45. Under Step-1, the Department created a baseline goal using the goals of sub-recipient airports meeting the \$250,000 threshold. US DOT regulations allow recipients to "use the goal of another DOT recipient" [49 CFR 26.45(c)(4)] to establish a Step-1 baseline goal. The first step in identifying qualifying recipients was to determine which recipients had received block grants of \$250,000 or more for Airport

Improvement Grants. However, only three subrecipient airports had FAA approved goals. Given this, the Department created "working goals" for the other airports for the purpose of computing a Department-wide baseline goal.

The goals for the other airports were created by averaging the approved goals of airports within a 100-mile radius of the subrecipient. When these goals are weighted according to the amount of Federal moneys they receive, they yield the Step-1 baseline goal.

Under Step-2 of the goal setting process, the Department examined all relevant evidence in its jurisdiction to determine what adjustments, up or down, were needed to arrive at the overall goal. Step-2 necessarily took into account other conditions or variables impacting DBEs in this Commonwealth. As part of the adjustment phase, the Department gave due consideration to the specific types of work being contracted under the various AIG block grants.

Consistent with the public participation requirement for this process, the Department is making the proposed revised goal and methodology available for inspection and review for 45 days from the date of this notice. The Department considers the overall goal and methodology a work in progress pending input from the public. To review the DBE goal documents, contact any of the following locations:

Bureau of Equal Opportunity
Commonwealth Keystone Building
400 North Street, 5th Floor
Harrisburg, PA 17101
(717) 787-5891
Attn.: Jocelyn I. Harper

Engineering District 1-0
255 Elm Street, P. O. Box 0398
Oil City, PA 16301-398
(814) 678-7105
Attn.: William G. Petit, PE

Engineering District 2-0
1924-30 Daisy Street
Clearfield, PA 16830
(814) 765-0400
Attn.: George M. Khoury, PE

Engineering District 3-0
715 Jordan Avenue
Montoursville, PA 17754
(570) 368-8686
Attn.: James A. Kendter, PE

Engineering District 4-0
O'Neill Highway, P. O. Box 111
Dunmore, PA 18512
(570) 963-4061
Attn.: Charles M. Mattei, PE

Engineering District 5-0
1713 Lehigh Street
Allentown, PA 18103
(610) 798-4100
Attn.: Walter E. Bortree, PE

Engineering District 6-0
7000 Geerdes Blvd.
King of Prussia, PA 19406
(610) 205-6660
Attn.: Andrew L. Warren

Engineering District 8-0
2140 Herr Street
Harrisburg, PA 17103-1699
(717) 787-6653
Attn.: Barry G. Hoffman, PE

Engineering District 9-0
North Juniata Street, P. O. Box 69
Hollidaysburg, PA 16648
(814) 696-7250
Attn.: Earl L. Neiderheiser, PE

Engineering District 10-0
250 Oakland Avenue, P. O. Box 429
Indiana, PA 15701
(724) 357-2806
Attn.: Richard H. Hogg, PE

Engineering District 11-0
45 Thoms Run Road
Bridgeville, PA 15017
(412) 429-5001
Attn.: Raymond S. Hack, PE

Engineering District 12-0
N. Gallatine Avenue Ext., P. O. Box 459
Uniontown, PA 15401-0459
(724) 439-7340
Attn.: Michael H. Dufalla, PE

The document may also be reviewed online at the following website address: <http://pasdc.hbg.psu.edu/pasdc/dot/>.

Comments, questions or suggestions regarding this notice may be directed in writing to Jocelyn I. Harper, Director, Bureau of Equal Opportunity, (717) 787-5891, Department of Transportation, P. O. Box 3251, Harrisburg, PA 17105-3251, Attn: Jocelyn I. Harper, Director, fax: (717) 772-4026.

Comments should be postmarked no later than August 12, 2002, for consideration.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 02-1149. Filed for public inspection June 28, 2002, 9:00 a.m.]

Disadvantaged Business Enterprise Participation in Federal Highway Administration Funded Projects

Under the authority contained in the Transportation Act for the Twenty-first Century, act of June 9, 1998, Pub. L. No 105-178, 112 Stat. 113 (23 U.S.C.A. § 101 et seq.), and in keeping with regulations of the United States Department of Transportation (US DOT) in 49 CFR Part 26 (relating to participation by disadvantaged business enterprises in Department of Transportation on financial assistance programs), the Department of Transportation (Department) provides public notice of its revised goal for participation by disadvantaged business enterprises (DBEs) in Federally-assisted highway transit and aviation projects.

Pending receipt of public comments, the Department's revised goal is a work in progress. However, the Department proposes an overall goal of 7.75% for DBE participation in Department projects funded in whole or in part with Federal moneys.

As a recipient of Federal funds from the US DOT through its agencies, including the Federal Highway

Administration (FHWA), the Department must comply with the goal setting provisions of the US DOT DBE regulation in 49 CFR Part 26, effective March 4, 1999. The Department is mandated to submit a revised goal and methodology for Federally-assisted contracts in accordance with the provisions of 49 CFR 26.45 and 26.51 (relating to how do recipients set overall goals; and what means do recipients use to meet overall goals). The revised goal and methodology must be submitted to the FHWA by August 1, 2002. An important part of this process is providing notice to the public concerning the revised goal and methodology used to arrive at the final goal and affording the public the opportunity to provide comments on the goal proposal.

To comply with the goal setting provisions of the regulation, the Department employed a two-step process, as outlined in 49 CFR 26.45. Under Step 1; the Department created a baseline figure for the relative availability of "ready, willing and able DBEs" in a relevant market, derived from demonstrative evidence of local market conditions. To this end, the Department developed a definition of "ready, willing and able DBEs" relative to any business "ready willing and able" to perform on Federally-assisted Department contracts. The Department considered historical activity within specified market areas including research, engineering, and design consulting, contractors (prime, subcontractors and suppliers) and other consultant activities. Additionally, the Department developed a ratio within market areas of "ready willing and able DBEs" relative to the universe of all other "ready willing and able" enterprises.

Under Step 2, the Department examined all relevant evidence in its jurisdiction to determine what adjustments, up or down, are needed to arrive at the overall goal, taking into consideration other conditions or variables impacting DBEs in this Commonwealth. As part of this adjustment phase, the Department considered market potential based upon employment security data and other public data. The Department also considered certain changes relative to counting and certification that occurred as the result of the new regulation.

Consistent with the public participation requirement for this process, the Department is making the proposed revised goal and methodology available for inspection and review for 45 days from the date of this notice. The Department considers the revised overall goal and methodology a work in progress pending input from the public. To review the DBE goal documents, contact any of the following locations:

Bureau of Equal Opportunity
Commonwealth Keystone Building
400 North Street, 5th Floor
Harrisburg, PA 17101
(717) 787-5891
Attn.: Jocelyn I. Harper

Engineering District 1-0
255 Elm Street, P. O. Box 398
Oil City, PA 16301-0398
(814) 678-7105
Attn.: William G. Petit, PE

Engineering District 2-0
1924-30 Daisy Street
Clearfield, PA 16830
(814) 765-0400
Attn.: George M. Khoury, PE

Engineering District 3-0
715 Jordan Avenue
Montoursville, PA 17754
(570) 368-8686
Attn.: James A. Kendter, PE

Engineering District 4-0
O'Neill Highway, P. O. Box 111
Dunmore, PA 18512
(570) 963-4061
Attn.: Charles M. Mattei, PE

Engineering District 5-0
1713 Lehigh Street
Allentown, PA 18103
(610) 798-4100
Attn.: Walter E. Bortree, PE

Engineering District 6-0
7000 Geerdes Blvd.
King of Prussia, PA 19406
(610) 205-6660
Attn.: Andrew L. Warren

Engineering District 8-0
2140 Herr Street
Harrisburg, PA 17103-1699
(717) 787-6653
Attn.: Barry G. Hoffman, PE

Engineering District 9-0
North Juniata Street, P. O. Box 69
Hollidaysburg, PA 16648
(814) 696-7250
Attn.: Earl L. Neiderheiser, PE

Engineering District 10-0
250 Oakland Avenue, P. O. Box 429
Indiana, PA 15701
(724) 357-2806
Attn.: Richard H. Hogg, PE

Engineering District 11-0
45 Thoms Run Road
Bridgeville, PA 15017
(412) 429-5001
Attn.: Raymond S. Hack, PE

Engineering District 12-0
N. Gallatine Avenue Ext., P. O. Box 459
Uniontown, PA 15401-0459
(724) 439-7340
Attn.: Michael H. Dufalla, PE

The document may also be reviewed online at the following website address: <http://pasdc.hbg.psu.edu/pasdc/dot/>.

Comments, questions or suggestions regarding this notice may be directed in writing to Jocelyn I. Harper, Director, Bureau of Equal Opportunity, (717) 787-5891, Department of Transportation, P. O. Box 3251, Harrisburg, PA 17105-3251, Attn: Jocelyn I. Harper, Director, fax: (717) 772-4026.

Comments should be postmarked no later than August 12, 2002, for consideration.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 02-1150. Filed for public inspection June 28, 2002, 9:00 a.m.]

Disadvantaged Business Enterprise Participation in Federal Transit Administration Funded Projects

Under the authority contained in the Transportation Act for the Twenty-first Century, act of June 9, 1998, Pub. L. No 105-178, 112 Stat. 113 (23 U.S.C.A. § 101 et seq.), and in keeping with regulations of the United States Department of Transportation (US DOT) in 49 CFR Part 26 (relating to participation by disadvantaged business enterprises in Department of Transportation financial assistance programs), the Department of Transportation (Department) provides public notice of its revised goal for participation by disadvantaged business enterprises (DBEs) in Federally-assisted highway transit and aviation projects.

Pending receipt of public comments, the Department's revised goal is a work in progress. However, the Department proposes an overall goal of 4.63% for DBE participation in Department projects funded in whole or in part with Federal moneys.

As a recipient of Federal funds from the US DOT through its agencies, including the Federal Transit Administration (FTA), the Department must comply with the goal setting provisions of the US DOT DBE regulation in 49 CFR Part 26, effective March 4, 1999. The Department is mandated to submit a goal and methodology for Federally-assisted contracts in accordance with 49 CFR 26.45 and 26.51 (relating to how do recipients set overall goals; and what means do recipients use to meet overall goals). The goal and methodology must be submitted to the Federal Highway Administration by August 1, 2002. An important part of this process is providing notice to the public concerning the goal and methodology used to arrive at the final goal and affording the public the opportunity to provide comments on the goal proposal.

To comply with the goal setting provisions of the DBE regulation, the Department employed the two-step process outlined in 49 CFR 26.45. Under Step-1, the Department created a baseline goal using the FTA-approved goals of transit authorities throughout this Commonwealth. US DOT regulations allow recipients to "use the goal of another DOT recipient" [49 CFR 26.45(c)(4)] to establish a Step-1 baseline goal. The FTA-approved goals were averaged to produce the Department's baseline goal.

Under Step-2 of the goal setting process, the Department examined relevant evidence in its jurisdiction to determine what adjustments, up or down, were needed to arrive at the overall goal. Step-2 necessarily took into account other conditions or variables impacting DBEs in this Commonwealth. As part of the adjustment phase, the Department gave due consideration to the geographical location of the predominantly rural Department FTA subrecipients.

Consistent with the public participation requirement for this process, the Department is making the proposed revised goal and methodology available for inspection and review for 45 days from the date of this notice. The Department considers the overall goal and methodology a work in progress pending input from the public. To review the DBE goal documents, contact any of the following locations:

Bureau of Equal Opportunity
Commonwealth Keystone Building
400 North Street, 5th Floor
Harrisburg, PA 17101
(717) 787-5891
Attn.: Jocelyn I. Harper

Engineering District 1-0
255 Elm Street, P. O. Box 398
Oil City, PA 16301-0398
(814) 678-7105
Attn.: William G. Petit, PE

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1924-30 Daisy Street
Clearfield, PA 16830
(814) 765-0400
Attn.: George M. Khoury, PE

Engineering District 3-0
715 Jordan Avenue
Montoursville, PA 17754
(570) 368-8686
Attn.: James A. Kendter, PE

Engineering District 4-0
O'Neill Highway, P. O. Box 111
Dunmore, PA 18512
(570) 963-4061
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Engineering District 5-0
1713 Lehigh Street
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(610) 798-4100
Attn.: Walter E. Bortree, PE

Engineering District 6-0
7000 Geerdes Blvd.
King of Prussia, PA 19406
(610) 205-6660
Attn.: Andrew L. Warren

Engineering District 8-0
2140 Herr Street
Harrisburg, PA 17103-1699
(717) 787-6653
Attn.: Barry G. Hoffman, PE

Engineering District 9-0
North Juniata Street, P. O. Box 69
Hollidaysburg, PA 16648
(814) 696-7250
Attn.: Earl L. Neiderheiser, PE

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Attn.: Raymond S. Hack, PE

Engineering District 12-0
N. Gallatine Avenue Ext., P. O. Box 459
Uniontown, PA 15401-0459
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The document may also be reviewed online at the following website address: <http://pasdc.hbg.psu.edu/pasdc/dot/>.

Comments, questions or suggestions regarding this notice may be directed in writing to Jocelyn I. Harper, Director, Bureau of Equal Opportunity, (717) 787-5891, Department of Transportation, P. O. Box 3251, Harrisburg, PA 17105-3251, Attn: Jocelyn I. Harper, Director, fax: (717) 772-4026.

Comments should be postmarked no later than August 12, 2002, for consideration.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 02-1151. Filed for public inspection June 28, 2002, 9:00 a.m.]

Finding Butler County

Under section 2002(b) of The Administrative Code 1929 (71 P. S. § 512(b)), the Secretary of Transportation makes the following written finding:

The Federal Highway Administration (FHA) and the Department of Transportation are planning on replacing the McDeavitt Bridge, which carries Fenelton Road (T-691) over Buffalo Creek in Clearfield Township, Butler County. It has been determined that the proposed project will have an adverse effect on the McDeavitt Bridge, which was determined eligible for the National Register of Historic Places and is, therefore, considered a Section 2002/Section 4(f) resource.

The subject project is considered a Level 4 Categorical Exclusion Evaluation (CEE) in accordance with 23 CFR 771.117(d)(1) and (3) (relating to categorical exclusions) as published in the August 28, 1987, *Federal Register*.

Mitigation measures will be taken to minimize harm as stipulated in the CEE/Programmatic Section 4(f) Evaluation and the Memorandum of Agreement between the FHA and the State Historic Preservation Officer. Mitigation measures include the following:

- A marketing plan will be developed for the bridge.
- A recordation of the bridge will be conducted according to State-level standards.
- An approved erosion and sedimentation control plan will be implemented.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929, have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize these effects.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 02-1152. Filed for public inspection June 28, 2002, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Wilkesburg-Penn Joint Water Authority v. DEP;
EHB Doc. No. 2002-135-R

Wilkesburg-Penn Joint Water Authority has appealed the issuance by the Department of Environmental Protection of NPDES Permit No. PA0094226 (May 13, 2002) to same for a facility in Penn Hills, Allegheny County.

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

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

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

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 02-1153. Filed for public inspection June 28, 2002, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, June 13, 2002, and took the following actions:

Regulations Deemed Approved under section 5(g) of the Regulatory Review Act—Effective June 4, 2002:

Department of Health #10-167: Drugs which may be Used by Certain Optometrists (amends 28 Pa. Code § 6.1)

Regulations Approved:

State Board of Vehicle Manufacturers, Dealers and Salespersons #16A-602: General Revisions (amends 49 Pa. Code Chapter 19)

State Board of Osteopathic Medicine #16A-5311: Biennial Renewal Fees (amends 49 Pa. Code Chapter 25)

State Board of Medicine #16A-4913: Biennial Renewal Fees (amends 49 Pa. Code Chapter 16)

Department of Health #10-166: Reporting of AIDS, HIV Test Results, CD4 T-Lymphocyte Counts and Perinatal Exposure of Newborns to HIV (amends 28 Pa. Code Chapter 27)

Approval Order

Public Meeting held
June 13, 2002

Commissioners Voting: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III, by phone; John F. Mizner

State Board of Vehicle Manufacturers, Dealers and Salespersons—General Revisions; Regulation No. 16A-602

On May 14, 2001, the Independent Regulatory Review Commission (Commission) received this proposed regula-

tion from the State Board of Vehicle Manufacturers, Dealers and Salespersons (Board). This rulemaking amends 49 Pa. Code Chapter 19. The proposed regulation was published in the May 26, 2001, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 22, 2002.

This regulation makes general revisions to reflect Act 27 of 1996, which changes terminology and licensure categories. Specifically, the Board is deleting portions of the regulations that are now clearly stated in the statute and amending portions to make the regulations consistent with the statute. The amendments involve definitions, fee categories, salesperson licenses, dealership licenses, vehicle shows and off-premises sales and powers and duties of the Board.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 818.4(9)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
June 13, 2002

Commissioners Voting: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III, by phone; John F. Mizner

State Board of Osteopathic Medicine; Biennial Renewal Fees; Regulation No. 16A-5311

On May 22, 2002, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Osteopathic Medicine (Board). This rulemaking amends 49 Pa. Code Chapter 25. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This regulation increases the biennial renewal fees for osteopathic physicians from \$140 to \$440. The fee increase is necessary for the Board's revenues to meet expenditures as a result of the recently enacted Medical Care Availability and Reduction of Error Act (Act 13 of 2002). An estimated \$5.4 million dollars is required for the State Board of Osteopathic Medicine and the State Board of Medicine to process and review 7,000 to 8,000 cases annually.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 271.13a(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
June 13, 2002

Commissioners Voting: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III, by phone; John F. Mizner

State Board of Medicine; Biennial Renewal Fees; Regulation No. 16A-4913

On May 22, 2002, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Medicine (Board). This rulemaking amends 49 Pa. Code Chapter 16. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This regulation increases the biennial renewal fees for medical physicians from \$125 to \$360. The fee increase is necessary for the Board's revenues to meet expenditures as a result of the recently enacted Medical Care Availability and Reduction of Error Act (Act 13 of 2002). An estimated \$5.4 million dollars is required for the State Board of Osteopathic Medicine and the State Board of Medicine to process and review 7,000 to 8,000 cases annually.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 422.6(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
June 13, 2002

Commissioners Voting: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson, by proxy; Arthur Coccodrilli, dissenting; Robert J. Harbison, III, by phone; John F. Mizner

Department of Health—Reporting of AIDS, HIV Test Results, CD4 T-Lymphocyte Counts and Perinatal Exposure of Newborns to HIV; Regulation No. 10-166

On April 10, 2001, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Health (Department). This rulemaking amends 28 Pa. Code Chapter 27. The proposed regulation was published in the April 21, 2001,

Pennsylvania Bulletin with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 15, 2002. On May 31, 2002, the Commission received a request from the Department to toll consideration of this final-form regulation to make four minor clarifications. Also on May 31, 2002, the Department submitted its revisions to the final-form regulation to the Commission.

This regulation adds three types of AIDS-related infections or conditions to the list of communicable and noncommunicable diseases that are subject to name-based reporting. These three infections or conditions include: HIV, CD4 T-lymphocyte test results with a count of less than 200 cells/uL or less than 14% of total lymphocytes, and perinatal exposure of a newborn to HIV. In addition to reporting requirements, the regulation allows anonymous testing at Department-designated anonymous testing sites.

We have determined this regulation is consistent with the statutory authority of the Department (35 P. S. § 521.16) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 02-1154. Filed for public inspection June 28, 2002, 9:00 a.m.]

Notice of Comments Issued

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

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
#11-200	Insurance Department Life Insurance; Annuity Disclosure (32 Pa.B. 1869 (April 13, 2002))	5/13/02	6/13/02
#11-204	Insurance Department Safeguarding Insurer Securities (32 Pa.B. 1873 (April 13, 2002))	5/13/02	6/13/02

Insurance Department Regulation No. 11-200**Life Insurance; Annuity Disclosure****June 13, 2002**

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which have not been met. The Insurance Department (Department) must respond to these comments when it submits the final-form regulation. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

1. General.—Reasonableness; Clarity.*Consistency with model regulation*

The proposed regulation varies from the National Association of Insurance Commissioners Annuity Disclosure Model Regulation (NAIC model) in certain areas. Particularly, §§ 83a.5 and 83a.8 (relating to disclosure statement; and report to contract owners) impose additional, substantive requirements not included in the NAIC model. The Department should explain the compelling public interest which requires departure from the NAIC model.

2. Section 83a.4. Disclosure statement delivery.—Reasonableness; Need; Clarity.*Subsection (b)—Other than face-to-face solicitation*

This subsection requires an annuity disclosure statement to be delivered to the applicant “no later than 5 business days after the completed annuity application is received by the insurer or producer or at the time of contract delivery if less than 5 business days after the completed annuity application is received by the insurer.” Given that the purpose of the disclosure statement is to ensure that the applicant understands certain basic features of the terms of the annuity contract, it would appear to be counterproductive to provide the disclosure statement after the fact. We request the Department explain why the disclosure statement should be delivered after receipt of a completed application or at the time of contract delivery.

Subsection (b)(2)

Under this subsection, for an online application via the Internet, the disclosure statement shall be “available for viewing, printing, saving or downloading to a file from the marketing website for at least 7 days after application. . . .” The comparable requirement in the NAIC model (section 5A(2)(b)(ii)) does not contain the 7-day requirement. It simply states that “taking reasonable steps to make the disclosure document available . . . on the insurer’s website shall be deemed to satisfy the requirement that the disclosure document be provided no later than five (5) business days after receipt of the application.”

Subsection (b) of the proposed regulation contains the 5-day requirement consistent with the NAIC model. Why is it necessary to impose a 7-day requirement in subsection (b)(2)?

3. Section 83a.5. Disclosure statement.—Reasonableness; Economic impact.*Subsection (b)—First page declarations*

Subsection (b) lists several pieces of required information to be included on the first page of the disclosure statement. Several commentators assert this requirement could impose significant costs for multi-state insurers

that have already developed disclosure statements in compliance with the NAIC model (which does not have the “first page” requirement). Why is it necessary for the Commonwealth’s requirements on this issue to depart from the NAIC model? The Department should explain.

4. Section 83a.7. Department right of review of disclosure statements.—Reasonableness; Clarity.*Request for a completed disclosure statement*

This section states, “The Department may request the submission of a completed disclosure statement.” We have two concerns. One, the regulation does not specify under what circumstances the Department would make this request. The Department should include examples of when it will require submission of completed disclosure statements.

Two, the term “completed” is vague. Based on discussions with the Department, we understand that a “completed” statement refers to a disclosure statement that meets all the requirements of this chapter. However, the determination that a disclosure statement meets the requirements of this chapter will be made after the statement is submitted to the Department for review. Therefore, the term “completed” is confusing and should be deleted.

5. Section 83a.9. Penalties.—Statutory authority; Reasonableness; Clarity.*Hold harmless clause*

This section includes penalties for failing to make the required disclosure about the product or other violations of this chapter. Commentators assert this section should include a hold harmless clause for the producer of the annuity to limit their liability when the producer uses the disclosure statement supplied by the insurer. In the Preamble to the final-form regulation, the Department should explain why a hold harmless clause is unnecessary.

Subsection (d)

This subsection includes a citation to the Unfair Insurance Practices Act (act). This citation represents the entirety of the act. For clarity, the Department should specify which sections of the act would be violated if a failure to make the required disclosures occurs.

Subsection (e)

Under this subsection, “The insurer shall bear the burden in any investigation, hearing or determination by the Department . . . to prove that a properly completed disclosure was provided to the annuity applicant.” What is the Department’s basis for shifting the burden of proof from the Department to the insurer?

Insurance Department Regulation No. 11-204**Safeguarding Insurer Securities****June 13, 2002**

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P. S. § 745.5a(h) and (i)) which have not been met. The Insurance Department (Department) must respond to these comments when it submits the final-form regulation. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

1. Section 148a.1. Definitions.—Clarity.*Custodian*

In subparagraphs (i)(A) and (ii)(C) the phrase “adequately capitalized” is used. The word “adequately” is unnecessary and should be deleted from both of these subsections.

A Federal Savings Bank commented that while they are not a member of the Federal Reserve System, they are regulated by the Office of Thrift Supervision and meet all other requirements for the definition of “custodian.” Why isn’t a Federal Savings Bank included in the definition of custodian?

Instructions

Subparagraph (ii)(B) states that verbal instructions are to be followed “promptly” by written instructions. The Department should replace the term “promptly” with a specific time frame in which they will require written instructions.

Insurer

In subparagraph (x) the Department has included the phrase “other entity” as an insurer. This phrase is vague and should be deleted.

State

Both the District of Columbia, listed in subparagraph (ii), and Puerto Rico, listed in subsection (iii), are territories as listed in subparagraph (i). Therefore, subparagraph (ii) and (iii) are unnecessary.

2. Section 148a.2. Permissible methods of holding securities.—Clarity.

Under subsection (d), will custodial agreements be required for insurers’ securities held by a state treasurer or other regulatory authority? If not, this section should be clarified.

3. Section 148a.3. Requirements for custodial agreements.—Clarity.

We have several concerns with subsection (b).

Paragraph (3) allows a custodian to utilize an agent to gain entry in a clearing corporation or the Federal Reserve book-entry system. We have two concerns with this subsection. First, the regulation does not contain a provision that the insurer must be notified if a custodian enters an agreement with an agent. Second, subparagraph (ii) contains the phrase “ultimate responsibility.” The word “ultimate” is superfluous and should be deleted from the final-form regulation.

Paragraph (10) is one sentence that contains two separate provisions. It requires custodians to indemnify the insurer for any loss of securities in certain circumstances (for example, burglary, mysterious disappearance). It also states that a custodial agreement may provide that the custodian will not be liable for failure to take action under other circumstances (for example, war, act of God, strikes). For clarity, the final-form regulation should divide this paragraph into two sentences.

Paragraph (12) requires a custodian to notify the Department if a custodial agreement is terminated or if 100% of the assets are withdrawn from the account. This notice must be provided to the Department within 3 days.

We question why the Department set the trigger for notification at 100% of all assets. Any time a substantial amount of an insurers’ securities are withdrawn the Department should be notified. The Department should consider setting a lower rate to trigger notification.

In addition, if the intent is to insure that adequate resources are maintained, wouldn’t the Department want to know as soon as possible, such as within 24 hours, that substantial holdings have been withdrawn?

The Preamble notes that paragraphs (13)—(17) address record-keeping and reporting duties under the custodial agreements. It states that these sections assure that the custodian is aware of its responsibilities to provide the Department with timely access to information required in a financial examination conducted under Article IX of the Insurance Act of 1921 (40 P. S. §§ 323.1—323.8). For clarity, the final-form regulation should include a reference to this statute.

Paragraph (14) requires the custodian to provide certain information to the insurer if the request is made in writing. The final-form regulation should provide a specific time frame for submission of the required information by the custodian.

In addition, will an internal audit meet the requirements in subparagraph (ii)?

4. Section 148a.4. Requirements for investment company securities.—Reasonableness.

This section allows an insurer’s investment company securities to be held by the investment company if two conditions are met. First, the investment company must provide the insurer with reports on at least a monthly basis. Second, the investment company must maintain records and information to enable the insurer to comply with certain requirements of the Department, and provide the information required for an audit or financial examination of the insurer.

Since custodial agreements are not required between an insurer and an investment company, how would an insurer or the Department be certain that the investment company is maintaining records required by paragraph (2)?

5. Section 148a.5. Penalty and existing custodial agreements.—Clarity.

This section includes two different topics, penalty and existing custodial agreements. For clarity, this section should be divided into two subsections, one for penalty and one for existing custodial agreements.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 02-1155. Filed for public inspection June 28, 2002, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; Mel Shaw; Doc. No. SC02-06-010

Notice is hereby given of the Order to Show Cause issued on June 18, 2002, by the Deputy Insurance Commissioner of the Commonwealth in the previously referenced matter. Violation of the following is alleged: the Motor Vehicle Physical Damage Appraiser Act (63 P. S. § 856) and 31 Pa. Code § 62.2(b)(3) and (4) (relating to experience and fitness requirements for licensing).

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If respondent files a timely answer, a formal administrative

hearing shall be held in accordance with the 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency ADA Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1156. Filed for public inspection June 28, 2002, 9:00 a.m.]

All Star Express 163 (Chico Enterprises, Inc.); Prehearing

Appeal of All Star Express 163 (Chico Enterprises, Inc.) under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2000-0051; Doc. No. UT02-05-002

A prehearing telephone conference will be held on August 1, 2002, at 10:30 a.m. A hearing will occur on August 22, 2002, at 10:30 a.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

On or before July 18, 2002, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and addresses of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office.

Except as established at the prehearing conference, both parties shall appear at the scheduled hearing prepared to offer all relevant testimony or other evidence. Each party must bring documents, photographs, drawings, claims, files, witnesses, and the like, necessary to support the party's case. A party intending to offer

documents for photographs into evidence shall bring enough copies for the record and for each opposing party.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before August 8, 2002, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before August 15, 2002.

Persons with a disability who wish to attend the previously referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator, at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1157. Filed for public inspection June 28, 2002, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insurer has 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 insured's policy. The administrative hearing will be held in the Insurance Department's regional offices in Pittsburgh, PA. Failure by the appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Pittsburgh Regional Office, Room 304 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Nationwide Mutual Fire Insurance Company; file no. 02-494-90572; Frederick W. and Donna Hessinger, doc. no. E02-06-004; July 26, 2002, at 1:30 p.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 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, at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 02-1158. Filed for public inspection June 28, 2002, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board lease will expire:

Luzerne County, Wine & Spirits Shoppe #4032, 6 North Board Street, West Hazleton, PA 18201-3765.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space within the Borough of West Hazleton.

Proposals due: July 12, 2002, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Charles D. Mooney, (717) 657-4228

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 02-1159. Filed for public inspection June 28, 2002, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before July 22, 2002, as set forth in 52 Pa. Code § 3.381 (relating to applications for 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 amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under the application.

A-00111323, F.1. Am-B. Terry J. Kovach (508 Route 30 East, Irwin, Westmoreland County, PA 15642)—persons in limousine service, between points in Pennsylvania: *So as to Permit* the transportation of persons in limousine service, between points in the County of Allegheny.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1160. Filed for public inspection June 28, 2002, 9:00 a.m.]

Telecommunications

A-310125F7002. The United Telephone Company of Pennsylvania d/b/a Sprint and AT&T Communications of Pennsylvania, Inc. Joint Petition of The United Telephone Company of Pennsylvania d/b/a Sprint and AT&T Communications of Pennsylvania, Inc. for approval of a master interconnection and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and AT&T Communications of Pennsylvania, Inc. by its counsel, filed on June 7, 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 AT&T Communications of Pennsylvania, 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. 02-1161. Filed for public inspection June 28, 2002, 9:00 a.m.]

Telecommunications

A-310687F7002. The United Telephone Company of Pennsylvania d/b/a Sprint and ICG Telecom Group, Inc. Joint Petition of The United Telephone Company of Pennsylvania d/b/a Sprint and ICG Telecom Group, Inc. for approval of a master interconnection and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and ICG Telecom Group, Inc., by its counsel, filed on May 28, 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 The United Telephone Company of Pennsylvania d/b/a Sprint and ICG Telecom Group, 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. 02-1162. Filed for public inspection June 28, 2002, 9:00 a.m.]

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1164. Filed for public inspection June 28, 2002, 9:00 a.m.]

Telecommunications

A-310633F7002. The United Telephone Company of Pennsylvania d/b/a Sprint and Level 3 Communications, LLC. Joint Petition of The United Telephone Company of Pennsylvania d/b/a Sprint and Level 3 Communications, 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 Level 3 Communications, LLC, by its counsel, filed on June 17, 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 Level 3 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. 02-1163. Filed for public inspection June 28, 2002, 9:00 a.m.]

Telecommunications

A-310984F7002. The United Telephone Company of Pennsylvania d/b/a Sprint and Phone-Link, Inc. Joint Petition of The United Telephone Company of Pennsylvania d/b/a Sprint and Phone-Link, Inc. for approval of a master interconnection and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and Phone-Link, Inc. by its counsel, filed on May 28, 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 Phone-Link, Inc. Joint Petition are on file with the Commission and are available for public inspection.

**Water Service
Without Hearing**

A-222200F2000. Township of Middletown. Application of the Township of Middletown, Bucks County, PA, for all approvals under 66 Pa.C.S. (relating to public utility code) in connection with the sale to Bucks County Sewer and Water Authority of its assets used and useful in providing water service beyond the township's municipal boundaries, the transfer of service obligations and the abandonment of jurisdictional service by the township.

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 July 15, 2002, under 52 Pa. Code (relating to public utilities).

Applicant: Township of Middletown

Through and By Counsel: Thomas J. Sniscak, Malatesta, Hawke and McKeon, Harrisburg Energy Center, 100 North Tenth Street, Harrisburg, PA 17101.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 02-1165. Filed for public inspection June 28, 2002, 9:00 a.m.]

**PUBLIC SCHOOL
EMPLOYEES' RETIREMENT
BOARD**

Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

July 24, 2002	Kenneth M. Jubas (Purchase of Service) Deborah J. Martzall (Class T-D)	1 p.m. 2:30 p.m.
August 7, 2002	Barbara Izer (Disability Eligibility)	1 p.m.
August 19, 2002	Samuel A. Defazio (Disability)	1:30 p.m.

August 21, 2002 Nancy Haven 1 p.m.
(Membership Eligibility)

Persons with a disability who wish to attend the previously listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant to the Executive Director, at (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with

the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

DALE H. EVERHART,
Secretary

[Pa.B. Doc. No. 02-1166. Filed for public inspection June 28, 2002, 9:00 a.m.]

